

Hybrid Bill Petition

House of Lords Session 2017-19 High Speed Rail (West Midlands – Crewe) Bill

Please 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 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.

*Staffordshire Wildlife Trust
The Wolseley Centre
Wolseley Bridge
Stafford
ST17 0WT*

Represented by Kate Dewey BSc MCIEEM, Senior Planning Officer

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...”.

Staffordshire Wildlife Trust (SWT) is a local nature conservation charity established in 1969 to further the protection and enhancement of wildlife and promote understanding, enjoyment and involvement in the natural world across Staffordshire. SWT has nearly 16,000 members and 700 volunteers, many of whom live and work in the area that will be affected by the construction and operation of the Authorised Works. SWT owns or manages 30 nature reserves across the county, totalling nearly 3800 acres, but works beyond these to promote its objectives throughout the county. SWT is a lead partner in a number of landscape scale nature conservation schemes which aim to restore and create wildlife habitat and promote opportunities for local communities to access wildlife. SWT also campaigns to promote and secure positive outcomes for wildlife through the planning system, and is recognised by local authorities across the region as a consultee on planning applications, strategic planning documents, and other matters affecting the area in which those whom it represents live. SWT has been actively engaged with HS2

Ltd and their representatives, regarding both Phase 1, Phase 2a and Phase 2b Bills. SWT is a member of the Trent-Sow Parklands and Cannock Chase AONB HS2 Group, working to protect and enhance the special character of this area affected by HS2 Phase 2a.

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are directly and specially 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.

1. SWT's interests relate to areas within the county of Staffordshire, that is Community Areas 1 to 4. SWT's interests and those of its members are injuriously affected by the Bill, to which SWT objects for reasons amongst others, hereinafter appearing.

Out-of-date and incomplete Local Wildlife Site data

2. While the Promoters have worked with Natural England to assess and identify new ancient woodlands and have these sites added to the national inventory, the same approach has not been applied to Local Wildlife Sites (LWS).
3. LWSs are non-statutory designated sites of county and district importance for wildlife. In Staffordshire they are named Sites of Biological Importance (SBI) and Biodiversity Alert Sites (BAS) respectively. They underpin local ecological networks, support and link statutory designated wildlife sites and make an important contribution to national and local biodiversity targets for priority habitats and species. As with ancient woodlands, the mapping of LWS is not comprehensive and so new sites are regularly found in previously un-surveyed areas. Many existing LWS also have out-of-date data, i.e. they have not been reviewed within the last 10 years.
4. Valuation in the ES of existing LWS and newly discovered high-value habitats has not been accurate in many cases, leading us to doubt that even the precautionary approach to valuation accurately reflects what is to be impacted, and therefore the level of impacts and the mitigation/ compensation required. Undesignated habitats are also less likely to have a bespoke Environmental Site Management Plan

prepared within the detailed scheme design, meaning they could miss out on adequate mitigation.

5. Currently, the majority of LWS adversely impacted by the scheme have survey data over 10 years old, with several having data over 20 years old. Their status or boundaries are therefore likely to change upon re-assessment. A large number of habitats and species populations have also been identified by the Promoters as being of county and district value and have potential to be designated as LWS if assessed against the Staffordshire LWS criteria. There are also many Important hedgerows, sites identified in the ES as local value, and possibly other sites that have not been valued in areas still to be surveyed, that could also meet LWS criteria. We estimate at least 50 undesignated areas merit LWS assessment.
6. Following surveys carried out by SWT on sites impacted by the Scheme, several existing LWS have had their designation value increased and/or boundaries extended, and a number of new sites have been designated. Some of these sites were either under-valued or not valued at all in the ESs. We expect further LWS to change and new sites to be designated every year as SWT carries out assessments, but we have limited capacity to do this per year.
7. This shows that the Promoters' baseline for LWS and potential new LWS is inaccurate. Therefore the impacts to these sites cannot be properly assessed, or avoidance and mitigation effectively planned. In order for fully accurate information on LWS to be included in the scheme design, these sites must be assessed by HS2 as soon as possible.
8. SWT requests that the Promoter assesses against the current LWS criteria for Staffordshire: all LWS with data older than 10 years; all habitats identified as having district value or higher, and any other sites where SWT or others have evidence of potential LWS value, where these are to be impacted by the proposed scheme. Alternatively, we request that the Promoter provides funds and relevant information to allow SWT's experienced surveyors to carry out this work. The data must be provided to the Staffordshire Local Wildlife Sites Grading Committee for consideration. Where sites meet the LWS criteria, the impacts to, and mitigation required for these LWSs must be updated.

Known Local Wildlife Sites - Impacts and Mitigation

9. SWT is concerned about the extent of impacts the railway, as proposed, will have on LWS, some of which are also Ancient Woodland Inventory (AWI) sites. We consider that these impacts on a significant proportion of wildlife assets in Staffordshire will have a direct effect on our interests relating to the protection and enhancement of wildlife species and habitats.
10. We request that further avoidance, mitigation and compensation is provided. We seek an assurance that SWT and the relevant local authority will be notified before any work within 100m of a LWS.

Lount Farm SBI (CA1 and CA2)

11. This LWS has not been re-assessed against the LWS criteria since 2006. The ES reports areas of similar marshy / diverse meadow grassland adjacent to the site, and these may warrant inclusion in the SBI. The area also supports an up to regional value bat assemblage, a county value water vole population, up to county value barn owl pair as well as notable fish and bird assemblages.
12. As an historic water meadow with potentially unique hydrology, the wet grasslands at this site may be irreplaceable, and HS2 should assess whether this is the case. They may also qualify as an Annex 1 habitat.
13. Due to its high value, we request the habitats in this area be assessed against current grassland SSSI criteria in collaboration with Natural England.

Irreplaceable Habitats

14. The National Planning Policy Framework February 2019 provides this definition- '**Irreplaceable habitat:** Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen. '
15. Currently, the Promoter has only assessed ancient woodland and veteran trees as irreplaceable habitats. The location and extent of all types of irreplaceable habitats

impacted by the proposed scheme have not been identified. We consider that ancient hedgerows with distinctive character/ structure such as historic hedge-banked sunken lanes should be considered irreplaceable within a human lifetime. Grasslands and wetlands that have established over long time periods due to particular soil, hydrology or management, and that contain historic features such as water meadows and ridge and furrow patterns are also likely to be irreplaceable.

16. SWT request that the Promoters as soon as possible assess, identify and map all irreplaceable habitats likely to be impacted by the proposed scheme, working with Natural England to help define these. The Scheme design must be amended as far as possible to avoid and minimise impacts, especially temporary ones, and include bespoke mitigation for each feature.

Priority Birds

17. Many impacts to birds, especially farmland and wetland bird assemblages, are not specifically mitigated. Temporary habitat loss and disruption of breeding and wintering activity is of particular concern. Over the whole scheme, impacts to birds will be more significant than the individual value of each assemblage.
18. We request that mitigation for birds, as they are mobile and have varying needs throughout the year, is brought together in a Priority Birds Mitigation Strategy, showing how temporary and permanent habitat will conserve and enhance populations.

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.

Information included in section two.

Next steps

Once you have completed your petition template please save it and go to our website to submit it during the petitioning period. Alternatively, you can either email it to hlprivatebills@parliament.uk ; post it to the Private 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-033:
Staffordshire Wildlife Trust**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-HOL-033, from Staffordshire Wildlife 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 Staffordshire Wildlife Trust ("the Petitioner") is a registered charity which protects and enhances the wildlife and wild places of Staffordshire and promotes understanding, enjoyment and involvement in the natural world. The Petitioner's interests relate to the county of Staffordshire (Community Areas 1 to 4) where it manages 26 nature reserves as well as carrying out conservation projects and events.

The Petitioner has been actively engaged with the Promoter, regarding both Phase One and Phase 2A Bills, through hosting and attending meetings along with ecologists from other environmental organisations and from affected planning authorities.

In June 2018 the Petitioner was sent a Promoter's Response Document (PRD) for their Petition against the Bill (Petition No. HS2-P2A-000091), a copy of which is attached at Annex A. The Petitioner appeared before the House of Commons Select Committee on 9 July 2018.

The House of Commons Select Committee did not recommend in any of its Special Reports that the Promoter adopt the proposals put forward by the Petitioner.

PETITION NO. HS2-HOL-033

STAFFORDSHIRE WILDLIFE TRUST

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ATTACHMENTS

Title	
Annex A	Promoter's Response Document for Petition No. HS2-P2A-000091 against the Bill in the House of Commons - June 2018
Annex B	Assurance letter – 6 July 2018

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-HOL-033

PARAGRAPH NO: 2.2 – 2.8

ISSUE RAISED: Local Wildlife Site data

PETITION PARAGRAPH: 2.2 While the Promoters have worked with Natural England to assess and identify new ancient woodlands and have these sites added to the national inventory, the same approach has not been applied to Local Wildlife Sites (LWS).

2.3 LWSs are non-statutory designated sites of county and district importance for wildlife. In Staffordshire they are named Sites of Biological Importance (SBI) and Biodiversity Alert Sites (BAS) respectively. They underpin local ecological networks, support and link statutory designated wildlife sites and make an important contribution to national and local biodiversity targets for priority habitats and species. As with ancient woodlands, the mapping of LWS is not comprehensive and so new sites are regularly found in previously un-surveyed areas. Many existing LWS also have out-of-date data, i.e. they have not been reviewed within the last 10 years.

2.4 Valuation in the ES of existing LWS and newly discovered high-value habitats has not been accurate in many cases, leading us to doubt that even the precautionary approach to valuation accurately reflects what is to be impacted, and therefore the level of impacts and the mitigation/compensation required. Undesignated habitats are also less likely to have a bespoke Environmental Site Management Plan prepared within the detailed scheme design, meaning they could miss out on adequate mitigation.

2.5 Currently, the majority of LWS adversely impacted by the scheme have survey data over 10 years old, with several having data over 20 years old. Their status or boundaries are therefore likely to change upon re-assessment. A large number of habitats and species populations have also been identified by the Promoters as being of county and district

value and have potential to be designated as LWS if assessed against the Staffordshire LWS criteria. There are also many Important hedgerows, sites identified in the ES as local value, and possibly other sites that have not been valued in areas still to be surveyed, that could also meet LWS criteria. We estimate at least 50 undesignated areas merit LWS assessment.

2.6 Following surveys carried out by SWT on sites impacted by the Scheme, several existing LWS have had their designation value increased and/or boundaries extended, and a number of new sites have been designated. Some of these sites were either under-valued or not valued at all in the ESs. We expect further LWS to change and new sites to be designated every year as SWT carries out assessments, but we have limited capacity to do this per year.

2.7 This shows that the Promoters' baseline for LWS and potential new LWS is inaccurate. Therefore the impacts to these sites cannot be properly assessed, or avoidance and mitigation effectively planned. In order for fully accurate information on LWS to be included in the scheme design, these sites must be assessed by HS2 as soon as possible.

2.8 SWT requests that the Promoter assesses against the current LWS criteria for Staffordshire: all LWS with data older than 10 years; all habitats identified as having district value or higher, and any other sites where SWT or others have evidence of potential LWS value, where these are to be impacted by the proposed scheme. Alternatively, we request that the Promoter provides funds and relevant information to allow SWT's experienced surveyors to carry out this work. The data must be provided to the Staffordshire Local Wildlife Sites Grading Committee for consideration. Where sites meet the LWS criteria, the impacts to, and mitigation required for these LWSs must be updated.

PROMOTER'S RESPONSE:

Local Wildlife Site data

1. The Petitioner raised their issues with Local Wildlife Site data in paragraphs 2.9-2.15 of their petition against the Bill in the House of Commons (Petition No. HS2-P2A-000091). The Promoter refers the Petitioner back to the original response in paragraphs 1-6 on pages 13-14 of the Promoters Response Document (PRD) of June 2018, which is attached at Annex A.

2. The Promoter has also previously responded to the issue of the assessment of Local Wildlife Sites (LWSs) in its letter to the Petitioner of 6 July 2018, which is attached at Annex B (see section 1). In summary, the Promoter does not agree with the Petitioner's assertion that all LWSs should be assessed against this criterion and contends that sufficient mitigation has been included within the Bill and subsequent Additional Provisions to the Bill in the House of Commons.

3. These issues were then raised by the Petitioner during their appearance before the House of Commons Select Committee on 9 July 2018. The issues raised by the Petitioner were not the subject of a specific recommendation by the House of Commons Select Committee in any of its Special Reports. However, their Third Special Report did reference the undertakings given by the Promoter to Natural England, and the Promoter's responsibilities to continue to engage, monitor and report on ecology matters through mechanisms such as the HS2 Ecology Review Group.

Assessment of Local Wildlife Sites

4. Changes to LWS designations (newly-designated sites, changes to site designations and/or changes to existing site designations extents) since the production of the main Environmental Statement in 2017 were assessed as part of an updated baseline within the Supplementary Environmental Statement 2 and Additional Provision 2 Environmental Statement. These are detailed in the report EC-001-000¹: Ecological Baseline Data: Designated sites. Updates to designated sites were identified through data provision from the Petitioner and other relevant Wildlife Trusts along the route and included non-statutory sites within a 500m radius of the land required for the Proposed Scheme, and any others considered to be subject to significant effects.

5. As set out within Section 2.4 of the Environmental Impact Assessment Scope and Methodology Report Addendum, Ecological Impact Assessment Technical Note², habitats and species occurring within sites which have not been formally designated (e.g. potential local wildlife sites) should as a general rule be evaluated as part of the habitats and species assessments.

Ecology Site Management Plans

6. The Promoter disagrees with the Petitioner's assertion that Ecological Site Management Plans (ESMPs) will be less likely to be implemented for mitigation on undesignated sites. The Promoter can confirm that each ecological habitat creation area would be covered by an ESMP, specifying the establishment, maintenance and monitoring of the habitats as well as its ecological objectives.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776223/J38_HS2_Phase_2a_AP2_ES_Volume_5_Ecological_baseline_data.pdf

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627188/E24A_CT-001-002_Part_1_WEB.pdf

7. The ESMPs would also be prepared for each existing statutory and non-statutory site of nature conservation importance and ancient woodland affected by construction. Draft ESMPs would be discussed with relevant environmental bodies, including the Forestry Commission and Natural England.

Request for funding to undertake surveys

8. The Promoter notes the Petitioner's repeated request in paragraph 2.8 of the petition for funding to carry out survey works on behalf of the Promoter, in line with the assessment criteria set out by the Petitioner. In response, the Promoter refers the Petitioner back to paragraphs 4-6 on page 14 of the PRD of June 2018, which sets out the iterative process of on-going further ecological surveys and how they inform design of mitigation measures to be incorporated into the scheme, and the controls in place to ensure mitigation is delivered. The Promoter does not therefore consider it would be appropriate to fund an external third party to undertake these surveys.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-HOL-033

PARAGRAPH NO: 2.9 - 2.10

ISSUE RAISED: Known Local Wildlife Sites – impacts and mitigation

PETITION PARAGRAPH: 2.9 SWT is concerned about the extent of impacts the railway, as proposed, will have on LWS, some of which are also Ancient Woodland Inventory (AWI) sites. We consider that these impacts on a significant proportion of wildlife assets in Staffordshire will have a direct effect on our interests relating to the protection and enhancement of wildlife species and habitats.

2.10 We request that further avoidance, mitigation and compensation is provided. We seek an assurance that SWT and the relevant local authority will be notified before any work within 100m of a LWS.

PROMOTER'S RESPONSE:

1. The Petitioner raised the issue of the impacts and proposed mitigation of Local Wildlife Sites in paragraphs 2.16-2.17 of their petition against the Bill in the House of Commons (Petition No. HS2-P2A-000091). The Promoter refers the Petitioner back to the original response in paragraphs 1-8 on pages 16-18 of the Promoters Response Document (PRD) of June 2018, which is attached at Annex A and copied below for ease of reference.

2. The issue was then raised by the Petitioner at their appearance before the House of Commons Select Committee on 9 July 2018. The issue raised by the Petitioner was not the subject of a specific recommendation by the House of Commons Select Committee in any of its Special Reports. The Promoter has no further update to the position set out below.

Compensation for affected Local Wildlife Sites (LWS)

3. Effects on Local Wildlife Sites (LWS) have been considered in the Environmental Statement (ES). The Promoter recognises that LWS and Biodiversity Alert Sites (BAS)

form an important component of ecological networks. They provide 'core habitat' and/or 'stepping stones', which are likely to be important in maintaining the conservation status of a range of habitats and species. In Staffordshire, the Proposed Scheme would result in significant loss and/or fragmentation effects to 15 LWS and eight BAS. These represent 2 per cent and 5 per cent of the total LWS and BAS respectively in Staffordshire (as of 2017). A number of other LWS and BAS sites lie in the vicinity of the Proposed Scheme and the potential for adverse effects on them was considered as part of the assessment, as reported in the relevant Community Area Reports, Volume 2, of the ES.

4. Where a significant adverse effect on the integrity of a LWS or BAS is expected, compensation has been incorporated into the Proposed Scheme to address effects on the conservation status of the habitats and species for which that LWS and BAS was designated.

5. Where there is a significant effect at a LWS or BAS, it is not possible to directly compensate for the effect on designation status (as the responsibility for designating lies with external bodies). However, it is expected that when mature, many of the compensatory habitats to be created would be likely to meet relevant LWS and BAS criteria. Once ecological compensation areas are of sufficient biodiversity value to meet LWS and BAS criteria, then the Promoter would encourage the formal designation of these areas as part of the LWS and BAS network. Overall, the mitigation and compensation measures proposed would ensure that no permanent significant residual effects at the regional or route-wide levels are likely to occur.

Schedule 17 applications

6. The Bill grants deemed planning permission for the works it authorises and establishes a planning regime in Schedule 17 under which certain matters and details of the deemed consent are reserved for subsequent planning authority approval. Therefore, prior to the Proposed Scheme being constructed, the matters that require prior approval would be sought from the local authority by the nominated undertaker.

7. In addition, under paragraph 18 of Schedule 17, where the 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.

Ecology Site Management Plans

8. Ecology Site Management Plans (ESMPs) would be prepared at detailed design stage which would specify the ecological objectives of each ecological habitat creation area, the measures to be taken to establish, maintain and monitor the habitats and the detailed planting requirements.

9. As mentioned above, ESMPs would also be prepared for each statutory and non-statutory site of nature conservation importance and ancient woodland affected by construction. Drafts of these management plans would be discussed with relevant environmental bodies, including the Forestry Commission and Natural England.

10. In relation to the Petitioner's request for further provision of mitigation and compensation, paragraph 1.1.5 of the Phase 2A Draft Environmental Minimum Requirements: draft General Principles states:

"The nominated undertaker will in any event, and apart from the controls and obligations referred to in paragraph 1.1.3 use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by Phase 2a of HS2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme."

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-HOL-033

PARAGRAPH NO: 2.11 – 2.13

ISSUE RAISED: Lount Farm Local Wildlife Site (CA1 & CA2)

PETITION PARAGRAPH: 2.11 This LWS has not been re-assessed against the LWS criteria since 2006. The ES reports areas of similar marshy / diverse meadow grassland adjacent to the site, and these may warrant inclusion in the SBI. The area also supports an up to regional value bat assemblage, a county value water vole population, up to county value barn owl pair as well as notable fish and bird assemblages.

2.12 As an historic water meadow with potentially unique hydrology, the wet grasslands at this site may be irreplaceable, and HS2 should assess whether this is the case. They may also qualify as an Annex 1 habitat.

2.13 Due to its high value, we request the habitats in this area be assessed against current grassland SSSI criteria in collaboration with Natural England.

PROMOTER'S RESPONSE:

Lount Farm Local Wildlife Site

1. The Petitioner raised the issue of the assessment of Lount Farm Local Wildlife Site (LWS) in paragraphs 2.22-2.24 of their petition against the Bill in the House of Commons (Petition No. HS2-P2A-000091). The Promoter refers the Petitioner back to the original response in paragraphs 4-7 on page 24 of the Promoters Response Document (PRD) of June 2018, which is attached at Annex A.

2. The issue was then raised by the Petitioner at their appearance before the House of Commons Select Committee on 9 July 2018. The issues raised by the Petitioner were not the subject of a specific recommendation by House of Commons Select Committee in any of its Special Reports.

Adequacy of ecological assessment

3. In response to the Petitioner's request regarding the grassland assessment at Lount Farm, the Promoter would like to highlight that the ecological impact assessment has taken account of guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM). It considers all ecological receptors which have the potential to be affected by the construction and/or operation of the Proposed Scheme.

4. The assessment includes the consideration of effects arising from habitat loss, fragmentation of sites, severance of ecological networks, noise and visual disturbance, barrier effects to movement of fauna, lighting, changes in water quality and quantity, air pollution, and mortality as a result of collisions with trains. In line with the CIEEM approach, the evaluation of species receptors has been based on the distribution and status of the species concerned, rather than being based solely on the legal protection afforded to that species.

5. As set out within Section 2.4 of the Environmental Impact Assessment Scope and Methodology Report Addendum, Ecological Impact Assessment Technical Note, habitats have been evaluated using published criteria for the recognition of sites supporting habitats of value at particular geographic scales. This would include criteria developed to identify habitats of international or national value. Lount Farm consists of unimproved neutral grassland which is likely to qualify as a lowland hay meadow, a habitat of principal importance.

6. The Environmental Statements are compliant with the requirements of the Environmental Impact Assessment (EIA) Directive and Parliamentary Standing Order 27A and identify the likely significant effects of the Proposed Scheme on ecological receptors.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-HOL-033

PARAGRAPH NO: 2.14 – 2.16

ISSUE RAISED: Irreplaceable habitats

PETITION PARAGRAPH: 2.14 The National Planning Policy Framework February 2019 provides this definition- 'Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen. '

2.15 Currently, the Promoter has only assessed ancient woodland and veteran trees as irreplaceable habitats. The location and extent of all types of irreplaceable habitats impacted by the proposed scheme have not identified. We consider that ancient hedgerows with distinctive character/structure such as historic hedge-banked sunken lanes should be considered irreplaceable within a human lifetime. Grasslands and wetlands that have been established over long time periods due to particular soil, hydrology or management, and that contain historic features such as water meadows and ridge and furrow patterns are also likely to be irreplaceable.

2.16 SWT request that the Promoters as soon as possible assess, identify and map all irreplaceable habitats likely to be impacted by the proposed scheme, working with Natural England to help define these. The Scheme design must be amended as far as possible to avoid and minimise impacts, especially temporary ones, and include bespoke mitigation for each feature.

PROMOTER'S RESPONSE:

Classification of irreplaceable habitat

1. At present, the only instances of irreplaceable habitat assessed on the Phase One and Phase 2a schemes as subject to significant effects are ancient woodland and ancient and veteran trees. There are no further instances of irreplaceable habitats deemed to be present along the route, although this would be kept under review as the project develops and in light of any further surveys that would be undertaken to inform the detailed design.

Identification and reporting of irreplaceable habitat

2. Regarding the Petitioners request of the mapping of irreplaceable habitats, the Promoter refers the Petitioner back to paragraph 2 on page 49 of the Promoters Response Document of June 2018, which is copied below in paragraph 3 for ease of reference.

3. The Promoter has provided an assessment and mapping of habitats with the potential to be impacted by the Proposed Scheme in Volume 2 and the Volume 5 appendices of the Environmental Statement (ES). It has in addition published the Ancient Woodland Strategy which outlines the losses and associated compensation measures for each instance of loss of this irreplaceable habitat.

4. Losses of habitats that are irreplaceable are reported in the ES as permanent adverse effects. The ES is compliant with the requirements of the Environmental Impact Assessment (EIA) Directive and Parliamentary Standing Order 27A and identifies the likely significant effects of the Proposed Scheme on ecological receptors.

Mitigation and compensation measures

5. As well as considering direct loss of habitats, indirect and secondary 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 ES. Through the assessment of habitats and species, the ecological baseline has been adequately accounted for and assessed accordingly in the ES. The mitigation and/or compensation measures proposed in the ES is therefore considered appropriate to reduce the likely significant effects of the Proposed Scheme. The scope and methodology of the ecological assessment, including the application of the precautionary approach, are reported in the Scope and Methodology Report (SMR) Report, Volume 5, of the ES.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-HOL-033

PARAGRAPH NO: 2.17 - 2.18

ISSUE RAISED: Priority birds

PETITION PARAGRAPH: 2.17 Many impacts to birds, especially farmland and wetland bird assemblages, are not specifically mitigated. Temporary habitat loss and disruption of breeding and wintering activity is of particular concern. Over the whole scheme, impacts to birds will be more significant than the individual value of each assemblage.

2.18 We request that mitigation for birds, as they are mobile and have varying needs throughout the year, is brought together in a Priority Birds Mitigation Strategy, showing how temporary and permanent habitat will conserve and enhance populations.

PROMOTER'S RESPONSE:

1. The Petitioner raised the issue of appropriate mitigation measures for priority birds in paragraphs 2.55-2.56 of their petition against the Bill in the House of Commons (Petition No. HS2-P2A-000091). The Promoter refers the Petitioner back to the original response in paragraphs 1-4 on page 55-56 of the Promoters Response Document (PRD) of June 2018, which is attached at Annex A.

2. The issue was not raised by the Petitioner at their appearance before the House of Commons Select Committee on 9 July 2018.

Key principles of mitigation for birds

3. The nominated undertaker would ensure that where reasonably practicable the Proposed Scheme would avoid permanent significant adverse effects on birds, including those species listed in Schedule 1 of the Wildlife and Countryside Act (1981 as amended).

4. As set out in the Ecological Principles of Mitigation in the Scope and Methodology Report Addendum Report, in Volume 5, of the main Environmental Statement (ES), where reasonably and practicable to do so habitat clearance would be conducted outside of the periods where the species or species concerned would be breeding. Through sensitive timing of works it is aimed to reduce disturbance of birds, and the potential for wasted breeding effort.

5. As outlined in the ES, where there is a significant reduction in the availability of nesting or roosting habitat as a consequence of the Proposed Scheme then consideration has been given to the requirement for specific mitigation and or compensation in relation to birds, i.e. in addition to those ecological mitigation/compensation measures that will mitigate impacts on birds population but for which they are not the primary purpose.

6. The loss of potential breeding habitats from within land required for the construction of the Proposed Scheme, as identified by desk and fields surveys on breeding birds, would generally be addressed in the long term through the replacement habitat provided for landscaping and ecology purposes. Any such areas would be reported in Section 8 of the relevant Volume 2 Community Area Reports of the ES, as appropriate.

June 2018

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

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-P2A-000091:
Staffordshire Wildlife Trust**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-P2A-000091, from Staffordshire Wildlife 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 Staffordshire Wildlife Trust ("the Petitioner") is a registered charity which protects and enhances the wildlife and wild places of Staffordshire and promotes understanding, enjoyment and involvement in the natural world. The Petitioner's interests relate to the county of Staffordshire (Community Areas 1 to 4) where it manages 26 nature reserves as well as carrying out conservation projects and events.

The Petitioner has been actively engaged with the Promoter, regarding both Phase 1 and Phase 2A Bills, through hosting and attending meetings along with ecologists from other environmental organisations and from affected planning authorities.

PETITION NO. HS2-P2A-000091

STAFFORDSHIRE WILDLIFE TRUST

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HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.2 - 2.5

ISSUE RAISED: Biodiversity net gain

PETITION PARAGRAPH: 2.2 The Environmental Audit Committee report HS2 and the Environment Thirteenth Report of Session 2013-14 2 Apr 2014 recommended: "12. On HS2 the Government should aim higher than simply striving for no net biodiversity loss. As it further develops its processes and metrics for biodiversity offsetting (paragraph 23), it should seek to weight these to be more likely to produce biodiversity gains and take explicit account of local communities' well-being (paragraph 44).

2.3 The recently published government report 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out a number of policies including: 'Embedding an 'environmental net gain' principle for development, including housing and infrastructure' which incorporates biodiversity as well as wider natural capital benefits.

2.4 Biodiversity net gain, through biodiversity offsetting, is now being achieved in many areas of development, not least in Lichfield District in Staffordshire, through which the Phase 1 and 2a routes run. Every development must provide a net gain for wildlife, with most now providing or exceeding a gain of 20%.

2.5 As a nationally significant exemplar project, HS2 has a vital role to play in demonstrating and delivering biodiversity net gain in line with the government's aspirations. We therefore request that the Promoters of the Bill commit to achieving this across the Phase 2a route and beyond.

PROMOTER'S RESPONSE:

1. The Promoter recognises and supports national policy to minimise impacts on biodiversity and provide net gains in biodiversity where possible, to contribute to the Government's commitment to halt the overall decline in biodiversity. This includes 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.

2. 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 the Department for Environment Food & Rural Affairs (Defra) and other relevant parties in due course. The Promoter's view is that aiming for a net gain from the offsetting metric at an early stage would be likely to lead to a response that leads to excessive third party land take for newly created habitats. Due to the nature of the land the railway typically runs through, this land would most likely to be agricultural land. Whilst the National Planning Policy Framework recognises that the planning system should seek to minimise impacts on biodiversity, it also recognises that any development also needs to protect the best agricultural land, and therefore a balance must be struck. The Promoter therefore believes that focusing on no net loss at this early stage strikes the correct balance.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.6

ISSUE RAISED: Ecology Review Group

PETITION PARAGRAPH: 2.6 The independent Ecology Review Group overseeing ecological performance for HS2 Phase 1 has, since its establishment, helped to formulate and guide ecological assessment and mitigation actions, including reviewing no net loss calculations and shaping the Woodland Fund. It will play an invaluable role in overseeing and advising on the effectiveness of ecological work, which will inform and benefit the whole HS2 project as well as potentially wider infrastructure nationally. We seek an assurance that HS2 will set up a similar group for Phase 2a, or, extend the Phase 1 group's role to cover Phase 2a and 2b. This must occur as soon as possible to ensure knowledge is shared and input co-ordinated at the earliest opportunity.

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 offered 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.'

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.7

ISSUE RAISED: Adequacy of the Environmental Statement

PETITION PARAGRAPH: 2.7 We are very concerned that the Environmental Statement is clearly not complete, due to the very short and absolutely inadequate timeframe for the required surveys and design development. Therefore it does not present an accurate picture of the likely impacts or whether mitigation is appropriate. Much of the detailed landscape design was not available at the time of publication and many areas have not been accessed for survey. This includes 42 sites listed in the Ecological baseline data report BID-EC-004-000 where the requirement for NVC survey was identified, but access for survey was not available. It is also difficult to follow through the ES the assessment of valued ecological receptors and the overall impacts to them, as well as their locations. We therefore request the following are provided by the Promoters:

a) The Phase 1 habitat survey maps be updated regularly with the latest survey findings, and to clearly show which areas have been surveyed on the ground and which have been estimated through desk studies

b) The 42 areas identified as requiring NVC survey, and any others subsequently identified, be assessed as soon as possible and the results reported in a supplementary ES.

c) A clear table showing valued receptors, the impacts before mitigation, the mitigation/ compensation proposed, and residual impacts. Ideally this would be a 'working document' that would be updated as information is amended through survey, design changes, changes in LWS designations etc.

d) Maps showing the location and boundaries of any features or species populations that are of county or district value.

PROMOTER'S RESPONSE:

1. The Environmental Statement (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 passed its Second Reading. The Promoter is satisfied there are no fundamental deficiencies in the ES.

2. The ecology baseline assessment for the Environmental Impact Assessment (EIA) of the Proposed Scheme has taken account of both desk based and field surveys. Existing biological data has been obtained from relevant Local Biological Records Centres and from national and local specialist data sources, such as wildlife trusts and ornithological groups. Local biodiversity action plans and ancient woodland inventories have also been consulted.

3. A wide range of field surveys have been conducted to inform the ES. The survey methodologies used have been based on standard approaches, and the extent and scope of surveys conducted has ranged widely based on the species or habitat involved. Survey methods used are set out in the Scope and Methodology Report (SMR) Addendum Report, Volume 5, of the ES.

4. A precautionary approach to valuation has been used for instances where baseline information is incomplete, to ensure that all likely impacts of the Proposed Scheme have been identified. The degree of precaution built into the assessment for each receptor reflects the level of confidence in the existing data available.

Request regarding Phase 1 mapping

5. Details of Phase 1 habitat survey data are contained in the Background Information and Data report Ecology and Biodiversity: Phase 1 habitat survey (BID-EC-002-000) and map book series EC-02. The report details for each community area, the percentage of land subjected to field survey.

6. As set out in the report, where access has not been available for field survey, data from Staffordshire and Cheshire phase 1 habitat audit survey data has been used to provide a description of habitats relevant to the assessment. In other cases, interpretation of aerial photography has been used to provide an indication of the likely habitats present. Due to the continuous nature of the Phase 1 survey scope it is not considered useful to attempt to identify individual locations where survey work was not undertaken. However, the Supplementary Environmental Statement (SES) Background Information and Data report: Supplementary Ecological Baseline Data (BID-EC-004-000) and map series EC-02 detail the results of additional surveys undertaken since publication of the Phase 2A ES.

Request regarding NVC survey

7. A total of 21 sites were subject to National Vegetation Classification (NVC) survey within the West Midlands to Crewe area, these sites are detailed within the Background Information and Data report Ecology and Biodiversity: national vegetation classification and ancient woodland (BID-EC-004-000) and map series EC-10.

8. Any further NVC survey undertaken would be reported in a future SES, dependent on the programme and associated reporting deadlines.

Request regarding receptors, impacts and associated mitigation or compensation

9. The Promoter considers that the ES Volume 2 reports for each Community Area already provide this information by setting out in a standardised way, the ecological baseline, impacts, mitigation and/or compensation and any residual effects.

Request regarding mapping of county/district ecological features

10. The Promoter has published the baseline data used to assess impacts of the Proposed Scheme on ecology in Volume 5, Background Information and Data: Ecology Map Books.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.8

ISSUE RAISED: Pasturefields SAC and SSSI

PETITION PARAGRAPH: 2.8 Pasturefields Salt Marsh is designated for its inland salt meadow and is owned and managed by SWT. Natural England in their comments on the ES dated 29th September 2017 advised HS2 that the HRA screening assessment should be reviewed in light of the additional independent information provided by a third party proposing an alternative groundwater model. They also advise that further assessment is required to examine the potential in-combination effects of air emissions from the proposed development in conjunction with other proposed development in the area, and that the HRA should refer to the requirements of the CoCP regarding measures to avoid the risk of contamination of the SAC from pollution due to accidents or spills from construction traffic. We request the HRA is updated in line with Natural England's advice.

PROMOTER'S RESPONSE:

1. A Habitats Regulations Assessment (HRA) screening report was undertaken for the Pasturefields Salt Marsh Special Area of Conservation (SAC) as part of the HS2 Phase 2 Appraisal of Sustainability (2013) (EC-017-003). The HRA screening report considered the potential construction and operational effects from the Proposed Scheme on the Pasturefields Salt Marsh SAC due to hydrological effects. It concluded that the chosen route option would have no likely significant effect, and this conclusion has been agreed with Natural England and the Environment Agency.

2. A review of the HRA screening assessment was undertaken following additional independent information provided by a third party proposing an alternative groundwater model. The review concluded that the additional information does not change the conclusions of the initial HRA screening assessment. Natural England and the Environment Agency confirmed they were satisfied that the review was sufficient to demonstrate that it would be possible to avoid and mitigate for any potential

hydrogeological impacts on Pasturefields SAC, through appropriate design and mitigation measures.

3. An addendum to the HRA screening report was published in July 2017 (EC-017-003), which assessed the potential for the construction of the Proposed Scheme to have significant effects on the SAC due to the use of the A51 Lichfield road as a construction route, and the potential for air quality effects. It concluded there was no likely significant air quality effects on the SAC's inland salt meadows during construction of the Proposed Scheme, alone or in combination with other planned projects.

4. Further assessment and information was provided to Natural England regarding the in-combination effects of air emissions from the Proposed Scheme in the area and on measures to avoid the risk of contamination of the SAC from pollution due to accidents or spills from construction traffic, with reference to the draft Code of Construction Practice. Natural England confirmed they were satisfied that the additional information included sufficient information to address Natural England's previous comments and demonstrates that there would be no likely significant effects on Pasturefields SAC.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.9 - 2.15

ISSUE RAISED: Local Wildlife Site data

PETITION PARAGRAPH: 2.9 While the Promoters have worked with Natural England to assess and identify new ancient woodlands and have these sites added to the national inventory, the same approach has not been applied to Local Wildlife Sites (LWS).

2.10 LWSs are non-statutory designated sites of county and district importance for wildlife. In Staffordshire they are named Sites of Biological Importance (SBI) and Biodiversity Alert Sites (BAS) respectively. They underpin local ecological networks, support and link statutory designated wildlife sites and make an important contribution to national and local biodiversity targets for priority habitats and species. As with ancient woodlands, the mapping of LWS is not comprehensive and so new sites are regularly found in previously un-surveyed areas. Many existing LWS also have out-of-date data, i.e. they have not been reviewed within the last 10 years.

2.11 Valuation in the ES of existing LWS and newly discovered high-value habitats has not been accurate in many cases, leading us to doubt that even the precautionary approach to valuation accurately reflects what is to be impacted, and therefore the level of impacts and the mitigation/compensation required.

2.12 Currently, 24 of the LWS potentially adversely impacted by the scheme are 'out-of-date', with 7 having data over 20 years old. Their status or boundaries are therefore likely to change upon re-assessment. A large number of habitats and species populations have also been identified by the Promoters as being of county and district value and have potential to be designated as LWS if assessed against the Staffordshire LWS criteria. There are also many Important hedgerows, sites identified in the ES as local value, and

possibly other sites that have not been valued in areas still to be surveyed, that could also meet LWS criteria.

2.13 Following surveys carried out on sites impacted by the Scheme by SWT in 2016 and 2017, 4 LWS with out-of-date survey data have had their designation value increased and/or boundaries extended. In addition, 6 previously undesignated areas have been designated as LWSs — 3 of these sites were either under-valued or not valued at all in the ES.

2.14 This shows that the Promoters' valuation of LWS and potential new LWS is likely to be inaccurate in many cases. Therefore the impacts to these sites, and mitigation required, cannot be properly assessed. We expect further LWS to change and new sites to be designated every year as SWT carries out assessments, but we have limited capacity to do this per year. In order for fully accurate information on LWS to be included in future supplementary ESs, these sites must be assessed by HS2 as soon as possible.

2.15 SWT seeks an assurance from the Promoters that, where they are to be impacted by the proposed scheme, all LWS with data older than 10 years, all habitats identified by the Promoters as having district value or higher, and any other sites where SWT or others have evidence of potential LWS value, will be assessed against the current LWS for Staffordshire as soon as possible, and the data provided to the Staffordshire Local Wildlife Sites Grading Committee for consideration. Where sites meet the LWS criteria, the impacts to, and mitigation required for these LWSs must be updated and issued in a Supplementary Environmental Statement.

PROMOTER'S RESPONSE:

1. The Environmental Statement (ES) has assessed the effects of the Proposed Scheme on biodiversity and ecology. As set out in the response to paragraph 2.7, the baseline for the ecological chapter of the ES was sufficient for the assessment. It included desk based review of existing information and consultation with stakeholders and local experts as well as survey where access was granted. The assessment was undertaken on a precautionary basis using professional judgement to consider and report the likely presence of protected species where access was not obtained. The ES is therefore compliant with the requirements of the Environmental Impact Assessment (EIA) Directive and Parliamentary Standing Order 27A and identifies the likely significant effects of the Proposed Scheme on ecological receptors.

2. As well as considering direct loss of habitats, indirect and secondary 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 ES. Due to the schedule for the publication of the ES in March 2018, not all new site designations would have been received in time to be included within the ecological baseline assessment. However, through the assessment of habitats and species, the ecological baseline has been adequately accounted for and assessed accordingly in the ES as described in the response to paragraph 2.7. The mitigation proposed in the ES is therefore considered appropriate to reduce the likely significant effects of the Proposed Scheme. The scope and methodology of the ecological assessment are reported in the Scope and Methodology Report (SMR) Report, Volume 5, of the ES.

3. The approach to ecological mitigation and compensation provision, including the approach to the precautionary assessment is set out in the Section 5 of the Ecology Technical Note - Ecological Assessment Methodology, Annex E of the SMR Addendum Part 1, Volume 5, of the ES. The approach is based around application of professional judgement. Due to the inability to access some areas of the route to undertake survey, a reasonable worst-case baseline has been assumed in the absence of data. Mitigation and compensation provision has then been proposed at a level sufficient to address the reasonable worst-case assumed within the baseline. As a consequence the Promoter is confident that sufficient land has been sought to provide appropriate mitigation and compensation for the likely significant effects of the Proposed Scheme.

Ongoing ecological surveys

4. Since the publication of the ES ecological surveys have continued in order to inform the design, new baseline data arising from these surveys and any new formal designations would be reported in a Supplementary Environmental Statement (SES), dependent on the programme and associated reporting deadlines. The first Phase 2A SES was published in March 2018.

5. As set out in section 9 of the draft Code of Construction Practice (CoCP) the nominated undertaker would define a programme for undertaking ecological surveys prior to and during construction. The surveys would be used to verify the baseline ecological conditions described in the ES, to refine the mitigation and control measures required during construction as appropriate, and to provide appropriate monitoring during construction.

6. It is expected that the HS2 Ecology Review Group (see response to paragraph 2.6) would provide independent advice on the monitoring of created habitats and make recommendations for remedial action where appropriate.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.16, 2.17

ISSUE RAISED: Known Local Wildlife Sites - impacts and mitigation

PETITION PARAGRAPH: 2.16 SWT is concerned about the extent of impacts the railway, as proposed, will have on LWS, some of which are also Ancient Woodland Inventory (AWI) sites. We consider that these impacts on a significant proportion of wildlife assets in Staffordshire will have a direct effect on our interests relating to the protection and enhancement of wildlife species and habitats. The 43 known LWS sites that in our view could be adversely affected include:

- 1) Kings Bromley Wharf to Fradley Junction, Coventry Canal SBI (CA1 Fradley to Colton)
- 2) Fradley Wood BAS (CA1)
- 3) Crawley Lane (Hedge) BAS (CA1)
- 4) Riley Hill BAS (CA1)
- 5) John's Gorse SBI and AWI (CA1)
- 6) Kings Bromley Pit (north-west of Manor Park) SBI (CA1)
- 7) Trentside Meadows SBI (CA1)
- 8) Bailey Bridge Wetland and Sitch Covert SBI (CA1)
- 9) Pipe Wood Lane (hedge 3) BAS (CA1)
- 10) Pipe Wood Lane (hedge 4) SBI (CA1)
- 11) Pipe Wood SBI and AWI (CA1)
- 12) Cawarden Springs Wood SBI and AWI site (CA1)
- 13) Long Mets Lane (hedge 1) BAS (CA1)
- 14) Newlands Lane SBI (hedge 6) (CA1)
- 15) Finners Hill Hedgerows BAS (CA1)
- 16) Moor Lane, Colton Hedge BAS (CA1)
- 17) Stockwell Heath Pond BAS (CA1)
- 18) Sheracop Lane (Hedge 1) BAS (CA1)
- 19) Lount Farm SBI (CA1 and CA2)
- 20) Bishton (north of) BAS (CA2)
- 21) Lionlodge Covert SBI (CA2 Colwich to Yarlet)
- 22) Hopton Pools (north of) SBI (CA2)
- 23) Fillybrook SBI (CA3 Stone and Swynnerton)

- 24) Moss Rose Barn (western field) SBI (CA3)
- 25) Poolhouse Wood SBI (CA3)
- 26) Highlow Meadows SBI (CA3)
- 27) Lodge Covert BAS (CA3)
- 28) Closepit Plantation BAS (CA3)
- 29) Cash's Pit BAS (CA3)
- 30) Swynnerton Heath Farm (east of) BAS (CA3)
- 31) Clifford's Wood SBI and AWI (CA3)
- 32) Hatton Common SBI (CA3)
- 33) Swynnerton Old Park SBI and AWI (CA3)
- 34) Whitmore Wood SBI and AWI (CA4 Whitmore Heath to Madeley)
- 35) Hey Sprink (wood south-west of) SBI and AWI (CA4)
- 36) Hey Sprink (south) SBI and AWI (unnamed wood south of Hey Sprink) (CA4)
- 37) Hey Sprink SBI and AWI (CA4)
- 38) Radwood Copse & Railway Verges BAS (CA4)
- 39) Manor Road Verges BAS (CA4)
- 40) Red Lane BAS (CA4)
- 41) Wrinehill Wood (east of) SBI and AWI (CA4)
- 42) Grafton's Wood SBI and AWI (CA4)
- 43) The Lum (River Lea Corridor) SBI and AWI (CA4)

2.17 We request that further avoidance, mitigation and compensation is provided. We seek an assurance that SWT and the relevant local authority will be notified before any work within 100m of a LWS.

PROMOTER'S RESPONSE:

Compensation for affected Local Wildlife Sites (LWS)

1. Effects on Local Wildlife Sites have been considered in the Environmental Statement (ES). The Promoter recognises that LWS and BAS form an important component of ecological networks. They provide 'core habitat' and/or 'stepping stones', which are likely to be important in maintaining the conservation status of a range of habitats and species. In Staffordshire, the Proposed Scheme would result in significant loss and/or fragmentation effects to 15 Local Wildlife Sites (LWS) and eight Biodiversity Alert Sites (BAS). These represent 2% and 5% of the total LWS and BAS respectively in Staffordshire (as of 2017). A number of other LWS and BAS sites lie in the vicinity of the Proposed Scheme and the potential for adverse effects on them was considered as part of the assessment, as reported in the relevant Community Area Reports, Volume 2, of the ES.

2. Where a significant adverse effect on the integrity of a LWS or BAS is expected, compensation has been incorporated into the Proposed Scheme to address effects

on the conservation status of the habitats and species for which that LWS and BAS was designated.

3. Where there is a significant effect at a LWS or BAS, it is not possible to directly compensate for the effect on designation status (as the responsibility for designating lies with external bodies). However, it is expected that when mature, many of the compensatory habitats to be created would be likely to meet relevant LWS and BAS criteria. Once ecological compensation areas are of sufficient biodiversity value to meet LWS and BAS criteria, then the Promoter would encourage the formal designation of these areas as part of the LWS and BAS network. Overall, the mitigation and compensation measures proposed would ensure that no permanent significant residual effects at the regional or route-wide levels are likely to occur.

Schedule 17 applications

4. The Bill grants deemed planning permission for the works it authorises and establishes a planning regime in Schedule 17 under which certain matters and details of the deemed consent are reserved for subsequent planning authority approval. Therefore, prior to the Proposed Scheme being constructed, the matters that require prior approval would be sought from the local authority by the nominated undertaker.

5. In addition, under paragraph 18 of Schedule 17, where the 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.

Ecology Site Management Plans

6. Ecology Site Management Plans (ESMPs) would be prepared at detailed design stage which would specify the ecological objectives of each ecological habitat creation area, the measures to be taken to establish, maintain and monitor the habitats and the detailed planting requirements.

7. ESMPs would also be prepared for each statutory and non-statutory site of nature conservation importance and ancient woodland affected by construction. Drafts of these management plans would be discussed with relevant environmental bodies, including the Forestry Commission and Natural England.

8. In relation to the Petitioner's request for further provision of mitigation and compensation, paragraph 1.1.5 of the Phase 2A Draft Environmental Minimum Requirements: draft General Principles states:

'The nominated undertaker will in any event, and apart from the controls and obligations referred to in paragraph 1.1.3 use reasonable endeavours to adopt

mitigation measures that will further reduce any adverse environmental impacts caused by Phase 2a of HS2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.'

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.19

ISSUE RAISED: Concerns relating to specific LWS: Trentside Meadows SBI (CA1)

PETITION PARAGRAPH: 2.19 We request that the River Trent viaduct be extended to avoid and reduce impacts to this LWS.

PROMOTER'S RESPONSE:

1. In developing the Proposed Scheme, the Promoter has reduced the land required adjacent to the River Trent viaduct so far as is reasonably practicable in order to reduce the impact on Trentside Meadows Local Wildlife Site (LWS).
2. The construction of the River Trent viaduct would however result in the permanent loss of approximately 4.9ha (18%) of floodplain grazing marsh within Trentside Meadows LWS. The Promoter acknowledges that the permanent loss of this habitat would result in a permanent adverse effect on the structure and function of the site that is significant at the county level.
3. Approximately 13.6ha of species-rich grassland is proposed to be created in adjacent areas and approximately 0.8ha and 0.2ha of wet grassland habitat adjacent to River Trent and River Trent tributary would be reinstated and enhanced. In particular, this would compensate for the loss of 4.9ha of floodplain grazing marsh at Trentside Meadows.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.20

ISSUE RAISED: Concerns relating to specific LWS: Bailey Bridge Wetland and Sitch Covert SBI (CA1)

PETITION PARAGRAPH: 2.20 This LWS was last surveyed in 1995, and given that it is surrounded by additional habitat similar to the site, the boundary could well be extended upon reassessment, putting more of the site adjacent to the proposed temporary highway modifications. Further assessment is required.

PROMOTER'S RESPONSE:

1. The Bailey Bridge Wetland and Sitch Covert Local Wildlife Site (LWS) was not reported in the Environmental Statement (ES) , submitted with the Bill in July 2017, as it was not relevant to the assessment of the Proposed Scheme
2. The Bailey Bridge Wetland and Sitch Covert LWS is reported within the Additional Provision ES (March 2018), Volume 2 report for Community Area 1, due to the construction of a proposed site haul route and HS2 maintenance access route, approximately 470m in length, linking Common Lane to the site haul route along the HS2 route to the north-west of Pipe Ridware. The Bailey Bridge Wetland and Sitch Covert LWS, is reported as covering an area of approximately 14ha, which supports semi-improved grassland, woodland, and a recently created wetland with standing water.
3. The assessment of the amendment concluded it would not give rise to new or different significant effects on designated sites and would not change the level of significance of the effects reported in the ES.

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.21

ISSUE RAISED: Concerns relating to specific LWS: Pipe Wood SBI and AWI (CA1)

PETITION PARAGRAPH: 2.21 We request that HS2 consider provision of a green bridge at the Mavesyn Ridware Footpath 38 Accommodation Overbridge (CT-06-205) to facilitate movement of bats for the regionally important assemblage identified in the area.

PROMOTER'S RESPONSE:

1. A number of green bridges are included on a precautionary basis in the design of the Proposed Scheme. These would facilitate the movement of wildlife across the Proposed Scheme where a significant impact to the Favourable Conservation Status of rare and/or scarce bat species or high value assemblages of bats is identified.

Request for a green bridge at Mavesyn Ridware

2. The greening of Mavesyn Ridware Footpath 38 accommodation overbridge is not proposed as the Promoter considers the design of the Proposed Scheme is sufficient to maintain the commuting and foraging routes of the local bat assemblage.

3. No key commuting routes or key foraging areas were identified at Pipe Wood, with the baseline data confirming low levels of use of the hedgerows along Pipe Wood Lane and infrequent foraging activity in the area. Although the area as a whole does support a high value assemblage of bats, evidence suggest that bats travel east from Pipe Wood, away from the Proposed Scheme, towards other large woodland blocks and river valley habitats.

4. The principal severance of habitat associated with the Proposed Scheme would be of a hedgerow/tree line between Bentley Farm and Pipe Wood Lane. This severance would occur approximately 100m north of the Mavesyn Ridware Footpath 38 accommodation overbridge. No severance of more significant blocks of habitat, such as larger woodlands, would occur in this area as a result of the Proposed Scheme. Further survey information would be required to determine the presence of any significant crossing point of the route by bats in this specific area, but the

requirement for this is not supported by the survey data gathered to date, or the assessment of the impacts of habitat fragmentation in this area.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.22 - 2.26

ISSUE RAISED: Concerns relating to specific LWS: Lount Farm SBI (CA1 and CA2)

PETITION PARAGRAPH: 2.22 This LWS has not been re-assessed against the LWS criteria since 2006. The ES reports areas of similar marshy / diverse meadow grassland adjacent to the site, and these may warrant inclusion in the SBI. The area also supports an up to regional value bat *assemblage*, a county value water vole population, up to county value barn owl pair as well as notable fish and bird assemblages.

2.23 As an historic water meadow with potentially unique hydrology, the wet grasslands at this site may be irreplaceable, and HS2 should assess whether this is the case. They may also qualify as an Annex 1 habitat.

2.24 Due to its high value, we request the habitats in this area be assessed against current grassland SSSI criteria in collaboration with Natural England.

2.25 We request that to avoid and reduce the significant impacts to this site and other important habitats adjacent, that an extension be made to the Moreton Brook viaduct, and that the proposed power line diversion be re-routed.

2.26 The proposed compensatory habitats and net loss have been stated in area only this does not reflect the biodiversity offsetting metric where time and risk factors must be included. The actual area of compensatory habitat will therefore need to be larger than 1:1 and the Scheme design must reflect this.

PROMOTER'S RESPONSE:

1. The Moreton Brook viaduct in Community Area 2 is proposed to be 195m long. The length of the proposed viaduct has been dictated by the flood plain extents of Moreton Brook and the need to provide accommodation access beneath the viaduct at either end.

2. Construction of Moreton North embankment would result in the permanent loss of approximately 1.7ha (12%) of lowland meadow within Lount Farm Local Wildlife Site (LWS).

Request to extend the Moreton Brook viaduct

3. An extension of the Moreton Brook viaduct as suggested by the Petitioner would not significantly reduce the reported impacts on the Lount Farm LWS. The land required to construct the extended viaduct, in replacement of the proposed Moreton North embankment, would require substantial temporary land take from the Lount Farm LWS, which would result in the loss of habitat and would not change the reported effects in the Environmental Statement (ES).

Proposed mitigation

4. In order to mitigate the reported impacts of the Proposed Scheme on Lount Farm LWS, approximately 2.7ha of lowland meadow at Lount Farm LWS is proposed to be restored and enhanced on the west side of Moreton Brook and 2.7ha of species-rich grassland is proposed to be created on land to the east side of Moreton Brook.

5. A biodiversity offsetting metric has not been used to determine mitigation and compensation measures on the Proposed Scheme. The approach used for mitigation and compensation is set out in an appendix to the 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. The No Net Loss metric is used as an 'accounting tool' to demonstrate progress towards the Promoter's objective of seeking to achieve no net loss at a routewide level. The outcome of the calculation is expected to be made available to relevant stakeholders prior to Royal Assent.

6. Habitats that the Promoter have agreed are 'irreplaceable' are not included in the No Net Loss calculation, nor are their associated mitigation or compensation planting. At present, habitat agreed as irreplaceable includes ancient woodland only.

7. The Background Information and Data: Phase 1 habitat report (BID-EC-002-000) states that the unimproved neutral grassland present would be likely to qualify as a lowland hay meadow. The sampled vegetation is representative of lowland meadow habitat of principal importance.

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.27

ISSUE RAISED: Concerns relating to specific LWS: Bishton (north of) BAS (CA2)

PETITION PARAGRAPH: 2.27 This site is designated for native species-rich hedgerows on both sides of Bishton Lane, but has not been re-assessed since 1997. Initial surveys by SWT in 2017 suggest that the site designation and boundary will need revision — this will be assessed fully this year. The widening of Bishton Lane will result in the permanent loss of approximately 3km of native species-rich hedgerows, of which 2km are within the current BAS. We request that the design is amended to minimise loss of hedgerows; widening to only one side, or consideration given to using alternative routes.

PROMOTER'S RESPONSE:

1. The proposed works to be managed from the Trent South Embankment main compound would require the widening of a 1.5km section of Bishton Lane, resulting in the permanent loss of approximately 3km of native species-rich hedgerows, of which 2km are the feature of interest at Bishton (north of) Biodiversity Alert Site (BAS). The impacts of the Proposed Scheme on Bishton (north of) BAS have been assessed in the Environmental Statement (ES), and reported in the Volume 2, Community Area Report. The Promoter acknowledges that the permanent loss of hedgerows within Bishton (north of) BAS would result in a permanent adverse effect on the structure and function of the site that is significant at district/borough level.

2. Where reasonably practicable the hedgerows along Bishton (north of) BAS would be translocated to the nearest suitable habitat creation areas. In order to mitigate for the wider loss of hedgerow habitat and the associated fragmentation of the existing hedgerow network the nominated undertaker would, where design of the Proposed Scheme and other practical considerations allow, replace those hedgerows which are lost. Reinstatement would use species of native provenance and where reasonably practicable would aim to provide hedgerow networks containing a wider range of appropriate native species than are currently present.

3. It should be noted that the assessment in the ES represents a worst-case scenario. Under the Environmental Minimum Requirements (EMRs), during detailed design of the Proposed Scheme the nominated undertaker would use reasonable endeavours to adopt mitigation measures that would seek to further reduce 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. While the full extent to which hedgerows can be retained is yet to be confirmed it is likely that a high proportion of hedgerows within areas of temporary landtake may be retained, with losses confined to those sections where access routes would be required.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.28

ISSUE RAISED: Concerns relating to specific LWS: Lionlodge Covert SBI (CA2 Colwich to Yarlet)

PETITION PARAGRAPH: 2.28 An extension of the Great Haywood viaduct in this area would remove much of the impact from the woodland and the adjacent inland saltmarsh area. As inland saltmarsh is considered to be irreplaceable habitat, the residual impact of the loss of 1.5ha will need to be compensated in a bespoke manner and should not be included in the biodiversity offsetting metric.

PROMOTER'S RESPONSE:

Lionlodge Covert SBI

1. Lionlodge Covert Local Wildlife Site (LWS) is designated for its broadleaved semi-natural woodland with a salt spring pool and an inland salt meadow supported by springs from historic salt mining. While the inland saltmarsh at Pasturefields Special Area of Conservation (SAC) is the only known remaining example in the UK of a natural salt spring with inland saltmarsh vegetation, and qualifies as an Annex I habitat, the habitat at Lionlodge Covert is considered non-natural. As a consequence of agricultural management the salt meadow is of county value and the Promoter does not agree that in this instance the habitat should be deemed irreplaceable.

2. The Environmental Statement (ES) states that the loss of 1.5ha of inland salt meadow at Lionlodge Covert would result in a permanent adverse effect that is significant at the county level. In consultation with the Petitioner and local landowners, the Promoter is seeking to identify off-site enhancement measures to compensate for the permanent loss of 1.5ha of inland saltmarsh habitat at Lionlodge Covert LWS. The objective of the proposed measures would be to reduce the adverse effect to the inland saltmarsh to a level that is significant at no more than the local/parish level. In the absence of such measures, the loss of inland saltmarsh represents a residual adverse effect that is significant at the county level.

Great Haywood Viaduct

3. In relation to the Petitioner's suggestion that the Great Haywood Viaduct could be extended, please see the Promoter's response to paragraphs 2.35-2.37 of the Petition in relation to detailed design.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.29, 2.30

ISSUE RAISED: Concerns relating to specific LWS: Hopton Pools (north of) SBI (CA2)

PETITION PARAGRAPH: 2.29 This site covering an area of approximately 0.3ha, is designated for a meadow that supports a colony of heath spotted-orchid. It is located approximately 200m north of the land required for the Proposed Scheme. However, as the site has not been surveyed since 1983, and larger areas of potentially high value habitats are present in the area, the site is likely to change subject to re-assessment. The areas of Hopton and Hopton Heath are on sandstone and sandy soils, and in the past heathland and acidic grasslands were more prevalent in the area. Walkover surveys by SWT via footpaths in the area have indicated the presence of diverse acidic and wet grassland around Hopton Pools, some of which would be impacted by the proposed Scheme.

2.30 We request that all high-value habitats in this area are identified and assessed for possible LWS status, and that proposed landscaping is modified to replace some landscape mitigation planting and woodland with a mix of heathland, scrub, acid grassland and acidic woodland to fulfil habitat priorities for this area.

PROMOTER'S RESPONSE:

1. Hopton Pools Local Wildlife Site (LWS) is noted in the Volume 2 Community Area 2 as being of relevance to the assessment. Please see the Promoter's response to paragraphs 2.9-2.15 of the Petition on Local Wildlife Sites for information on ongoing surveys.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.31, 2.32

ISSUE RAISED: Concerns relating to specific LWS: Fillybrook SBI (CA3 Stone and Swynnerton)

PETITION PARAGRAPH: 2.31 This site was last assessed in 1983. Surveys carried out for the permitted development 13/19002/OUT show that the habitats have changed since the LWS was last assessed. There is also further possible wet grassland/ wetland areas to the south-west of the LWS that may also be of value. The site has not been surveyed by HS2. Fillybrook LWS and surrounding habitats need to be re-assessed against the LWS criteria before impacts and mitigation can be finalised.

2.32 CT-06-222-R1 currently shows the remaining area of the current LWS not lost to the Norton Bridge to Stone sidings would be covered by landscape mitigation planting (scrub/ woodland). This is inappropriate - the design of the sidings and landscaping must be amended to minimise loss of LWS habitats.

PROMOTER'S RESPONSE:

1. Filly brook (West of Stone) Local Wildlife Site (LWS), covering an area of approximately 2ha, is designated for its mosaic of habitats including scattered trees, semi-improved lowland grassland, marshy grassland, running water and species-rich hedgerows. The floodplain of Filly Brook appears to be unmanaged with areas of scattered willow scrub and tall ruderals. The dominant grass is Yorkshire-fog reflecting the wet nature of the grassland. In the absence of detailed surveys, it is assumed on a precautionary basis to meet the criteria of lowland meadows, a habitat of principal importance. The LWS is located on the western edge of Stone, within the land required for the Proposed Scheme.

2. The Environmental Statement (ES) has considered committed developments that materially affect the baseline conditions for ecology in the area. The boundary of committed development 13/19002/OUT includes Filly Brook LWS, and sections of semi-improved neutral grassland and marshy grassland along the Filly Brook that fall

within the land required for the Proposed Scheme. The development proposals retain and enhance these habitats, therefore, while the assessment of the value of Filly Brook LWS is unlikely to change, on a precautionary basis it is assumed that its associated grassland habitats could increase in value by the time of construction to up to county value.

3. Construction of the Norton Bridge to Stone sidings and the associated landscape bund, would result in the permanent loss of approximately 1.4ha (70%) of semi improved grassland along the northern half of Filly Brook (west of Stone) LWS. The grassland forms part of the reason for the LWS designation. This loss would result in a permanent adverse effect on the structure and function of the site that is significant at county level.

4. Approximately 1.8ha of species-rich grassland would be created along the retained and realigned sections of the Filly Brook within the western section of the Filly Brook floodplain adjacent to the route of the Proposed Scheme. This would compensate for the loss of approximately 1.4ha of lowland meadow at Filly Brook LWS.

5. In relation to the design of the sidings and planting please see the response to paragraphs 2.35-2.37 on detailed design.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.33

ISSUE RAISED: Concerns relating to specific LWS: Moss Rose Barn (western field) SBI (CA3)

PETITION PARAGRAPH: 2.33 This new SBI was discovered by SWT in 2017 and designated this year. It is a small damp grassland supporting a diverse flora including orchids, directly adjacent to the land required for work to the existing Norton Bridge to Stone railway line. The site was not mapped correctly in the Phase 1 habitat survey, or valued in the ES, and any potential impacts are not clear. We request that impacts to this site be assessed and appropriate mitigation and/or enhancements are proposed as necessary.

PROMOTER'S RESPONSE:

1. Please refer to the Promoter's response to paragraphs 2.9 - 2.15 of the Petition.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.34

ISSUE RAISED: Concerns relating to specific LWS: Poolhouse Wood SBI (CA3)

PETITION PARAGRAPH: 2.34 This wet woodland will be entirely lost, but there does not appear to be any wet woodland proposed in the compensatory habitats nearby, although a lot of nonspecific woodland planting is shown.

PROMOTER'S RESPONSE:

1. Pool House Wood Local Wildlife Site (LWS), covering an area of approximately 3.3ha, comprises two separate blocks of damp deciduous woodland. The species composition is characteristic of NVC W6d *Alnus glutinosa*-*Urtica dioica* woodland *Sambucus nigra* sub-community and is of county value. The LWS is located to the east of the M6 and west of Stone, within the land required for the Proposed Scheme.

2. The construction of the Stone railhead and associated infrastructure would result in the permanent loss of approximately 3.3ha (100%) of woodland at Pool House Wood LWS. The woodland is the reason for the LWS designation and its loss would result in a permanent adverse effect on the structure and function of the site that is significant at county level.

3. In accordance with the Ecological Principles of Mitigation in the SMR Addendum a route-wide, integrated strategic approach has been developed to compensate for loss of woodland. Within the Stone and Swynnerton area, approximately 22.9ha of woodland habitat creation would be undertaken to compensate primarily for adverse effects upon non-ancient woodland, at several locations. The new areas of woodland habitat would connect and help maintain the integrity of remaining areas of woodland. A temporary adverse effect is expected until these woodland areas have become established, after which there would be a permanent beneficial effect on lowland mixed deciduous woodland that is significant at district/borough level. In addition, there would be further areas of landscape planting of native broadleaved woodland, which would also contribute to habitat creation.

4. The Environmental Statement, Volume 2, CT-06 map series presents broad categorisation of mitigation types as either woodland, grassland or wetland. The

detail of the intended composition of created habitats is subject to detailed design of the Proposed Scheme and the provision of wet woodland would be considered as part of this habitat creation as part of the Ecology Site Management Plan for the area.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.35 - 2.37

ISSUE RAISED: Concerns relating to specific LWS: Highlow Meadows SBI (CA3)

PETITION PARAGRAPH: 2.35 This site supports purple-moor grass and rush pasture, a rare habitat in the county. SWT will also consider whether the newly registered ancient woodland area 'Birchwood' adjacent to the SBI should be included in the site.

2.36 Construction of the Meaford North embankment for the M6 Meaford viaduct will result in the permanent loss of approximately 1.2ha (20%) of the SBI. We request that the M6 Meaford viaduct be lengthened by around 160m to reduce land take for the embankment and losses to the SBI and the ancient woodland.

2.37 It is unclear why compensatory habitats have been proposed within the LWS. We request clarification on the habitat areas to be retained, enhanced and created, and the impact of creating new great crested newt ponds within the LWS.

PROMOTER'S RESPONSE:

1.Environmental Statement (ES), Volume 2, Community Area Report CA3: Stone & Swynnerton states:

'8.4.8 Highlow Meadows LWS falls within the land required for the Proposed Scheme, however, this is largely due to the land required for grassland and wetland habitat creation, the majority of the habitats in this area will not be lost. Construction of the Meaford North embankment for the M6 Meaford viaduct will result in the permanent loss of approximately 1.2ha (20%) of NVC MG4 Alopecurus pratensis-Sanguisorba officinalis grassland at the northern end of Highlow Meadows LWS. The grassland is part of the reason for the LWS designation. This loss will result in a permanent adverse effect on the structure and function of the site that is significant at county level.'

2. As set out in ES, Community Area Report CA3: Stone & Swynnerton, approximately 2.8ha of native species-rich marshy grassland would be created within the floodplain directly adjacent to the south of Highlow Meadows Local Wildlife Site (LWS), and an additional 5.5ha of grassland would be created adjacent to the M6 and Meaford North embankment. This would mitigate for the loss of 1.2ha of lowland meadow with marshy grassland character at Highlow Meadows LWS and 3.8ha of lowland meadow at Yarnfield Lane.

Control of environmental impacts

3. The ES is a reasonable worse-case assessment of predicted impacts. The Promoter has 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. 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.’

Habitat creation within existing areas of ecological value

4. Where habitat creation areas are proposed in existing areas with an ecological value, habitats would be sympathetically enhanced rather than removed. Ecology Site Management Plans (ESMPs) would be prepared at detailed design stage which would specify the ecological objectives of each habitat creation area, the measures to be taken to establish, maintain and monitor the habitats and the detailed planting requirements.

5. ESMPs would also be prepared for each statutory and non-statutory site of nature conservation importance and ancient woodland affected by construction.

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HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.38

ISSUE RAISED: Concerns relating to specific LWS: Cash's Pit BAS (CA3)

PETITION PARAGRAPH: 2.38 Cash's Pit is valued in the ES as local/parish value. SWT surveyed this site in 2016 and found a greater diversity of plants than the HS2 NVC survey, and it was designated in 2017 as a BAS. The complete loss of Cash's Pit should be recognised as significant at the district level. Greater mitigation is required, including translocation of soils.

PROMOTER'S RESPONSE:

1. Cash's Pit Local Wildlife Site (LWS) has been recently designated as a LWS. Please refer to the Promoter's response to paragraphs 2.9 - 2.15 of the Petition.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.39

ISSUE RAISED: Concerns relating to specific LWS: Swynnerton Heath Farm (east of) BAS (CA3)

PETITION PARAGRAPH: 2.39 This traditional orchard was designated in 2017, and is partly within the land required. The ES does not value, assess the impacts to, or propose any specific mitigation for this site. It has much potential to be restored and managed, and we request that impacts to the site be assessed, and that the site be considered for enhancement as part of compensation measures.

PROMOTER'S RESPONSE:

1. Swynnerton Heath Farm LWS has been recently designated as a LWS. Please refer to the Promoter's response to paragraphs 2.9 - 2.15 of the Petition.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.40

ISSUE RAISED: Concerns relating to specific LWS: Whitmore Wood SBI and AWI (CA4 Whitmore Heath to Madeley)

PETITION PARAGRAPH: 2.40 We request an assurance that the feasibility of a deeper, longer tunnel, to avoid impacts to this ancient woodland and other habitats in the area will be considered by HS2 and the results of this published.

PROMOTER'S RESPONSE:

1. 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.

2. 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. 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.

3. 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>.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.41, 2.42

ISSUE RAISED: Concerns relating to specific LWS: Hey Sprink (wood south-west of) SBI and AWI (CA4) & Hey Sprink (south) SBI (CA4)

PETITION PARAGRAPH:

2.41 This woodland was re-assessed by SWT in 2017 and its boundary extended on the end impacted by HS2. 0.2 ha of the wood is proposed to be lost, but it would appear that the land use in this area will be temporary and the loss could be avoided. The design of the embankment should be amended slightly and this updated in the Ancient woodland mitigation strategy.

2.42 This site is referred to as 'unnamed wood south of Hey Sprink' in the ES. It was designated as an SBI this year following surveys by SWT. Construction of Lea South embankment would result in the permanent loss of approximately 0.2ha (22%). Again, it would appear that if the embankment and working areas could be amended slightly to avoid impacts. We request this is changed through the next available Additional Provisions.

PROMOTER'S RESPONSE:

Lea South embankment

1. As reported in Volume 2, Community Area 4 Report: Whitmore Heath to Madeley of the Environmental Statement (ES), the Proposed Scheme would include the Lea South embankment, 845m in length and up to 21m in height. There would be landscape earthworks and landscape mitigation planting to both sides of the embankment, with slopes graded out to help integrate the Proposed Scheme into the surrounding landscape. A noise fence barrier, up to 4m in height, on the southern side of the route of the Proposed Scheme would extend along the top of the Lea South embankment to the start of the River Lea viaduct. The barrier would provide acoustic screening for properties at Madeley Park Wood (see Volume 2: Map CT-06-231, G6 to C5).

2. Volume 2, Community Area 4 Report: Whitmore Heath to Madeley states that:

'8.4.8 Construction of Lea South embankment will result in the permanent loss of approximately 0.2ha (22%) of ancient woodland from the unnamed wood south of Hey Sprink AWI. The loss of ancient woodland will have a permanent adverse effect on this habitat that is significant at county level.

8.4.9 Construction of Lea South embankment will result in the permanent loss of approximately 0.2ha (6%) of ancient woodland from Hey Sprink (wood south-west of) LWS. The loss of ancient woodland will have a permanent adverse effect on this habitat that is significant at county level.'

3. Paragraph 8.4.37 of Volume 2, Community Area 4 Report: Whitmore Heath to Madeley states that this impact would be partly compensated by broadleaved woodland planting including:

'approximately 35ha of woodland planting will be provided east of Whitmore South cutting and Whitmore North cutting. This woodland will enhance linkages between the retained area of Whitmore Wood and Hey Sprink ancient woodlands. In addition, the remaining area of approximately 11.9ha of Whitmore Wood will be incorporated within the land required for the Proposed Scheme for woodland enhancement. This will partly compensate for the loss of approximately 6ha of ancient woodland at Whitmore Wood, the loss of approximately 0.2ha of ancient woodland at an unnamed wood south of Hey Sprink and the loss of 0.2ha of ancient woodland at Hey Sprink (wood southwest of);'

4. See the Promoter's response to paragraphs 2.35 - 2.37 of the Petition for further information on the control of environmental impacts during detailed design and construction.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.43

ISSUE RAISED: Concerns relating to specific LWS: Manor Road Verges BAS (CA4)

PETITION PARAGRAPH: 2.43 This site supports ancient woodland indicators some diverse neutral grassland. However the site has not been surveyed since 2007 and so changes may have occurred. The realignment of Manor Road is predicted to cause loss of the entire site. However, the design of the road diversion would appear to have some flexibility, and if the angle of the new road were changed slightly, much of the BAS could be saved. We request the road is re-designed to retain the important habitats.

PROMOTER'S RESPONSE:

Manor Road realignment

1. Paragraph 8.4.6 of the Volume 2, Community Area 4 Report: Whitmore Heath to Madeley of the Environmental Statement (ES) states that the realignment of Manor Road would result in the permanent loss of approximately 0.4ha (100%) of species-rich grassland within Manor Road Verges BAS. The loss of grassland would result in a permanent adverse effect on the structure and function of the BAS that is significant at district/borough level.

2. Paragraph 8.4.45 of the Volume 2, Community Area Report CA4: Whitmore Heath to Madeley states that:

'Within the Whitmore Heath to Madeley area, grassland habitat creation will be undertaken at locations including the following: [...] approximately 2.3ha of species-rich grassland will be created on land to the east of Manor Road, south-west of Manor Road overbridge, to compensate for grassland losses including that of approximately 0.4ha of lowland meadow within Manor Road Verges BAS;'

3. See the Promoter's response to paragraphs 2.35 - 2.37 of the Petition on detailed design of the Proposed Scheme.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.44 - 2.46

ISSUE RAISED: Irreplaceable habitats: ancient woodlands

PETITION PARAGRAPH: 2.44 The loss of ancient woodland is of national significance and is unacceptable, and we request that further design changes are made to reduce this. It would appear from the recently published Phase 2a: West Midlands-Crewe Ancient Woodland Strategy that many proposed losses from cuttings and embankments could be reduced through design changes such as the use of steeper slopes or walls, as included at Whitmore Wood, or lengthening of viaducts.

2.45 Ancient woodlands impacted by the Scheme, that have not been covered under LWS, are: Flushing Covert (CA2), Town Field Plantation (CA2), The Grove (CA2), Birchwood (CA3) and Barhill Wood (CA4).

2.46 The losses to Barhill Wood due to the proposed cutting should be reduced through the use of steeper walls. Proposed new woodland creation to the north-east side of Barhill Wood may impact on the acid grassland north of Barhill Wood reported in the CA4 Community Area report- it is unclear where this grassland is located as we have been unable to find it on any maps. Other habitats around Barhill Wood may also have some existing wildlife interest and so should be surveyed further before the location of soil translocation areas and compensation planting is finalised.

PROMOTER'S RESPONSE:

1. In designing the Proposed Scheme the Promoter has sought to avoid and reduce impacts upon ancient woodlands. Along the route of the Proposed Scheme approximately 10.2 hectares of ancient woodland would be lost at 10 different woods. In accordance with the HS2 Phase 2A draft Code of Construction Practice and the Environmental Minimum Requirements, during detailed design and construction,

efforts would be made to seek to avoid or further reduce the impacts of the Proposed Scheme.

2. The Promoter has already made changes to the design to reduce the amount of woodland taken. Although impacts to ancient woodland cannot be fully compensated, its loss would be addressed through a range of measures. Measures to partially compensate for loss include the planting of native broadleaved woodland to enhance linkages between ancient woodlands and the enhancement and/or restoration of existing woodlands. Ancient woodland soils with their seed banks would also be salvaged and used in the woodland creation areas.

3. Over 77ha of new woodland would be planted along the Proposed Scheme to partially compensate for the 10.2ha loss of ancient woodland, with another 12.9 ha of existing ancient woodland also identified to be enhanced to improve its condition and ecological value. These measures are detailed in the Environmental Statement (ES) Volume 2 Community Area reports. In addition, the Promoter has published an Ancient Woodland Strategy, which sets out the measures to partially compensate for ancient woodland losses.

Ancient Woodland Strategy

4. The Ancient Woodland Strategy provides an area based comparison between the losses of ancient woodland habitat that would occur as a consequence of the Proposed Scheme and the associated package of compensation measures to be provided in response to those losses. During detailed design and construction, efforts would continue to be made to seek to avoid or further reduce the impacts of the scheme. As a consequence the ancient woodland losses currently reported should be considered a worst case figure which may be improved upon during the detailed design of the Scheme. The strategy 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.

5. The Promoter has published its methodology for the translocation of ancient woodland soils as an appendix to the Ancient Woodland Strategy. Detailed assessment of the soil conditions at the ancient woodland sites and the associated proposed donor sites for ancient woodland soils have not been undertaken to date. The proposed soil translocation donor sites are, therefore, subject to change following detailed surveys of the soils compatibility with those to be translocated from the ancient woodlands.

Barhill Wood

6. As set out in paragraph 2.1.27 of Volume 2, Community Area 4 Report: Whitmore Heath to Madeley of the ES, the proposed introduction of a retaining wall at the southern porous portal of Madeley tunnel and associated modification to Madeley

cutting would reduce the area of land required within Barhill Wood from 0.5ha to 0.2ha (see Volume 2: Map CT06-233, E6 to D5).

7. The Volume 2, Community Area 4 Report: Whitmore Heath to Madeley also states that:

'8.4.37 approximately 3.9ha of woodland planting will be provided to the south-west of Madeley cutting, directly adjacent to Barhill Wood. This woodland will partly compensate for the loss of approximately 0.2ha of ancient woodland at Barhill Wood as well as loss of other non-ancient woodland in the vicinity'

8. Please see the Promoter's response to paragraphs 2.35 - 2.37 of the Petition on detailed design.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.47

ISSUE RAISED: Irreplaceable habitats: veteran trees

PETITION PARAGRAPH: 2.47 Veteran trees have not been identified in all areas that may be affected. There is no map to indicate the locations of those so far surveyed. Many are predicted to be lost through temporary work or features that could be relocated. More must be done to avoid these impacts as part of the impact assessment process. We request stronger wording is included in the forthcoming Veteran tree report, regarding protection of veteran trees in relation to temporary impacts in accordance with the NPPF so that it is clear to all that there will be no loss of veteran trees unless it can be demonstrated that it is not technically feasible to retain these without unreasonable cost or other impact.

PROMOTER'S RESPONSE:

Ancient and veteran trees

1. The Environmental Statement (ES) details ancient and veteran trees that may be impacted as a result of the Proposed Scheme. For this project, the broader definition of such a tree is taken from Annex 2 of the National Planning Policy Framework: 'A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally'.
2. Significant impacts to ancient or veteran trees are reported in the relevant Community Area reports, in Volume 2, of the ES. The Promoter acknowledges that ancient and veteran trees are 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. The ES assumes on a precautionary basis that all trees within the construction footprint would be lost unless they are located within an area required for mitigation planting.
3. The Promoter has engaged with the Petitioner on the impacts on veteran trees. In the instance where it is not reasonably practicable to retain an ancient or veteran

tree, the tree would be soft felled and sections placed within retained habitats to provide a continued deadwood resource (important for invertebrate and amphibian/reptile communities).

Assurances given concerning veteran trees

4. In respect of trees in Staffordshire, the Promoter has offered the following assurance to Staffordshire County Council on 8 May 2018:

‘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.’

5. The Promoter has also 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: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.48, 2.49

ISSUE RAISED: Other irreplaceable habitats

PETITION PARAGRAPH:

2.48 Inland saltmarsh at Lionlodge Covert LWS is an irreplaceable habitat due to its unique hydrology that would be very difficult to replicate. The location and extent of all types of irreplaceable habitats impacted by the proposed scheme have not been identified. Ancient hedgerows with distinctive character/ structure such as historic hedge-banked sunken lanes should be considered irreplaceable within a human lifetime. Some grasslands and wetlands that have established over long time periods due to particular soil and hydrology or management could also be irreplaceable.

2.49 SWT request that the Promoters as soon as possible assess, identify and map all irreplaceable habitats and Annex 1 habitats likely to be impacted by the proposed scheme, and propose specific avoidance and compensation measures. It would be beneficial to include all other irreplaceable habitats in one strategy.

PROMOTER'S RESPONSE:

1. Please see the Promoter's response to paragraph 2.28 of the Petition, regarding the inland saltmarsh at Lionlodge Covert Local Wildlife Site (LWS). At present, habitat assessed as irreplaceable includes ancient woodland only.
2. The Promoter has provided an assessment and mapping of habitats with the potential to be impacted by the Proposed Scheme in Volume 2 and the Volume 5 appendices of the Environmental Statement. It has in addition published the Ancient Woodland Strategy which outlines the losses and associated compensation measures for each instance of loss of this irreplaceable habitat.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.50, 2.51

ISSUE RAISED: Annex 1 habitats

PETITION PARAGRAPH: 2.50 Inland salt meadow at Lionlodge Covert is a habitat listed under Annex 1 of the EU's Habitats Directive (1992). It is not clear whether any other habitats present within the land required for construction of the scheme may be Annex 1 habitats. Wet meadows at Lount Farm LWS and at Highlow Meadows LWS qualify as '6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)'. There are several other diverse habitats within LWS and discovered through surveys for the ES that could be important under Annex 1.

2.51 SWT request that the Promoters as soon as possible assess, identify and map all Annex 1 habitats likely to be impacted by the proposed scheme, and ensure that appropriate avoidance, mitigation and compensation are included in the scheme design.

PROMOTER'S RESPONSE:

1. Please see the Promoter's response to paragraphs 2.23, 2.28 and 2.35 – 2.37 of the Petition respectively.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.52

ISSUE RAISED: Green bridges

PETITION PARAGRAPH: 2.52 We request that the Promoters commit to designing green bridges in line with standards in the Natural England and the Landscape Institute (Technical Guidance Note 09/2015 December 2015), and consider further green bridges where there are significant bat populations or further survey information demonstrates a clear requirement

PROMOTER'S RESPONSE:

1. A number of green bridges are included on a precautionary basis in the design of the Proposed Scheme. These would further facilitate the movement of wildlife across the Proposed Scheme. In HS2 Phase 2A Information Paper E2: Ecology, outlines the various types of green bridge design, categorised depending on their principal purpose. All green bridges along the Proposed Scheme are Type 2 green bridges: proposed for important populations of scarce bat species (other than Bechstein's bats) and high value assemblages of bats. The design of each green bridge is dependent upon the requirements of the target species, and once these have been identified the detail of habitats and vegetation can be incorporated into the design.

2. For Type 2 green bridges this design would incorporate a minimum vegetated width of 12m across the centre of the bridge containing a wide double hedgerow and grassland strips. The Promoter's requirements list the Landscape Institute guidance note as a key source of information when undertaking detailed design of each bridge.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.53

ISSUE RAISED: Stone Infrastructure Maintenance Base — Rail (IMB-R)

PETITION PARAGRAPH: 2.53 It is clear that alongside the significant impacts proposed by the IMB-R at Stone, there are other permitted and planned developments, flood management issues, transport issues and aspirations for green infrastructure in the wider Stone/ Yarnfield area. This means there are a great many pressures and potential conflicting needs in this area, as well as huge opportunities to co-ordinate beneficial design to achieve net enhancements. We request that the Promoters set up a specific board to bring together relevant stakeholders to prepare a strategy for mitigation and enhancement that balances multiple needs and maximise opportunities to deliver the 'green corridor' aspirations around the route.

PROMOTER'S RESPONSE:

1. HS2 Phase 2A Information Paper D1: Design, explains how engagement with planning authorities is critical to the design development process, and would continue as the process moves forward, with the Promoter engaging on detailed design.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.54

ISSUE RAISED: Species issues: bats

PETITION PARAGRAPH: 2.54 There are several bat assemblages identified of county and regional value that the route will disrupt. There does not appear to be sufficient mitigation proposed for a number of these, in terms of structures to either enable safe crossing or dissuade bats from crossing, as well as insufficient compensatory planting, that may not reach maturity soon enough to effectively reduce construction impacts.

PROMOTER'S RESPONSE:

1. As outlined in HS2 Phase 2A Information Paper E2: Ecology, the nominated undertaker would ensure compliance with the relevant statutory provisions in respect of areas of nature conservation interest and of protected species, including, protected bat species. Relevant provisions include the Wildlife and Countryside Act 1981; the Conservation of Habitats and Species Regulations 2017; Countryside and Rights of Way Act 2000; and Protection of Badgers Act 1992. In all locations where significant effects on protected species are identified, details would be discussed with Natural England and licences would be obtained in compliance with legal requirements (fully supported by the required survey work).

2. Mitigation and compensation to address effects on legally protected species would, where appropriate, include translocation of species, the provision of replacement habitat and provision of special measures such as underpasses and green bridges to facilitate the movement of species across the route where justified. These measures are described in Section 8 of the Community Area Reports, in Volume 2, of the Environmental Statement (ES).

3. Formal applications for derogation and mitigation licences for protected species would be made after Royal Assent and are likely to be accompanied by updated baseline surveys. Licence applications would need to demonstrate, amongst other things, that the proposed mitigation measures are sufficient for the purpose of maintaining the populations of species affected. An appropriate monitoring programme would form part of the licence agreement.

Bats

4. Twelve of the UK's seventeen resident bat species have been recorded along the route of the Proposed Scheme. Surveys have been undertaken to identify roosts that may be lost and significant flight corridors that may be severed. The Proposed Scheme has assessed effects on these features during both construction and operation and includes sufficient mitigation measures to ensure that all populations of bats would be maintained. Where required, licences would be obtained from Natural England prior to works being undertaken.

5. Compensatory habitat, to address impacts on bats, would be provided in accordance with the ecological principles of mitigation identified in the Scope and Methodology Report (SMR) Addendum, Volume 5, of the ES. The Promoter would, where it is reasonably practicable to do so, reduce effects through implementing replacement habitat creation/restoration early in the project programme, in order to reduce the duration and scale of habitat fragmentation/severance effects.

6. Natural England have reviewed the proposals with regard to European Protected Species and have provided a Letter of No Impediment confirming that they currently see no impediment to granting the necessary species mitigation licences for bats.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.55, 2.56

ISSUE RAISED: Species issues: priority birds

PETITION PARAGRAPH: 2.55 Many impacts to birds, especially farmland and wetland bird assemblages, are not specifically mitigated. Temporary habitat loss and disruption of breeding and wintering activity is of particular concern. Over the whole scheme, impacts to birds will be more significant than the individual value of each assemblage. Mitigation proposed for Barn Owl in various locations is not in line with the emerging Phase 1 Barn Owl strategy, where measures will be required over 3km from the line to counteract collision mortality

2.56 We request that mitigation for birds, as they are mobile and have varying needs throughout the year, is brought together in a Priority Birds Mitigation Strategy, showing how temporary and permanent habitat will conserve and enhance populations. A Barn Owl Mitigation Strategy similar to that being prepared for Phase 1 should also be produced.

PROMOTER'S RESPONSE:

Breeding birds

1. There would be loss of bird habitats and disturbance to birds in nearby habitats during construction of the Proposed Scheme. However, habitats would be reinstated after construction and these effects would normally be temporary. During operation, noise made by passing trains has the potential to disturb birds within habitats close to the railway. However, birds habituate to loud noises that they hear regularly and frequently and hence it is considered that this would not cause significant effects.

2. The Promoter's approach to mitigation for birds is set out in the ecological principles of mitigation identified in the Scope and Methodology Report (SMR) Addendum, Volume 5, of the Environmental Statement (ES).

Barn owl

3. Barn owl would be subject to significant adverse effects during construction due to displacement, the loss of nesting sites in farm buildings and trees, and in some cases loss of foraging habitat. There are also likely to be operational effects, resulting in mortality, because barn owls hunt low over the rough grassland habitats that are associated with railway embankments and are slow moving, and therefore, subject to likely collision with high speed trains. Overall, on a precautionary basis, there may be loss of up to 10 potential barn owl nest site territories due to these combined effects, which is equivalent to 0.3% of the UK population.

4. To offset these losses, opportunities to provide barn owl nesting boxes and foraging habitat in areas greater than 3 km from the route would be explored with local landowners. As the availability of suitable nest sites is a factor that limits barn owl populations, these measures are likely to increase the numbers of barn owls within the wider landscape, thus offsetting the adverse effect. If the proposed mitigation measures for barn owl are implemented through liaison with landowners, the residual effect on barn owl would be reduced to a level that is not significant. A Barn Owl Action Plan would be prepared to identify the measures that can be implemented to offset the effects.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Staffordshire Wildlife Trust

PETITION NO: HS2-P2A-000091

PARAGRAPH NO: 2.57, 2.58

ISSUE RAISED: Off-line habitat mitigation/compensation

PETITION PARAGRAPH: 2.57 We recognise the huge impact of the proposed scheme on landowners, including loss of agricultural land to form ecological mitigation areas. We support the level of mitigation necessary to reach no net biodiversity loss, and provision of this near to the point of impact, where this is necessary and provides the best results for wildlife. However, the long-term viability and management of new habitats need to be considered, as well as potential opportunities to enhance and link habitats further from the rail corridor. Therefore offering the opportunity to provide habitat to other landowners at a reasonable distance from the scheme, would be more flexible, fairer, and allow landowners' needs to be better considered. A wider approach has already been used by HS2 within larger landholdings such as the Swynnerton and Whitmore estates, where many habitat mitigation areas some distance from the line have been included within the Bill limits. However, this is not the case along the whole line, due, we presume, to the lack of time within the Bill process to engage with many smaller landowners before the Bill was submitted.

2.58 We request that HS2 work with stakeholders to develop a mechanism whereby the delivery of required habitat units, which are not constrained by location, is offered to other landowners within a reasonable distance e.g. 1 km from the route. This could be via inclusion in the Bill limits through Additional Provisions, or through legal agreements as potential alternative sites where these are more effective than those secured through compulsory purchase

PROMOTER'S RESPONSE:

1. 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.

2. The Promoter considers that habitat creation and landscape planting measures set out in the Environmental Statement extend far enough to maintain habitat connectivity and no further habitats outside the Bill limits would be required.

3. If the Petitioner has proposals for mitigation outside of Bill limits, the Promoter would be willing to consider these on a case-by-case basis.

Kate Dewy

By email only to k.dewey@staffs-wildlife.org.uk

6 July 2018

Dear Kate

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:
PETITION HS2-P2A-000091 – STAFFORDSHIRE WILDLIFE TRUST ("SWT")**

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 SWT 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 understand you met with my colleagues on 29 June to discuss your petition issues. Following that meeting I am writing to clarify our position in relation to the issues you raised and the measures identified to address your concerns:

1. Local Wildlife Sites: Designation, Mapping and Adequacy of the Environmental Statement
2. Local Wildlife Site: Lion Lodge Covert
3. Local Wildlife Site: Lount Farm
4. Other Local Wildlife Sites discussed with SWT
5. Veteran Trees

1. Local Wildlife Sites and Adequacy of the Environmental Statement

In its petition and in discussion with us, SWT has raised concern over the potential value of existing wildlife sites, where these have not been surveyed in some time or are due to be designated. The Promoter contends that the Environmental Statement (ES) is a robust assessment of affected sites. The ecological impact assessment has taken account of guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM) and considers all ecological receptors which have the potential to be affected by the construction and/or operation of the Proposed Scheme. Baseline and ecological assessments have taken account of both desk based and field surveys, with surveys conducted ranging widely based on the species or habitat involved. Should new data from further baseline ecology surveys or revised formal designations arise, these would be reported and assessed where appropriate in a Supplementary Environmental Statement provided they were identified within the relevant survey period.

As explained in the Promoter's Response Document, it is not possible to gain access to every survey site. However where baseline information is incomplete a precautionary approach to valuation has been used for these instances, to ensure that all likely impacts of the Proposed Scheme have been identified and adequate ecological mitigation is provided.

SWT have expressed concern that all potential Local Wildlife Sites (LWS) are designated in order for the first step of the mitigation hierarchy (avoidance) to be adequately considered and that the project may require further land to be taken in order to provide adequate environmental mitigation. The Promoter does not accept this is the case and contends that the precautionary approach means powers for sufficient mitigation have been included within the Bill (and the subsequent Additional Provision).

2. Local Wildlife Site: Lion Lodge Covert

The Promoter acknowledges that, according to the ecological assessment set out in the ES, there will be a residual effect due to the loss of 1.5ha of inland saltmarsh habitat at Lionlodge Covert LWS. SWT have suggested that they would like to see a bespoke solution proposed in order to compensate for the loss of this habitat. The Promoter agrees that an appropriate solution must be explored; we have been engaging with SWT to seek to identify off-site enhancement measures to compensate for the loss of this saltmarsh. We would like to continue this engagement to the mutual benefit of both parties. I am therefore pleased to offer SWT the following assurance:

“The Promoter will require the nominated undertaker consult with Staffordshire Wildlife Trust with a view to identifying off-site enhancement measures to compensate for the permanent loss of 1.5ha of inland saltmarsh habitat at Lionlodge Covert LWS as identified in the Environmental Statement accompanying the Bill.”

In this assurance, “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.

SWT have also requested that the Great Haywood Viaduct be extended in order to provide the opportunity for potential restoration of the saltmarsh habitat. SWT accepts the view of the Promoter that construction of a viaduct rather than an embankment would not significantly reduce the environmental impact at the saltmarsh and acknowledges that attempts to recreate a saltmarsh post-construction would be somewhat experimental and perhaps not sure of success.

The Promoter considers that the Great Haywood Viaduct would need to be extended by 590 metres in order to avoid the Lion Lodge saltmarsh. A single viaduct option would not be feasible, requiring a small central embankment to be retained in order to support two, shorter-span viaducts. This has an indicative cost of £10.5m. It is considered that this could also require piling in close proximity to the Tixall Fault and saline spring and that further vehicle movements may be required for off-site disposal of material as it will not be used for the proposed embankment. Taking these factors into account, the Promoter does not consider that the extension of the viaduct would be a proportionate response to

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

this concern and has proposed to consider opportunities of offsite compensation in order to reduce the reported effects.

3. Local Wildlife Site: Lount Farm

SWT have requested that the Promoter consider the feasibility of extending the Moreton Brook Viaduct in order to avoid the impacts on Lount Farm LWS, by replacing the embankment included on the Proposed Scheme. While SWT accepts that this may not reduce the significant environmental impacts at this site, you have suggested this could facilitate habitat replacement in situ at the existing LWS.

As set out in the Promoter's Response Document in relation to Lount Farm, the extension of the Moreton Brook Viaduct would not significantly reduce the reported environmental impacts. The Promoter considers this would require a lengthening of the viaduct by 695 metres and could cost £24m. As with a potential viaduct extension at Lionlodge Covert, this would be likely to require further vehicle movements on the local road network for disposal of material. The Promoter is also concerned that the low clearance at this location would make it difficult to access for maintenance purposes and introduces the risk of a bridge strike.

4. Other Local Wildlife Sites discussed with SWT

SWT have raised concerns over the reported construction impacts at a number of LWS in Staffordshire. As was outlined in the Promoter's Response Document, the ES is a reasonable worst-case assessment of predicted impacts and the assessment is based on a number of assumptions about design and construction practices. As set out in HS2 Phase 2a Information Paper E1: Control of Environmental Impacts, the Environmental Minimum Requirements (EMRs) will, among other things, require that "the nominated undertaker 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". Please see the Information Paper for further detail on these controls.

Specific queries raised by SWT are addressed below:

Finners Hill Hedgerows BAS

SWT have asked whether an alternative access could be provided in order to avoid the use of Newlands Lane and reduce the impact on the Finn timers Hill Hedgerow. The Promoter can confirm that the hedgerow is within the land required to construct the Stockwell Heath embankment and is thus assumed to be lost when the embankment is constructed. As set out above, this impact may be reduced in line with HS2 Phase 2a Information Paper E1: Control of Environmental Impacts and the draft Code of Construction Practice. Where practicable this hedgerow is proposed to be translocated to the nearest suitable habitat creation area. As reported in the Community Area Report 1, Volume 2 of the ES, reinstatement of existing hedgerows in this area is expected to provide approximately 28.8km of hedgerow in addition to the mitigation described.

Clifford's Wood SBI and AWI

SWT has enquired whether a green underbridge would be included at this location. I can confirm that the Swynnerton Estate South underbridge within Lodge Covert, design requirements are specified to provide space sufficient space for the passage of wildlife, including bats. Planting at either end of the underbridge, connected to both retained and newly created habitats either side of the Proposed Scheme, would guide species through it. As reported in the ES, following implementation the adverse

effect on the bat assemblage between Lodge Covert and Birchwood would be reduced to a level which is not significant.

Pipe Wood SBI and AWI

SWT have asked the Promoter to consider the greening of the diversion for footpath 38, near Pipe Wood, in order to allow for the movement of bats. As set out in the Promoter's Response Document, the requirement for a green bridge is not currently supported by the survey data gathered to date, or the assessment of the impacts of habitat fragmentation in this area. It is thought to be more likely that bats travel east from Pipe Wood, away from the Proposed Scheme, towards other large woodland blocks and river valley habitats. The Promoter can confirm that further bat surveys are planned for this area to further our understanding of how the area is utilised by bats.

Bishton (north of) BAS

SWT have asked whether an alternative route can be provided which avoids the loss of hedgerows. As explained to Staffordshire County Council, there are a lack of suitable roads to get access to this remote part of the route, the Promoter believes that it is appropriate at this stage of development of the scheme to seek sufficient powers in the Bill to ensure that construction and any operational maintenance works can be undertaken in this area. However the Promoter recognises the value of the hedgerows in this area and has already given the following assurance to Staffordshire County Council on 8 May 2018:

"14.(a) The Promoter will require the nominated undertaker to explore during detailed design of the Proposed Scheme and, if reasonably practicable, implement options for alternative traffic management measures which could be carried out within the existing highway boundary on Bishton Lane instead of the Bishton Lane Widening Works in order to seek to avoid or reduce the need for the Bishton Lane Widening Works and the associated permanent loss of approximately 3km of native species-rich hedgerows reported in paragraph 8.4.16 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement. As part of this the nominated undertaker will have regard to the volume of HS2 traffic proposed to use Bishton Lane during the construction and operation of the Proposed Scheme.

In this assurance: "Bishton Lane Widening Works" means the widening of a 1.5km section of Bishton Lane to 3.5m in width, with provision of passing bays, from The Hollies to Colwich Bridleway 23, with replacement hedgerow planting on both sides of Bishton Lane as set out in paragraph 2.2.11 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement."

Poolhouse Wood SBI

SWT have requested that specific plans for wet woodland mitigation are included in the Promoter's woodland mitigation, reflecting the wet woodland which will be lost at Pool House wood. As set out in the Promoter's Response Document, in accordance with the Ecological Principles of Mitigation in the Scope Methodology Report Addendum a route-wide, integrated strategic approach has been developed to compensate for loss of woodland. The suitability and provision of wet woodland would be considered as part of the detailed design stage on a site specific basis, and detailed within the Ecological Management Plans.

5. Veteran Trees

In relation to impacts on veteran trees, the Promoter refers SWT to the response given in the Promoter's Response Document, which references the assurances given to Staffordshire County Council on this issue. The Promoter understands this issue will be addressed by the Woodland Trust when they appear before the Select Committee.

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, 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

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/>