

PETITION AGAINST A PRIVATE BILL:

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against – on merits – Praying to be heard by Counsel, with dedication.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of the ADELAIDE NATURE RESERVE ASSOCIATION SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Head house in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”

2. The Bill is presented by Mr Secretary McLoughlin, supported by the Prime Minister, the Deputy Prime Minister, The Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill. .

3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.

5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer

schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.

6. The works proposed to be authorised by the Bill are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.

7. Your Petitioners are a dedicated group named as the ADELAIDE NATURE RESERVE ASSOCIATION (hereby cited as ANRA) for ADELAIDE LOCAL NATURE RESERVE who manage this important local nature reserve located off Adelaide Road (B509) in Camden NW3 as shown on HS2 map CT-06-005. We manage it in collaboration with LB Camden Council. We, as a group, consist of Scientists, Conservation Specialists and keen Volunteers.

We also wish to highlight the Adelaide Private Nature Reserve (this is the area of woodland adjacent to the Local Nature Reserve where the escape shaft is located. See our comments later in section 10 of this petition.

We are very concerned about the destructive impact on this special nature reserve, which serves Science, Conservation, Community, Health and Teaching for school projects, of the HS2 Adelaide Road Vent Shaft and Head house shown in HS2s aforementioned map and in Camden Councils petition points 55 - 59.

Adelaide Local Nature Reserve has been a local nature reserve since 1984. ANRA was co-founded by Ursula Granville and there is a plaque to commemorate her. The land is owned by Network Rail, who lease it to the London Borough of Camden for use as a nature reserve. As sated above, we manage it in collaboration with Camden Council. Our concerns focus on the impact of the escape shaft on the nature reserve, Network Rail's broken promises to us and the nature of any mitigation to compensate for the damage which will inevitably occur to the site and its biodiversity. The Vent Shaft and Head house proposed by HS2 tunnel into an area immediately east and adjacent to the Adelaide Local Nature Reserve known as the Private Nature Reserve maintained by Network Rail as a Nature Area are very concerning. This private Nature Area directly affects the Conservation area of ANRA.

It is important to note that this is a Local Nature Reserve and is thus protected by Natural England which is an important recognition of both its ecological value and value to the local community. ANRA's work is in scientific nature conservation work.

Furthermore, we engage in public events in the reserve, which are organised to

mobilise the local community. We work with the local authority London Borough of Camden and other nature conservation groups, groups that focus on health, for instance with the NHS via the Conservation Volunteers (TCV) and Green Gym who promote healthy outdoor pursuits, education, enhancing the value of conservation work especially for school children and helping those out of work who want to accomplish a good goal.

We will outline further our concerns in section 9 and 10 of this petition.

8. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9. ANRA is very concerned about a number of features of the proposed Adelaide Road vent shaft project and the failures in the consultation process that have occurred. Many of our comments are prompted in response to the HS2 Phase One Environmental Statement documents which we found very disappointing.

- We, as ANRA, are aware that the Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably lead to severe destruction of the Scientific Biodiversity and community enhancement at this site.
- We know that Rail track/Network Rail have in the past expressed a commitment to preserving wildlife. In their statement on "Wild Line sides" with the London Wildlife Trust published in 1998 they say "London's railways are an important part of our natural heritage, and support animals and plants that have adapted to an urban environment. In our Capital, where increasing pressure is being placed to develop the natural environment, so we must protect these wild spaces for the future. Railway line sides are and should continue to be fundamental contributors to biodiversity in London. A London rich in wildlife is a city healthy for people." This is an impressive commitment and we would have hoped that they would have kept it in mind with respect to their proposed developments at both Adelaide Local Nature Reserve and Adelaide Private Nature Reserve (this is the area of woodland adjacent to the LNR where the escape shaft is to be located). We highlight this area as a defining area which directly affects Adelaide Local Nature Reserve. The green corridor of the private reserve allows more flora and fauna to flourish. Adelaide Nature Reserve Association is concerned that Network Rail have not completed the promised ecological surveys (which they assured us they were going to support, even introducing us to the surveyors to be involved) and are thus ignorant of the sites rich biodiversity. The site's biodiversity acts as a reservoir for local wildlife that benefits neighbouring gardens and is itself an important amenity. We must insist that the promised ecological surveys

must be completed before any further progress on the escape shaft can be considered.

- In a scientific and conservation view we also feel our concerns relate to the impact on the sensitive and scarce ecosystem in the Local Nature Reserve area. This is predominantly semi-improved natural, mature grassland which cannot ever be replaced, the wildlife feeding and nesting from these diverse flora and fauna species. This habitat is scarce in an urban area such as Camden. We have been regularly surveying the wildlife here for over 30 years and know how valuable and rare many of the species found here are. We have recorded: 156 wild flower species; over 30 tree and shrub species, over 160 invertebrate species including the UK rarity *Oxythyrea funesta*, two red data book species* (see below) and several Nationally Scarce category A and B species, 23 spider species, 37 bird species, around 40 gall and leaf mine species, 14 pond invertebrate species, Common newts and frogs. Soprano pipistrelle bats are seen circling and feeding over the site regularly.
- "With regard to red data book species please refer to the IUCN Red data book Species - Publications - Species Status Assessment project. In the Species Status Assessment project assigned for International Conservation Status as to our flora and fauna using the internationally approved International Union for Conservation of Nature known as the IUCN Red Data Book criteria and categories. These reviews were published in a series entitled *Species Status*. Some reviews had detailed data sheets, giving biological and other information relevant for conserving each species (for example, the *Diptera* reviews, *Species Status* numbers 2 and 3), while others listed the new conservation status assigned to each species. These reviews were published in a series entitled *Species Status*. Obviously this is concerning to a great deal, as we have endangered Red Book species on ANRA.
- Adelaide Nature Reserve Association is very concerned that Network Rail have not completed the promised ecological surveys, which they assured us they were going to support, even introducing us to the surveyors to be involved. However, we did not hear back from the said surveyors after numerous attempts to contact them. Therefore, HS2 remain substantially ignorant of this site's rich biodiversity. The site's rich biodiversity acts as a reservoir for local wildlife that benefits neighbouring gardens and is, together with the Adelaide Private Nature Reserve, is itself an important amenity. We must insist that the promised ecological surveys be completed before any further progress on the escape shaft can be considered.
- Our knowledge of the sites biodiversity reflects the hard work carried out by the scientists, biologists, schools and volunteers and community that has gone into protecting and developing this precious site over many decades. Our fear is that insensitive activities during construction and subsequent

operation of the shaft will damage this rich biodiversity and we are urging Network Rail to be more minded of their responsibilities here.

- We ask that the building site for the vent shaft to be smaller, as it was intended to support the building of the 'link line' as well as the vent shaft. Hence, a smaller site for the vent shaft only, not the previous link which has been scrapped, with minimal disruption and all building materials to be brought on site and off, debris as well, by rail, not road. See section 10 for further details.

10.

- Adelaide Nature Reserve Association is concerned that the original suggestion that was made to us - that the generated spoil would be moved by rail, either above ground or in the constructed tunnel - has now been replaced by a proposal to remove it by road. The amount of traffic this will generate, apart from its negative impact on the local community, will impose a great stress on the sensitive wildlife in the reserve in terms of noise, vibration and dust generation. The construction work will also generate much noise, vibration and dust all of which are very damaging to wildlife. Light pollution at night will disturb the bats that feed over the reserve. We recognise that this is inevitable but we seek reassurances that disturbance will be kept to a minimum and that this disturbance is taken into account when considering mitigation.
- We are concerned about access to the site during construction. Will the present gate into the reserve be maintained? Network Rail have incorrectly referred to the site only being used on Sundays. It is fully open to the public on both Saturday and Sunday and is also used daily during the week by various groups such as schools, the Forest Schools project and conservation volunteers from Green Gym, as stated, an NHS and Nature Conservation initiative to promote healthy living through conservation work combined with exercise. This health promoting activity will be threatened and there will be an overall loss of amenity. Volunteers from the Friends group Adelaide Nature Reserve Association and other groups very regularly work on the site during the week, conducting conservation work and wildlife. We must insist that Network Rail make a commitment to ensuring our access to the LNR so that vital work can be continued to ensure its wildlife value and so that the public can continue to enjoy it.
- The appearance of the shaft overshadowing the Local Nature Reserve itself will be a loss of amenity as it will spoil the view into the Private Nature Reserve woodlands.
- Adelaide Nature Reserve Association is, as stated, concerned about the damage to the Private Nature Reserve area where the shaft will be located,

most of which is going to be destroyed with its considerable content of trees and shrubs. This has been a tranquil untouched wildlife haven for many years and must make an important contribution to the green corridor along this stretch of railway. The contribution of railways to promoting green corridors is well understood. The illustrations in document LV-01-102 suggest minimal planting of small replacement trees. Adelaide Nature Reserve Association insists that Network Rail commit to ensuring that mature or semi-mature trees be planted here (and subsequently maintained) to ensure the fastest possible reestablishment of mature woodland. This will help minimise the ecological damage. Adelaide Nature Reserve Association also insists that the original commitment by Network Rail to ensuring access to the Private Nature Reserve area from the Local Nature Reserve should be ensured with works to ensure access safety. This should be part of mitigation.

- We are dismayed that the original commitment to incorporate ecological features into the design of the above ground escape shaft building (green roof and walls, possibly swift boxes) has been abandoned. This would be an opportunity to provide some useful mitigation that would not only support ecological recovery but add to the shaft's visual appeal and we must insist that this commitment should be restored. It would also reduce the threat from graffiti which is substantial in this area and a problem in the Local Nature Reserve over many years which would likely spread rapidly to the shaft, being an inviting structure for graffiti artists.
- Documents produced by Network Rail contradict themselves when referring to the time that the disturbance from the construction of the shaft will take with references to both one year and three months and three months elsewhere. This confusion does not inspire confidence in the planning. We must insist on clear timetables so that we can plan ahead.
- Network Rail document CT-06-004b refers to ecological enhancements and grassland habitat creation in the Local Nature Reserve area. This is the only place in which there is reference to any degree of mitigation and this is most inadequate and unclear. We require explanation of what is meant by this and why is it not explained elsewhere? Mature grassland such as this is not readily replaceable. We trust that this is not an implication that the grassland in the Local Nature Reserve will be damaged during shaft construction. Adelaide Nature Reserve Association must insist that Network Rail provide assurances that the mature, irreplaceable grassland in the Adelaide LNR will not be intruded upon or damaged during the construction of the escape shaft, prior, during after this proposed work.
- Adelaide Nature Reserve Association is extremely concerned that map CT-05-004b shows the Local Nature Reserve area as marked as land potentially required during construction. If this were to occur this would be an ecological disaster and would be vigorously opposed and resisted by

Adelaide Nature Reserve Association and very many other people and organisations committed to protecting urban wildlife. We look forward to the earliest possible assurance from Network Rail that this will not occur.

- ANRA strongly support the Camden Council Petition with regard to this area:

Adelaide Road Ventilation Shaft: See LB Camden Councils Petition pages 20 - 21, points 55 - 59, as quoted below:

“Adelaide Road ventilation shaft

55. Your Petitioners have several concerns about the proposals for the Adelaide Road ventilation shaft. The proposed location of the shaft is adjacent to Adelaide Road, a vital thoroughfare providing access between Swiss Cottage and Camden Town and it would be adjacent to the Adelaide Road Local Nature Reserve, which is a considerable community resource and it would also impact on the setting of the Eton and the Primrose Hill Conservation Areas.

56. The construction of the Adelaide Road shaft will cause major disruption to residents, businesses and visitors to the Borough in terms of noise, access and other construction issues and its location will have a significant adverse impact on the adjoining open space including the local nature reserve. According to the ES, the construction period will be longer than five years, in two phases, with significant noise and visual effects lasting one year and three months. The main construction compound is estimated to generate typically more than one hundred daily two way vehicle movements.

57. The ES suggests that Adelaide Road will need to be closed fully for a period of approximately four months during construction of the shaft, during which all traffic, including buses, and presumably local residents including those who live on Adelaide Road itself, will be diverted along England's Lane and Haverstock Hill. Any such closure (in whole or part) and diversion will cause great inconvenience to those who live in, use and access the area (including emergency vehicles), especially those with mobility impairments, and it will result in severe congestion in the surrounding area and use of inappropriate roads in residential areas and near schools, by vehicular traffic and construction vehicles. Your Petitioners are not convinced that the Promoters have considered every alternative properly and request your honourable House to require more suitable arrangements to minimise the need for highways closures and diversions, minimise disruption from activity associated with construction (including utilities works) and ensure that any diverted traffic avoid unsuitable roads having sufficient regard to Camden's Network Management Plan and the amenities of the area, particularly considering the needs of residents, businesses and services, pedestrians and cyclists. Displaced resident parking should be replaced in a convenient location.

58. The proposals will cause major detrimental disruption to the open space including the nature reserve and its woodland, semi-improved neutral grassland, hedgerow, scrub and pond habitats. In turn, this will result in loss of amenity for user groups including Forest School Groups and the local Green Gym. The temporary and permanent loss of some of the land, combined with greater levels of enclosure and the impact of the presence and appearance of the shaft structure will have a severe effect on the ecology of the site and will diminish the amenity value of the reserve. There are also concerns that the location and construction proposals for this vent shaft would threaten local regeneration proposals for a site immediately adjoining the Local Nature Reserve, and your Petitioners are concerned about the lack of consideration that has been given to the cumulative effects of that proposed development and the shaft.

59. Your Petitioners consider that in order to avoid many of the issues mentioned above, the promoters should be required by your honourable House to provide an undertaking to your Petitioners securing specific covenants that ensure construction impacts, including those on the Adelaide Road Local Nature Reserve, are minimised throughout construction and that road closures are avoided, and that funding is secured for ecological improvements, including replacement of trees and enlarging the existing local nature reserve using remaining space on Network Rail land. Your Petitioners would also ask that the Promoters be required to create a bespoke design for the vent shaft, with green walls and sympathetic screening and hoarding that are appropriate to the open space and nature reserve setting.”

- Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. And they need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

11. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS, ANRA, therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they

may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

Your Petitioners will ever pray that your honourable House support our grave concerns and opposition to HS2s lack of clarity, an inadequate Environmental Impact Assessment of Adelaide Road Nature Reserve and seek answers to all of the above.

We must insist that no work shall be carried out until all of the above concerns are formally addressed.

We thank your Honourable House for hearing our vital concerns which we trust you will address in good faith.

Signed :

David Lawrence, Chair ANRA, B.Sc. Biology UCL. FIBD Fellow of the Institute of Brewing and Distilling.

IN PARLIAMENT

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HIGH SPEED RAIL LONDON - WEST MIDLANDS

ADELAIDE LOCAL NATURE RESERVE ASSOCIATION