

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-2014

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against the Bill – On Merits - Praying to be heard by counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF THE ROYAL SOCIETY OF WILDLIFE
TRUSTS

SHEWETH as follows:-

1. A Bill (hereinafter called "the Bill") has been introduced into and is now pending in your honourable House intituled "A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre 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, Mr 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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.

7. Your Petitioners are the Royal Society of Wildlife Trusts which was established in 2004, having originally been established in 1912 as the Society for the Promotion of Nature Reserves, to promote the conservation and study of nature, the promotion of research into such conservation and to educate the public in understanding and appreciating nature, in the awareness of its value and in the need for conservation. Your Petitioners operate as an umbrella body for the 47 individual Wildlife Trusts, covering the whole of the UK, the Isle of Man and Alderney. Collectively The Wildlife Trusts manage around 2,300 nature reserves, some of which are directly affected by the construction and operation of the railway authorised by the Bill, and have in the region of 800,000 members, some of whom live or work in the area that will be affected by the construction and operation of the railway authorised by the Bill. Your Petitioners have responsibilities over the whole of the UK. The Royal Society of Wildlife Trusts is a member of the HS2 Ecology Technical Group established to provide the means for engagement, consultation and information sharing in order to achieve the best possible outcome for ecology from the high speed rail proposals. The group has met occasionally with representatives of the promoters. The Royal Society of Wildlife Trusts has also been represented at the HS2 Ministerial NGO Roundtable which has met regularly during the preparation of the Bill.

8. Your Petitioners do not object in principle to the decision to construct a high speed rail line from London to the West Midlands. Your Petitioners' interests, and in some cases the property of our members, are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9. Your Petitioners are concerned that the Bill as drafted will not achieve the stated aim of 'no net loss' of biodiversity. Your Petitioners consider that the impacts the proposals would have on biodiversity assets throughout the route are insufficiently mitigated and compensated for, leading to a significant overall reduction in biodiversity value resulting from the proposals. Furthermore, your Petitioners are concerned that the stated aim should be to achieve a 'net gain' for biodiversity, in line with paragraph 10 of the recommendations of the Environmental Audit Select Committee of your honourable House in their recent report on HS2 and the Environment (7th April 2014), through the works undertaken to mitigate and compensate for the impacts of the proposals on wildlife and through inclusion of enhancements for biodiversity. Your Petitioners' aims relating to the conservation of nature are directly affected by the impact, mitigation and compensation associated with the proposals. Your Petitioners request that a clause is added to the Bill requiring a net gain for biodiversity to be secured in perpetuity through the works, mitigation and compensation and appropriate funding is allocated. Your Petitioners request that suitable mitigation and compensation is provided through securing ecological improvements within the existing boundary of the limits of land to be acquired, or by incorporating additional land within the limits of land to be acquired.

10. Your Petitioners share the concerns raised by the Environmental Audit Select Committee of your honourable House in their recent report on HS2 and the Environment (7th April 2014) relating to biodiversity offsetting as set out in paragraphs 13 to 17 in their recommendations. Your Petitioners' aims relating to the conservation of wildlife species and their habitats are directly affected by the approach taken to biodiversity offsetting to secure mitigation and compensation for ecological impacts by the scheme's proponents. In order to meet those concerns, your Petitioners request that provisions are made within the Bill for the Promoters to:

- (a) establish an adequately resourced, publically accountable and independent Biodiversity Group to measure and monitor local and HS2 line-wide biodiversity impacts, mitigation and compensation in accordance with the mitigation hierarchy described in the National Planning Policy Framework, in order to ensure a biodiversity net gain through the adherence to relevant British Standards, Government Standing Guidance, current CIEEM EcIA Guidelines and an independently set and government approved HS2 Biodiversity Offsetting Metric;
- (b) ensure that suitable independent experts are appointed to the Biodiversity Group to advise and approve any ecological impact assessment, the selection of mitigation and compensation measures and subsequent monitoring.
- (c) establish a ring fenced Biodiversity Compensation and Offsetting fund to ensure a biodiversity net gain (as defined within an independently and government approved HS2 Biodiversity Offsetting Metric that is grounded in Defra researched habitat creation and restoration cost analyses) is implemented through the Biodiversity Group.

11. Your Petitioners are concerned that the proposals do not make sufficient provision to ensure that mitigation and compensation measures for ecological impacts are fully secured as currently such measures are subject to considerations including those of cost. Your Petitioners' aims relating to the conservation of wildlife species and their habitats are directly affected by the inadequacies of such measures. Your Petitioners request that the Bill adequately secures mitigation and compensation measures both financially and in perpetuity.

12. Your Petitioners are concerned that the information provided in the Environmental Statement (ES) which was subject to public consultation, a summary of which was presented to Parliament, was inaccurate and insufficient to allow a detailed consideration of impacts including cumulative and temporary impacts. Your Petitioners consider that the ecological baseline information provided within the ES is incomplete, that the approach taken is not precautionary nor consistent with the approaches set out in the *Scope and Methodology Report (SMR) Addendum Report: Ecological Field Survey Methods and Standards*, that the ES confuses mitigation and compensation throughout, which on occasions are double-counted, and that the ES selectively reports from other available information. Your Petitioners are of the view that these deficiencies render the ES unfit for the purpose for which it is intended. Your Petitioners' aims relating to the conservation of nature are directly affected as a result of decisions made on the basis of that information. Your Petitioners believe that further survey work in relation to habitats and species of principal importance and species protected by legislation along the route should be undertaken, with further public consultation. Your Petitioners furthermore believe that the information arising from additional surveys should be considered by Parliament, or the Select Committee, and appropriate modifications to the proposals required.

13. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, and a clause added to the Bill requiring a net gain for biodiversity to be secured, and that the Bill is revised as a result of further ecological investigations, the Bill should not be allowed to pass into law.

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

YOUR PETITIONERS 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 such of the clauses and provisions of the Bill as affect 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 Petitioners in the premises as your Honourable House shall deem meet. AND your Petitioners will ever pray, &c.

Matthew Iain Jackson

Agent for:

The Royal Society of Wildlife Trusts

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BILL

PETITION OF THE ROYAL SOCIETY OF WILDLIFE TRUSTS

AGAINST, By Counsel, &c.

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