

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 WARWICKSHIRE WILDLIFE TRUST

SHEWETH as follows:-

1. A Bill (hereinafter called "the Bill") has been introduced into 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 Handsacre in Staffordshire, with 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 petitioner is Warwickshire Wildlife Trust, which is a local nature conservation charity established in 1970 to further the protection and enhancement of wildlife and wild places and to encourage a greater appreciation of all aspects of the natural environment across Warwickshire, Coventry and Solihull. Your petitioner has over 23,000 members and 1002 volunteers, many of whom live and work in the area that will be affected by the construction and operation of the railway authorised by the Bill. Your petitioner owns or manages 60 nature reserves across the sub-region, totalling over 770 ha, but works beyond these to promote its objectives throughout their area. Your petitioner is a lead partner in three landscape scale nature conservation schemes which aim to restore and create wildlife habitat and promote opportunities for local communities to access wildlife. Two of these projects are within the proposed route to be authorised by the bill. Your petitioner also campaigns to promote and secure positive outcomes for wildlife through the planning system and is recognised by local authorities across that region as a consultee on planning applications, strategic planning documents, and other matters affecting the area in which those whom it represents live.

8. Your petitioner has been actively engaged with HS2 Ltd and their representatives through hosting bi-lateral meetings and attending seven Community Forums to which its interests relate (Community Forum Areas 16-20, 23 and 24). Your petitioner is a member of the route-wide 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 of the Bill. Your petitioner is also represented nationally by the Royal Society of Wildlife Trusts, who have been represented at the HS2 Ministerial NGO Roundtable which has met regularly during the preparation of the Bill.

9. Your Petitioner’s interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Ecological Information

10. Your petitioner is 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 inadequate and insufficient to allow a detailed consideration of impacts on wildlife (including both cumulative and temporary impacts) in Warwickshire, Coventry and Solihull. Your petitioner’s aims relating to the protection and enhancement of wildlife species and habitats are directly affected as a result of decisions made on the basis of that information.

11. Your petitioner seeks assurances from the Government that further survey work in relation to statutory and non-statutory wildlife sites, habitats and species of principal

importance and species protected by legislation will be undertaken along the route with further opportunity for public consultation on the findings. Your petitioner furthermore requests that the information arising from additional surveys and subsequent consultation responses be considered by Parliament, or the select committee, and that appropriate modifications to the proposals be made to address any outstanding ecological matters identified by the findings.

Net Gain for Biodiversity

12. Your petitioner is concerned that the Bill as drafted will not achieve the stated aim of 'no net biodiversity loss' through the works undertaken to mitigate and compensate for the impacts of the proposals on wildlife. Your petitioner believes that there are impacts on important biodiversity assets, as detailed in paragraphs 17, 21 and 23, which have not been effectively addressed in the Environmental Statement but will have significant and lasting effects on wildlife in Warwickshire, Coventry and Solihull. Your petitioner's interests relating to the protection and enhancement of wildlife are directly affected by the current impacts, mitigation and compensation associated with the proposals.

13. Your petitioner requests that further mitigation and compensation measures, in addition to those described in the ES accompanying the bill, are included within the design of the scheme so as to ensure the bill will achieve, as a minimum, its stated aim of 'no net biodiversity loss'. Your petitioner asks that these measures, which are inclusive of, but not exhaustively, paragraphs 18, 19, 20, 22, 24 and 25, be secured 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 and that appropriate funding and resource be allocated to maintain these measures in perpetuity.

14. Moreover, your petitioner strongly supports the Environmental Audit Committee's recommendations that *'the Government should aim higher than simply striving for no net biodiversity loss'*. Your petitioner requests that these recommendations be upheld so that the stated objective is amended to achieve 'a net biodiversity gain' and that additional improvements to biodiversity are sought along the route to align with the Government's own aim to *'improve the quality and increase the value of the natural environment across England'*.

15. Your petitioner requests that the recommendations of the Environmental Audit Committee are upheld in that the Government establishes *'a process to monitor all aspects of the environmental protections needed for HS2 for the 60 years following the start of the construction and operation of the railway, including the biodiversity mitigations, compensations'* and, in addition to this, biodiversity enhancements. This should include the establishment of a publically accountable independent body, comprised of members with sufficient ecological expertise, to manage the process with a remit to advise, monitor, report and enforce against the above amended objective of 'net biodiversity gain'. Your petitioner requests that the Government undertakes detailed costings for overseeing, monitoring and enforcing the environmental protections so that a sufficient fund is ring-fenced to allow the independent body to fulfil their functions.

Ancient Woodland

17. Your petitioner objects to the extent of ancient woodland loss associated with this proposal. Natural England states that ancient woodland is *'an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes'* and describes it as *'a scarce resource, covering only 3% of*

England's land area'. The Environmental Statement Volume 2 Community Forum Area Reports (CFAs 16-20) accompanying the bill identifies eight ancient woodlands (listed in **table.1** below), totalling around 8.1ha, that are directly affected by the construction of the railway in Warwickshire. Woodland planting will not replace ancient woodland habitat and there is insufficient evidence suggesting that translocation of ancient woodland is successful. Any loss of ancient woodland proposed by the scheme will therefore be a significant residual effect on biodiversity which will affect your petitioner's interests relating to the conservation of wildlife species and habitats in their area.

18. Your petitioner requests that additional mitigation is included within the design of the proposed railway to further minimise the loss of ancient woodland habitat from the sites listed in **table.1** below, as a result of the HS2 proposals. Your petitioner asks that this be achieved through modifying the existing route alignment (vertically or horizontally), through the use of bore and/or green tunnels, and through the establishment of protective woodland buffers.

Table.1 Ancient Woodlands in Warwickshire, Coventry and Solihull for which your petitioner is seeking additional mitigation.

| Community Forum Area (CFA) | Ancient Woodland Affected |
|--|----------------------------------|
| CFA 16 Ladbrooke and Southam | Ufton and Long Itchington Wood |
| CFA 17 Offchurch and Cubbington | South Cubbington Wood |
| CFA 18 Stoneleigh, Kenilworth and Burton Green | Crackley Wood North |
| CFA 18 Stoneleigh, Kenilworth and Burton Green | Rough Knowles Wood |
| CFA 18 Stoneleigh, Kenilworth and Burton Green | Broadwells Wood |
| CFA 18 Stoneleigh, Kenilworth and Burton Green | Black Waste Wood |
| CFA 20 Curdworth to Middleton | Sych Wood |
| CFA 20 Curdworth to Middleton | North Wood |

19. As ancient woodland is irreplaceable, there is no compensation possible for the loss of this resource. Your petitioner requests that where ancient woodland loss will occur that, the recommendations of the Environmental Audit Committee are upheld so that ancient woodlands are *'treated separately from the overall biodiversity no net loss calculation'*.

20. Notwithstanding paragraph 19, your petitioner believes that general woodland loss from ancient woodland sites will still need to be factored into the no net loss/ net gain calculations. Your petitioner requests that, where this is applicable, these habitats receive, as stated by the Environmental Audit Committee, *'the maximum score possible on all criteria (distinctiveness, condition and position within ecological networks) to recognise their irreplaceability and to maximise the extent of offsetting provided'*. Your petitioner asks that any woodland creation required through this calculation be used to buffer and extend existing ancient woodlands and provide connective woodland corridors between new and existing woodland sites, working to the Government's stated aim of more, bigger, better and joined spaces for nature.

Local Wildlife Sites

21. Your petitioner is concerned about the extent of impacts the railway, as proposed, will have on Local Wildlife Sites (LWS) in Warwickshire, Coventry and Solihull. LWSs are core areas of nature conservation importance, which underpin local ecological networks and make an important contribution to national and local biodiversity targets for priority habitats and species. The Environmental Statement Volume 2 Community Forum Area

Reports (CFAs 16-20, 23 and 24) identify seventeen of the eighteen LWS affected by the construction and operation of the railway, which equates to around 4% of all LWS in the region. Your petitioner considers that these impacts on a significant proportion of county-important wildlife assets will have a direct effect on its interests relating to the protection and enhancement of wildlife species and habitats.

22. Your petitioner requests that additional mitigation is included within the design of the proposed railway to further minimise the loss of LWS sites, listed in **table.2** below, from the HS2 proposals. Your petitioner asks that this be achieved through modifying the existing route alignment (vertically or horizontally), through the use of green tunnels and through the use of other such engineering or ecological solutions to address habitat loss, fragmentation and disturbance (noise, visual and/or hydrological) in LWS.

Table.2 Local Wildlife Sites in Warwickshire, Coventry and Solihull for which your petitioner is seeking additional mitigation.

| Community Forum Area (CFA) | Local Wildlife Site (LWS) affected |
|--|--|
| CFA 17 Offchurch and Cubbington | Rugby to Leamington Disused Railway – Leamington Extension |
| CFA 17 Offchurch and Cubbington | South Cubbington Wood |
| CFA18 Stoneleigh, Kenilworth and Burton Green | River Avon |
| CFA18 Stoneleigh, Kenilworth and Burton Green | Crackley Wood |
| CFA18 Stoneleigh, Kenilworth and Burton Green | Broadwells Wood |
| CFA18 Stoneleigh, Kenilworth and Burton Green | Black Waste Wood |
| CFA18 Stoneleigh, Kenilworth and Burton Green | Big Pools and Little Pools Wood |
| CFA18 Stoneleigh, Kenilworth and Burton Green | Beanit Farm Hedge |
| CFA 19 Coleshill Junction | Coleshill Hall Farm |
| CFA 19 Coleshill Junction | Coleshill Park Belt |
| CFA 19 Coleshill Junction | Coleshill Sewage Works Grasslands |
| CFA 20 Curdworth to Middleton | Hams Hall Woodland |
| CFA 20 Curdworth to Middleton | North Wood |
| CFA 23 Balsall Common & Hampton-in-Arden | Berkswell Marsh Meadow |
| CFA 23 Balsall Common & Hampton-in-Arden | Patrick Farm Meadow |
| CFA 23 Balsall Common & Hampton-in-Arden | Mouldings Green Farm |
| CFA 24 Birmingham Interchange & Chelmsley Wood | Denbigh Spinney |
| CFA 24 Birmingham Interchange & Chelmsley Wood | Coleshill Pool Wood |

The Ecological Landscape

23. Your petitioner is concerned about the impacts of landscape severance and fragmentation on wildlife from the HS2 proposals. A key principle of the National Planning Policy Framework is to establish '*coherent ecological networks that are more resilient to current and future pressures*'. However, your petitioner considers the current approach to assessing and remediating effects on the ecological landscape along the route is deficient and therefore potentially counter-productive towards this aim. For example, the Environmental Statement Volume 2 Community Forum Area Reports (CFAs 16-20, 23 and 24) identifies that seven watercourses will be culverted, up to 163.9km of hedgerow will be lost and three notable linear habitats along disused railways are severed. All of which could adversely affect the ecological landscape in Warwickshire Coventry and Solihull. Furthermore, your petitioner believes that the ES presents insufficient evidence that the use of 'artificial hedgerows' and the location, number and the design of green over-bridges, as described in HS2 Information papers, are effective in addressing the temporal or permanent landscape fragmentation

effects on wildlife that could occur. Your petitioner considers that these impacts on the ecological landscape will have a residual and lasting effect on its interests relating to the protection and enhancement of wildlife species and habitats.

24. Your petitioner requests that existing habitat data from Warwickshire County Council, which was obtained by HS2 Ltd for the purposes of the Environmental Impact Assessment, is used, and updated by further field study, to scientifically model current baseline ecological connectivity for wildlife along the route in Warwickshire, Coventry and Solihull. Your petitioner believes that this data can and will provide robust evidence about the effects that the railway, as proposed, will have on wildlife movement across landscape and can thus be used for identifying specific locations where mitigation and compensation can be optimised to address these impacts.

25. Your petitioner requests that additional mitigation and compensation is included within the design of the proposed railway to remedy impacts on ecological connectivity, as identified as part of the modelling approach described in paragraph 24, from the HS2 proposals. Your petitioner asks that this be achieved through the use of green tunnels, the creation of mammal, amphibian and reptile passes and through the use of any other proven engineering and ecological solutions that will address the adverse effects of fragmentation and severance on the ecological landscape in Warwickshire, Coventry and Solihull.

26. For the foregoing and connected reasons your petitioner respectfully submits that, unless the Bill is amended as proposed variously above and in accordance with the results of further ecological investigations, the Bill should not be allowed to pass into law.

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 Petitioner in the premises as your Honourable House shall deem meet. AND your Petitioners will ever pray, &c.

Edmund Peter Green

Officer for:

Warwickshire Wildlife Trust

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BILL

PETITION OF WARWICKSHIRE WILDLIFE TRUST

AGAINST, By Counsel, &c.

Mr Edmund Peter Green

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