

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**PETITION**

Against – 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 HERTS & MIDDLESEX WILDLIFE TRUST

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the bill”) has been introduced 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 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 Herts & Middlesex Wildlife Trust (HMWT), a local, membership-based charity that works to protect and enhance wildlife and habitats in Hertfordshire and the London Boroughs of Enfield, Barnet, Harrow and Hillingdon. Established in 1954, your petitioner counts over 20,000 members, including 1,500 in the Borough of Hillingdon and Three Rivers District combined, areas which will be directly affected by the construction and operation of the railway authorised by the Bill. Your petitioner is active in promoting biodiversity and community engagement with nature throughout its operational area, with a focus on landscape-scale conservation including the Colne Valley which will be directly affected by works and operations authorised by the Bill. Your petitioner furthermore manages as a nature reserve land at Broadwater Lake, Harefield Moor Lake and Korda Lake, part of which is within the limits of land to be acquired and used as shown on the plans deposited with the Bill, and the land is therefore liable to compulsory acquisition under the Bill. The construction and operation of the railway line authorised by the Bill will destroy and fragment habitats; disrupt wildlife populations, including nationally significant populations of wetland birds and regionally significant population of Daubenton’s bats; and damage the ability of local people and visitors to access and appreciate nature in the affected area of the Colne Valley including in your petitioner’s nature reserve. The construction and operation of the railway line authorised by the Bill would undo completed habitat improvements – paid for by a combination of Government funding and HMWT’s members’ financial support – and prevent planned future habitat works by your petitioner at your petitioner’s nature reserve; risk damaging your petitioner’s ability to recruit and retain members in the local area; and be counter to the strategic objectives of your petitioner.
- 8 Your Petitioner and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your petitioners do not object in principle to the decision to construct a high speed rail link between London and the West Midlands, but do object to works proposed to be carried out between B466 Ickenham Road at West Ruislip in the east and the M25/Chalfont Lane in the west, as set out in Schedule 1 of the Bill, the deposited plans and the Environmental Statement, in so far as they impact the interests and charitable objectives of your petitioner. These works include but are not limited to the construction of a

viaduct over a series of lakes part of which being a Site of Special Scientific Interest (SSSI), between Harvil Road near Dew's Farm and just west of the A412 Denham Way near Weybeard's Cottages and Denham Grove; diversion of the River Colne near Long Pond; and current proposals for ecological and landscape mitigation and compensation within the Colne Valley.

### **Ecological Impact**

- 10 Your petitioner is gravely concerned about the likely impact of the construction and operation of the railway on the ecological interest and integrity of HMWT's Broadwater Lake nature reserve and the Mid Colne Valley SSSI, including landscape-scale impacts on ecological connectivity and ecosystem functioning and resilience. This is contrary to your petitioner's charitable aims and operational objectives in the Colne Valley. Your petitioner requests that provision be made for a robust, deliverable, effective and adequately funded programme of mitigation, compensation and enhancement to maintain and where possible enhance ecological systems of the Colne Valley. Your petitioner seeks assurance that all mitigation and compensation provision will be delivered in a timely manner to ensure continued ecological function in the Colne Valley. Furthermore, your petitioner requests that the promoter or nominated undertaker be required to monitor the effect and effectiveness of ecological mitigation and compensation and take remedial action if necessary to achieve a net gain for wildlife interests in the Colne Valley.
- 11 Your petitioner considers that the ecological impact in the Colne Valley has been underestimated in the impact assessments to date, with deficient ecological surveys and impacts on ecological connectivity and landscape-scale functioning ignored. Your petitioner seeks an assurance that all outstanding ecological surveys will be undertaken and kept up-to-date to ensure that the environmental baseline is complete and the impacts of the construction and operation of the railway can be assessed and properly taken into account by the select committee and parliament. Your petitioner requests that where there is uncertainty about likely ecological impacts, the promoter be required to abide by the precautionary principle in their provision of mitigation and compensation.

### **Net gain for nature**

- 12 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 from the proposals. Furthermore, your petitioners are concerned that the stated aim should be to achieve a 'net gain' of 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 (2<sup>nd</sup> 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 to 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.

### **People and wildlife**

- 13 Your petitioner is concerned about the impact of the construction and operation of the scheme on the ability of local residents, members of HMWT and visitors to the area to access and enjoy the natural environment in the Colne Valley, including HMWT's nature reserve and the wider Colne Valley Regional Park. Your petitioner contends that the scheme will have an adverse impact on the value of HMWT's nature reserve, the SSSI and wider Colne Valley Regional Park as both a wildlife asset and significant recreation and visitor destination, and people's perception of the area in this regard. This is not only contrary to your petitioner's objectives in relation to people and wildlife, it also threatens to harm our ability to recruit and retain supporters in the area. Your petitioner seeks assurance that the socio-economic and community impacts of harm to nature conservation sites in the Colne Valley will be properly accounted for and suitable mitigation and compensation provided to maintain and improve the community value of the affected sites.

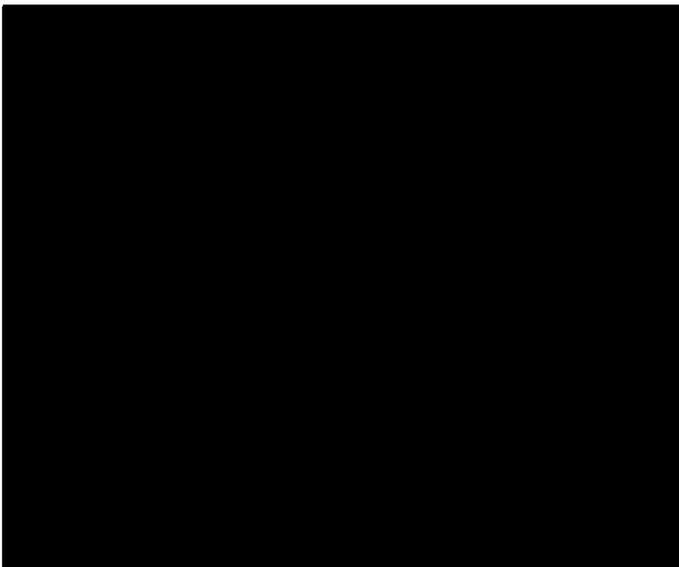
### **Consultation on mitigation and compensation**

- 14 Your petitioner considers that the ecological mitigation and compensation that has been proposed for the Colne Valley Community Forum Area within the Environmental Statement accompanying the Bill is insufficient, and at times inappropriate to the locality and in conflict with previous management activities of your petitioner. Your petitioner contends that there will be a net loss of biodiversity in the area of the Colne Valley affected by the proposals as a result. The Bill proponents have not adequately or effectively consulted or collaborated with your petitioner or other key stakeholders in the Colne Valley in respect of ecological mitigation and enhancement; as a result, the proposed mitigation and compensation does not make the most of opportunities in the area to maintain, restore or enhance natural habitats and to promote enjoyment of nature. Your petitioner seeks an assurance that there will be biodiversity gain (as set out above) and no loss of access to nature in the Colne Valley as a result of works under the Bill. Your petitioner requests that the promoter be required to consult meaningfully with relevant organisations active in the Colne Valley on any mitigation and compensation plans affecting the area, and to make efforts to ensure proposals harmonise with the aims and objectives of these organisations.

- 15 Your petitioner would also like to take this opportunity to express support for the petitions of the Royal Society of Wildlife Trusts and the Colne Valley Regional Park Community Interest Company in so far as it relates to biodiversity and access to nature in the Colne Valley.
- 16 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, the Bill so far as it affects your Petitioners, should not be allowed to pass into law.
- 17 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 and interests 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 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.

AND your Petitioners will ever pray, &c.



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