MINUTES OF ORAL EVIDENCE
taken before the
HIGH SPEED RAIL BILL COMMITTEE
on the
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Monday 9 July 2018 (Afternoon)

In Committee Room 5

PRESENT:

James Duddridge (Chair)
Mrs Sheryll Murray
Martin Whitfield
Bill Wiggin

IN ATTENDANCE:

Timothy Mould QC, Lead Counsel, Department for Transport

WITNESSES:

Sue Young (Royal Society of Wildlife Trusts)
Kate Dewey (Staffordshire Wildlife Trust)
Rachel Giles (Cheshire Wildlife Trust)
Peter Miller, Head of Environment and Planning, HS2 Ltd

IN PUBLIC SESSION
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1. THE CHAIR: Welcome back, everyone. Welcome to petitioning. I normally remind petitioners: the most effective petitioners tell us very quickly what they want, why, and if they can’t have it, how we can mitigate, and on that basis, we can do the best by you. With that, over to you.

**Royal Society of Wildlife Trusts**

**Submissions by Ms Young**

2. MS YOUNG: Thank you. So I’m Sue Young and I’m the head of land use planning and ecological networks for the Royal Society of Wildlife Trusts. There are 46 wildlife trusts in the UK, 37 of those in England and they are represented at a national level by the Royal Society of Wildlife Trusts, which is usually referred to as the Wildlife Trust central office.

3. The Wildlife Trusts work to protect wildlife for the future and to create an environment rich in wildlife for everyone, and collectively we have more than 800,000 members and I’m here on their behalf today. Our charitable aims relating to the conservation of wildlife species and their habitats are directly affected by the HS2 scheme proposals and that’s why the wildlife trusts have engaged with the HS2 project since it was first announced in 2010.

4. We’ve responded to various Government consultations on Phase One and Phase Two route options, and the draft and final environmental statements. We’ve petitioned and appeared before the Phase One Select Committee in both the House of Commons and the House of Lords. We also attend the ministerial environmental round table meetings for NGOs, and sit on the Phase One ecology review group.

5. So two wildlife trusts, Staffordshire Wildlife Trust and Cheshire Wildlife Trust, are directly affected by Phase Two of HS2 and they’ll both be appearing before this Committee later this afternoon or evening. So, to avoid duplication, my petition covers overarching issues across the wildlife trusts affected and the individual local wildlife trusts will address the on-the-ground impacts and look at the specific detail, and I won’t go into that detail.
6. Slides 2 to 5 show the principal points that we included in our petition and our requests and whether they’ve been dealt with or resolved. But since submitting my slides, we’ve now received further assurances from the promoter.

7. THE CHAIR: Can I encourage you to ignore that which is resolved, and focus entirely on that which is unresolved and that which you’re asking us to do?

8. MS YOUNG: I was planning to do exactly that.

9. THE CHAIR: Bless you.

10. MS YOUNG: So although it’s still valid to point out that the environmental statement’s incomplete and there are still some concerns about the assessment of the mitigation and calculations to measure the impacts and avoid the loss to biodiversity, my colleagues in Cheshire Wildlife Trust will cover that and so my request on these points have been resolved, so I’d like to move straight to slide A284(5).

11. So the main reason for my appearance today is that the Wildlife Trust believe that the promoter should be aiming higher than no net loss should, instead, aim for net gain for biodiversity. We’re disappointed that the promoter –

12. THE CHAIR: Why?

13. MS YOUNG: Sorry?

14. THE CHAIR: Why?

15. MS YOUNG: Why do we believe that? Because the Government is committed, both nationally and internationally, to addressing the problems that biodiversity faces and the massive declines. HS2 is a massive Government-backed scheme and if HS2 can’t contribute something to nature’s recovery, then I don’t know what can.

16. So, slide 284, the widely agreed definition of net gain for biodiversity is something where development leaves biodiversity in a better state than before. So this isn’t about the Wildlife Trust saying this would be a nice thing to have; this is a point of principle that HS2 should adhere to Government’s own policies and international commitments, aimed at reversing decades of decline.
17. THE CHAIR: Sheryll Murray’s got a question.
18. MRS MURRAY: Yes, just how would you measure it?
19. MS YOUNG: How would you measure no net loss?
20. MRS MURRAY: How would you measure whether it was increased biodiversity or not?
21. MS YOUNG: Well Defra are actually looking at that at the moment, so there’s a consultation that’s going to come out very soon which will look at the precise –
22. MRS MURRAY: And we’re talking about specifically HS2 here?
23. MS YOUNG: Yes.
24. MRS MURRAY: So how would you measure it?
25. MS YOUNG: You would use the Defra biodiversity metrics to measure the difference between what’s already there –
26. MRS MURRAY: But that doesn’t relate us to HS2 does it?
27. MS YOUNG: No, it relates to –
28. MRS MURRAY: No that’s fine, it’s okay, thank you.
29. MS YOUNG: So we believe that Government policy and international commitments mean that it’s now time for HS2 to consider net gain as an aim. If we could just move on to slide A284(7).
30. So the Government’s steer on net gain isn’t new. The 2011 natural environment white paper made the case that the planning system should be used to enhance the natural and historic environments, and recognised explicitly that Government should enhance the standards set for construction projects.
31. THE CHAIR: Sheryll Murray’s got another question.
32. MRS MURRAY: Yes, just another question: you’ve mentioned here about the planning, okay. Mr Mould, you might like to confirm this, but in relation to the Bill,
this would be in relation to the specific planning consents, am I correct?

33. MR MOULD QC (DfT): This white paper was focused principally on the planning system, yes, i.e. that which is within the custodianship now of the Department for Communities and Local Government.

34. MRS MURRAY: And it would be local government under strategic planning, presumably?

35. MR MOULD QC (DfT): Both strategic planning and through decisions on individual planning applications.

36. MRS MURRAY: So this ask is really not within the Bill itself, at the moment, is it?

37. MR MOULD QC (DfT): Certainly not directly. I think the point that’s being made is that it sets a context, if you like, of developing policy which the petitioner relies upon.

38. MRS MURRAY: Thank you.

39. MS YOUNG: Your point might be the same for this, I’m not sure, but to move to slide A284(9), so yes, the Ministry of Housing, Communities and Local Government have consulted on a revised version of the national planning policy framework, and as you’ll see from the slide in that, paragraph 168, section (d) states that planning policies should minimise impacts and provide net gains for biodiversity. And my point here is that it’s a significant change from the 2012 version of biodiversity.

40. So this revised version removed the words ‘where possible’ after net gain, and so it gives the requirement a much stronger emphasis, changing policy guidance from possibility to an expectation. So again, it’s that push towards Government policy being net gain for construction.

41. And there are also some specific examples from the HS2 process, so in slide A284(10), in 2014, the environmental audit committee recommended that Government should aim higher than simply striving for no net loss. And in slide 284(11), during the Phase One House of Commons Select Committee process, we requested an independent
review of HS2’s approach to assessing the impact on biodiversity and applying the no net loss metrics, and in that review, Natural England recommended that for Phase Two, the metrics should be applied for the purpose of meeting net gain, in order to comply with national policy.

42. The next slide, which is A284(12), an aim of net gain also has cautious support from the House of Lords Select Committee. So to move to A284(13), thank you. Net gain is not such a controversial concept. There is support in the construction industry for net gain and some local authorities, major private developers and infrastructure companies have already implemented a net gain approach.

43. In 2016, a set of biodiversity net gain principles were produced through a collaboration between professional institutions, Government, industry and NGOs, with the aim of building consensus around net gain and how to deliver it. And they are now producing guidance that’s intended to help industry address this challenge.

44. So I hope that I’ve sort of set the scene for why the Wildlife Trust believe that net gain for biodiversity should be the stated aim for HS2 Phase 2A. We acknowledge that the objective of seeking no net loss to biodiversity is challenging for major infrastructure projects and it has been claimed that aiming for net gain therefore appears unachievable, but we challenge that assumption.

45. Getting to the point of no net loss is the difficult bit and just going that little bit further to achieve net gain is relatively easy, so it’s a bit like running a marathon; if you run the first 26.2 miles, that’s incredibly difficult, but the next few steps to receive your medal is relatively straightforward. If possible, I’d like to spend a couple of moments explaining how that could be achieved.

46. THE CHAIR: Carry on. You completely lost me with your marathon analogy, but let’s just ignore that and move on. I think it might be more helpful than explaining it.

47. MS YOUNG: Thank you. Slide A284. So one of the commitments in the 25-year plan that I referred to is that Government will develop a nature recovery network to protect and restore wildlife. And this is intended to be across Governmental initiative. In May of this year, the Wildlife Trust published, *Towards a wilder Britain,*
which showed how a nature recovery network can be established by mapping out important places for wildlife which need to be protected, as well as key areas where habitats can be restored to turn nature’s recovery from an aspiration to a reality.

48. And we’ve already considered this concept for the HS2 project, so in 2014, the Wildlife Trust published, *A greener vision for HS2* and that was an ambitious vision for a large-scale nature restoration along the proposed line, creating and restoring large areas of habitat and providing new access to nature for people. And that’s just to illustrate that we have shared best practice thinking in nature restoration with the promoter and that we’ve recommended that to achieve net gain, they use strategically targeted habitat creation, that they consider more use of restoration and enhancement, that they proactively encourage and approach landowners willing to take part in habitat creation, and they look to work with landowners beyond the Bill limits.

49. This approach would be more likely to not just mitigate the effects of the infrastructure project, but to help to achieve net gain. We’re pleased that they’ve now committed in their recent assurance to consider the last of these points, but we’d like to take issue with their reasoning in the assurance for aiming for net gain.

50. So firstly, we don’t believe the issue of third-party land take should be a constraint on achieving net gain. Because the promoter is focusing on land within the Bill limits and this artificial approach of buying up lands for habitat creation within the Bill limits means that inevitably, those landowners that are affected by the railway in the first instance are then also affected by habitat creation requirements, and we’ve got a lot of sympathy for landowners’ concerns about that.

51. Instead of purchasing land for habitat compensation, we think that the promoter could secure this through land management agreements. So inviting willing landowners to be involved in providing compensation through paid long term management agreements to deliver the appropriate mitigation and manage it.

52. MR WHITFIELD: Could I just ask a question on that point? We’ve heard a significant number of petitions where the petitioners have, in essence, said, ‘Our land is being used to replace habitat lost elsewhere, and in so doing, you’re damaging the agricultural potential of the land’. What would you say to that with regard to the compensation that you’re talking about now, to in essence, manage the land on behalf of
HS2?

53. MS YOUNG: Well, some of this could be achieved through environmental land management schemes, agricultural schemes and so for certain elements, then if a willing landowner is happy to put their land into a scheme, then that doesn’t have to stop farming and there are other landowners, both within and outside of the Bill limits who would be more interested in perhaps having some woodland planting or some habitat creation on their lands but –

54. MR WHITFIELD: So your suggestion really is to take a far more holistic view of the land around HS2, not just within the Bill limits, and for HS2 to approach other landowners – I use that in the wider sense of the term, to facilitate the hoped for net gain that you’re seeking?

55. MS YOUNG: Yes, both within and outside of the Bill limits, and at the moment, they have said that they would consider some – that approach outside the limits, but it doesn’t seem to me, I can’t find anywhere where they’re saying they would do that to any significance within the Bill limits.

56. MR WHITFIELD: Thank you.

57. MS YOUNG: So as well as – sorry, I’ve slightly lost my thread –

58. THE CHAIR: What I was going to suggest, I think we’ve got an overview, I was going to suggest not coming to HS2, standing you down as a witness and moving straight on to specifics of Staffordshire Wildlife Trust, unless it’s deeply complex, I’ll then hear Cheshire Wildlife Trust. I’ll then come to HS2 to make comments in the whole rather than do the in principles, and sometimes in principles make no sense without specifics. Are you content with that, Mr Mould?

59. MR MOULD QC (DfT): Yes.

60. THE CHAIR: Thank you. Thank you very much for your evidence, thank you. If we could call Staffordshire Wildlife Trust. Over to you, I’m looking forward to the specifics. Tell us what you want.
61. MS DEWEY: Good afternoon, I’m Kate Dewey from Staffordshire Wildlife Trust. I’m senior planning officer at the Trust, so I deal with all planning issues to get the best for wildlife.

62. A bit about Staffordshire Wildlife Trust; obviously one of the many wildlife trusts in the UK: we’ve got 15,000 members and we manage over 14,000 hectares of land – I won’t go into too much of that.

63. THE CHAIR: Okay, just leap in, tell us what you want. That will get you the best result.

64. MS DEWEY: I’m going to talk about the lack of information on local wildlife sites, issues with individual local wildlife sites, and I’m going to talk about irreplaceable habitats which we’re concerned about. So we can go straight to slide A286(2), please.

65. So just to introduce local wildlife sites, I’m not sure how familiar you are with those. You’ll be familiar with nationally designated sites, the SSSIs, for example. They are nationally important, and local, wildlife sites are a step down from these. They’re kind of the best of the rest, if you like.

66. In Staffordshire, we have a two tier system; we have county and district level wildlife sites. Some can be of very high quality, up to SSSI quality. Because not all habitats of that quality get designated as SSSI, there’s a sample situation. So they’re very important for local ecological networks; they support the network of statutory sites. They unfortunately don’t have any legal protection but they are recognised in planning policy, so they need to be avoided, and if harmed, mitigated.

67. Sir, we’ve just got an example on the screen there, just for interest. This is Pool House Wood, site of biological importance near Stone. Just a nice example because it’s going to be completely lost.

68. THE CHAIR: Sheryll’s got a question.

69. MRS MURRAY: Again, if these are recognised in local planning policy, would it
not be best to address these concerns at local level when we come to the planning stage?

70. MS DEWEY: That’s a good point; I think that’s going to happen. A lot of the
design that HS2 has carried out has included mitigation for these sites. But we’re
basically concerned, at this stage, when we’re talking about the Bill limits, there may be
areas where more land is needed, different land is needed to get the mitigation right, and
a lot can be done at the detailed stage but critically, we don’t know where all the sites
are, so at this stage, it’s a bit too late to leave it to the very detailed design at the local
stage because we don’t know where all these sites are, and that’s what I’m going to
come to now.

71. MR WIGGIN: But you know where the railway line is.

72. MS DEWEY: Sorry?

73. MR WIGGIN: But you know where the railway line is going.

74. MS DEWEY: Yes, we certainly do, and there are a number of sites that we know
exist at the moment, but most areas of the county are under-surveyed. We’ve surveyed
about half of our county altogether – not just us, other people. But there are a lot of
unknown areas that are important are being discovered through HS2 surveys. So, the
point is that not all the designated areas have been yet designed.

75. So, the way it works, sites are assessed against criteria and it’s usually the
Wildlife Trust that does most of these surveys, although we have data submitted by
other parties, and sometimes through planning applications. We have a set criteria that’s
been developed over 20 years. It’s locally based, which is slightly different from the
environmental impact assessment methods, and that’s professional judgment assessing
these sites, whereas we have quite a strict criteria.

76. So we know of around 30 local wildlife sites on the routes of Phase 2A which are
going to be adversely affected. I say around because some have been designated just
recently, so they haven’t gone into the environmental assessment, so we don’t quite
know what the impacts will be on those.

77. Now, over half of those sites have out of date data; they haven’t been surveyed
for over 10 years, so changes can happen. They can be degraded; they can improve.
Also, our criteria gets updates, so many of these could potentially be different, different sizes, different status, whether that be increasing or decreasing. So we’re obviously really concerned that some sites will be undervalued by HS2 and that might impact the mitigation they’re planning to get.

78. So in our opinion, the HS2’s baseline is inadequate and out of date and incomplete, so that doesn’t help when they’re designing the scheme.

79. We’ve got a few figures: in the past two years, we have looked at 14 sites along the route to try to update this data. Nine of these were subsequently increased in extent or status and six were completely new sites that had not been designated before. Three sites decreased in status so it is fair. Two remain unchanged and critically, three of the sites that we were looking at, had been undervalued in HS2’s environmental statement.

80. So far this year, we have looked at another eight sites and six of those will go on to be designated at a higher level than they are at the moment, or newly designated, so, so far, at least nine sites, we have concerns over that have been undervalued by HS2 and their precautionary principle and including extra mitigation areas hasn’t worked for these sites, because they have not been recognised properly. We think this is probably just the tip of the iceberg.

81. In Phase One, we actually doubled the number of wildlife sites that were designated because we had some concerted effort for surveys. HS2 found some new habitats as well, and we feel it’s going to be the same here. Stafford borough and Newcastle borough are quite under-surveyed, so there’s areas that HS2 have accessed that we’ve never been able to survey and so new habitats are coming to light.

82. So, HS2 have argued that in their environmental statements, and in their mitigation, they’ve allowed for this, they’ve used the precautionary principle, they’ve got enough land. They actually have valued a lot of habitat and county and district value, so they have been valued, but none of these have been designated as yet, and we think a lot of these areas could be potentially new wildlife sites. There’s also a lot of important hedgerows, they are important under the hedgerow regulations; many of those could be wildlife site quality as well.

83. So we estimate there are around 50 other sites, having gone through the
information that HS2’s provided, that have potential to be designated. This means we are quite worried about the ecology baseline and the mitigation hierarchy, which you start with avoiding, if you can, the impacts, going on to mitigate, compensate and hopefully enhance.

84. Now, there is a lot of land included in the Bill limits, but we’re concerned that if you don’t know where a site is, or how important it is, the avoidance isn’t going to come in at this stage, and I know a lot can be done at the detailed stage, but we’re quite concerned that some of these sites are on the very edge of the land required, or there’s not a lot of space, especially where roads are being diverted. The land is quite narrow and within that, there’s not enough room to actually avoid these sites, and we think that the land required might need to be amended, in order to avoid them. But first you need to know obviously where they are.

85. The other key point is that environmental site management plans will be prepared for designated sites, and ancient woodland. However, any other important habitats are not going to have these plans, so the designation actually does matter. Even if they’ve been valued correctly; unless they’re designated, they won’t have their own plan.

86. HS2 have argued that’s not in their remit to assess local wildlife sites. However it is in the best practice guidelines for ecological impact assessment in the UK that local designation criteria should be used, because they are locally relevant, and that assessors should talk to the designating body about how the sites should be valued. And I have noted that HS2 has looked at the Cheshire Wildlife Trust standards for local wildlife sites when looking at their sites.

87. We’re saying that obviously, if you’re not familiar with the county, you can potentially decide what is district level, county value, but we have criteria that have been put together over a long time and are very specific, and they’re quite rigorous. And that’s what should be used to define these sites.

88. So, what we are asking is that HS2 assess these sites as soon as possible because we want to get that baseline up to date so that can go into the design process. We are also considering that HS2 could fund the Wildlife Trust to carry out these surveys, because we’re able to offer consistency; we’re already doing this work but just very slowly due to the lack of resources we have. I think we also offer good value for money
to HS2 and the taxpayer because we are a lot cheaper than a lot of consultants, and I imagine that HS2’s ecologists are quite busy already.

89. So this is our ask really: either HS2 carry out these assessments, or they give us some funding to do this work and that will update the baseline for everybody. So that’s my point and I do have a couple of examples as well, but I expect you might need to move on.

90. THE CHAIR: It would be good if you could do the examples as well. Tentative questions at the end, or we’ll stop you.

91. MS DEWEY: So just a couple of examples: we’ve identified an important hedgerow and woodland on Bower End Lane which is near Madeley. It has been identified as an important hedgerow for part of the stretch, but it will become a county wildlife site as soon as it goes through the process.

92. Now, when we have a look at the map, we don’t have slide for that, I’m afraid, but there’s going to be work to widen the lane and put an access track in to a balancing pond, so it does look like the whole site will probably be destroyed. And in that location, the land required is quite tight around the lane, so I can’t really see that within the Bill limits at the moment, that that site could be avoided.

93. THE CHAIR: Sorry can I ask HS2 to bring up the suggested site? We have looked at this site before.

94. MS DEWEY: Have you? Okay, yes. We don’t have that specific slide.

95. THE CHAIR: Let’s just have a pause and let HS2 do some heavy lift, on your behalf, because otherwise it’s very difficult.

96. MS DEWEY: Yes, yes.

97. THE CHAIR: Would it be helpful to – you’ve got some other examples where you have got slides. Let’s take those quickly.

98. MS DEWEY: I haven’t got any more slides, I’m afraid. I prepared this one and then I thought maybe you’d like some examples. As I’d read the assurances, I thought maybe a bit more detail, but yes, it would be good to have slides. I can go through a
couple of other examples; you just have to imagine.

99. MR WHITFIELD: You’ve offered to actually undertake the surveys on behalf of HS2. How long does a survey take? Because I imagine what they’re going to come back with and say time is a crisis here, we don’t have – what sort of timescale would you consider for your area that’s covered by wildlife at Stone?

100. MS DEWEY: That’s tricky; depends on the complexity of each site but normally, our surveyors can do at least two in a day, depends how large they are. It depends how complex they are. As I said, we’re doing around 10 a year on HS2 route. We have a team – about three people – but they do a lot of work in the rest of the county because the other districts pay to have these surveys done.

101. MR WHITFIELD: Yes.

102. MS DEWEY: So they are kind of constrained as to how much extra they can do.

103. MR WHITFIELD: But this is not something where you visit one month and then have to wait nine months and then go back and look again?

104. MS DEWEY: No, no.

105. MR WHITFIELD: It’s something that can be done in the short term, and if the capital is there –

106. MS DEWEY: I think we could probably do them all – if we do some more this year, we can probably do the others next year, but it’s the funding really. We would need at least another member of staff, I would imagine, and to be able to do this, but it would be alongside HS2 so it would actually speed up the process; it wouldn’t be their ecologists looking at it.

107. MR WHITFIELD: Yes. And after the survey, how long does it take to achieve designation?

108. MS DEWEY: Normally it’s the next year after the surveys because during the survey season, you have to be out there surveying to get the right results. It’s usually over the winter, everything’s written up, maps, goes to the – there’s a grading committee, normally meets in the new year and they agree that the sites – as long as the
landowners don’t have any issues, because obviously, you have to talk to those as well. So it’s usually survey one year, designate the next year. Could try to fast track some, but it’s constrained by the number of staff we have really.

109. MR WHITFIELD: Can I ask you? Because of the provision of this Bill, you potentially, with the consent of HS2, have access to land that otherwise you’ve never been able to get to.

110. MS DEWEY: Exactly. Obviously, it does depend on the landowner. I’m not sure they can give out names and addresses, but that would really help and they did have a lot of data on a lot of these sites because some of them will be faster to do than others. But some of them may not meet the criteria. I mean, we’ve got a list of potential sites, but we’d have to go out and check, and some hedgerows might not make the grade, but we’re just keen to get them recognised as soon as possible.

111. THE CHAIR: Okay, so I think we’ve had enough of the generality. Let’s get down to some specific sites.

112. MS DEWEY: Okay.

113. THE CHAIR: So Bower End – and I notice you’ve got a few more in the slide pack. I want to make sure we cover these off.

114. MS DEWEY: We probably don’t need to look at too many examples but this is Bower End Lane here, and the hedgerow we’re interested in is exactly there, actually. So it’s a really species-rich hedgerow and woodland and I think it’s all going to be widened, and then there’s a big track coming through here, going right through the woodland area. So I think the Bill limits are very tight to that area so it doesn’t look like there’s a lot of option to avoid that at the moment.

115. I would suggest that, if possible, a new access track were put in through the fields, rather than along this lane, because this of the ancient hedgerows that are here. Or other options looked at, but at the moment, it’s so tight that if you agreed the Bill limits now, coming to detailed design, I don’t think there’s a lot you could do there to avoid the site. So we’ll try and amend it a little bit, but you would lose pretty much the whole site, so we’re looking at getting this recognised now.

117. MR WIGGIN: Yes, everybody wants to make sure that the environmental impacts are as minimal or positive as possible, but isn’t this just a case of going through the route with a fine tooth comb, rather like a stamp collector, and spotting anything that just might be good, when in fact, the potential to do real good comes from the mitigation efforts that, I have seen from HS2, have been extensive, and rather than just picking up, ‘This is a lovely hedgerow, it’s ancient, we’d like to preserve it’, what species are we actually going to be able – because a lot of what you’re talking about is habitat defence, which is understandable, but isn’t the same as species, which are much more specific and needy. Yes, it’s probably a lovely bit of habitat but that doesn’t mean it’s unique in Staffordshire, does it?

118. MS DEWEY: These are the best – I mean, the criteria would –


120. MS DEWEY: It’s one of the best ones, yes.

121. MR WIGGIN: Out of how many miles of wonderful hedges, yes.

122. MS DEWEY: It’s not probably the best – not the best. But the species need the habitat to survive and especially with hedgerows and woodland.

123. MR WIGGIN: Which species in this hedge are you trying to save, please?

124. MS DEWEY: There’s quite a lot of – we don’t know about – there will be bats using it, we haven’t done specific species surveys, but there are a lot of interesting woodland plants there, we’ve got a lot of bluebell, a lot of wild violets, they are very useful for a lot of butterfly species. There’s elm in the hedge which is useful for some other butterflies, so these edges aren’t just a line of hawthorn, they’ve got a lot of different species in them, and they’re very mature so they will support a lot more birds, bats, insects, small mammals than your replacement hedges, and this is especially with hedges and woodlands.

125. Mitigation is great, plant lots of woodland, but it’s going to be this high for so many years. This is why avoidance is the first step really. If you can avoid it, you don’t
have to mitigate for it, and this mature habitat will still be there linking up with the species. So, I understand there is a lot of new planting, there’s a lot of habitat creation, but you could just destroy everything, go, ‘Ah, we’re going to replant it’, but it’s avoiding –

126. MR WIGGIN: No, that’s fine. So how much of the planting would you give up in order to save a hedge like this? Because there are a lot of other petitioners who don’t want the new planting on their land.

127. MS DEWEY: Absolutely, that’s a very good point. I’m not sure what ratio are using, i.e. if you lose 100 metres of hedgerow, do they plant 200, or – I don’t know –

128. MR WIGGIN: Don’t worry about that. What would you say though, because it’s your petition?

129. MS DEWEY: At least exactly the same amount of hedgerow, because this will have to be replanted somewhere. You could save – if you avoid it in the first place, you could save that planting somewhere else, and because it’s mature, you don’t need as much of the new planting. I know with the hedgerows – sorry, the woodlands, they have to plant quite a lot because they take time to mature, whereas if you’re keeping the original, you don’t need to do that planting, so you’re right, it would reduce the amount of planting on other people’s land. This is why avoidance is so important. It saves a lot of work and keeps things in place. We can’t avoid everything, but –

130. THE CHAIR: Sheryll Murray’s got a question.

131. MRS MURRAY: Yes I have. You made a statement there that said any new planting, you wouldn’t find the species in, but that’s only when it’s newly planted and you could actually create that, and you might create a better habitat than you’ve got here already?

132. MS DEWEY: That’s true in some cases, yes, and some habitats are more re-creatable than others. Grasslands are sometimes quite easy, ponds, but it’s the really mature hedgerows that are hundreds of years old. These are the sort of things – it’s best to avoid them in the first place.

133. MRS MURRAY: And if you were given the choice, you would rather sacrifice
good productive farmland than destroy a hedgerow, would you?

134. MS DEWEY: I would rather keep the hedgerow and not need to plant anything on the agricultural land.

135. MRS MURRAY: But you’ve just suggested you put a track across that field?

136. MS DEWEY: Yes, that’s true. It depends. I mean, if it’s the edge of a field, it’s not going to lose too much. I think this may be a temporary widening, and it’s the temporary nature of these things. If you can put a temporary access track in, and then take it away again, that would be preferable to the permanent widening. I think you’d have to look at it on a case-by-case basis and see what’s best.

137. MRS MURRAY: Thank you.

138. MS DEWEY: And it is true: you have to look at each site really and see where the mitigation could be improved. We just want to make sure that these areas are recognised so that we can look at that detail and get it in now, rather than miss a chance, and yes, need to do more mitigation elsewhere.

139. MRS MURRAY: Thank you.

140. THE CHAIR: So just give us an idea of scale? So we’ve gone into one example in quite some detail. I’ve got no idea whether Bower End is 5% or 0.5% of the broader thematic that you’re using this particular example to illustrate.

141. MS DEWEY: Obviously, we’ve got 30 sites that we know of that are impacted. This is a new one, so this isn’t in the list of 30 at the moment. As I said, we’ve got around 50 other sites that we think could be potentially a local wildlife site, and this is one of them; it’s just been looked at this year. So there will be several others, many others down the line. As a hedgerow, it’s not a very long one. Most of them are longer than that, but the important ones, so this is a fairly small example, I suppose, but it’s a good one to show a particular site.

142. THE CHAIR: Okay.

143. MS DEWEY: I don’t have the figures for area, unfortunately –
144. MR WHITFIELD: Looking at the environmental statement, HS2 are talking about some 45.7 kilometres of hedgerow in this area.

145. MS DEWEY: Yes, each area has total number of hedges to be lost, total number that are species rich and what is going to be planted as well.

146. MR WHITFIELD: You don’t actually know the answer.

147. MS DEWEY: Not yet, no. I mean, we’ve got some –

148. MR WHITFIELD: Chicken and egg.

149. MS DEWEY: We’ve got a long list and that would have to be short listed, and yes, we only really want to designate the really good stuff.

150. MR WHITFIELD: And that goes into what you were saying about actually using experts from the area who know carries an advantage?

151. MS DEWEY: Obviously we don’t mind who does the work, as long as it gets done, but from our experience when we have to liaise with others doing it, it does take us time to go through the criteria to make sure that it’s done in the right format, etc, so we’re quite experienced with doing that, and efficient as well.

152. THE CHAIR: Any final comment before we come along to Cheshire Wildlife Trust?

153. MS DEWEY: I’ve got a couple more things to talk about, yes.

154. MR MOULD QC (DfT): I’ve just put up on the screen, as you asked the question, the basic numbers for this particular part of the scheme on terms of hedgerow loss and gain. Just in case it’s helpful to set the context.

155. THE CHAIR: Yes. I think we’ll leave the petitioner to speak and I’ll come to you right at the end, Mr Mould.

156. MS DEWEY: Thank you. There are a huge number of local wildlife sites we could talk about, but we have two particularly important ones we want to talk about in Staffordshire. Just to mention, obviously, in our petition, we have gone through quite a lot of particular wildlife sites and we’re having ongoing conversations with HS2 over
those. We’re going to pursue those through additional provisions etc.

157. However, we have two particular sites we do have some asks in terms of the design mitigation. So the next slide please, A286(3). So this is Lount Farm local wildlife site. The issue here is that over half the site will be lost, or is predicted to be lost in the scheme and there is a need, in our opinion, for better avoidance and mitigation in the scheme. So you may be familiar with this site because other petitioners, the owners of the land have appeared before you.

158. THE CHAIR: Can we ask HS2 to get up a map of the site please? And perhaps if you could look forward on all of these examples, I’m going to be asking the same question – I should have given you notice of that earlier, but it’s helpful.

159. MR MOULD QC (DfT): The green hatched area that’s being pointed out to you now, the dog leg, that is the local wildlife site, and the line of the railway is the heavy black line running across the middle of it. I’ve got more detailed plans showing construction and permanent, but I’ll perhaps come to those when I speak. Unless you’d like me to put those up now.

160. THE CHAIR: No, no. Sorry, when I was referring to HS2, rather than you, Mr Mould, I wasn’t giving you an opportunity to speak, I just wanted a map. If I want you, I’ll come to you, with all due respect. It’s the petitioner’s time to speak. I know you’re trying to be helpful, but if you can indicate to me, if you want to come on, I’ll then give you permission, but otherwise, I prefer to take the petitioners back to back and then see you right at the end, for brevity. I know you’re trying to be helpful but I want to do it in an orderly way.

161. MS DEWEY: Thanks very much, that slide is helpful. I’ve got another of HS2 slides noted here that might be useful. So, the line cuts through two parts of the local wildlife site. So, this is affecting Upper Morton Farm where they have a community interest company and care farm, and the owners of Lount Farm who own the wildlife site, and there’s also other land owned in that area by local landowners.

162. So it’s 14.2 hectares of quite rare grassland on this site, and it’s lowland meadow, hay meadow, traditionally managed. Particularly important is the damp hay meadow; I might just go back to my previous slide if you could, the A286(3), just so I can talk
about the species there.

163. This damp hay meadow, it’s in the flood plain, it floods now and again, and that’s where it gets its fertility. It’s cut annually for hay with some light grazing, and this sort of traditional management is very rare these days. Most of this land in the rest of the country has been drained because it’s quite fertile and it supports a great number of different species.

164. We’ve got about 130 plant species on this site, particular the adder’s tongue fern on the picture there. We’ve got marsh orchids, a regional bat assemblage of – regional value bat assemblage, five species, water voles, brown hares, great crested newts, barn owls, a lot of breeding and wintering birds.

165. The key element to this site is that it’s very rare habitat these days. It’s under 100,000 hectares nationally which means it’s rare and particularly this habitat, is only 1,500 hectares of it left in the UK. So this is site is one of about 100 sites in the UK, but a lot of them are very small, so this is kind of a slightly larger size than is normally found.

166. The habitat here is listed on annexe 1 of the habitats directive, and these are habitats that member states need to designate as special areas of conservation which is a European protected site, and overall, these habitats need to be restored and managed, and the UK has to report every six years on the condition of these habitats.

167. THE CHAIR: Sheryll has a question, sorry to interrupt.

168. MRS MURRAY: Who does the UK report to please?

169. MS DEWEY: To the European Union.

170. MRS MURRAY: But we’re leaving.

171. MS DEWEY: Yes, so I suppose we’re going to have to report to ourselves after that, hopefully.

172. MRS MURRAY: Thank you.

173. MS DEWEY: As I say, these are the most important habitats in Europe. There’s
74 listed habitats; this is one of them. So across Europe, this is a rare habitat. Also, looking at the SSSI criteria for special scientific interest, this does meet the criteria as it’s one of the high conservation value grasslands, and as I said, there’s no very much of them left. And the criteria have been updated recently: whereas just the biggest best sites were designated, now it’s anything over half a hectare tends to be designated because these grasslands disappear very easily.

174. MR WIGGIN: Sorry, the railway does have to go in pretty much a straight line, otherwise the train can’t go fast enough, so what would you like us to do about this site?

175. MS DEWEY: Right, if we could have the next slide, which is A286(4). I’m afraid it’s only one end of the site because this is what we’re interested in. What we would like to see, as you can see on the plan there, the line goes through a particular section of the grassland, where there is a brook, and this is the wet area, where the hydrology is quite important. So we’ve got a viaduct over there.

176. What we would like to see if HS2 investigate the feasibility of extending the viaduct slightly each side to give more room for the habitat to be recreated in situ. At the moment, they’re proposing to enhance and create some more habitat further down the valley, which is fine. However, I know the landowners are very concerned about land take and as much habitat as can be restored in situ would benefit the habitat, the connectivity. Obviously, there’s this hydrogeology there; we’ve got a working water meadow in that area. Trying to put it somewhere else is going to be more difficult and as we say, the principle of avoidance, trying to keep it intact, in situ, it will be disturbed and destroyed through the building of the viaduct, but there is space underneath.

177. As you can see, it’s the blue dotted areas, that’s all the habitat creation that’s going to be proposed underneath the viaduct through there. So we would just like more space for the habitat to be restored in situ.

178. HS2 have quoted for a longer viaduct covering the whole of the wildlife site. It would be £24 million but we would just like this smaller section, around the flood plain to be looked at.

179. THE CHAIR: Okay, we’ll come to that. Let’s move to you next site.
180. MS DEWEY: Okay. We’ve also got the next site, which is A286(5) please. This is another site you might be familiar with. It’s Lion Lodge Covert local wildlife site at Ingestre and Tixall, and it’s an inland salt marsh. You probably heard from Ingestre and Tixall Parish Council.

181. So this site was discovered in 2014, designed in 2015. So it’s very small, it’s about one and a half hectares. Very rare habitat – Natural England consider this to be an irreplaceable habitat. It’s very specific hydrogeological conditions where salt is welling up through natural springs up through the surface and we get these salt marsh plants that are normally found on the coast – very rare to find them inland.

182. This particular grass, it’s not very exciting looking, but it’s only recorded in two places inland in the UK; this is the only site in Staffordshire and before it was found here, it was last recorded in 1923, so there’s some quite rare plants here.

183. Again, it’s an annexe 1 habitat and it’s actually a priority annexe 1 habitat, so they are the rarest, most vulnerable habitats in Europe.

184. MR WIGGIN: Can I just ask you, does stiff salt marsh grass grow around the coast?

185. MS DEWEY: Yes, it does, but it is nationally scarce; even at the coast, it’s quite rare as well.

186. MR WIGGIN: But it likes salty soil?

187. MS DEWEY: So they’re salt tolerant plants.

188. MRS MURRAY: Could we see –

189. MS DEWEY: So the dark green area is the salt marsh, and there are other salty habitats to that area. Just to the north, we’ve got Pasturefields special area of conservation, so it’s a remnant of the salt upwellings in that area.

190. THE CHAIR: So what can you do about this site then? What’s your ask?

191. MS DEWEY: So at the moment, it’s going to be completely lost, under embankment and temporary material stockpile. I think I’ve got a slide of the more
detailed area – A286(6) please. So we’ve got it outlined there, if you can see, not very clear.

192. So, to the south, those brown oblongs, those are the temporary material stockpiles, so that’s cutting away a little edge, but the rest of it will be under a very large embankment. So one of the options we’re looking at, we really want this habitat to be conserved in situ. At the moment the mitigation proposed is to enhance some salt marsh elsewhere. We do have another site nearby; we don’t know the condition of it; we don’t know how the landowners will feel about managing it. We don’t know if there’s enough space there or opportunity to mitigate for the actual loss of this salt marsh, so we would like HS2 to look at the feasibility of keeping it in situ, or at least recreating it. The salt water will still be coming out of the ground, so even after a viaduct is perhaps built, should be possible to recreate it.

193. HS2 are of the view that it isn’t irreplaceable but it’s been –

194. THE CHAIR: Sheryll wants to leap in.

195. MRS MURRAY: There another site nearby, but you don’t know the condition. Is that the only other site inland, then?

196. MS DEWEY: Yes.

197. MRS MURRAY: Because you mentioned there were two.

198. MS DEWEY: Ah yes, there’s one in Cheshire.

199. MRS MURRAY: So that’s the third one then? Because you’ve mentioned two here, and one close by. There’s another one in Cheshire, is there?

200. MS DEWEY: Yes, this one isn’t actually – we’ve got the Pasturefields site which is just up the road, they’re the only two recognised sites that are on the register –

201. MRS MURRAY: So that’s three sites?

202. MS DEWEY: So this is another one – it’s only been discovered recently, so it’s not kind of on the national scale at the moment.

203. MRS MURRAY: Thank you.
204. MS DEWEY: So we have a couple of options: one was to potentially extend the viaduct; there’s another viaduct here. HS2 have said obviously that it would need some reinforcement there with another embankment, so one option is just to have a small section of extra viaduct to miss the salt marsh.

205. Another option could be – it does have to be looked into in more detail, but if an embankment is the only way to go – whether the salt water could be piped to the side, flood another area, do something like that that’s a bit creative, but it would be a little bit experimental, but essentially, if you’ve got salty water and soil, and you have salt marsh plants, it’s possible that it could be recreated, and we think that this is what should happen. We don’t want to lose this completely.

206. MR WHITFIELD: Can I ask are you content with HS2’s assertion that in essence, so long as you preserve the source of the salt water, where it actually flows out to create the salt water marsh, it will happen anyway?

207. MS DEWEY: I would hope so.

208. MR WHITFIELD: I know the one to the north of this has very set specific scientific interest and I think it is a much bigger area. I also am given to understand, if my memory serves, that the track was specifically rerouted to avoid that area, but you are content that provided the land is there, and the salt water provision is there, not blocked, it could be recreated. Are you confident about that?

209. MS DEWEY: I don’t think anybody knows if it can be recreated or not, but HS2 are of the view that it’s not irreplaceable, which would lead you to think it is replaceable.

210. MR WHITFIELD: What’s your view then?

211. MS DEWEY: I think, not being an expert on it, because the salt marsh community is going to occur at manmade sites, old salt mining sites –

212. MR WHITFIELD: Yes.

213. MS DEWEY: Just by accident, I think if the conditions were studied here and it was replicated as closely as possible, I can’t see why it wouldn’t.
214. MR WHITFIELD: Yes, I’m grateful.

215. MS DEWEY: Just as an ecologist, I’d say that wetlands do respond quite well to new creation, but I think it’s worth giving it a go and I don’t think we should lose this without a bit of an attempt, at least, to recreate it in situ, where we’ve got the opportunity.

216. THE CHAIR: Okay. Let’s move onto the next site.

217. MS DEWEY: The next slide is A286(7). So this is our final point, you’ll be pleased to know. Irreplaceable habitats. As you can imagine, they can’t be recreated. So far, HS2 only recognises two irreplaceable habitats, which is ancient woodland and veteran trees. We maintain the promoter has not properly assessed whether there could be other irreplaceable habitats on the route: the inland salt marsh, is it irreplaceable, isn’t it? We don’t quite know.

218. The definition given by the current proposed national planning policy framework talks about whether something can be recreated due to technical difficulty, or the significant timescale required for replacement, and there are a few examples; ancient woodland, blanket bog, limestone pavement, some types of salt marsh, reed bed and heath land, but it’s not an exhaustive list. Essentially, anything that cannot be recreated or is very difficult to recreate, could be considered irreplaceable, and we’re just concerned that there are habitats on the route that could be irreplaceable but are not being dealt with in that way.

219. So we’ve got a couple of examples here. We’ve got a wet meadow there. Obviously wetlands are very varied, but some, if they’re very old, they’ve got a particular type of water conditions. You can’t just simply put them somewhere else if the water isn’t there in the same way.

220. The other example here is very ancient hedgerows and sunken lanes, as we’ve got an example there. A lot of ferns, a lot of different species there and mature trees. Some of the important hedgerows will be translocated but trying to translocate this would be pretty impossible I think. You could give it a go but, this sort of character of landscape, they’ve built up over hundreds of years. They’ve got cultural historical value as well. You could not very easily recreate a sunken lane like this with the ancient hedgerows.
As we’ve seen as well, a lot of these lanes, they’re either going to be widened, diverted and the land required is very tightly enclosed around them; there’s not a lot of option to avoid them. So we’re very concerned that these get the recognition they deserve, and if they are irreplaceable, that some bespoke mitigation is put in. It’s not just, ‘We’ll plant some more hedgerows’, but possibly translocated, obviously avoiding, if possible, but something bespoke that is the same as ancient woodland –

THE CHAIR: Any additional points before we move to Cheshire Trust?

MS DEWEY: I think that’s it, unless you’d like a summary.

THE CHAIR: No. Thank you very much.

MS DEWEY: Thank you.

THE CHAIR: You can leap in with what you want. I think we’ve got a lot of background; we understand the Wildlife Trust.

Cheshire Wildlife Trust

Statement by Ms Giles

MS GILES: My name’s Rachel Giles; I’m the evidence and planning manager for the Cheshire Wildlife Trust. And I would like to inform the Committee that following discussions and assurances from HS2, the Cheshire Wildlife trust had decide to withdraw our petition.

THE CHAIR: You’re entirely happy? You don’t want to say anything else?

MS GILES: We believe we’ve come to an agreement where we can see that some of the issues that we had have been addressed, so we’re happy at the moment, to withdraw our petition.

THE CHAIR: Thank you very much. Mr Mould, welcome back.

MR MOULD QC (DfT): Thank you very much. If I may I’m going to ask Mr Miller to come in.

THE CHAIR: Absolutely. In your absence he was like a yo-yo springing up from
the back benches, zipping across.

233. MR MOULD QC (DfT): Yes, well, I watched him from afar perform that.

234. THE CHAIR: I figured you were missing us.

235. MR MOULD QC (DfT): I think we may be able to move fairly swiftly through the points.

236. THE CHAIR: That’s appreciated. It’s a busy day in the House.

Evidence of Mr Miller

237. MR MOULD QC (DfT): Of course. So, Mr Miller, first of all, net gain. Can we just put up please P1030(8)? We bear in mind that the specific proposal put forward by the Royal Society was that there should be a clause included in the Bill requiring the project to achieve a net gain in biodiversity, rather than for example taking opportunities to seek to achieve enhancement where the opportunity presents itself on a case-by-case basis. Just explain to the Committee what is the significance of the slide in front of us, Defra’s 25-year plan.

238. MR MILLER: Well, Defra’s 25-year plan has just recently been published. It is something that we have been aware of. It’s been in planning for at least three years. We were thinking that policy may change from a no net loss situation to a net gain. So this is something which has recently come into the frame and this is something that the project is considering because we’re a government promoted initiative.

239. MR MOULD QC (DfT): Have Defra put any flesh to the bones as to how the promoters of major infrastructure schemes such as HS2 but those who promote planning applications for example under the aegis of the National Planning Policy Framework how they might go about in practice delivering on a net gain through the implementation of the development scheme?

240. MR MILLER: No, there’s no guidance. There’s no methodology and there’s no guidance available at the moment. Having said that, the petitioners have raised the issue of this cropping up in the ministerial roundtable meeting that we hold. So that gives them an opportunity to voice their concerns. We also have what we call a National
Environmental Forum, which enables Whitehall departments to engage with the project and also for bodies like Natural England and the Environment Agency to engage with us. Indeed we have just recently our chief executive officer Mark Thurston and myself met with counterparts in Natural England to talk about this very matter. That happened last Monday. What we said to Natural England is we will clearly consider the policy and think about how we can develop that policy with advice from Natural England and also apply our practical advice about how a major project comes about.

241. It isn’t a straightforward thing and even with a no net loss approach, I think you’ve seen in recent days, there are demands on other people’s land for these sorts of outcomes. So moving to a net gain is not a simple thing to do and we shouldn’t go into it lightly. That’s the message that we put back to Natural England and others but we’re not ignoring it and we will develop plans in due course.

242. MR MOULD QC (DfT): Just help us with the final bullet on that page please? What are the practical implications if one was to write into the Bill, at this stage in the development of the scheme, a requirement to seek to achieve net gain?

243. MR MILLER: I think what will happen is that this will start to describe the need for this type of mitigation as a consequence of the scheme, whereas the principle is that we should come forward with a scheme which sets out the lands that are required for the railway and the necessary mitigation of those railway plans. That’s not just a biodiversity outcome. I think we’ve all understood that sometimes it’s biodiversity but in most instances it’s a combination of a biodiversity outcome, landscape outcome and noise outcome and an in combination outcome that you’re having to consider here in these proceedings. So baking that in, I think, will mean that we will end up having to compulsory acquire much more land to prove that we’ve actually produced this as part of the plans that come forward through the Bill proceedings.

244. THE CHAIR: Bill Wiggin.

245. MR WIGGIN: Can I ask, Mr Miller, with HS1, which is now established, are there any benefits from actually having the railway that perhaps weren’t foreseen? A bit like when motorways are put in we see more kestrels and other unexpected but helpful biodiversity gains.
246. MR MILLER: Yes, there’s an example that springs to mind is chalk grassland at the North Downs tunnel portals. It was a sort of stepped cut in quite deep cutting for the railway to pass towards the tunnel portal. In those areas, in fact part of it is actually grazed by sheep for biodiversity reasons. As I understand it, the chalk grassland has actually been able to survive as a consequence of the railway. So I think that is probably an unintended consequence. It was something which we kind of realised afterwards but, yes, that’s the sort of thing that does occur.

247. MR WIGGIN: So do you think there will be unintended benefits from this?

248. MR MILLER: There’s unintended benefits as you’ve seen.

249. MR WIGGIN: Yes, but in your calculation, this all hinges on whether there’s a net gain.

250. MR MILLER: Yes.

251. MR WIGGIN: And at the moment you may get more gain than you expect because a railway is in itself not necessarily disastrous.

252. MR MILLER: Yes, that’s quite possible with the line-side vegetation. We may see a lot more than perhaps has been counted in. I explained to this Committee previously that the idea of the environmental minimum requirements is to further reduce the environmental footprint of the scheme itself and we will be getting on with that. So things like hedgerows that you’ve heard about. We’re counting everything in at the moment. It’s quite likely when we get to the construction plans that those hedges will be protected. You’ve already heard from me about the protection of Noddy’s Oak.

253. MR WIGGIN: Yes.

254. MR MILLER: So it’s within our gift to think about that and get that right as those plans come forward. So shrinking it is a good idea. I think this goes to the mitigation principles – the avoid, mitigate and compensate. But then we’ve got a big mitigation plan in here. We’ve seen that in a number of different instances where that’s affected farmers’ land, Mr Slater’s land in particular with a loss of the woodland and his green farm, his cows there in the Madeley kind of area. There’s a big ancient woodland plan there but we’ve been trying to keep him in business as well, but also to respond to the
ancient woodlands outcome. There are other shades of that debate that have taken place along the way. One of which you returned to here.

255. MR WIGGIN: So one of the things that the lovely petitioners who have been to see us today will pick up in due course is that once the construction actually begins their worst fears won’t be realised and actually there will be a benefit that perhaps they had been concerned about that wasn’t possible to discuss today?

256. MR MILLER: That’s part of it. That’s all part of it. Our mitigation plan is all part of it. I think you may not have heard all of the news which comes along with this project.

257. MR WIGGIN: News or newts, sorry?

258. MR MILLER: News, not newts. I’m not going back there again. There is other news. Ancient woodland, we got a £2 million woodland fund. We’ve set that up for Phase 2A. We’ve got a community and environment fund for £5 million. We’ve been working with National Trust and others in the Shugborough area around by Great Haywood. There are other arrangements that have been already dealt with. You haven’t actually heard from these people in this forum but there are other things that are going on which would further support biodiversity. I think that at a point if you start to add up the sum of those parts you might actually get towards a net gain but that is giving local people a choice, a say, in what actually happens. It’s not just part of the railway which comes along.

259. MR WIGGIN: Thank you.

260. MR MOULD QC (DfT): Can we just put up P1030(9)? I wonder whether we should just remind the Committee of the ecology review group. We know that this is a body, a multidisciplinary group which amongst others includes as its members the Royal Society and also the local wildlife trust bodies for the area through which the railway is running.

261. MR MILLER: Yes.

262. MR MOULD QC (DfT): Do you want to just say something about the work of this group as the railway begins to be taking through the detailed planning and
implementation stage?

263. MR MILLER: Well we set this up through the debate that took place on Phase One, now continuing into Phase 2A. The members of that group will include the wildlife trusts. They have an opportunity to further challenge us through the process, as we get more detailed. Indeed they’ve already done so, helping us with changing methodologies and that sort of thing. It may well be that with Phase 2A, wildlife trusts getting more with that, that their views can be brought forward. It seems to me that we’ve taken a responsible approach to be inclusive to see how far we can get with HS2 in developing its biodiversity plan.

264. MR MOULD QC (DfT): Let’s move on to the Staffordshire Wildlife Trust. I’d like to deal with their two particular requests for engineering changes first. So Lount Farm, just to remind the Committee this was that linear feature which we saw on P1029(9). No, (7), sorry. If we go to A206(4), Mr Miller, can you just explain the extent to which the scheme proposes to mitigate for that part of the area within the green line there, which is just being shown by the arrow now, which is actually lost to the construction of the railway.

265. MR MILLER: Yes.

266. MR MOULD QC (DfT): What’s the mitigation that’s proposed for that?

267. MR MILLER: Well we’ve heard this case once before I think in the last week or so. What I explained was there was a lot of construction work which is going on here with the embankment and the viaduct piers. I think I showed on another drawing that there were haul roads in this area and there are utilities, which are subterranean in this location. So they have to go below the ground, albeit they’re above the ground at the moment. So we have a significant land take from that important part of the ecological local wildlife site here. In order to mitigate that we first of all improve this area of land here, which in fact joins up the local wildlife site in this location and the local wildlife site, which is just off the plan there. So once we get on with that, we get on with the construction, this will be – I’ve explained this – it’s very big construction putting in viaducts. It’s the big-wheeled equipment in this location moving around this whole space. This area will be churned up unfortunately. It won’t be until we actually get that viaduct and the final arrangement in place that we can then return to that and get the
restoration plan underway. So there are essentially two ecological things that are going on at the moment in our plans.

268. MR WHITFIELD: Can I just ask, Mr Miller, at this stage do you have a detailed ecological survey of that area or is this based on your original one?

269. MR MILLER: This area in particular is subject to quite a lot of good information. It’s because of the stewardship of the land, which the petitioner has pointed out. I think what I clarified when the petitioner was represented by Mr Bedson the other day was that actually the same type of mitigation, this sort of meadow-type of mitigation was intended for this area down here. Albeit it was shown as a wetlands thing in our key. What the idea is to try and join this all up so that it actually acts as a greater outcome eventually. But I don’t want to pull wool over your eyes: this area is going to be disrupted significantly by the construction works; there’s no doubt about it.

270. MR WHITFIELD: I’m grateful.

271. MR MILLER: So that’s part of the restoration plan.

272. MR MOULD QC (DfT): Can we then just go to P1029(9)? Now the proposal put forward by the petitioner was that the viaduct over the Moreton Brook should be extended. We’ve given a cost on this slide, an indicative cost of the extension we understood to be being proposed of £24 million. She says that her indicative extension was more modest than that. But if we flash back please to A286(4), we can see, by my reckoning if you look at the two red extensions there, essentially she’d be about doubling the extent of the proposed viaduct. Is that going to, in your judgment, is that likely to result in a significant increase in net cost to the railway?

273. MR MILLER: Yes. Yes, there’s no doubt about it. Viaduct construction is always more expensive, the embankments. Whether it gets to the £24 million that we’ve indicated there, it will be getting close to that. I would guess it’s around about £20 million, something in that sort of order.

274. THE CHAIR: Let’s move to the next site.

275. MR MOULD QC (DfT): Thank you. Then the next one is the salt marsh. If we can go please to A286(5) and remind ourselves of that and then to the next slide, that
was the green area we’re dealing with. I think the Committee are interested in a little bit more information about the opportunities for compensating for the loss of that salt marsh. In the environmental statement, the loss is acknowledged and the commentary is that opportunities will be sought through the local planning authority to seek an enhancement of other sites. Can you help us with whether there’s been any progress in terms of identifying potential alternative sites for enhancement?

276. MR MILLER: Yes, there are two sites. One which is probably the most important is a site called Pasturefields, which is just off this map a little bit further up here, which is a naturally occurring salt marsh. That’s protected internationally as a special area of conservation. So it’s a very important site. I understand that it’s known that the site is in a bit of disrepair. So we think that would be a good option to put some effort in to restore that and to improve it and get it back to its full international status. It doesn’t alter the fact that it’s got a designation but it could do with some restoration, as we understand it. There’s another site in Staffordshire, which I’ve just been made aware of, which the local planning authority put to us. A place called Aston Fields, which is a balancing lake and a local nature reserve which exhibits similar sort of salt marsh qualities. Again, as we understand it from the local authority, as an option it could do with some input and restoration. So there may be other sites in here from salt workings that the petitioner highlighted. We don’t know about those at the moment but there is certainly one international site, which could benefit and one local site that’s been put forward by the local planning authority.

277. MR WHITFIELD: Sorry, you’re not suggesting that the mitigation of losing this site would simply be, I use the phrase carefully here, tinkering around an existing site? Are you envisaging being able to replace the lost land area? Because we have heard that the Wildlife Trust share your view that it’s possible to recreate salt marsh.

278. MR MILLER: Yes, I think it’s one of these things we’ve got to find a salt marsh.

279. MR WHITFIELD: Find a location?

280. MR MILLER: To improve a salt marsh. I think we all have to put our hand up to say that these things are rare. If we can find a salt marsh, it’s not irreplaceable, if you sort of see what I mean. I think we’re all saying that there are salt marsh locations, which could benefit. Whether in those locations there is sufficient land to provide the
replacement is a thing yet to be seen but I think there are two good opportunities there, which might just do it.

281. MR MOULD QC (DfT): We’ll flash over to 1029(15) just to give the Committee a cost estimate of the solution put forward by the petitioner, which is to extend the viaduct. That gives a summary of the appraisal of that by the project. We see an indicative cost of £10.5 million.

282. MR MILLER: Yes.

283. MR MOULD QC (DfT): Mr Miller, that’s that one. Two other brief points, firstly, in relation to the baseline, the petitioner told the Committee that work done by HS2 is revealing previously unknown or underappreciated areas of local wildlife interest through the environmental assessment process. Do you remember that?

284. MR MILLER: Yes.

285. MR MOULD QC (DfT): And the suggestion was that it was important that those now known areas, and those that may become known as we continue with our work, should be properly assessed and appreciated in planning the detail of the railway. Do you have any quarrel with that?

286. MR MILLER: No, in fact we look at the changing nature of the environment partly through our surveys. In fact, we are revealing that there are some other important sites as a consequence of our assessment work. Others are interested in that. The Wildlife Trust – the Woodland Trust are also interested in that sort of thing for ancient woodlands when we’ve spotted an ancient woodland. Those get variously tested and sometimes local wildlife sites are then created locally or things like ancient woodland is confirmed for the national inventory. When those sorts of things occur we carry out further assessment through supplementary environmental statements that you will see due course. So we will upgrade our assessment at a point.

287. What I should say is that our ecological work is actually assessing what’s there on site as far as we’ve got survey material. So we’re actually taking account of the importance of the ecology on those sites. We don’t just rely on the designations. We get on with what’s there and then, where we have introduced the precautionary principle
because we haven’t been able to do the surveys, then we’re putting forward a reasonable worst case. I think what you’ve seen there is when you’ve got better information we’ve been starting to say that we can adjust the mitigation on farmers’ land in certain instances. Yes, we do, we get on with it.

288. MR MOULD QC (DfT): And of course when the local planning authorities come to consider the detailed submissions under the planning schedule, they will have that information before them and nature conservation impacts is one of the things the statute requires them to consider, isn’t it?

289. MR MILLER: It is. It’s one of the important grounds under schedule 17 of the Bill and ultimately the Act, that they would consider when the detailed consents come forward.

290. MR MOULD QC (DfT): Final question: Natural England quarrelled with the project’s approach as taking ancient woodland effects and impacts on ancient and veteran trees as being the right categories of ‘irreplaceable’ habitat to assess for the purposes of this project.

291. MR MILLER: Yes.

292. MR MOULD QC (DfT): They accept that?

293. MR MILLER: Yes.

294. MR MOULD QC (DfT): Thanks very much.

295. THE CHAIR: No further questions. Before calling to order, we won’t take any more business at this point. We’ll meet at seven o’clock or at some point after seven. Bear with me, it is quite a busy day on the Floor of the House and I don’t want to start prematurely and then be interrupted by votes. The clerk will inform all parties if we are to meet significantly after seven but I would ask for a degree of flexibility.