

HS2 EIA Scope and Methodology Consultation

Response from The Wildlife Trusts (England)

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The Wildlife Trusts
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The Wildlife Trusts (TWT)

1. There are 37 individual Wildlife Trusts in England. They are actively engaged in the planning system, promoting opportunities to improve the natural environment and reviewing more than 70,000 planning applications last year. The Wildlife Trusts have more than 740,000 members in England including members of our junior branch Wildlife Watch. Our vision is to create *A Living Landscape* and secure *Living Seas*. Each Wildlife Trust is working within its local communities to inspire people about the future of their area: their own Living Landscapes and Living Seas.
2. *A Living Landscape* is a recovery plan for nature championed by The Wildlife Trusts since 2006 to help create a resilient and healthy environment rich in wildlife and to provide ecological security for people. In *A Living Landscape* habitats are restored and reconnected on a large scale with the local community closely engaged. The vision is a primary objective of The Wildlife Trusts and builds on a groundswell of landscape-scale activity at a county level. The Wildlife Trusts have a long track record of delivering landscape-scale conservation going back well beyond 2006. Across the UK there are now more than 100 Living Landscape schemes covering an area of nearly 1.7 million hectares. The schemes are being delivered in partnership with a huge number of individuals and organisations including farmers and landowners, water companies, land-based industries, local authorities, other NGOs, statutory agencies, local communities and volunteers.

High Speed Rail 2 (HS2)

3. The current proposals to build HS2, the high speed railway from London to Manchester & Leeds, will affect the interests of 13 Wildlife Trusts. The Proposed Scheme for HS2 Phase 1 from London to the West Midlands passes through the area covered by seven Wildlife Trusts.
4. TWT are pleased to have been invited to submit views on the technical document '*HS2 London to West Midlands EIA Scope and Methodology Report. A report to HS2 Ltd by Arup/URS, Draft Condition A – for consultation*' (dated 30th March 2012). We have reviewed the report with a focus on the elements of the EIA which are of particular importance to the activities and objectives of The Wildlife Trusts. Most of these elements are contained within topic 9 'Ecology'.
5. This submission has been prepared with input from all affected Trusts along the route. We are aware that individual Wildlife Trusts may submit comments from both a general and a local perspective, which should be read in conjunction with this submission.

A. Headline issues, objectives and concerns

6. As a general comment, we feel that the report on the proposed EIA scope and methodology is deficient in many respects. We have highlighted a number of specific issues in the detailed comments section, but overarching problems are:
 - the absence of a clearly defined overall footprint for the Proposed Scheme (the full spatial extent of the development);
 - the absence of clear objectives for the Proposed Scheme in terms of managing the impacts and effects on ecological receptors;
 - the lack of detail in some elements of the methodology;
 - the absence of a mechanism to engage effectively at a strategic level with the community of organisations outside the statutory and local authority sectors which have a wealth of technical expertise and practical experience relevant to the Ecology topic of the EIA; and
 - the absence of a clearly set out process and audit trail for the refinement of the EIA scope and methodology, taking into account consultation responses.¹

These present significant barriers to effective consultation on the proposed scope and methodology and the delivery of the EIA.

7. We believe it is critically important that a high level statement of intent should be included in the Proposed Scheme in relation to specific biodiversity assets and general ecosystem functionality. This should specify the outcome sought is a 'net gain' for biodiversity, aligning with the Government's policy objectives for nature and sustainable development as expressed in a range of documents, including in particular the Natural Environment White Paper (2011) and the National Planning Policy Framework (NPPF, 2012). The NPPF is very specific on this, stating in paragraph 9 that:

¹ In our experience, two organisations which demonstrate good practice in the scoping and development of methodologies for EIAs are the Highways Agency and Thames Water.

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment ... including ... moving from a net loss of biodiversity to achieving net gains for nature ...”.

8. Achieving a net gain for biodiversity in the development of the Proposed Scheme will require the application of the full suite of planning and land management options, from the commonly applied hierarchy of actions to avoid, mitigate (within the footprint of the development) and compensate for any residual effects, coupled with maximising opportunities to enhance biodiversity. In this context we are surprised and disappointed that the Ecology topic includes no mention of mitigation and compensation measures envisaged and only the briefest reference to enhancement (Section 9.4.3). This is in spite of a clear and helpful reference to the general principles and approaches to mitigation (Section 2.3) and in stark contrast to the elaboration of mitigation in the EIA topics covered in sections 4, 6, 7, 8, 10, 12, 13, 14, 16 & 17. This is a serious omission from the Ecology topic which we believe must be rectified.
9. We appreciate that the ‘ecosystem approach’ remains in the relatively early stages of development. However, publication of the UK National Ecosystem Assessment (NEA, 2011) has served to raise the profile and importance of functional ecosystems to both the economy and to individual and wider social well-being. We believe that the Proposed Scheme is in an ideal position to embrace the ecosystem approach and to innovate mechanisms as part of the EIA that will ensure that ecosystem functionality is properly assessed, impacts and effects on ecosystem functions and services are defined and evaluated, and appropriate mitigation and enhancement measures are deployed to ensure that natural ecosystem function and the derived benefits are not diminished or degraded by the development.
10. In order to achieve a net gain to biodiversity and to safeguard and enhance ecosystem functionality, we believe that a clear, transparent audit process, agreed by all stakeholder groups is essential. Gains and losses of biodiversity that are predicted in advance of development through the EIA must be tracked during construction and operational phases; and a response mechanism needs to be agreed and established to ensure that where the balance sheet shows inappropriate trends, adjustments can be made and impacts brought under control to achieve the goals agreed through the hybrid bill planning process. None of these issues are addressed adequately and this should be rectified.
11. We believe that significant benefits would result from consultation with organisations outside the statutory and local authority sectors at a strategic level with expertise in biodiversity and ecosystems. For example, to ensure that any predicted impacts on biodiversity are properly mitigated within the footprint of the development or any residual negative effects are compensated for within a reasonable distance of the development and to ensure there is a net gain in biodiversity assets for the local area, engagement with non-government organisations and, in due course, with the incipient Local Nature Partnerships would be beneficial. Unfortunately, the current structure of forums to engage with “... the community and interested organisations” (Section 1.7) is deficient. It fails

to engage stakeholders with strategic interest to ensure proper consideration of and response to impacts and effects at a route-wide scale. The forums where such expertise and interests could have been accommodated (the environment and planning forums) are closed to organisations other than statutory bodies and government departments (environment forum) and local authorities (planning forum); community forums do not accommodate strategic considerations. We recommend that the EIA should have a stakeholder consultation group for the Ecology topic (and indeed, probably for each EIA topic). A properly constituted ‘HS2 Ecology Forum’ or ‘Ecology Working Group’ would provide a framework within which key ecology issues (baseline evidence, assessments, mitigation and compensation proposals, monitoring, etc) can be scrutinised by those with relevant interest and expertise and outputs from that Forum integrated into the detailed planning process for the Proposed Scheme.

B. Key issues and questions on the Ecology topic (Chapter 9)

Acquiring baseline data	<ul style="list-style-type: none"> • The principal point of contact for existing information should in all cases be the local biological/ environmental records centre (LRC). Additional and/or more up to date data may be available from private individuals (e.g. taxon specialists) or organisations which have information that has not yet been made available. The LRC should be able to provide a contact list of specialists, county recorders, volunteer nature conservation groups, etc. HS2 should be prepared to compensate appropriately both individuals and voluntary sector groups willing to make data available, in line with common practice. • Need to recognise that the AoS should not be regarded as anything more than an incomplete baseline. We maintain that the AoS is fundamentally flawed and inconsistent in its approach, specifically in relation to the identification of, and evaluation of impacts upon, Local Wildlife Sites. • Need to ensure full use of available background material to inform decisions on the nature and scope of data gathering from all sources. This will help ensure that the assessment of impacts and effects on the ecology and nature conservation of the Proposed Scheme is adequate, in line with good practice for Ecological Impact Assessment, including full use of existing records of Species and Habitats of Principal Importance² to assist the design of survey programmes and to ensure all relevant data are captured. • HS2 should be aware that data held by Wildlife Trusts on sites (including Local Wildlife Sites), species and habitats in the route corridor are generally available through Local Records Centres, and that access may involve appropriate charges.
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² Species and habitat types in England as defined under Section 41 of the Natural Environment and Rural Communities Act, 2006.

Sites	<ul style="list-style-type: none"> • <u>Local Wildlife Sites.</u> The relevant information to identify these sites is available. These may be known by different names in some counties (for example, in Buckinghamshire there are both Local Wildlife Sites and Biological Notification Sites, each with the same level of policy protection to safeguard wildlife). We will provide a full list of the synonyms separately to HS2 Ltd as soon as possible. HS2 should be aware that data held by Wildlife Trusts on sites (including Local Wildlife Sites), species and habitats in the route corridor are generally available through Local Records Centres, and that access may involve appropriate charges being levied. • <u>European Sites</u> We note the concern raised by Natural England over the SW London Water Bodies SPA (Section 9.3.2 - ‘NE’s comments on AoS’). This should be accompanied by a clear indication of how this will be addressed in the EIA/ES.
Species & habitats	<ul style="list-style-type: none"> • Ancient woodlands and hedgerows are also considered under ‘cultural heritage’ topic; this gives rise to potential risk of different assessment criteria valuing the habitats. • EIA should be sure to take into account recent survey work on small ancient woodlands which have previously not been well-recorded. • Many habitats, including chalk streams, fens, etc. are closely linked to hydrology and hydrogeology. It is important to link data gathering and assessments undertaken in Topic 17 with the Ecology topic.
Survey activity	<ul style="list-style-type: none"> • The EIA methodology does not include sufficiently detailed specifications for anticipated survey work. Where reference is made to ‘best practice’, the standards to be adopted must be specified. • How will the width of survey corridor be determined? This is particularly important for European Protected Species and SSSIs where indirect impacts may arise over a considerable distance (e.g. changes in water quality; increases in emissions such as NO_x). In some instances the appropriate corridor could be 10+ km from the development. More detail is required. See also comment on Section 9.2.6 in Part C below. • Will the methodology deliver sufficient information to know where mitigation and enhancement could be accommodated within the railway corridor, and will this be linked to biodiversity offsetting strategies? • Phase 1 surveys, if they are appropriate, should be considered a precursor to more detailed habitat and protected species survey work, and not an end point.
Timings	<ul style="list-style-type: none"> • Concern that some survey work has been initiated before EIA scope & methodology has been decided (with associated risk

	<p>of data gaps that will need to be addressed).</p> <ul style="list-style-type: none"> • How will EIA process reconcile the changes in baseline that could occur up to the time construction and operation phases commence? The accepted good practice in impact assessment for planning applications (via IEEM guidelines) is that habitat and species surveys should be up-to-date and still accurately represent the situation on the ground. In reality, this means it usually should be no more than two years old. Species which can show rapid changes in use of land, such as badgers, should be re-assessed in immediate advance of works commencing and mitigation adapted accordingly. What standards will be applied for this EIA?
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C. Specific technical issues and comments

EIA Topic 9: ECOLOGY

These comments supplement the observations and questions raised in Parts A and B above.

EIA Scope & methodology section/paragraph	Comments
9.2.1	The Wildlife Trust considers it inappropriate to reference the Appraisal of Sustainability as a suitably detailed description of the baseline environment upon which to base the current EIA.
9.2.6	Requires clarity on extent of Phase 1 habitat survey. Will this be done for the full route corridor (including the full extent of associated construction footprint, and to a minimum of 500m from outer edge of the development, not the centre line)? Consider whether IEEM guidelines on Ecological Impact Assessment are more useful than conventional Phase 1 survey. Methodology needs to include specific framework for invasive species survey (and re-survey prior to construction commencing).
9.2.7	Insufficient detail on the methods to be used to determine need for specialist surveys and how these will be delivered.
9.3.2	How will concerns raised by Natural England (SW London Water Bodies SPA impacts; underestimated impacts on SSSIs; likely impacts on groundwater-dependent habitats; national nature conservation policy issues) be addressed through the EIA?
9.3.3	How will issues relating to landscape scale ecological networks be addressed?
9.5.3	What provision is to be made for resurveying ahead of construction?
9.6.3 & 9.6.5	Clarity needed over how ecological network needs and ecosystem functionality will be incorporated into the assessment process.
9.6.9	This section lacks clarity and seems poorly developed in comparison with methodologies for other EIA topics.
9.6.10	List of issues needs to be extended to cover, inter alia, impacts of vibration, fragmentation (on population genetics), hydrology, invasive species control, habitat degradation, air pollution, noise and disturbance effects of construction activities, etc.
9.6.11 & 9.6.12	This needs to be incorporated into a (currently missing) detailed section on avoidance, mitigation, compensation and enhancement. It needs to embrace the range of initiatives under development, including Living Landscapes and Futurescapes, Biodiversity Opportunity Areas, NIAs, etc. but retain a focus on compensation and enhancement being as close as possible to the location of the impact.

9.6.13 & 9.6.14	Need clarity on how cumulative impacts will be assessed. Methodology as set out is inadequate.
9.7	This section is entirely inadequate. The general assumptions should be set out clearly for this Topic.

EIA Topic 17: WATER RESOURCES AND FLOOD RISK ASSESSMENT

17.2.3	In considering the baseline for surface water flood depth, should more than one return period be considered?
17.3.4	<p>1) Clearly appropriate design and mitigation of potential flood impacts will be necessary. However, "creating new floodplain nearby" may not be possible or appropriate. Based on the findings of the <i>Farming Floodplains for the Future</i> project³ it can be very difficult to find mitigation opportunities in an already functional floodplain. Consideration should be given to scope for upstream or catchment approaches to flood risk management, which may be more appropriate, cost effective and sustainable.</p> <p>2) In terms of rates of discharge of storm runoff, matching existing conditions should be the minimum standard applied. Wherever possible discharges should be minimised, utilising natural processes where appropriate.</p>
17.3.6	The Wildlife Trusts should be included as consultees.
17.4.1	<p>1) Under the second bullet point it needs to be clear that flood risk in areas affected includes both upstream and downstream effects. We assume that this will be modified to consider mitigation if there is a likely increase in risk, but see comments above (ref para 17.3.4) concerning mitigating increased flood risk. With reference to potential river diversions, The assessment must clarify that any potential river diversion and associated mitigation should be considered only where this is unavoidable.</p> <p>2) Under the fourth bullet point, the assessment should consider the whole of the Proposed Scheme, and not just the particular developments listed. These elements should be considered as both a source and a potential receptor of flooding impacts. The assessment must consider how these impacts can be mitigated, including the implementation of sustainable drainage techniques.</p> <p>3) Under the fifth bullet point, the assessment of pollution risk should again consider how any issues can be mitigated.</p>
17.6.11	Under the first bullet point, in addition to routine discharges and accidents, there should also be reference to surface water/uncontrolled run-off; there may be water quality impacts from these, even if there are no negative flood impacts as outlined elsewhere.
17.7.1	Implementation of WFD requires not only the achievement but also maintenance of good ecological status, which may be a requirement beyond 2026/27.

³ see <http://www.staffs-wildlife.org.uk/page/farming-floodplains-for-the-future>