



nature's voice

EIA Draft Scope and Methodology Consultation
HS2 Ltd
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Sent by email

14 May 2012

Dear Sir or Madam,

Consultation of HS2 Draft Scope and Methodology for the HS2 Environmental Impact Assessment

Thank you for your letter of 4 April 2012. The RSPB welcomes the opportunity to respond to the consultation on the scope of the EIA for phase 1 of HS2, and is pleased to have been identified as a "key consultee" as this process moves forward. We have the following comments.

General approach to mitigation and compensation

In our response of July 2011 to the preferred route option consultation, we raised concerns about the loose interpretation of "mitigation" and "compensation". These are not the same thing, a point clearly confirmed by the National Planning Policy Framework (paragraph 118). We are concerned that Section 2.3 of the draft scoping document still appears to view compensation (or "offsetting") as a form of mitigation.

The EIA document must state clearly that there will be environmental impacts that simply cannot be mitigated for, and that compensation will be required. The limitations of that compensation must also be fully acknowledged. For example, by reference to the Government's own policy in the NPPF, the loss of ancient woodland cannot be compensated for on any meaningful timescale, no matter how many new trees might be planted.

We would also like to refer you back to paragraph 36 of our response to the preferred route consultation in 2011, where we proposed a series of principles that should guide compensation to ensure it is effective. In brief, we consider that compensation must be well timed, ecologically and legally effective, sufficient to meet the needs of the biodiversity affected, and well targeted in terms of actually compensating for the damage caused. We again urge the adoption of these principles in the EIA: they can be used to test the effectiveness of compensation options, and certainly the RSPB will scrutinise any proposals with these principles in mind.

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Public rights-of-way

The diversion or severance of public rights of way is mentioned in paragraph 7.4.1 but not in Table 3. It is not obvious whether effects on rights of way should be addressed as an impact on community facilities, amenity, or as a form of access to open space under “resources”, so it would be helpful for the final EIA scoping document to identify clearly where this will be dealt with.

Describing the baseline for nature conservation

Paragraph 9.2.1 suggests the Appraisal of Sustainability (2011) described the baseline condition for the proposed scheme. Numerous consultees, including the RSPB, pointed out omissions in that AoS, including for example the failure to identify all non-statutory wildlife sites along the route. We therefore are pleased to see (albeit at a late stage) the intention now to identify all such sites within 5km of the route.

Consultation on the AoS – nature conservation

We endorse the comments by Natural England and the Wildlife Trusts reported in paragraphs 9.3.2 and 9.3.3.

Surveys of breeding and wintering bird populations

Paragraph 9.2.7 indicates that breeding and wintering bird surveys will be undertaken. Our advice is that breeding bird surveys should follow a “modified” Common Birds Census (CBC) method, with all areas within 500m of the route being visited not less than four times between 1 April and 15 July. Visits should be made in early mornings, in fine, calm weather where possible. Visits should be spaced at least 10 days apart. All species should be recorded if present. Counts and mapped locations of pairs, nests, territories or singing males (as appropriate to the species) of birds listed on the Red or Amber lists of Birds of Conservation Concern, on Annex I of the EC Birds Directive, or on Schedule 1 of the Wildlife & Countryside Act 1981, should be provided. This will enable a proper assessment of the potential population level impacts on species of high conservation concern to be done, as well as identify key locations where specific mitigation and compensation measures are needed. It would be helpful to divide the route up into relatively small sections (e.g. lengths of 5 to 10km) to present results, as well as provide an assessment of the total in-combination impacts from the whole proposal, including all ancillary development.

In addition to the general modified CBC method covering all areas, we will expect particular efforts to be made to survey breeding and wintering birds on statutory and non-statutory wildlife sites especially where birds are a feature of interest of those sites. Depending on the species, the CBC method may not be the most appropriate one. For example, any sites known to support breeding waders of lowland wet grassland need to be surveyed according to the O’Brien and Smith (1992) method for these species. Wetland sites such as in the Colne Valley will need to be surveyed using the BTO Wetland Birds Survey (“WeBS”) method. Population estimates on protected sites damaged by HS2 will help guide appropriate mitigation and compensation and provide a baseline for monitoring both the level of damage, and the effectiveness of any mitigation and compensation. Further information on generic and species-specific survey methods for all bird species can be found in Gilbert et al (1998)¹.

Assessment of beneficial impacts on nature conservation

Paragraph 9.4.3 of the scoping document hints that the development of HS2 could have beneficial effects for nature conservation compared to the “do nothing” scenario. This is an ambitious claim, considering the number of local wildlife sites and small scale features like hedgerows that will inevitably be damaged. The EIA must weigh the issues very carefully before it can legitimately be claimed that localised benefits outweigh the overall fragmentation, disturbance and loss of habitat

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that HS2 will clearly *introduce* to the landscape. For example, to enable such claims to stand up to scrutiny, we consider that the total amount of habitat creation will have to be significantly higher than merely compensating for what is lost.

Re-use of spoil to benefit nature conservation

Clean inert spoil has considerable potential to be re-used to benefit wildlife habitat creation projects, for example by using chalk to create a low-nutrient substrate suitable for establishing calcareous grassland, or clays etc for partially back-filling aggregate workings to enable the creation of high priority wetland habitats like reedbeds and wet woodland. As part of the EIA information gathering process, consultees should be invited to suggest methods and locations where this material could be put to such beneficial use.

We trust these comments are of assistance.

Yours faithfully,



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¹ Gilbert G, Gibbons D W and Evans J (1998). Bird Monitoring Methods. RSPB, Sandy, Bedfordshire

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