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The NFU represents more than 55,000 farming members in England and Wales. In addition we have 41,000 countryside members with an interest in farming and the country.

HS2 –Phase One – Draft Environmental Statement

HS2 – The draft Environmental Statement (dES) is intended to highlight the likely significant environmental effects from the construction and operation of Phase One that have been identified to date along the route from London to Birmingham. Also it highlights what mitigation might be proposed in areas where there may be significant adverse effects.

HS2 have stated that they wish to give everyone the opportunity to comment on the environmental effects and mitigation proposed to date.

HS2 have confirmed that the formal ES will be deposited with the Hybrid Bill and that there will be a public consultation on this final ES.

Our members are greatly affected when new major infrastructure projects are carried out and so the NFU welcomes the consultation that HS2 is undertaking on its draft ES including consulting on the Code of Construction Practice (CoCP).

HS2 have explained that the document includes:

- A non-technical summary (NTS)
- Volume 1 – An introduction to the draft ES and the scheme; and
- Volume 2 – which includes 26 Community Forum area reports
- Draft Code of Construction practice

Comments in regard to the documents have been made in the order as set out above.

Non-Technical Summary

In this document in the foreword at the beginning it states that the ES will propose mitigation measures to manage or reduce likely adverse effects. It is clear that the draft environmental statement does not include any detail in regard to mitigation measures but only very general mitigation measures.

In the '**Approach to the Environment**' it highlights mitigation measures. One of the commitments is to the provision of links across the route to avoid causing severance of roads, public footpaths and

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properties. However nowhere in the document does it highlight bridges or tunnels that are being considered to provide links for agricultural businesses that will be severed, enabling landowners and farmers to continue farming their holdings during construction and once construction is completed.

A further point highlights the use of earth mounds and planting to screen views and blend the scheme into the local landscape. Another point highlights avoiding a potential increase in flood risk by providing storage areas for flood water. The NFU is in agreement that earth mounds and planting will be necessary along with storage areas for flood water but this must be carried out in consultation with landowners and farmers whose land these mitigation measures will be constructed on. In some instances a shallow – sloped embankment will lessen land take and fit better in to the landscape.

The document highlights in **‘Consultation and Engagement’** at 1.2. how community forums have been set up to inform local people, identify issues and benefits. The environmental, planning and the non - government forum is also mentioned and we believe this highlights the lack of proper engagement with landowners and farmers from the start of this project. It is this group of people who will be affected the most along the full length of the line. Critically it is not only their homes but also their businesses that will be affected dramatically and over a number of years. Some agricultural businesses will be so badly affected that it will be impossible for them to continue trading.

Under the **‘Description of the Scheme’** it details what land required is for and then states when bridges and viaducts would be needed. It states that they are needed for public rights of way, road, river or other railway. There is no mention that bridges will be needed to connect agricultural land which is severed.

Power supply is covered and it is described how connections will be required to the National Grid. It is clearly stated that new electricity transmission towers will be needed at Ickenham and Quainton. There has been no public consultation on the NG connection needed.

Under the **‘Construction and Operation of the Scheme’** a summary of how this will happen is detailed. Again it refers to the Code of Construction and how this will work saying HS2 will communicate with the community particularly focusing on those most affected such as local residents, businesses and community facilities. Again there is no mention of agricultural landowners and farmers who as stated above are one of the main groups of people affected by this scheme.

Under the sub heading **Road, Public rights of way and Utilities** it states that when any of these need to be diverted on a temporary basis or permanently they would normally follow the shortest practicable route taking into account certain criteria. It is essential that the requirements of landowners and farmers are part of the criteria as the shortest practical route might interfere greatly with agricultural operations on the land.

Under the **‘Environmental Impact Assessment’** it states clearly how the ES will provide Members of Parliament with information on the environmental effects of the scheme and how these will be avoided, reduced or managed. Again, it must be stated that the mitigation measures are not highlighted in enough detail throughout this draft document for Members of Parliament to be able to make those types of decisions.

Under the **‘Summary of Environmental Effects by Area’** a summary of the significant environmental effects in each area has been provided under the main 12 headings. This summary is very useful and detailed under some headings.

- For example under **‘Ecology’** in most areas it has been possible to state the loss of sites for example 3 ha (58%) of Brackenbury railway cutting site Grade II or 0.2 ha of ancient woodland from Ranston Covert Battlesford Wood within the Mid Colne Valley Site SSSI.

But under '**Agriculture, forestry and soils**' for each area detail has been provide in regard to the farms which HS2 think will be affected and whether significance is permanent and high or not. This has to be commended but no areas of land to be acquired have been stated as under Ecology. If HS2 know the details of each farm holding it must be possible for them to provide further details of land take in this summary and this must be provided in the final ES.

- It is noted that HS2 have been able to state that when land is needed for **ecological and landscape mitigation**: they have been able to clearly state that for example Denham Park Farm in the Colne Valley will lose 15ha of land permanently for tree planting. It further states how if commercially managed woodland and forestry is removed during construction it would be replanted where practicable and these areas would include agricultural land that HS2 thinks is no longer viable as result of severance. It must be made clear that a lot of agricultural land will still be viable when severed, if the right mitigation measures including bridges and access tunnels are put in place for agricultural holdings. Severed land should not automatically be used for tree planting without discussion and agreement with the landowner.
- Under the subheading '**Water resources and flood risk**' in some of the areas it has been stated that tunnelling and cuttings might significantly affect operations of Affinity Water and limited private abstractions. Further details of these private abstractions are required to make sure that agricultural holdings that depend on irrigation will not be affected, or if they are that a mitigation measure is put in place.
- Again it has been possible to identify how many **hedgerows** might be lost under the area for Dunsmore, Wendover and Halton, but no areas of land loss identified. It is stated that following construction hedgerows will be replaced and that significant effects would remain. Once again there is a general statement in regard to mitigation stating that further measures will be considered.
- In the summary for Stoke Mandeville and Aylesbury under ecology it highlights how 1.5ha of **habitat and six ponds** will be lost. It then states how the creation of replacement ponds and habitat suitable for great crested newts is being considered. As stated before it is essential that the locations of these ponds are agreed through consultation with the affected landowners. Landowners are going to end up losing land to the new scheme but also to meet the environmental requirements. On a scheme of this size the requirements could be substantial.
- In certain areas it is stated that to reduce visibility of the scheme **raised embankments** will be constructed. Consultation with the landowner affected must take place and not just with the local community.
- It is stated under the Area for Calvert that there may be the potential loss of **flood plain storage** as a result of the embankment that is likely to be constructed and so result in risk of flooding. Land that is to be taken for flood risk management must be agreed through consultation with the affected landowners and detailed in the ES.
- In the '**Summary of route –wide environmental effects**' it has been possible for HS2 to state that the construction of the scheme could lead to the temporary loss of approximately 2000 hectares of high quality land and that this is 0.05% of such land in England. It is further stated that a 2000 hectares of poor quality land may be temporarily lost as well. It has stated that if it is assumed that 1000 hectares of land is needed on a permanent basis and if 500 hectares of this was high quality, the route wide effect of this loss is considered to be significant. Greater information is needed on this and it needs to be broken down into the loss of high quality land per county to show the real impact of the loss of land on agricultural productivity.

It has to be highlighted that under many of the sections it states that mitigation measures are being considered. Just stating replanting, species relocation and habitat creation is not enough detail and the absence of any mitigation measures being highlighted under Agriculture is not acceptable.

Volume 1 – Introduction to the draft ES and the proposed scheme

The NFU is very pleased to see that under the sub heading '**The Proposed Scheme – Earthworks**' it has been considered that where land is to be returned to agricultural use slopes would be no steeper than 1:8 and a slightly steeper grade might be considered for permanent pasture. The NFU would like to see gentler sloping embankments used where ever possible so that land can stay in agricultural production.

Under '**Scope and methodology for environmental topics- Agriculture**' it has been confirmed that to gauge the likely significant effects on agriculture a 200m - wide corridor has been measured. It further states that the presence of affected agricultural land and the related rural interests have been identified. It is apparent that the farms affected have been identified but the areas of land on each holding have not been identified. As stated earlier in this response, it is essential that these areas of land are identified in the final ES.

Further, it states that the only temporary land not returned to agricultural use to its pre -existing quality may be land used for and engineered for flood compensation which could increase flooding to an extent that would lower the quality of the agricultural land. Further details of the amount of agricultural land affected for this needs to be calculated and highlighted in the ES.

There is a general statement which says that field water supplies would be reconnected during reinstatement and under field drainage of adjacent agricultural land would be returned to its former condition. Of all the complaints received from our farming and professional membership, problems with water supplies not being reconnected properly or field drainage in the surrounding fields to the new scheme are there greatest concern. If they are not reinstated appropriately yields of crops can be substantially affected. These two general statements are of the utmost importance and must be considered and planned for in detail.

Under '**Mitigation**' it states how the ES is required to include a description of the measures envisaged to avoid, reduce and where possible offset the major adverse effects. It is stated that the alignment of the scheme has taken into account where possible to avoid impact at source and this includes the impact on farm buildings. It has also been stated that bridges and underpasses have been considered to avoid the severance of public rights of way and private accesses. The NFU hopes that private accesses includes where agricultural land has been severed and a bridge or underpass will be required to reach severed blocks of land.

It has been stated that there will be a land acquisition policy set out in full for the ES. The NFU hopes that this information will be made available as soon as possible. The NFU is pleased to see that HS2 has realised that the impacts of the scheme on agricultural holdings does vary depending on the size of the holding, activities on the land and the nature of the business. This confirms the importance of carrying out one to one meetings with all landowners and farmers to understand the impacts of the scheme correctly.

Under '**Ecology**' and the approach to future management of mitigation will be determined by taking into account the willingness of existing landowners to adopt new habitats. The views and wishes of landowners must be considered when looking at mitigation options.

Community Forum Area Reports

A few of the area reports were picked at random to look at general points covered for mitigation.

Under the '**Agriculture, forestry and soils**' section the information highlighting the farms affected, the size of the holdings and the information regarding the Best and Most Versatile (BMV) is very detailed. It has been stated very clearly that the residual effect would be the permanent loss of agricultural land and that the loss of Grade 2 and Subgrade 3a is significant.

The NFU is pleased to see that it has been highlighted that the loss of agricultural land does not only affect land resource but also farming interests. It has been identified that three farms have an irrigation system that would be affected. It does state that this system will need to be relocated and reconnection to the water supply. It would be very useful for more information to be provided on generally how HS2 thinks it is going to overcome irrigation problems.

It has been highlighted that many fields along the route contain drains and that drainage systems affected would be restored where practicable. It is not an option to only restore where practical and we stress that new drainage systems must be installed if it is impossible to restore the field drainage back to full working order. As identified earlier in the report please see appendix 1 for drainage details that HS2 need to include in the final ES.

At para 3.5.12 in Area report 18, it has been highlighted that the loss of woodland would be mitigated by replanting in nearby locations. It has been suggested that such locations could include areas of agricultural land that are no longer accessible as a result of severance. In some areas this may be a very good use of land which has been severed but mitigation measures to connect that severed land with the main agricultural holding must be considered first as this may be the difference between a holding continuing to remain as a viable unit. This can only be achieved through bridges or underpasses being built to connect the severed land.

The NFU is very pleased to see that over bridges and underpasses have been considered and identified in some of the area reports for particular farms to reach severed land once construction is complete. The NFU would like to highlight how important it is that the detailed construction of these bridges and underpasses is agreed with the relevant landowners to make sure that vehicles and machinery can pass over the bridges or through the underpasses.

Code of Construction

The NFU is very pleased to see that a code of construction has been drafted and HS2 has stated that it sets out the requirements and procedures to protect residents, businesses and the environment. It further states that the COCP sets out a series of proposed measures and standards of work which will be applied to the nominated undertaker. It is very clear that it will provide a mechanism to engage with the local community and their representatives throughout the construction period. The NFU feels that this statement should explicitly refer to landowners and farmers and they should not be included generally under the broad heading of local community and businesses.

Further it should be made clear that the Environmental Minimum Requirements (EMRs) should define how the nominated undertaker will engage with landowners and farmers as this engagement is different to engagement with communities. The NFU is pleased to see that each EMR will be formed of policies setting out the approach to particular aspects of the scheme including land acquisition, noise mitigation, pre-emption of and repairs relating to damage from settlement. The NFU looks forward to seeing the draft of these policies.

The NFU feels that it is important that the Environmental Management Systems (EMSs) not only states that contractors will be required to reduce environmental effects by planning in advance; planning is also needed to reduce the impact on the farming businesses that will be so badly affected.

The Code includes a chapter on General Requirement and para 5.1.1 covers Community relations with the Nominated Undertaker (NU) and the contractors. It states how the NU will take reasonable steps to engage with the community and says that regular meetings will be held in Community forums to discuss the forthcoming programme of works. It is vitally important that similar meetings are held with landowners and farmers separately as their concerns and the impacts on their businesses will be far greater than on the community. It is likely that the local community will have different priorities from the affected landowners.

The NFU is very pleased to see that there will be a community helpline and a complaints procedure; that a complaints commissioner will be appointed and that there will be an independent arbitration service; also that there will be a small claims procedure. The NFU would recommend that the value should be up to £10,000 and not £7,500 as indicated at para 5.1.10.

Along with the Community helpline it is very important that an agricultural liaison officer is set up to help the land and farming community know directly what is going on that will affect the running of their businesses on a daily basis. As the line between Euston and London is split in to two areas Country North and South it would seem advisable that a liaison officer was appointed to cover each area.

The NFU is very pleased to see the level of detail that has been included under the section of Agriculture, Forestry and soils as it is far greater than was detailed under HS1.

It is very important that the surveys are undertaken as highlighted at para 6.2.2 and that land drainage, irrigation and water supply systems for livestock are maintained. Further details must be stated as to how this is to be achieved. Please see attached details at **Appendix 1** of how drainage should be maintained and brought back into working order once construction has been completed. This wording has been agreed for other National schemes.

Under Ecology it very clearly states that contractors will reduce any habitat loss within the land provided for the project by keeping the working area to the minimum required for the construction project. The NFU feels that the same principle should be applied for agricultural land so that owners and occupiers can carry on farming as much land as possible next to the construction works.

Conclusion

Our members will be greatly affected by this major infrastructure project and it will have a big impact on agricultural operations and individual farm businesses.

The introduction to the draft Environmental Statement stated it was the intention to highlight likely significant environmental effects from construction and operation. It is felt that this has been achieved throughout the report with the significant effects being highlighted as either high or low. It is also stated that mitigation would be highlighted where there is significant adverse effects.

We believe that this has not been achieved to the level of detail needed and too often simply defers to the fact they will be provided in the Environmental Statement. The bottom line for the NFU and our members is that we need to have this level of detail in order to have confidence that the mitigation measures will actually be practical on the ground and enable their farm businesses to operate.

Appendix 1

Drainage

1. LAND DRAINS

- 1.1 On Completion the Landowner and/or the Occupier shall deliver to the HS2 a copy of all plans for any existing drainage systems in the possession or control of the Landowner and/or the Occupier and affecting the Permanent Strip and/or the Temporary Working Strip.
- 1.2 Prior to Construction HS2 shall construct new header drains (cut off drains) at the Landowner's Land provided the landowner and/or any Occupier has supplied to HS2 such reasonable evidence as HS2 reasonably requires evidencing that such drains are required to secure the integrity of the drainage systems serving the Landowner's Land and as a direct result of and to facilitate Construction.
- 1.3 The parties shall use their respective reasonable endeavours to agree the most appropriate method and programme for repairing physical damage caused as a direct result of the carrying out of Construction to field drainage systems serving the Landowner's Land and/or any additional drainage works that might reasonably be deemed necessary (agreed between the parties(each acting reasonably) and, failing such agreement, shall be referred to an expert agreed upon by the parties or, failing agreement, appointed by ADAS.
- 1.4 The parties may agree (each acting reasonably) that as a direct result of the carrying out of Construction new land drains are required to be laid at the Landowner's Land in order to minimise physical damage to those parts of the Landowner's Land affected by Construction. Where new land drains are to be laid by the HS2, HS2 shall procure they are laid as soon as reasonably practicable.
- 1.5 HS2 shall as soon as reasonably practicable mark the location of land drains cut by or disturbed by the construction prominently using marker pegs at both sides of the Pipeline trench.