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Ref: HS2/draft ES/Response

Sent by E mail

Dear Sir/Madam

### **Comments on Hs2 Draft Environment Statement**

The Chilterns Conservation Board was established by Parliament to promote the conservation and enhancement of the Chilterns Area of Outstanding Natural Beauty.

The Board objects to the development of High Speed 2 because of the significant and irreversible damage it would do to the nationally protected landscape of the Chilterns AONB.

The Conservation Board wishes to remind HS2 Ltd that it is required to comply with the duty laid down by Section 85 of the Countryside and Rights of Way Act 2000. The draft Environment Statement does not provide sufficient evidence that it has done so. The Board advises that the final Environmental Statement should provide a great deal more analysis and specific consideration of the potential impacts on the Chilterns AONB in order to fulfil this duty.

In the view of the Board, it is a reasonable expectation that the draft Environmental Statement should be a close approximation of the final version. However, it is clear that HS2 Ltd was nowhere near ready to publish a full draft. This version is so lacking in detail that it cannot be considered a full draft of the final report. It suggests that HS2 Ltd is not well placed to prepare a sound and highly professional final version within the timetable it has set itself.

In view of the scale, cost and potential impact of this railway it would be better to take more time to gather the data it needs, subject it to full analysis and prepare an assessment report which is convincing and secures general agreement. Not to do so significantly increases the risk of damaging the environment.

Yours sincerely



**Mike Fox**  
Chairman

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### **HS2 draft Environmental Statement**

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## **General Comments on draft Environmental Statement for HS2**

1. The design has reached an advanced stage without the benefit of a full environmental impact assessment. A great deal of information which is needed has still not been collected and, until it has been, it will not be possible to undertake a full EIA and prepare a full ES. The design will need to be heavily modified in the light of the final ES. The unreadiness of this draft undermines confidence that the final Environmental Statement will be as thorough and robust as it needs to be.
2. This reinforces the argument that an SEA should have been undertaken as a route has been selected and a detailed design prepared, without a full understanding of the environmental impacts and little, sometimes, no consideration of alternatives which may have avoided significant adverse impacts.
3. The Chilterns is a nationally protected landscape. The landscape quality of an AONB is equivalent to that of a National Park and enjoys the same level of protection. However, whilst the Chilterns status as an AONB is identified there is little evidence that the proposed design or assessment of environmental impacts give the necessary due regard to those special qualities.
4. Unless the final ES is a significant improvement is it arguable that HS2 Ltd, and by implication the Government, will have failed to comply with Section 85 of the Countryside and Rights of Way Act 2000.
5. The minimal number of references to the Chilterns AONB Management Plan is a disappointing reflection of the failure to take into account fully why the Chilterns has AONB status, and how the adverse impacts could have been avoided.
6. The argument that the line is in a tunnel from the southern boundary of the AONB to Mantles Wood near Hyde Heath because it is in the AONB, lacks credibility if the line northwards is, for long sections, on the surface, embankment or viaduct. The so called green tunnel, whilst keeping the line out of sight, nonetheless causes immense environmental damage during the construction phase. This suggests that the tunnelled section has been proposed due to cost considerations and not in order to avoid environmental damage.
7. The Chilterns Conservation Board believes that the only acceptable solution to avoid significant and permanent adverse environmental impacts is for the route to be in a bored tunnel for the entire length as it passes under the Chilterns AONB.
8. The proposed design gives overdue weight to cost minimisation compared to the avoidance or reduction of environmental impacts. This represents a failure to accept or understand the purpose of the

requirement to prepare an Environmental Statement. The requirement to identify potentially adverse impacts is so that options can be considered to avoid them. This ensures that environmental considerations are given considerable weight, as well as those of cost and practicality. The consistent failure to adopt measures to avoid adverse impacts will inevitably result in widespread and avoidable damage to the environment.

9. The Conservation Board is further concerned that the consideration of cost seems only to apply to minimising the expenditure by the Department for Transport. This railway line is being proposed in the national interest, purportedly to deliver benefits to the whole of UK society and economy. These benefits, mostly notional, are given very high values in the business case for HS2. It is only equitable, therefore, that the cost to the whole of society is taken into account. This has not been done. If this more enlightened, some might say fair, approach were to be taken the alignment and design of HS2 might be very different. It would certainly result in the section of line through the Chilterns AONB being put into a bored tunnel.
10. Such a response would also be fully in line with the Government's policies on ecosystem services. Despite the Natural Environment White Paper being published less than two years ago, and the Government and agencies advocacy of this approach, the draft Environmental Statement has not been prepared using these principles; indeed the term does not appear at all in the report - a curious and inexplicable omission. The inevitable consequence is that the draft ES not only fails to identify all the environmental impacts, those it does are understated as the full range of ecosystem services is not acknowledged or valued
11. The Government's own words fully encapsulate the approach the Conservation Board believes should apply when considering the development of this railway.

"Most people rightly believe in the innate value of nature and our strong moral responsibility to protect it. But the value of nature to our economy and society, and to our personal well-being is also clearer than ever. Science, economics and social research have broken new ground, demonstrating that year by year, the erosion of our natural environment is losing us benefits and generating cost."

**Natural Environment White Paper 2011**

**The following comments apply to the Environmental Statement and are not specific to particular assessments or proposed actions.**

1. There is no specific, separate and detailed assessment of impacts on the Chilterns AONB.
2. The precautionary principle must be applied at all times
3. The draft ES fails to take into account cumulative impacts.
4. There is little confidence that the ES or comments on the ES will result in any significant change to any aspect of the alignment and design as HS2/DfT are giving environmental considerations a low weighting compared to cost and practicality (speed of build). This view has been reinforced by the inflexible attitude adopted by HS2 Ltd at the Community Forum meetings.
5. The geographic area assessed for impacts is generally too small resulting in an under stating of impacts, e.g. visual and noise.
6. No weighting is attached to reputational damage which will affect the Chilterns attractiveness to visitors or as a place to live or do business.
7. The ancient historic character of the Chilterns is not recognised. HS2 has attempted to assess impact on individual features only, with no acceptance of the impact on landscape character or the historic importance of the wider landscape.
8. The urbanising effects of the railway, train and structures is not recognised at all.
9. The impacts on the community and local businesses have not yet been adequately recognised. The absence of any meaningful analysis of socio-economic impacts given in the draft statement gives little confidence this will be addressed fully in the final version.
10. Too many important potential effects are not assessed fully, but instead relegated to something that will be covered by the Code of Construction Practice.
11. The document fails to define what is meant by temporary. For some effects if they persist more than a few months they should be considered permanent. For example, disruption to local traffic flows which persist for several years effectively changes how local people use local roads and should be considered permanent. Replanted woodland will take decades to mature so the change to the landscape is, effectively, permanent.
12. The proposed mitigation often have environmental impacts of their own which need to be assessed, but almost without exception haven't been.

13. The hierarchy of impacts is supported, but the Draft ES exhibits almost no examples of the preferred strategy of avoiding adverse impacts.
14. In HS2 Ltd's desire to give a gloss to their plans too often they use language which veers from objective technical description to commentary, even promotion. On other occasions the impacts are under-stated or the benefits of the mitigation over-stated. A repeated mistake is to claim that the landscape above green tunnels will be reinstated. Woodland, including ancient woodland, cannot be re-instated.
15. The impacts of noise are dealt with superficially. The use of average noise levels is wholly unacceptable. It is accepted, as international best practice, for noises event such as passing trains, to use noise peaks (Lmax) and to give weight to the timing and frequency of those peaks. To use average noise levels to disguise these adverse impacts is misleading and unacceptable. There is no reference to the impact of noise generated by night time maintenance.
16. The proposed acceptable noise levels are too high. Laeq 50dB should be Laeq 40 dB as per WHO guidelines. The area assessed should extend beyond 1 kilometre.
17. It is highly likely that much of the proposed new planting, and other landscape and habitat creation work, will be on private land outside the rail corridor. Any such works will require the agreement of the landowner. This is not mentioned. It is important because under such circumstances there can be no guarantee the work will ever take place, will be managed or maintained appropriately or even survive other than for a limited period post construction.
18. The concept of tranquillity seems not be understood or how it needs to be conserved and enhanced.
19. In general the importance of ancient woodland is understated - all ancient woodland is of national importance.
20. The absence of any meaningful statement on the use of spoil and its transportation is a considerable concern. In a nationally protected landscape it is not an acceptable strategy to deposit it on adjacent land. The creation of, so-called, false cuttings are no substitute for genuinely deeper cuttings (some with retained sides) which would provide more environmental benefit. The environmental impacts of the proposed strategy have not been assessed.
21. There is no reference to ongoing monitoring of environmental impacts and subsequent implementation of appropriate measures.

22. The impact on generation of greenhouse gases is inadequate and likely to significantly understate the additional emissions that will be generated directly and indirectly by HS2.
23. In general there is a paucity of data on overall impacts.
24. There is no recognition that after construction there will be many parcels of unwanted, even abandoned, land that cannot be returned to their former uses. This potential impact needs to be recognised.
25. The standards of mitigation must be future-proofed. That means working to standards far in excess of that in place today. Those are the results of past efforts to raise standards and will be regarded as wholly inadequate in the future. The long timescales of this project demand that whatever is put in place stands the test of time.
26. There are opportunities to improve the landscape, biodiversity and amenity of the area. For example, the undergrounding of powerlines and the use of low noise road surfaces. These opportunities should be identified and included in the proposal. None have been.
27. The power lines along the Misbourne Valley should be put underground as a rare example of providing an environmental benefit to the Chilterns.
28. The assessment of impacts on traffic, both that on existing traffic and that generated by HS2, are wholly inadequate, even misleading.
29. There is no recognition of likely impacts on the services of Chiltern Railways and other users of the Chiltern Line; nor the restricted access to railway stations, notably Great Missenden and Wendover.
30. Greater consideration should be given to using local roads less and building temporary tracks for use by HS2 traffic. For example, HS2 traffic should not be using Potter Row or Frith Hill.
31. The use of lanes by walkers, cyclists and horse riders is not acknowledged.