Select Committee Ask

Petitioner No. 099- Woodland Trust– appeared 11 July 2018

Tim Mould QC offered to report back on the progress of assurances for the specific trees outlined by the woodland trust, by AP2 publication.

The following email was sent to the Woodland Trust on 22/02/2019. It outlines assurances offered to the Staffordshire County Council concerning trees mentioned in their Select Committee appearance on 11/07/2018.

By email to: LuciRyan@woodlandtrust.org.uk

22 February 2019

Dear Ms Ryan,


I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill (‘the Bill’) currently before Parliament. I understand that the Woodland Trust has a number of concerns about the impact of Phase 2A of HS2 (known as ‘the Proposed Scheme’) and submitted a petition on that basis against the Bill in the House of Commons.

I wrote to you previously on 10 July 2018 to offer you assurances on Veteran Trees, which for reference are reproduced below:

**Impact on Veteran Trees**

“13. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Trees to explore and, where reasonably practicable, implement options to avoid in each case the need to remove a Veteran Tree.

In this assurance:

“Veteran Trees” means those trees within the administrative boundary of Staffordshire County Council and identified in:

- paragraph 8.3.27 of the Community area report for CA1, Fradley to Colton, in Volume 2 of the Environmental Statement;
- paragraphs 8.3.27 and 8.3.28 of the Community area report for CA2, Colwich to Yarlet, in Volume 2 of the Environmental Statement;
Retaining Noddy’s Oak

“32. The Promoter will require the nominated undertaker to retain the veteran oak tree colloquially known as “Noddy’s Oak” on Newlands Lane, Stockwell Heath during construction of the works related to the Proposed Scheme in the area. With regards to Natural England and Forestry Commission standing advice on ancient woodland and veteran trees, and taking account of paragraph 12.2 of the draft Code of Construction Practice particularly in relation to root protection zones, the nominated undertaker will further use reasonable endeavours to ensure that the tree’s roots are not damaged during the works to utilities in that area”.

During the Woodland Trust’s appearance at Select Committee the Promoter said it would look to provide assurances where additional Veteran Trees could be retained or where options could be explored to potentially retain them during detailed design. Since the deposit of Additional Provision 2 (AP2) the Promoter has published a further report on the Veteran Trees that were assumed to be lost as a result of the Proposed Scheme. A copy of The Ancient and Veteran Trees (EI-626) report which details our findings was sent to you on 18 February 2019.

I am writing to notify you that as a result of the further work we have offered enhanced assurances to Staffordshire County Council on the following Veteran Trees:

“1. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Beech tree referred to as CA2-08 in the Ancient and Veteran Trees (EI-626) Report.

2. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Ash tree referred to as CA4-07 in the Ancient and Veteran Trees (EI-626) Report.”

In addition we have offered assurances to Staffordshire County Council on the following individual Veteran Trees:

“1. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of
any Veteran Tree to explore and, where reasonably practicable, implement options to avoid removal of the Black Poplar tree referred to as CA-02 in the Ancient and Veteran Trees (EI-626) Report.

2. The Promoter will require the nominated undertaker in exercising the powers of the Bill to carry out works which the Environmental Statement reports might result in the loss of any Veteran Tree to explore and, where reasonably practicable, implement options to avoid removal of the Horse-Chestnut tree referred to as CA2-03 in the Ancient and Veteran Trees (EI-626) Report.

3. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Veteran Ash tree referred to as CA3-01 in the Ancient and Veteran Trees (EI-626) Report.

4. Subject to the Promoter no longer needing to undertake works to the west of the A53 Newcastle Road in the vicinity of Whitmore heath (south) Tunnelling Facility, the Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate Oak trees referred to as CA4-02, CA4-03, CA4-04 and CA4-05 in the Ancient and Veteran Trees (EI-626) Report.

5. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate Oak tree referred to as CA4-08 in the Ancient and Veteran Trees (EI-626) Report.

6. The Promoter will require the nominated undertaker, in exercising the powers of the Bill, not to remove the Pedunculate oak tree referred to as CA4-09 in the Ancient and Veteran Trees (EI-626) Report.

Please note that the part of the assurance offered to Staffordshire County Council on 8 May 2018 which refers to CA5 ("paragraph 8.3.20 and 8.3.21 of the Community area report for CA5, South Cheshire, in Volume 2 of the Environmental Statement.") will now be offered to Cheshire East as these Veteran Trees fall within their administrative boundary.

A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances¹. The assurance process is set out below.

If you have any queries please don’t hesitate to contact Martin Wells, Senior Petition Manager on Martin.Wells@HS2.org.uk.

Yours sincerely

¹ A copy can be found at https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers
Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited