

Network Rail East-West Rail (Western Section) Consultation

Response from the Buckinghamshire and Milton Keynes Natural Environment Partnership

The Buckinghamshire and Milton Keynes Natural Environment Partnership brings together local authorities and organisations from across the public, private, health and education sectors, as well as conservation and community organisations to champion the value of the Buckinghamshire environment in decision-making, and to encourage environmental protection and improvement for multiple benefits – for the environment, businesses and the economy, and the health and wellbeing of communities and the society of Buckinghamshire.

We welcome the opportunity to comment on the current East-West Rail consultation.

Our response to the second round of Network Rail's public consultation on East-West Rail proposals is necessarily strategic at this stage, and emphasises the areas of work we are currently prioritising to achieve the NEP's objectives in Buckinghamshire and Milton Keynes. We urge you to consider carefully the points we make below, which are essential to take account of in determining the location, design, nature and operation of the proposed scheme and to deal appropriately and sufficiently with its environmental impacts.

1. Green Infrastructure – plan for early and strategically; improve the quality, amount and connectivity to achieve multiple benefits. (e.g. ES Ch 12)

In 2016, the NEP and its Partners put together an agreed Vision for Green Infrastructure in Buckinghamshire and Milton Keynes by 2030 and a set of Principles that should be adhered to in order to achieve it¹. Overall – the NEP advocates the consideration of, protection and improvements to existing quality, quantity and connectivity of green infrastructure, including blue infrastructure (e.g. waterways, rivers, canals etc.) early and strategically to deliver maximum benefits to all.

The NEP's Partners want to see by 2030 a landscape-scale network of green and blue infrastructure that is well-designed, accessible, used and valued by residents, connected together at the landscape scale, including across administrative borders, is wildlife-rich and necessary into the long-term to provide multiple benefits. We want to see this delivered through support, commitment and adequate funding.

To achieve the Vision, we need to see planners and developers recognising that Green Infrastructure is as important and necessary for the social, environmental and economic health and wellbeing of our areas as is man-made / constructed infrastructure; that the

¹ See <http://www.bucksmknep.co.uk/wp-content/uploads/2016/09/NEP-GI-Vision-and-Principles-FINAL.pdf>

value of GI and its benefits are considered and planned for early and strategically, that it is managed into the long-term, connected together, coordinated with neighbouring areas, and is linked to and supports other policy objectives.

In order for the EWR development to ensure the vision is achieved, we emphasise the need to

- Evaluate the potential of existing green and blue infrastructure – and look for opportunities to enhance, improve, create and connect it - for example when planning the route, mitigating / compensating for impacts;
- Complete a fragmentation analysis;
- Avoid impacts of railway corridors on wildlife corridors and waterways wherever possible, and ensure appropriate compensation where this is unavoidable. For example, lineside habitat creation and management should ensure that Railway Corridors continue to provide viable wildlife corridors.

2. Biodiversity accounting – assessing and achieving a long-term net gain in biodiversity using latest good practice guidance and methodologies (e.g. ES Ch9 and 16)

The NEP welcomes EWR Alliance's commitment to "*delivering measurable net biodiversity gain and positively contributing to the conservation of nature in the region*" (Sustainability Objective ENV03)."

This approach aligns to our current work where the NEP is leading work in partnership with its members to encourage use of a standardised system across Buckinghamshire and Milton Keynes to assess net changes in biodiversity resulting from development, ensure long-term net gains are achieved, and integrate the use of the mitigation hierarchy.

Calculating and ensuring Net Gain in Biodiversity

We note at Para 2.5.3 in Appendix 9.19 that Network Rail proposes using biodiversity units as calculated with the habitat-based Defra metric as one piece of information to inform biodiversity assessment – alongside species composition (animals and plants), habitat structure, ecological functionality (per CIEEM guidelines) and people's use and cultural values associated with that biodiversity (per the BBOP Standard). The intention is that the biodiversity assessment informs decisions about Net Positive, particularly offsets, habitat type, which animal species should use it and its ecological function (Para 2.5.4) and the biodiversity unit calculation is only used to answer "how much" is needed to achieve Net Positive.

We commend the use of various current guidelines, best practice, toolkits and methodologies in undertaking baseline surveys, calculating biodiversity units and determining the nature of the action required to achieve Net Positive. We request that National Rail continues this approach and monitors developments in all of these, updates its specific approach according to the latest best practice guidelines and also engages with the Buckinghamshire and Milton Keynes NEP as it develops a metric, based on the Defra metric,

for use in Buckinghamshire and Milton Keynes. We also advocate close consideration of the emerging guidelines on biodiversity accounting as is being put together by CIRIA / CIEEM and IEMA.

In respect of the evaluation methodology we would press to ensure that:

- The baseline biodiversity value calculations that are underway (Para 3.5.1 Tech Appendix 9.19) robustly take into account the value of existing biodiversity and habitats so that a true net gain is planned for and achieved. For example there are likely to be areas of track and mothballed lines where services have not operated for some time that have become environmentally-established and of some ecological value. We would expect such mothballed lines and their embankments to contain species and habitats requiring careful assessment of likely impacts and adequate avoidance, mitigation and/or compensation. For example, breeding birds, bats, reptiles and invertebrates; and habitats such as deciduous woodland, open mosaic, hedgerows and scrub.
- Mitigation / compensation / enhancement should be secured *in perpetuity*, to match the timeframe over which the railway will be in place. Without this, net positive is unlikely to be achieved. This could be secured through the following means, or a combination, as appropriate for each parcel:
 - Purchase of land for mitigation / compensation / enhancement, and passing to an appropriate organisation to commit to its management for biodiversity in perpetuity; or
 - Retain the land within the railway estate but with a legal commitment to manage it for biodiversity on an in perpetuity basis;
 - If mitigation / compensation / enhancement is secured with private landowners, ensure a management plan lasting for the lifetime of the railway is put in place – so the compensation is there as long as the development is.
- Demonstrate that a net gain is achieved *and maintained* through proper monitoring.

Use of the mitigation hierarchy and choice of mitigation sites

In using the mitigation hierarchy, we advocate that impacts are sought to be *avoided* as a first choice; and otherwise minimised, mitigated and compensated for – with an emphasis that after avoidance and the choice of development site has been made, that action is taken onsite first; then offsite as a last-resort option and as locally as possible to the impact; then evaluated regularly afterwards to ensure net gain is delivered. (Para 3.6.19).

For example, Para 3.5.4 suggests any alternatives to existing track location would likely have greater impact, constituting almost entirely greenfield development. We say this depends on what is already there in each scenario, which must be properly evaluated.

The choice of mitigation sites and the nature of proposed improvements must take into account all available data and avoid inappropriate location or disturbance of ecologically sensitive sites. This may mean that Network Rail needs to consider the need for offsite offsets outside the Network Rail Managed Infrastructure area in order to achieve Net

Positive. The NEP would also expect regular re-assessment post-works of the impacts on biodiversity, and the long-term management of offset sites should be provided for - to ensure net gain is achieved.

When habitats are created for mitigation / compensation / enhancement, we also would expect that these are located locally and so as to maximise the creation of ecological networks, and with a substantial portion being focused in Buckinghamshire's Biodiversity Opportunity Areas, and in line with our Green Infrastructure and Health work.

Continued consultation with the Buckinghamshire and Milton Keynes Natural Environment Partnership

The NEP would welcome the opportunity to comment on the results of calculations, concept offset ideas and requirements for additional ideas, as is the proposed next step once the Defra Unit calculation is updated based on the losses and gains outlined in the draft ES. (Technical Appendix 9.19: Figure 9.19.1).

3. Natural assets and benefits provided – proper account of the location and nature of natural assets and their benefits in the choice of location, design, build and operation of the scheme. (e.g. ES Ch 12, 15 and 16)

Robust, complete, accurate and adequate environmental information is needed for decision-making

The NEP urges all parties to properly and thoroughly collate ecological information to adequately characterise the area of development on which to base decisions. The NEP also urges developers to take into account the impact of infrastructure and development on the distribution, nature, quantity, quality and connectivity of natural assets, their value and the multiple benefits (services) they provide, when determining the location and impacts of the scheme.

The NEP is currently working on a number county-wide (Buckinghamshire and Milton Keynes) strategic mapping projects which would be of interest to developers, not as a replacement, but as a supplement to other, more detailed, environmental information. For example:

- We are in the process of collecting together maps of various green infrastructure assets and making use of experts to identify areas of particular GI opportunity in Buckinghamshire and Milton Keynes - for its connection, expansion and improvement.
- We are also working in collaboration with neighbouring Local Nature Partnerships on a "Natural Capital Investment Plan" to highlight and promote the value of natural assets in Buckinghamshire and Milton Keynes and neighbouring areas in order to help steer future infrastructure and other investment according to the findings.

We would encourage all infrastructure developers to ensure they have all the adequate information and are properly informed of the natural assets, their services and multiple benefits provided in the scheme area, and to model the impacts on them of various infrastructure options and proposals and variations to find the best overall solution -to maximise environmental gains and opportunities for all and minimise losses.

We would encourage close working from an early stage with all Local Nature Partnerships affected across the proposed scheme, ensure sufficient collection and use of data on natural assets and ecological services is taken into account in planning the route and the nature of development and operation, and that a commitment is made to robustly and sufficiently take this information into account in putting forward detailed proposals on route, design, works and operational impacts.

Protected and designated sites and species; priority and notable habitats and species

The NEP is currently supporting work to review all county Biological Notification Sites (BNSs) and assess them for Local Wildlife Site (LWS) status. Both BNSs and LWSs support locally and nationally-threatened wildlife, priority habitats and species and should be adequately protected.

We would expect the EWR scheme to identify how it will avoid impacts on, protect, enhance and expand all sites of international, national and local ecological importance and high-quality habitats where these lie within, or in close proximity of, the NR Managed Infrastructure area. We would also expect adequate surveys, assessment of impacts, details of avoidance, mitigation, compensation and enhancement measures and provision for legally protected, priority and notable species – for example such as those in the NEP's Biodiversity Action Plan (BAP) ¹; and the need to retain, restore and, where possible, create and enhance priority habitats (and other habitats) and biodiversity in line with the objectives in the NEP's BAP, including directing opportunities to sufficiently protect and enhance the county's Biodiversity Opportunity Areas and their aims.

We also encourage the need to identify opportunities to retain or enhance ecological networks, including opportunities across the immediate infrastructure boundary area.

4. [Our Standard Response to Buckinghamshire's emerging Local Plans also applies to major infrastructure development](#)

The NEP would also like to refer to the points made in its [Standard Checklist Response to Local Plans](#). Although this document is targeted towards Local Planning, it provides a useful checklist to the principles and expectations the NEP has of good planning for all development and infrastructure – in relation to biodiversity, protected sites, ecological networks and green infrastructure in particular: from environmentally-sensitive route selection and construction, incorporating biodiversity and green spaces into development proposals and compensating / mitigating wherever needed; the protection and

enhancement of river and stream corridors and slowing the flow, particularly using natural means, to reduce flood risk. We would encourage NR to review and adhere to its contents.

Summary

Overall, we broadly welcome the commitment to net biodiversity gain and hope that future proposals take into account all of our points set out in this response - the need to clearly identify and work to maximise biodiversity, habitats and ecosystem services benefits through clever and careful location and design of infrastructure (seeking to avoid impacts first, wherever possible, in line with the mitigation hierarchy); and during construction and operation - overall to respect and contribute to landscape requirements for more, better and better-connected and early-planned strategic green infrastructure for the benefit of people, the economy and wildlife.

We recognise the importance of East-West Rail to the national and regional economy, but it cannot be at the expense of the natural environment, which in itself is an economic and social benefit. The Buckinghamshire and Milton Keynes Natural Environment Partnership requests an early opportunity to discuss its detailed concerns with the project team.

ⁱ See <http://www.bucksmknep.co.uk/wp-content/uploads/2014/11/Bucks-BAP-Forward-to-2020.pdf>