

Samantha Woods

To: Geoff Leffek
Cc: Winters Peter; Angus Martyn; EXTL: Ricks Steve; Murphy Colin; Cuzner, Mark; Baldwin Dominic; Winfield Simon
Subject: RE: Biodiversity Instruction

From: Emery John
Sent: 31 January 2019 17:50
To: Geoff Leffek <Geoff.leffek@eastwestrail.co.uk>
Cc: Winters Peter <Peter.Winters@networkrail.co.uk>; Angus Martyn <Martyn.Angus@networkrail.co.uk>; EXTL: Ricks Steve <Steve.Ricks@atkinsglobal.com>; Murphy Colin <Colin.Murphy@networkrail.co.uk>; Cuzner, Mark <MCuzner@laingorourke.com>; Baldwin Dominic <Dominic.Baldwin@networkrail.co.uk>; Winfield Simon <Simon.Winfield3@networkrail.co.uk>
Subject: RE: Biodiversity Instruction

Geoff,

Please see below Network Rail's formal reply to the Biodiversity Instruction,

Network Rail has reviewed the instruction issued by the East West Railway Company dated 21st December 2018 remitting the East West Rail Phase 2 project to achieve a biodiversity net gain outcome. As you are aware, Network Rail cannot seek statutory powers to acquire land by compulsory purchase solely for the purpose of net gain. Network Rail is therefore proposing the following staged process for delivery against the instruction:

1. *Avoidance of habitat loss*

The EWR Alliance has recently completed a process with the aim of reducing the scale of habitat loss, as far as possible, in order to preserve foraging and commuting habitat for bats. This has preserved a significant percentage of the habitat in Route Sections 2a and 2b compared with the "worst case" presented in the ES. The EWR Alliance will consequently re-calculate the net loss of habitats along the Scheme.

2. *Consultation with Natural England*

Once the EWR Alliance has updated the biodiversity calculations, we will agree with NE the metric to be used and the appropriate level of gain. We have assumed at this stage that NE would expect Network Rail to use the Defra 2.0 metric, and to provide a 10% gain in line with the current consultation.

3. *Delivery of biodiversity gains on site*

The EWR Alliance will then calculate the habitat gains created through the landscape planting and ECS (which have improved since the ES in light of changes such as the acquisition by Network Rail of Moco Farm). There is still, however, likely to be a net loss at this point.

4. *Delivery of net gains in partnership in the local area*

The EWR Alliance will then enter into partnership discussions to deliver habitat creation of appropriate habitats in the local area. It is recognised that this approach is dependent on successfully negotiating third party land and agreements.

5. *Purchase of an offset*

For the proportion of habitat creation that cannot be delivered via step 3 (on site or in the ECS) or step 4 (locally in partnership) Network Rail proposes an investment is made into habitat banking for the required number of biodiversity units through an organization such as the Environment Bank. Network Rail would seek to specify that the funds should be for relevant species / habitats such as rare bats, barn owls, invertebrates and woodland or open mosaic habitats and within the counties affected by the Scheme.

On the basis of the approach and process described above being agreeable, Network Rail confirms acceptance of the East West Rail Company instruction. If you have any questions or would like to discuss any elements further, then please contact me.

Kind Regards,
John

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