

Buckinghamshire and Milton Keynes Natural Environment Partnership

Further Environmental Information

Network Rail East West Rail TWA Order

*Response to
Secretary of State for Transport c/o Transport and Works Act
Orders Unit, General Counsel's Office, Department for
Transport, Zone 1/18, Great Minster House, 33 Horseferry
Road, London SW1P 4DR*

from

***The Buckinghamshire and Milton Keynes
Natural Environment Partnership***



C/O 6th Floor, County Hall, Buckinghamshire County Council
Walton Street
Aylesbury
Buckinghamshire
HP20 1UA

Partnership Manager email address: nthomas@buckscc.gov.uk

December 2018

Introduction

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 respond to the Further Environmental Information for the Network Rail East West Rail TWA Order.

The NEP responded to the Western Section EWR Consultation in August 2017 highlighting in particular the need for highlighting the need for:

- Early and strategic planning for Green infrastructure –to improve the quality, amount and connectivity into the long term to achieve multiple benefits
- Biodiversity accounting and achieving a long-term net gain in biodiversity using the latest good practice guidance and methodologies
- Taking proper account of the location and nature of existing natural assets and their benefits and potential in the choice of location, design, build and operation of the scheme.

Our summary to that consultation highlights our remaining key concerns:

“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.”

Our response below 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.

The NEP's main concerns with the TWA Order proposal

The NEP does not object in principle to the EW Rail proposal.

However the NEP has a number of strong concerns regarding the areas that we commented on in August 2017. In particular, **the achievement of net biodiversity gain** as part of the TWA Order.

Grounds of the representation:

The NEP Objects that the powers to ensure biodiversity net gain are not being sought by Order under the Works Act, despite an overall predicted project loss in biodiversity on all route sections and national policy requirements for net biodiversity gains.

The NEP therefore makes the following points in the hope that this will be resolved.

1. The absolute importance of achieving a long-term net gain in biodiversity as result of the Project. Doing so would align with DfT and EWR Company aspirations for the project to achieve a net gain, and would be in line with policy developments with the Government's 25 Year Environment Plan and new NPPF. We refer to the NEP's previous consultation response (referred to above) on this point.
2. The Project overall results in a net loss of biodiversity according to the biodiversity metric applied and set out in the Further Environmental Information, with all route sections resulting in a loss of biodiversity units. The scale of loss is immense and much is in Buckinghamshire on the disused railway between Calvert and Bletchley. We are also concerned about the likely impact on species as a result of the net loss in habitat e.g. the reduction in woodland, scrub, semi-improved grassland which are important for reptiles, breeding birds and invertebrates including black and brown hairstreak. Not only is this overall net loss hugely disappointing, it also runs contrary to planning policy for net gain.
3. Also of disappointment and running contrary to planning policy for net gain is, that despite the calculated net loss, and despite clear aspirations for the project to achieve a net gain by DfT and EWR Company, NR considers that the powers sought under the Order should not include those to ensure biodiversity net gain is achieved.

We also point out that there are other ways to achieve a net gain than via compulsory purchase, including following up on the organisations that put forward project ideas several years ago during the "Net Positive" meetings; and follow the example of developers, who do not have compulsory purchase powers, yet achieve net biodiversity gains where required. If developers are required to find an offset, they seek land and make an agreement with the landowner to achieve net gain.

4. The suggested alternative approach being taken forward outside the planning process, makes the proposed "net positive" outcome vulnerable. We are concerned that such an approach may mean that pursuing a net gain in biodiversity will be achieved depending on sufficient funding rather than being a requirement - and could suffer in scale and outcome from any overspend or cost squeeze during the project.

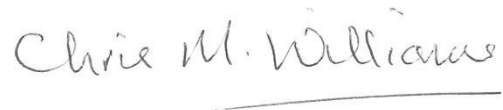
5. The approach suggested goes against national policy (NPPF, 25YEP) and local policy developments, including draft Local Plan objectives for net biodiversity gain across the area, and local partnership-wide involvement in setting up net biodiversity gain metrics and schemes to ensure all development in Buckinghamshire and Milton Keynes results in a gain in the areas biodiversity.
6. We also note the fact that much of the compensation is being taken forward in the form of 25-30 year management agreements with no guarantee what happens afterwards. Therefore it is unclear how the Project will ensure biodiversity net gains into the long term.
7. The NEP urges National Rail to think again about aligning its policy and ensuring, through good practice, that it provides a net gain in biodiversity as a result of the scheme. Anything less risks betraying the responsibility of all, particularly flagship projects such as EWR, to work to combat the huge scale of biodiversity loss and the need to sufficiently recognise the importance of enhancing and improving it into the long term for the benefit of all.

NEP documents

We have provided links to the following NEP documents of relevance to the East West Rail project:

- The NEP's Biodiversity Action Plan for Buckinghamshire and Milton Keynes, "Forward to 2020"
<http://bucksmknep.co.uk/projects/forward-to-2020-biodiversity-action/>
- The NEP's work on working with our partners to put in place a Biodiversity Accounting scheme across Buckinghamshire and Milton Keynes to help achieve net biodiversity gain. (The webpage will be updated as documents and diagrams become available; putting such a scheme together is the focus of much of our current work).
<http://bucksmknep.co.uk/projects/biodiversity-accounting/>
- The NEP's Green Infrastructure Vision and Principles document
<http://bucksmknep.co.uk/projects/vision-and-principles-for-the-improvement-of-green-infrastructure/>
This sets out a Vision for connected, improved, maintained and valued GI providing multiple benefits for all, and the need to adhere to 9 principles to achieve it across Bucks and MK – including early and strategic planning for GI, on a par in importance with traditional "built" infrastructure, through development and infrastructure provision at all scales.
- The NEP's recent GI Opportunity Zones mapping work and accompanying explanatory slide pack.
<http://bucksmknep.co.uk/projects/gi-opportunities-mapping/>
This is the result of work undertaken by the NEP's GI and Health partners to map large-scale GI opportunity zones across the Bucks and MK area on the basis of underlying maps of green and blue assets alongside access maps, maps of development pressures and their own expertise. The map provides a talking point and accompanies the Vision and Principles document (above) to highlight the broader value and benefits provided by green infrastructure in its widest sense and therefore encourage early and strategic planning to maximise long-term GI opportunities through development and infrastructure provision.

We would welcome further discussions with National Rail about any of the points made above or in our previous August 2017 consultation response ([available here](#)).

A handwritten signature in black ink that reads "Chris M. Williams". The signature is written in a cursive style and is underlined with a single horizontal line.

Chris Williams

Chair, Buckinghamshire and Milton Keynes Natural Environment Partnership