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Mark Thurston
Chief Executive Officer
HS2 Ltd

30 October 2020

Dear Mr Thurston,

HS2 Enabling Works at Jones' Hill Wood, Ancient Woodland

I am writing regarding Jones' Hill Wood near the town of Wendover, Buckinghamshire. Jones' Hill Wood comprises a small 1.8 ha of irreplaceable ancient woodland. The wood lies on the route of the HS2 rail line and over half of the woodland (1 ha) is due to be cleared by HS2. What remains of the woodland will be left exposed on the hillside above a deep and wide cutting.

In recent weeks concern has been expressed to us regarding the impact of HS2 Ltd's activities on Barbastelle bats, a very rare protected species of mammal. Such activities include tree felling, vegetation and hedgerow clearance and the inappropriate use of lighting.

We understand that, earlier this month, an ecological survey identified Barbastelle bat roost sites within Jones' Hill Wood and that HS2 Ltd is aware of the subsequent report¹. All UK bat species are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

This means a criminal offence may be committed if you:

1. Deliberately take, injure or kill a wild bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
3. Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat
5. Intentionally or recklessly obstruct access to a bat roost.

More information published by the Bat Conservation Trust is [here](#).

The [Barbastelle](#) is one of the UK's [rarest](#) species of mammal and we understand that HS2 Ltd does not have a licence to carry out works that might disturb the Barbastelle bats in Jones Wood, or damage or destroy a place used by bats.

Tree felling is likely to disturb, injure or kill bats inhabiting those trees and also potentially damage or destroy a place used for breeding or resting. Crucially, the legislation applies '**even if bats are not occupying the roost at the time**'.

We understand that HS2 Ltd's contractors have been instructed to cease felling operations at Jones' Hill Wood. However, since pausing clearance of the site, the contractors have set up powerful lights which can be seen from some distance across the Chilterns Area of Outstanding Natural Beauty (AONB). This is a concern with regard to light pollution, disturbance to the local community and also the potential disturbance to bats living and feeding in and around the wood.

We are advised that the lighting is intended as a security measure to prevent protesters from entering the site. However, we have received reports that the lights are illuminating some of the trees which the Barbastelle bats were reported to have been using. Direct lighting causes disturbance to bats, preventing them from taking flight, feeding and securing alternate roosts, and threatening their very survival.

Section 5.4 of HS2's Code of Construction Practice states that lighting will be "designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance."

We are therefore writing to seek information on HS2's current plans on this site. In particular, we seek urgent assurance from HS2 Ltd and its contractors that you will:

- comply fully with the provisions of the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and HS2's own Code of Construction Practice
- take immediate action to protect any and all identified and suspected bat roosts within Jones' Hill Wood and its vicinity
- redirect any site lighting towards ground level using the minimum luminance necessary for the purpose, and away from trees so that no light spill will affect bats and their roost sites
- carry out appropriate bat surveys in accordance with good practice as set out in [Bat Surveys for Professional Ecologists](#), by the Bat Conservation Trust (which includes taking account of ambient conditions and the time of year). We would appreciate seeing details of the proposed surveys before they proceed
- design and introduce suitable mitigation measures (for Barbastelle and other bat species) prior to any works being carried out that may disturb, injure or kill bats and/or damage roost sites.

Elsewhere along the route, HS2 Ltd contractors are introducing mitigation measures to reduce the impact on bat communities, such as the Park Farm mitigation site less than 2.5km away from Jones' Hill Wood. We believe mitigation measures exist for this site too, and urge HS2 Ltd and its contractors to consider options for a 'cut and cover green tunnel'.

HS2's own literature² describes the use of such a tunnel - the Boxley Tunnel - to protect ancient woodland along the route of HS1. Such a tunnel could be constructed without any change in vertical or horizontal alignment of the HS2 route and would minimise tree felling. Indeed, during the Parliamentary Select Committee process, Bettina Kirkham (on behalf of the Chilterns Conservation Board and other stakeholders) presented evidence on 13 October 2015, describing the landscape and wildlife benefit of just such a structure adjacent to Jones' Hill Wood³.

To conclude, the Chilterns Conservation Board is concerned at the impacts of HS2 on both the natural environment and the local communities of the Chilterns AONB. You have said "One of our guiding principles is to be a good neighbour and respect the communities we are working with and the environment in which they

live." I therefore hope that this will be the case with regards to Jones' Hill Wood and I look forward to receiving your response to the points in this letter.

Your sincerely,



Dr Elaine King
Chief Executive Officer

CC: The Right Honourable Grant Shapps, Secretary of State for Transport
The Right Honourable George Eustice, Secretary of State for Environment, Food and Rural Affairs
The Right Honourable Rob Butler, Member of Parliament for Aylesbury
Martin Tett, Leader, Buckinghamshire Council
Marian Spain, Chief Executive, Natural England
Jonathan Pearce, Senior Project Manager, HS2 Advice Team
Kat Stanhope, HS2 Phase 1 Ecology Lead
John Campbell, Chief Constable, Thames Valley Police

¹ Eco Tech report. 5 October 2020.

² Deliverable Approach Statement - Cut-and-Cover Tunnels & Tunnel Portals
(HS2-HS2-TN-DAS-000-000005 | P02 | 31 January 2013) Figure 11.1, Boxley Tunnel, HS1.

³ Evidence of Mrs Bettina Kirkham DIPTP BLD GMLI, Select Committee, 13 October 2015, Evidence pack, HOC/00520/0181, A1450 (27)

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5 November 2020

Dear Dr King,

Re: HS2-20-48573-E

First and foremost, thank you for your recent letter dated 30th October, to Mr Mark Thurston, CEO of HS2 Ltd regarding *HS2 Enabling Works at Jones' Hill Wood, Ancient Woodland*. You may be aware that we have had a series of correspondence on the issue and we are aware of the concerns of local residents. Mr Thurston has reviewed your letter and has asked me to respond on his behalf as Senior responsible manager for the HS2 Helpdesk. As you will see our letter was acknowledged by the team in keeping with our commitments and I'm pleased to provide a substantive reply for you having review the matter with our specialist lead teams.

To start we wanted to clarify HS2's position in terms of mitigating the impact on the natural environment. HS2 aims to be one of the most environmentally responsible infrastructure projects ever delivered in the UK and across the world. On completion of the project HS2 will support a much greener way to travel offering some of the lowest carbon emissions per passenger kilometre, significantly less than cars and domestic air travel. We fully understand the concerns the construction of the railway will have, it is a substantive endeavour, and we are determined to manage the impact of HS2 carefully and to improve the natural environment along the route wherever possible. As we have set out, we understand that there is an impact on the natural environment during the

delivery of the railway but do believe we are doing all we can to mitigate the impact, manage the natural environment and create new green spaces.

All HS2 works are designed to minimise disturbance to wildlife, in accordance with the HS2 Phase One Code of Construction Practice and all relevant wildlife legislation. All our ecological work is carried out in accordance with the relevant laws and regulations and is guided by the HS2 Phase One Act of Parliament and its Environmental Minimum Requirements. As you know the merits of these protection measures were considered by special parliamentary select committees alongside the merits of requests for further tunnelling and other mitigation measures. A balance was struck in Parliament to determine the plans that define HS2, this included further bored tunnelling in the Chilterns but did not extend to any further cut and cover tunnelling.

In direct response to your letter, we want to confirm some of the works taking place within the wood to date, to ensure you are fully aware of the status of works and our present position locally. We have spoken to our lead contractor in the area and they have clarified that the following works have taken place.

- A stone access driveway has been installed from Durham Farm up to the Jones Hill Wood.
- Bat Surveys of the trees within the woodland following good practice - so far HS2 have not confirmed any bat roosts present within the trees in Jones Hill Wood within HS2 land.
- Soil surveys within the woodland (related to the proposed soil translocation works) – this has now been completed.
- Badger sett surveys and mitigation – this is ongoing and important work.
- Fencing has been erected around the HS2 land possession area.
- Archaeological trial pit investigations – is due start in mid-Nov.
- Surveys have been undertaken by specialist contractor ahead of removal of protestor debris from inside woodland.

Our contractor has confirmed as of the 4th November no trees have been felled – this cannot happen until all ecology and archaeology surveys/assessments have been completed, in line with our commitments.

It appears the oak tree which has been claimed as a bat roost by other parties is outside of Act limits and should not be affected directly by HS2 work, although this tree has

been climbed by protestors (ropes were observed in the tree recently). We have been in contact with the author of the report to try and obtain further survey information to help inform our assessment. So far HS2 have not confirmed any bat roosts present within the trees in Jones Hill Wood within HS2 land. If roosting bats are identified, we will apply for the appropriate licences and put mitigation measures in place.

HS2 and our Contractors are investigating the allegations in relation to disturbance to bats from lighting. It is necessary, for workforce safety and security, that some lighting is required at the site to prevent incursion by trespassers. However, our Contractors are working with the security team to manage security whilst minimising disturbance to wildlife.

We have had a lot of issues with illegal trespassing over the last six months or so including interference with surveys, protestors climbing trees and erecting structures in the wood. It is likely that any bats present would have been disturbed by the presence of the illegal trespassers who have been in the trees for many months. Please also note that activists are still camping in the wood outside of the area possessed by HS2.

As compensation for the loss of woodland habitat within Jones Hill Wood HS2 will be creating habitat adjacent to the retained part of Jones Hill Wood. This habitat will include an area for translocated ancient woodland soils from Jones Hill Wood as well as new planting. The designed habitat is approximately 47,500 m² and lies to the east of the HS2 railway line. The habitats have been designed to take account of local species in the area, including bats. The habitat creation site is currently an area of arable land. The ancient woodland soils receptor and planting aims to maintain and enhance habitat corridors/links between existing woodlands.

I hope that you can see the sequential approach of surveys and mitigation is ongoing to minimise the impact where possible on the natural environment, whilst continuing to proceed with the delivery of the railway as set out by HM Government. I do hope the enclosed provides clarity in relation to the works that are taking place, what has started, what is complete and what is ongoing – and the measures we are taking to manage the local environment.

If you require any further assistance on this matter or have further specific questions, please do not hesitate to get in touch. Enquiries can be issued to our HS2 Helpdesk via email on hs2enquiries@hs2.org.uk – the team are available all day, every day and would

be happy to assist you – please quote your above reference number when doing so. I would be personally happy to assist in any way required to help provide any further detail you need.

I hope this letter clarified where we are with the works, sets out our plans to mitigate the local and ecological impact where possible and to update communities and stakeholders with our progress.

Yours sincerely,

Mr T Walker
Senior Public Response Manager



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Mr T Walker
Senior Public Response Manager
HS2 Ltd

Sent by email

10 November 2020

Dear Mr Walker,

HS2 Reference: HS2-20-48573-E
HS2 Enabling Works at Jones' Hill Wood, Ancient Woodland

Thank you for responding to my letter of 30 October (your letter dated 5 November) and confirming that, as of 4 November, no trees have been felled at Jones' Hill Wood and that no tree felling will occur before all ecology and archaeology surveys/assessments have been completed. Thank you also for offering to personally assist in any way required to help provide any further detail we need. I would appreciate your further clarification of the following points:

1. Bat Surveys

You mention the 'oak tree which has been claimed as a bat roost by other parties.' Can you confirm that you are referencing the Eco Tech report (5 October 2020). Whilst I understand that your contractors will need to verify the presence and numbers of bat roosts, can you confirm that HS2 Ltd accepts the veracity of this report, which was conducted by experienced and qualified ecologists.

You have confirmed that bat surveys within the woodland, following good practice, have not been able to locate any bat roosts. Our understanding of good practice as set out in [Bat Surveys for Professional Ecologists](#), by the Bat Conservation Trust, is that appropriate surveys would not be possible at this time of year - temperatures being too low. Please can you confirm the survey methods being employed, the dates that surveys have taken place and proposals for further surveys? Please can you share with us all the bat survey reports and any other relevant information relating to bats at Jones' Hill Wood.

In the meantime, please can you give us your assurance that no trees will be felled and no further disturbance caused to bat populations at Jones' Hill Wood until you have carried out a thorough investigation in line with best practice survey methodology, and have any necessary licences in place, in addition to having put in place appropriate mitigation.

I would remind you that it is an offence to potentially damage or destroy a place used for breeding or resting even if bats are not occupying the roost at the time.

2. Mitigation

We are aware of the proposed translocation of ancient woodland soils and new tree planting adjacent to Jones' Hill Wood. Are the HS2 ecologists suggesting these will be adequate mitigation measures for existing bat communities? If so, do they take the view that this also applies to the rare Barbastelle bat which roosts beneath

flaking bark often found on mature beech and other trees? Bats are also dependent on using existing mature trees and hedgerows to navigate when foraging so replacing such vegetation with new planting does not equate to suitable mitigation.

Please can you confirm HS2 Ltd's mitigation proposals for bat communities currently using both Jones' Hill Wood and the surrounding areas for roosting and foraging. Can you also confirm when mitigation work is expected to be put in place.

3. Lighting

The Chilterns Conservation Board understands why HS2 Ltd would use lighting for workforce safety and security and to prevent incursion by trespassers. However, we do not believe that lighting illuminating tree canopies or spilling out across the neighbouring countryside is either necessary or acceptable. Not only does the use of such lighting fail your own principles of being a good neighbour and respecting the communities and the environment in which they live but, if it disturbs identified or potential other bat roosts, HS2 Ltd may be committing a criminal offence.

Please can you give assurance that the obtrusive lighting will be removed and that any lighting that is deemed necessary does not illuminate potential bat roosts or disturb the local community.

To conclude, I would be grateful if you could answer the specific questions above and supply survey information regarding bats at Jones' Hill Wood. In the light of recent evidence, I would be particularly interested to know what new action HS2 Ltd is taking to protect bat communities and avoid any wildlife crimes being committed.

Thank you again for your help and I look forward to hearing from you.

Your sincerely,



Dr Elaine King
Chief Executive Officer

CC: The Right Honourable Grant Shapps, Secretary of State for Transport
The Right Honourable George Eustice, Secretary of State for Environment, Food and Rural Affairs
The Right Honourable Rob Butler, Member of Parliament for Aylesbury
Martin Tett, Leader, Buckinghamshire Council
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John Campbell, Chief Constable, Thames Valley Police

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7th December 2020

Dear Dr King,

Re: HS2-20-48573-E

Following your recent follow up letter, I wanted to write to respond to the specific points you have raised. We have been consulting with the relevant teams to provide a detailed hence the slight delay, which we apologise for. Please find below the responses to the additional questions raised based on the latest available information.

Firstly, in relation to the Bat Surveys, you mention the 'oak tree which has been claimed as a bat roost by other parties'. HS2 has contacted the report author for more data to validate the findings within their report. Until we receive this data we are by way of precaution accepting that the oak tree has been recorded as a Barbastelle bat roost. This tree is not within the proposed felling area and will be retained.

Regarding the requests for survey information, the woodland was initially surveyed by HS2 in 2016 and no confirmed bats roosts were found at that time. Staged bat surveys were scheduled to be undertaken during the optimal season in 2020 by our Contractors in accordance with best practice. Some initial ground level assessments were started in April. However, unfortunately a full suite of summer surveys could not be completed due to the occupation of the site by anti-HS2 protestors and the restrictions in place due to the Covid-19 pandemic.

Following eviction of the protestors in October 2020 our Contractors carried out further ground level tree assessments and tree climbing surveys which in accordance with best

practice can be done at any time of year. The ground level inspections and tree climbing inspections allowed a detailed assessment of all features within the trees and resulted in classification of the trees as follows; two trees with high suitability, 12 trees with moderate suitability, 16 trees with low suitability, and seven trees with negligible suitability for roosting bats. Only three trees were deemed unsafe to climb and one tree had a potential roost feature which could not be fully inspected.

Although presence/absence surveys for bats are recommended between May and September, this was not possible due to presence of protestors. The bat active period is generally considered to be April to October inclusive and dusk and dawn surveys were completed in October on the four trees which could not be fully inspected. No bats were seen emerging from or returning to any of the four trees that were subject to activity surveys. Low levels of common pipistrelle foraging activity was recorded in the woodland during the surveys.

Four static bat detectors were also deployed in the woodland and were set up at different monitoring points to record bat activity. Survey dates were selected when the predicted weather forecast indicated suitable weather conditions for foraging and commuting bats. The automated detectors were left in place to ensure that at least five survey nights were achieved with suitable weather conditions.

On the second point in relation to mitigation measures, our Contractors are currently still finalising the full mitigation strategy in relation to bats at Jones Hill Wood to ensure that it is suitable for bat communities. Until this is resolved no trees are to be felled.

Tree felling will be carried out in a sensitive way in the presence of experienced/licenced bat ecologists who will check any potential roost feature for bats prior to felling. Bat boxes will be provided to compensate for the loss of each tree with high or moderate suitability for roosting bats and where possible, potential roost features within trees will be section felled and fixed to retained trees in the local area to maintain the roosting resource. Translocation work may also move large sections of trees to provide standing dead wood with suitable bat roosting features.

Approximately 1.1ha of Jones' Hill Wood will be retained and protected, along with the hedgerows and tree lines to the east of the woodland. In addition, other areas of woodland within the wider landscape will remain. There will be an area of retained woodland edge which would restrict works within 30m of the reported barbastelle roost.

A landscaping strategy will be implemented, with the creation of a new woodland block and linkages between woodland areas provided to the south-west of Jones' Hill Wood. The proposed landscaping scheme incorporates a new species-rich woodland planting

area, to the east of the translocated woodland. This new parcel of woodland will create a link between the retained and translocated parts of Jones' Hill Wood, and other areas of woodland within the local area. Provision of habitat and creation of links at this scale will significantly increase the amount of foraging and commuting habitat available to the local bat population as well as providing benefits to a wide range of other wildlife.

Some of the mitigation works, such as erection of bat boxes, will be in place ahead of tree felling commencing to ensure there is continuous provision of roosting features available. The new habitat will be created this planting season. The programme for soils translocation will depend on the progress of tree felling activities.

On the final points in relation to lighting on the site, further refinement of the lighting at the Jones Hill Wood site has taken place. This has included the installation of ground level security lighting within the woodland and surrounding perimeter. The lighting arrangement continues to consider the wildlife, night sky and the safety of the required security operation.

The lighting arrangement has been assessed by ecologists in relation to the position and lighting level provided, and we have complied with guidance wherever possible. Tower lights have been lowered and directed to the floor to reduce light spill into the tree canopies and moved away from trees with bat roost potential. These are to be used in times of emergency, such as a security incident that requires additional lighting provision. There are on-going assessments of measures that could further reduce light spill such as the use of different lighting, different bulbs and use of motion sensitive lighting.

An area alongside the boundary was test-lit recently using festoon lighting using a combination of white and red lights to provide safe low-level walking routes or the work force. The installation is being optimised but has further reduced lighting levels.

We continue to update the community regarding the reasoning for the lighting and responding where possible to reduce disturbance to our community neighbours. This has included reorientation / repositioning of lighting. We discussed this issue at a recent meeting at Missenden on 25th November which was attended by some district and parish councillors.

As mentioned previously, if you require any further assistance on this matter or have further specific questions, please do not hesitate to get in touch. Enquiries can be issued to our HS2 Helpdesk via email on hs2enquiries@hs2.org.uk or by freephone on **08081 434 434** - the team are available all day, every day and would be happy to assist you - please quote your above reference number when doing so. I would be personally happy to assist in any way required to help provide any further detail you need.

Yours sincerely,

Tom

Tom Walker | Senior Public Response Manager (HS2 Helpdesk) | HS2 Ltd