

December 2015

**HIGH SPEED RAIL (LONDON - WEST
MIDLANDS) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. AP4: 24:
Friends of Wormwood Scrubs Park Association**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. AP4: 24, from the Friends of Wormwood Scrubs Park Association.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the Petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the Petition, and a summary statement of the issue(s) contained in the Petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response points are attached.

Copies of the Information Papers referred to in the response points can be found at <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Friends of Wormwood Scrubs Park Association is an association of users of the Scrubs whose purpose is to protect and conserve the Scrubs for the exercise, recreation and enjoyment of members of the public in accordance with the Wormwood Scrubs Act 1879. The Petitioner has previously submitted two Petitions, Nos. 61 and 62.

PETITION NO. AP4: 24

FRIENDS OF WORMWOOD SCRUBS PARK ASSOCIATION

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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Friends of Wormwood Scrubs Park Association

PETITION NO: AP4: 24

PARAGRAPH NO: 8-13

ISSUE RAISED: Sewer works and ecological impacts

PETITION PARAGRAPH: 8. The proposal is described in Supplementary Environmental Statement 3 ("SES") and Additional Provision 4 Environmental Statement Volume 2 Community forum area reports CFA4 Kilburn (Brent) to Old Oak Common at 5.2.1 to 5.2.10 (pp 51-52), 5.2.105 - 5.2.117 (pp 63-65) and in Table 3 Summary of amendments (p 13). It is a significant departure from the original scheme which is summarised as follows:

"5.2.1 The Bill provides for the diversion of the Stamford Brook sewer across the Great Western Main Line at Old Oak Common (i.e north of the Scrubs), including its diversion under the future Crossrail depot, currently being built on lands to the north of Old Oak Common. The original scheme would have involved excavating shafts in the access road to the Intercity Express Programme (IEP) depot (previously named the North Pole depot) from which the newly diverted sewer would be constructed. This would have resulted in disruption of the IEP depot operations (refer to maps...)"

NB the IEP depot is to the immediate north of the Scrubs, an area separated from the Scrubs by an embankment on the northern boundary.

"5.2.2 The sewer diversion route in the main ES would have involved vegetation clearance of a small section of land within Wormwood Scrubs Railway Embankment Site of Borough Importance Grade 1 (SBI.1). No works within Wormwood Scrubs Park (SBI.1) were required (your Petitioners' italics).

9. Under the original scheme the vegetation clearance would have been made good and hence the Scrubs would have remained effectively untouched. The proposal as described in 5.2.4 - 5.2.9 however involves the temporary acquisition of about 2.5 ha of additional land and the realignment of the sewer. It will start further north beneath the Crossrail depot and be built under the IEP depot and into the Scrubs and then run westwards before connecting with the existing sewer within the Scrubs (the existing sewer continues south to Braybrook Street). The point of this is apparently (5.2.4) to avoid works in the access road to the IEP depot and disruption of the IEP

depot operations. There will be a sewer tunnel under the IEP depot, elsewhere the sewer will be built by open-cut trenching. A new satellite compound will be required within the Scrubs about 0.6 ha in size. It is said (5.2.7) to be in place for approximately four months but, in discussions with LBHF, the Promoter has indicated that the whole programme could take up to 12 months. Five new manhole covers will be built along the line of the new sewer with a sixth at the connection with the existing Thames Water sewer.

10. Particular effects to the Scrubs are described at 5.2.82 -5.2.89 and 5.2.105 - 5.2.117. During construction there will be loss of vegetation on the embankment along the northern boundary and the sewer trench will need to be excavated. In the Additional Provision 4 Environmental Statement Vol 5 Technical appendices Table 1 "Summary of additional local/parish level adverse effects..." it is said that "the realignment of Stamford Brook sewer at Wormwood Scrubs Park will result in the loss of mature trees. This will have a permanent effect on the conservation status of this habitat at the local/parish level". Despite this, 5.2.112 of the SES asserts that "the land required for construction of the sewer realignment will be restored to its former condition with seeding and planting. The amendment will not therefore give rise to new significant effects on"the "LCA (Landscape Character Area) during operation".

11. The embankment where vegetation will be lost and through which the new sewer will run is part of the Scrubs LNR and a particularly sensitive part of the Scrubs ecologically, providing habitat for several species of summer migrant warblers as well as other resident bird species. To achieve the route of the new sewer running westward before connecting with the existing sewer, it seems that land will be acquired on the northern grassland (part of the SINC) where the Scrubs's colony of meadow pipits can be found (this is thought to be the regular habitat closest to Central London for the species). 5.2.70 refers to the main Environmental Statement where it is said that the breeding assemblage of Wormwood Scrubs Park "is considered to be of district/borough value" and "breeding meadow pipits are important in a borough context".

12. Paragraph 11 above is not intended to list exhaustively the wildlife that will be affected by the proposal.

13. Your Petitioners do not share the Promoter's apparent unconcern at the effect the proposal will have on the habitat and consequently on the wildlife of the Scrubs. It is clear that the disturbance involved will be substantial and, even if made good, is bound to prevent species from using the area affected and breeding there. Whether their absence will remain only temporary is in the Petitioners' submission entirely speculative

PROMOTER'S RESPONSE:

Description of sewer works

1. As described in section 5.2.7-8 of the Supplementary Environmental Statement 3 and Additional Provision 4 Environmental Statement (SES₃ and AP₄ ES) Volume 2, CFA₄, 'the works will require use of a new temporary satellite compound, named the Stamford Brook satellite compound, which will be located adjacent to the existing sewer within Wormwood Scrubs Park SBI.I and be approximately 0.6ha in size'.
2. The compound would be accessed off Braybrook Street and in place for approximately four months, for the duration of the open-cut trenching for the sewer. The Stamford Brook satellite compound area would be returned to its pre-construction state following construction. The reception manhole for the tunnelled section of the manhole would also be accessed off Braybrook Street. Work on the reception shaft may not coincide with the open trench works thereby possibly extending the contractors' presence on site by two months.
3. The number and location of manholes would be subject to further detailed design work with Thames Water. Under the current plan, six manholes would be located within Wormwood Scrubs, including the one at the connection with the existing Thames Water sewer within the Scrubs.

Ecological impacts

4. Section 5.2.82 and 5.2.83 of the SES₃ and AP₄ ES state:

'5.2.82 ...The construction of the amendment will result in the permanent loss of approximately 0.5ha of Wormwood Scrubs LNR (approximately 13.4ha), predominantly scrub and the occasional mature tree representing only approximately 4% of the site. Due to the small scale of the habitat loss and the common nature of the habitats affected the amendment is not expected to result in a significant effect on the integrity of the Wormwoods Scrubs LNR.

5.2.83 The construction of the amendment will result in the temporary loss of approximately 2ha of Wormwood Scrubs Park SBI.I (approximately 47ha), predominantly grassland (1.5ha) with some scrub (0.5ha), representing only approximately 4% of the SBI site. Due to the small scale of the habitat loss and the common nature of the habitats affected the amendment is not expected to result in a significant effect on the Wormwood Scrubs Park SBI.I.'

5. Once the utility diversion has been completed the rough grassland and bramble scrub that is currently present will readily re-colonise, as it has done over the existing sewer alignment.
6. With the exception of very small areas for the manhole covers, the habitats affected in the Wormwood Scrubs LNR and the Wormwood Scrubs Park SBI.I would be restored to the existing condition following the work.

Habitat

7. The construction of the amendment will result in new effects on other habitats such as grassland, scrub and the occasional mature tree. This will result in new effects, which are not significant.

8. It is considered unlikely that any other effects on species receptors, significant at more than the local/parish level, will occur.

9. The vegetation clearance would be on the level area where there is an existing well used path, and not on the embankment, and the effect on breeding warblers and other birds would therefore be minimal. Meadow pipits nest in large open areas of grassland and are not likely to nest close to the embankment, especially as people and dogs routinely walk through this area. They will be predominantly nesting out in the open areas of rough grassland distant from the utility diversion area.

10. The amendment will not give rise to new or different likely residual significant effects on ecological receptors, compared to those reported in the main ES, the SES and AP₂ ES or the SES₂ and AP₃ ES.

Code of Construction Practice

11. Section 9 of the draft Code of Construction Practice (CoCP) sets out the general provisions that the nominated undertaker will require its contractors to follow including, in summary:

- the management of impacts upon designated sites, protected and notable species and other habitats and features of ecological importance;
- where it is reasonably practicable to reduce any habitat loss within the land required for the Proposed Scheme by keeping the working area to the minimum required for construction of the Proposed Scheme.
- measures to reduce potential impacts on ecological resources including:
 - provision of appropriate watching briefs to be implemented during construction works;
 - relocation or translocation of species, soils and plant material;
 - reinstatement of any areas of temporary habitat loss and any arrangements necessary for displaced species to maintain long-term conservation status of those species concerned;
 - restoration and replacement planting (e.g. trees, hedgerows, scrub, grassland etc.) to reinstate any retained habitats adversely effected during construction; and
 - use of by-products of construction to enhance mitigation provision (e.g. use of felled timber to provide dead wood habitat).
- Prior to and during construction, there will be consultation with Natural England (NE), the Environmental Agency (EA), local wildlife trusts, and Local Planning Authorities (LPAs) as appropriate.
- The nominated undertaker will require its contractors to obtain and comply with the requirements of any wildlife licences, including all protected species licences necessary for construction of the Proposed Scheme.

- The nominated undertaker will define a programme for undertaking ecological surveys prior to and during construction. The surveys will be used to verify the baseline ecological conditions described in the ES, to refine the mitigation and control measures required during construction as appropriate, and to provide appropriate monitoring during construction.
- The nominated undertaker will require its contractors to undertake appropriate monitoring of the consequences of construction works on ecological resources and of the effectiveness of the management measures designed to control ecological effects, associated with works that may affect protected or notable species, statutory designated or non-statutory sites of ecological interest.

11. The latest version of the draft CoCP can be found at

www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf.

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PROMOTER'S RESPONSE TO PETITION OF: Friends of Wormwood Scrubs Park Association

PETITION NO: AP4: 24

PARAGRAPH NO: 14

ISSUE RAISED: Impact on users

PETITION PARAGRAPH: 14. Apart from its effect on wildlife, it is obvious that the Scrubs will be incapable of use by the public during construction as otherwise it would be. Were there no alternative your Petitioners might have difficulty in realistically objecting to the proposal. The proposal is however itself an alternative to the original scheme and is preferred simply in order to avoid works in the access road to the IEP depot and disruption of the depot (paragraphs 8 and 9 above). On the balance of

- inconvenience
- loss of amenity
- disturbance of habitat
- potentially permanent ecological damage

the original scheme is to be preferred. In addition the Promoter should provide details of any other feasible options.

PROMOTER'S RESPONSE:

1. The sewer diversion route has been amended to avoid works in the access road to the IEP depot and the associated disruption of the depot operations. The current proposed line of the diversion is not the only feasible option. However, the Promoter examined a number of diversion options and gave consideration to the impact of proposed works on local stakeholders, businesses and existing infrastructure. The Promoter acknowledges the importance of Wormwood Scrubs as a unique amenity in the area, however taking into account the factors mentioned above, it was decided that using this route for the diversion would be the preferred option.

2. The Promoter does not anticipate there to be any significant effect on users of the Wormwood Scrubs from the Proposed Scheme, considering the duration of the works, the large size of the open space available and that no formal playing fields are affected.

Habitats and ecology

3. Please refer to the Promoter's response to paragraphs 8-13 of the Petition.