



## HS2 London to West Midlands EIA Scope and Methodology Report March 2012

Response from STOP HS2      29<sup>th</sup> May 2012

STOP HS2 is the national pressure group against HS2.

The term 'action groups' (AGs) will here refer to the 70+ groups who are mainly locally based and are opposed to HS2 Phase 1.

STOP HS2 is in agreement with many of the points made in submissions from action groups and others in the alliance against HS2. Rather than repeat these points in relation to each chapter of the Scoping Report, we will here only make a few of the fundamental points.

### 1. Community engagement

At various points the Scoping Report refers to consultation with the community. Sometimes the nature of this is specified but at other times it is left ambiguous. Where it is specified, it is often confined eg in the Ecology chapter 'consultation' with the community is limited to requests for data from local wildlife groups.

STOP HS2 regards the engagement of the full community in the process of conducting the EIA as fundamental to ensuring both its legitimacy and validity. Currently HS2 Ltd projects the Community Forums as the loci of their engagement with the communities. STOP HS2 regards this as insufficient because

- Community Forums have been set up by HS2 Ltd not by the communities
- they have restricted membership and terms of reference
- and they meet infrequently and without full administrative support (proper minutes etc.)
- Stop HS2 notes that when HS1 was being built, leaders of the county councils affected had regular meetings with ministers in the Department for Transport: this is not happening with HS2.

STOP HS2 will look for a more thorough and honest commitment from HS2 Ltd to achieving robust and legitimate methods to involve local communities in understanding and mitigating the major impact that HS2 would have on them. This will involve either accepting a wider, less constrained and better supported role for Community Forums, or recognising Action Groups and parish councils as full partners.

## 2. Output – Structure of the Environmental Statement

The Scoping Report does not set out a clear proposal in section 18 for the final structure of the Environmental Statement. Instead it offers a list of ‘anticipated’ ideas which are still being thought about. Clearly this is not an adequate basis for a consultation particularly as it is suggested that, for example in relation to the number of reports on sections of the route, the issue “*is currently under consideration*” and will be decided after there is any opportunity to consult on this.

The prime environmental impact of HS2 will be felt by local communities, and it is at community level that detailed mitigation will need to be identified. It is critical that the output should include fully specified reports of the impact for *all* communities (as well as reporting on each sectoral chapter). STOP HS2 will look for the output of the EIA to include reports relating to at least each Community Forum area and not as anticipated just “*a number of sections of the route*”.

## 3. Alternatives

STOP HS2 is aware of both UK practice and EU requirements that EIAs should refer to the differing impacts across alternative schemes.

Others have submitted comments on this relating to the necessity to compare the environmental impact for the proposed HS2 route to other routes and other ways of responding to perceived rail capacity needs. It is vital that the alternatives considered include improvements to the existing rail system and alternative ways of managing (eg by smart ticketing) or reducing demand for travel such as technological improvements in for example videoconferencing.

Stop HS2 and others have argued that the growth in digital technologies will reduce the overall demand for travel, but the Department for Transport have consistently ignored this in their development of the case for HS2, (although they are beginning to realise their assumptions that travel time is unproductive are outdated). Meanwhile other parts of the Department for Transport, along with businesses, are promoting videoconferencing etc as an environmentally sustainable alternative to travel. (One of the reasons passenger numbers on HS1 is so much lower than forecast was the unexpected rival of low cost airlines, but changes due to digital technologies are no longer unexpected.)

Therefore we think the assumptions in 14.7.1 – especially “labour productivity underpinning the labour demand curve remains constant over the life of the project” - are wrong and unjustifiable. Given that the last three economic cases for HS2, published in 2010, 2011 and 2012, have given three quite different dates for when the demand for travel doubles (2033, 2043 and 2037), annual variations in economic conditions also have a much greater effect than the these assumptions allow for.

Additionally we wish to emphasize that most Action Groups are currently discussing alternative schemes to mitigate the local impact of HS2 in their areas e.g. green tunnels.

These *local* alternatives should be treated with the same regard as the wider alternatives, and the EIA should compare the environmental impact across such alternatives.

#### **4. Timing and legitimacy**

There has been widespread criticism of the inadequate time that is being allowed both for this consultation and for carrying out the EIA. Given the scale of the HS2 project, the timescales allowed for collection and collation of the data is inadequate.

Similarly, other contributors to the consultation have criticised the methodologies outlined in the consultation report. They lack detail suggesting that consulting on them is inappropriate and premature. The inadequately specified methodologies make it impossible to adequately assess what the environmental impact of HS2 will be and this questions the legitimacy of both the consultation and of the ensuing EIA. There are numerous concerns that the Appraisal of Sustainability was exceptionally weak. Finally, there is widespread critique that we are asked to engage in a consultation when the Scoping Report is unable to point to documents that identify key aspects of the development eg the final land.

STOP HS2 agrees with these views on the professional inadequacy of the proposals in the consultation but additionally wishes to raise the issue of timing and legitimacy in terms of local impacts.

STOP HS2 is aware of the pressure that is currently being put on land owners to grant access for surveyors to carry out investigations related to the EIA. Inappropriate pressure is being experienced locally as tantamount to 'blackmail' when it is combined with statements that allege that if access is not granted immediately, there will be no time in the programme for local EI surveys and this will have a direct negative impact on support for local mitigation. Clearly this is a long way from a respectful partnership and a commitment to full community consultation. STOP HS2 argues that HS2 Ltd should cease such inappropriate behaviour.

As important, by exerting pressure to begin the environmental survey work *before the consultation on those surveys has even ended* (let alone finalising the report on that consultation) HS2 Ltd is making a clear and unambiguous statement that this EIA consultation is irrelevant to what they will actually do for the EIA.

STOP HS2 is clear: the methodology outlined in the current EIA proposal is inadequate and some of this inadequacy is being driven by the inappropriate time frames. These time frames are leading to processes that are fundamentally de-legitimising the proposed EIA.

## 5. High standards

We are told that HS2 is the biggest single infrastructure project in this country for many years. Yet the Scoping Report gives every indication that the Government has no ambition for the standards used in the EIA to measure up to this challenge. Instead of grasping the opportunity for a 'world class' EIA appropriate to the significance of HS2, the Scoping Report frequently either fails to specify standards with any degree of precision, or falls back on standards which are admitted to be out of date rather than forward looking. It gives the impression of a Government desperate to cut corners rather than live up to the high-flown rhetoric which has often characterised statements about HS2.

The EIA will involve many difficult and contentious decisions on the significance of environmental impact. As well as needing to ensure the independence and professionalism of the process of making such decisions, there will need to be clear criteria for defining significance. Many of the sections in the Scoping Report do not identify such criteria. Other sections only consider effects to be 'significant' where they exceed the upper limits of statutory requirements.

Without a commitment to a 'best in class' EIA, it will not be possible to build a 'world class' new railway. Stop HS2 suggests that a commitment to a 'best in class' EIA would be a significant step by Government. However it is difficult for us to see how this can be done unless the current Scoping Report is withdrawn and the consultation starts again with one worthy of the task.

Such a 'best in class' approach would also require those undertaking the work to draw on a wider range of sources and perspectives than the current Scoping Report which is over-reliant on official sources and fails to adequately recognise independent (and sometimes critical) perspectives.

A commitment to a 'best in class' EIA would also require a clear separation between the EIA process on the one hand and the government and HS2 Ltd on the other. At many points, the Scoping Report blurs this distinction, resulting in a serious loss of objectivity. The entrustment of the work to ARUP/URS reinforces this concern, and highlights that the government has not been bothered to pay attention to the previous consultation which raised a similar concern over the independence of the AoS. It is essential that the EIA scoping, methodology and implementation is entrusted to organisation(s) which are independent and objective and are seen to be so.

## 6. Spatial and temporal range of impact

The approach to the spatial and temporal range of impact assessment in the Scoping Report is too restricted. HS2's aim seems to be to set tight constraints to the work. These include an over-reliance on one-off or single point in time surveys; limits to the duration in time of the assessment; and tight drawing of the spatial boundaries within which assessment will take place.

Although more ambitious and challenging, an approach appropriate to the scale and ambition of the HS2 project, would be to 'push the boundaries' of assessment. Several illustrations can be given.

In terms of temporal range, there are many examples of how 'one-off' surveys in 2012 will not capture impact:

- Impacts may take time to develop such as the social impact of the attenuated blight
- Initial mitigation or restoration may not have the desired effect
- There will be a need to assess the environmental impact of HS2 for years after it is operating. This commitment should be written into the Environmental Statement
- Surveys of ecology require engagement across different seasons
- The AoS is inadequate as a base line so HS2 needs to establish a decent base line prior to surveying for impact of HS2
- With the long time-frame of HS2, issues may only arise after 2013.
- It does not allow for normal year on year variation between different years.

In terms of spatial range, the Scoping Report proposal is just to survey within the area in which significant impact will be clearly evident – and ignore the rest in a 'do minimum' approach. By contrast, a serious and compelling EIA would survey beyond the range where impact is expected in order to 'find the boundary' of the impact.

A similarly inadequate approach to spatial range is illustrated in the ecology chapter. This survey work is based on a linear trajectory along the track bed. 'Significant impact' is gauged by the arithmetic of how many square metres will be affected by the track. At no point does the EIA adopt the significant question which is 'what is the function of this area in the local ecology?' Clearly, if the track bisects significant wildlife corridors then this will have a major impact on the ecological integrity of the area – although this impact will not be reflected in how many square meters of land will be taken for the track.

STOP HS2 is deeply concerned at the inadequacy of both the temporal and the spatial dimensions of the proposed EIA.

## **7. Balancing the costs and the benefits, economic and social impacts, and monetary and non-monetary impacts**

A crucial area in which it would be possible for the EIA to aspire to groundbreaking, 'best in class' status concerns the balanced treatment of three inter-related topics: costs and benefits, economic and social impacts, and monetary and non-monetary impacts.

The most straightforward of these is the balance between costs and benefits. Here what is essential is that the scope and methodology of the EIA is distanced from the tendency of Government and HS2 Ltd to emphasise benefits rather than costs. This will mean ensuring, for example, that the methodology is robust enough to challenge unsubstantiated claims of the potential job creation impact of HS2. It will also mean that local and regional job loss will feature as well as regional job increases.

The second concern is the balance between economic and social impacts. This is particularly apparent in the Socio-economic chapter, which is biased in three linked ways:

- towards economic rather than social impacts
- towards employers as dominant stakeholders
- towards national rather than local economic effects.

All of these biases need to be corrected in the methodology.

Thirdly, impact evaluations tend to be biased towards impacts which can easily be monetarised, and tend to marginalise those which are less easy to convert to £££s. However, the environmental costs of HS2 are huge, and must be taken into account. Methodologies are available to do this. A recent example is the evaluation by the New Economic Foundation of the impact of the proposed third runway at Heathrow (*Grounded: A new approach to evaluating Runway 3*). This deploys a Social Return on Investment SROI methodology to assign monetary values to 'community' as well as 'economic' impacts. It would enhance the reputation and status of the EIA if its methodology were at the cutting edge on this issue.

## **8. Noise**

Stop HS2 is of the view that the Government has paid little attention to concerns regarding the measurement and assessment of noise nuisance raised in the earlier consultation. It has seemed that HS2 Ltd intended to pay as little regard as it can get away with in relation to both adhering to EU Directives and WHO advice on the health effects of noise nuisance. Clearly this has given very little confidence to local communities who will have to live and work in these areas. With the message from HS2 Ltd having been 'we don't care', it is vital that HS2 Ltd take the measurement and amelioration of HS2 noise nuisance seriously.

Here are examples of issues that concern Stop HS2:

- There is no clear conformity to EU Directives eg 2002/49/EC, particularly in relation to the use of the appropriate noise parameter Lden.
- Noise contour maps have not been provided and it is uncertain whether they will ever be provided in a form that local communities can use to identify detailed noise

impacts - despite the pledge from Philip Hammond (former S of S responsible for HS2) that this information would be made available quickly particularly given the impact of noise nuisance on housing blight.

- There is ambiguity regarding the research basis for some of the claims that are being made in the Scoping report eg in relation to aerodynamic noise at speeds above 300kph.
- Despite comments in the AoS that this would be done, there is no evidence that HS2 Ltd has undertaken any independent technical review of alternative ways to mitigate noise in different situations in order to confirm in detail the height and type of noise barrier required at each location along the route.
- Residents are entitled to use the outdoors – gardens, leisure areas; many workers in rural areas operate outdoors; and many rural industries rely on tranquil countryside. All of these legitimate uses are ignored in the proposals. Noise receptors go beyond the domestic house wall!
- The proposal in the Scoping Report is to use 85 dB LpAFmax as the level to indicate annoyance or health impacts. This is a very high nuisance threshold. If this type of measurement is to be used as an alternative annoyance threshold to 50 dB  $L_{pA, eq, T}$  then it would have to be set much lower at a level that corresponds to the onset of annoyance. We are particularly concerned about the effects of noise in tranquil areas of countryside, but also near schools in which high levels of noise could damage hearing. The Planning regime currently takes a significantly lower measure of noise that is disruptive.
- There is scant recognition that in existing tranquil areas, a smaller increase in noise can have a more significant nuisance level than the same increase in an otherwise noisy area. The Scoping Report goes against existing policy in so far as it shows no commitment to the importance of maintaining 'tranquil areas'.
- It is vital that the qualitatively different nature of noise nuisance at night and during the day is taken into account.

## 9. Conclusion

STOP HS2 believes that HS2 Ltd and the Government should start their engagement with the EIA based on the acceptance that HS2 is a very large scale and expensive project; developing over the long term; and with huge impacts on many local areas without compensatory benefits. HS2 is controversial, and one of the reasons for this is government's approach to consultation. The 2011 public consultation, despite consisting of leading questions designed to get the 'right' answers, produced a massive 'No' to HS2 which the government has tried to ignore or deflect by accusing respondents of partiality and living in the 'wrong' areas. This current consultation document could easily seem designed to show that government cannot be bothered to produce a serious approach to the EIA methodology. Isn't it time for the government to take consultation and democracy seriously?