

2 Baseline Conditions

2.1 Background

- 2.1.1 The surveys planned to be undertaken in spring 2020 to inform this Feasibility Study, could not be completed due to protestor action within Jones’ Hill Wood. This has been authored based on desk-based information and follow-up surveys conducted in October 2020.

2.2 Site Context

- 2.2.1 The Donor Site is part of a larger area of semi-natural ancient woodland parcel called Jones’ Hill Wood, which is isolated from other semi-natural broadleaf woodland that is present in the wider landscape as shown in Figure 1. Arable land, including the Receptor Site borders the Donor Site and Jones’ Hill Wood, with two roads to the south / east and Strawberry Hill farm to the north east.
- 2.2.2 Based on desk information, Jones’ Hill Wood Donor Site is a broadleaf woodland dominated by beech (*Fagus sylvatica*). The understorey consists of saplings of the canopy species and dense thickets of holly (*Ilex aquifolium*). The ground flora comprises patches of bluebells (*Hyacinthoides non-scripta*), dog’s mercury (*Mercurialis perennis*) with patches of nettle (*Urtica dioica*), bramble (*Rubus fruticosus*) with primrose (*Primula vulgaris*) and early-dog violet (*Viola reichenbachiana*) recorded as present from desk study records.
- 2.2.3 During the NVC survey conducted in October, little to no ground flora was present. The holly was consistent with the desk-based information, as well as the constant, tall canopy dominated by beech. The woodland to most closely match W14 *Fagus sylvatica*- *Rubus fruticosus* woodland. A more detailed description of the woodland can be found within the NVC report (1EW03-FUS-EV-MST-CS03-00259).
- 2.2.4 The Receptor Site is bordered by a road to the east and south, a farm to the north east, with an unnamed broadleaved woodland and ancient woodland to the south east. It comprises an arable field which is currently of low ecological value.
- 2.2.5 There are no designated sites within 2km of the site, however there are 20 parcels of ancient woodland within 2km (see Figure 1) and it lies within National Character Area 110 Chilterns.
- 2.2.6 A full description of the baseline conditions of the Donor and Receptor Sites can be found in the Jones’ Hill Wood Ancient Woodland Translocation Feasibility Study (1EW03-FUS-EV-REP-CS03-002578). Photographs of the Donor Site and Receptor Site can be found on Figure 2.
- ### 2.3 Summary of Key Existing Ecological Features
- 2.3.1 The key features of ecological value are presented below in Table 5 for which management will be required due to their nature conservation importance.

Table 5 Identification of important current features at the ESMP site.

Existing ESMP Feature	Nature Conservation Importance (CIEEM, 2018)	Feature with legal/policy protection/covered by licence
Key Habitats Ancient Woodland	Metropolitan/County	Ancient woodland is an irreplaceable habitat with flora not seen anywhere else. Ancient woodland is protected under National Planning Policy Framework (NPPF) and needs to be considered under the Warwickshire Local Plan
Key Species Bats	Local/Parish	Bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).
Key Species Badger	Local/Parish	Badger setts are legally protected from disturbance, damage or destruction under The Badger Act 1992.
Key Species Birds	Local/Parish	Lapwing, grey partridge and marsh tit are red listed species under the Birds of Conservation Concern (British Trust for Ornithology, 2015) due to their rapid decline. All birds are protected under the Wildlife and Countryside Act (as amended).
Key Species Reptiles	Local/Parish	Reptiles are protected from injury and killing under the Wildlife and Countryside Act 1981.

3 ESMP Site Objectives

3.1 Vision and Principles

- 3.1.1 HS2 have stated their commitment to design the HS2 scheme to, where reasonably practicable, avoid impacts on sensitive ecological receptors. However, given the scale of the scheme, and where conflicting environmental constraints exist, there are locations where impacts on ecological features cannot be reasonably avoided. The **HS2 Phase One Environmental Statement (ES)** was therefore produced to accompany the High Speed Rail (London-West Midlands) Bill <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>. The ES identifies (i) likely significant environmental and ecological impacts along the route and (ii) compensation measures to manage and reduce these impacts. Part of these measures include a commitment to achieve no net loss in biodiversity.
- 3.1.2 Natural England and the Forestry Commission's standing advice in relation to ancient woodland is that these are considered to be areas that have been continuously wooded since at least 1600 AD. Ancient woodlands are complex ecosystems and, as they take hundreds of years to establish, they are considered to be irreplaceable. In accordance with the recommendations of Natural England, ancient woodland loss and compensation to be provided in response to this loss has been removed from the HS2 'no net loss in biodiversity' calculation tool.
- 3.1.3 Despite this, the stated aim of the proposed woodland translocation is to create a woodland that replicates as many as possible of the characteristics of ancient woodland present at the Donor Sites, while acknowledging that it will never be possible to directly mitigate for ancient woodland. The HS2 Ecology Technical Standard, Ref. No. HS2-HS2-EV-STD-000-000017 P15 Technical Standard - Ecology provides a framework for achieving this aim, along with application of habitat management best practice, tree veteranisation techniques and innovative approaches to translocation.

3.2 General Objectives

- 3.2.1 As stated in the HS2 Technical Standard – LMMMP, the overall translocation objectives for Ancient woodlands are to:
- Create an area of trees with complete canopy cover.
 - Ensure native species are dominant and non-native and invasive species account for less than 10% of the vegetation cover.
 - Create sinuous, irregular boundaries (that may be along parish boundaries if appropriate).
 - Maximise the biodiversity value of the created woodland by promoting long term

management through use of traditional methods (e.g. via coppice or coppice and standards management).

- Incorporate any retained mature trees at, or adjacent to, the proposed new planting into the management regime.
- Develop and retain some of the Ancient Woodland Indicator species (see Error! Reference source not found. below) in the ground flora through the translocation of ancient woodland soils.

3.2.2 In addition, Section 1.8.3 of the EMS states that for woodland soils, the translocation objectives are related to progress;

- Toward relevant NVC communities and/or to the relevant criteria for Habitats of Principal Importance (HoPI), which are based on the habitat descriptions within United Kingdom (UK) Biodiversity Action Plan (BAP) (JNCC, 2011).
- Against the woodland condition assessment criteria of the Forestry Commission.
- A list of species to identify Ancient Woodland can be found within Francis Rose, The Wildflower Key 'Table of Ancient Woodland Indicator Plants (AWIs)' (K. Kirkby, 2004). The appropriate region for Jones’ Hill Wood site is 'South'.

3.3 Specific Objectives

3.3.1 The points detailed in Table 6 indicate the targets and parameters that will be measured to monitor progress.

Table 6 Specific Objectives for the Receptor Site

ESMP Site Feature	Objective	Rationale
Habitats		
Broadleaved Woodland	<p>Create an area of 'natural' woodland managed, primarily for wildlife, which is classified under National Vegetation Classification (NVC) as classification W14 <i>Fagus sylvatica</i> - <i>Rubus fruticosus</i> woodland.</p> <ul style="list-style-type: none"> • Translocate Ancient Woodland topsoil, including the seedbank present, to replicate soil conditions at the Donor Site. • Maximise the use of woodland material from Donor Sites, including coppice stools, deadwood, standing, fallen, aerial, leaning / failed and felled trees to create new woodland habitat trees. • Both standing and dead wood will be present in sufficient quantities. 	<ul style="list-style-type: none"> • To compensate for the loss of ancient woodland at Jones’ Hill Wood.

ESMP Site Feature	Objective	Rationale
	<ul style="list-style-type: none"> The woodland will accommodate a diverse range of typical woodland species, including ancient woodland indicators. Ensure native species are dominant and that non-native and invasive species account for less than 10% of the vegetation cover; Complete canopy cover (excluding thinning or coppice area); 80% of ground flora resembling W14 NVC community; At least three age classes present (canopy, understorey and ground cover). 	
	<p>The woodland will have variations in the structure with rides and glades present.</p> <ul style="list-style-type: none"> Create glades at key junctions to provide open areas within the woodland to encourage wildlife into the woodland; Woodland rides (required for maintenance) with scalloped edges to provide soft, naturalistic rides and woodland extent. 	<ul style="list-style-type: none"> Glades provide an alternative habitat to a heavily shaded woodland and encourage a more diverse ground flora and ecological benefit for fauna present within the vicinity of the site; Rides create lighter areas and more diverse ground flora at the ride edges.
Species		
Woodland Bat Species	Objective within broadleaved woodland habitat - presence of standing trees and deadwood for use as habitat 'poles'. Additionally, maintenance and management of bat boxes installed for mitigation and enhancement.	To ensure the continued presence of suitable roosting features for bats and to maintain connectivity of bat habitat to the areas of retained woodland.
Breeding Birds	Objective within broadleaved woodland habitat - presence of standing trees and deadwood for use as habitat 'poles'. Additionally, maintenance and management of bird boxes installed for mitigation and enhancement.	To create connectivity between the existing wood and the newly planted habitat to support breeding birds, specifically marsh and willow tits.
Reptiles	<p>Objective within broadleaved woodland habitat – maintenance of fallen deadwood on the woodland floor, including newly felled green logs, to provide a next generation of fallen deadwood.</p> <p>In addition to this, the objective applies to bunds created for south facing reptile basking banks: long term maintenance to prevent deterioration of the features from the design.</p>	To ensure the Receptor Site offers suitable habitat for reptiles and provides hibernation, shelter, basking and foraging opportunities.
Great Crested Newt	Objective within broadleaved woodland habitat – maintenance of fallen deadwood on the woodland floor, including newly felled green logs, to provide a next generation of fallen deadwood.	To ensure the Receptor Site offers suitable habitat for GCN and provides hibernation, shelter and foraging opportunities.
Badger	Objectives within broadleaved woodland habitat. Additionally, maintenance of badger setts providing compensatory shelter.	To ensure the Receptor Site offers suitable habitat for badger and provides shelter, foraging and breeding opportunities.

3.4 Monitoring Targets

- 3.4.1 Targets have been identified based upon the Donor community and in accordance with the target performance identified for woodland planting. The success of the translocation can be determined by comparing results with the objectives set at the beginning of the project.
- 3.4.2 Table 7 sets out the performance indicators, the parameters that will be measured to identify progress, and the interim and end point target. These targets and performance indicators will be discussed by Fusion and LMJV to find common approaches.

Table 7 Key Performance Indicators for the Receptor Site

Performance Indicator	End Target Year 5 (Y5), Year 20 (Y20) & Year 50 (Y50)
Extent	
Y5	Entire site comprises native tree or shrub seedlings, saplings, and translocated trees and coppice stools, interspersed with areas of scrub and grassland.
Y20	Entire site is developing semi-natural woodland
Y50	Entire site is semi-natural woodland
Natural Processes and Structural Development	
Y5	<ul style="list-style-type: none"> At least 80% of translocated trees are living At least 80% of translocated coppice stools are living Saplings and scrub cover at least 50% Translocated standing deadwood remains standing
Y20	<ul style="list-style-type: none"> 20 year old trees comprise at least 50% cover Understorey at least 20% Rides and Glades 10-30% cover Dead wood lying (3-5 trees per hectare equivalent) Dead wood standing 2-3 trees per hectare – this can include large dead limbs on living trees
Y50	<ul style="list-style-type: none"> Canopy cover of at least 50% Understorey at least 20% Mature (in this context 50 year old) trees/scrub at least 50% cover Rides and Glades 10-30% cover Dead wood lying (3-5 trees per hectare equivalent) Dead wood standing 2-3 trees per hectare – this can include large dead limbs on living trees
Composition	
All years (but higher layers not considered in earlier year surveys)	<ul style="list-style-type: none"> Over 95% native species in all layers (sycamore should be considered as a non-native, however the presence of sycamore in the field (seedling) layer at > 5% is acceptable providing that these do not translate into higher layers. Beech and holly should be abundant throughout the woodland. Rowan, wild cherry and pedunculate oak should all be occasional. At least two of yew, hazel and wild privet should be present. At least 5 Ancient Woodland Indicator species (AWI) should be present. At least 2 AWI should be Frequent. Bramble cover maximum 30%.

Y50	<ul style="list-style-type: none">• The Canopy layer comprises at least 50% beech
-----	---

3.5 Management Considerations

- 3.5.1 Access for maintenance must accommodate any machinery required for managing the woodland habitats.
- 3.5.2 Badger setts will have a buffer zone of 30m in which no vehicle movements will be allowed and in which the use of machinery for groundwork will be restricted, as indicated on the general arrangement plans listed in Appendix 6.
- 3.5.3 Tracking over arable land will be required in order to access the sites, however this will be temporary in nature.
- 3.5.4 Breeding birds may be utilising vegetation with the ESMP sites that are subject to maintenance, and so activities must avoid effects on active nests.
- 3.5.5 Should any areas of the Donor or Receptor Sites be damaged during construction under the MWC, reinstatement works will be undertaken in line with the Code of Construction Practice.

3.6 Ecological Resilience to Climate Change

- 3.6.1 The planting procurement will incorporate plants sourced from lower latitudes to account for predicted rising temperatures in the area.

4 Management Measures - Translocation

4.1 Applicable Licences

- 4.1.1 The licences listed in Table 8 below have been issued by Natural England and are relevant to the works within the Jones’ Hill Wood area. Translocation works must be carried out in accordance with the conditions of the licences and the various method statements attached to them. The licence requirements will not affect the method of translocation, but may affect the timing of works/preparatory works/ areas available if protected species are discovered.

Table 8 Licences Issued by Natural England

Licence Type	Licence Number
HS2 – Organisational Badger Licence	WML-OR24
HS2 – Organisational Bat Licence	WML-OR32

- 4.1.2 Reference to any licences, method statements and consents that the translocation, management or monitoring uses will be recorded in Appendix 5.

4.2 Emergency Procedure for Unexpected Discoveries and Issues

- 4.2.1 Table 9 contains information on the:

- Unexpected discovery of protected species during live work; and
- Signs of a species presence.

- 4.2.2 Fusion has issued method statements for emergency procedures and any unexpected finds in relation to the following species.

- Pre-Construction Nesting Bird Survey Methodology, Ref. No. EW03-FUS-EV-MST-C000-008590; and
- 1EW03 HS2 Phase One: Great Crested Newt Unexpected Finds, Ref. No. 1EW03-FUS-EVMST-C000-000014).

- 4.2.3 Should further surveys be required following any unexpected finds, these must be carried out at specific times on years depending on species discovered.

Table 9 Protection of features and procedures to deal with the unexpected discovery of a protected or invasive species

Feature	Legal Protection	Basic Signs of Presence	What to do in the Event of Discovery
Badger	Badgers Act 1992 To work under Licence issued by Natural England to Fusion, with associated method statements (not yet received from Fusion)	<ul style="list-style-type: none"> • Sett entrances are at least 25 cm wide, broader than they are high and may have large soil heaps immediately outside. • Badger hairs, bedding and footprints. • Well-worn paths, dung pits and scratching posts. 	<p>Badgers may still try to use established paths despite obstacles that may be in place as mitigation. They may also attempt to excavate new setts.</p> <ul style="list-style-type: none"> • If evidence of badgers are found or suspected works must be halted immediately. • Advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately. • If a sett is discovered during badger breeding season, works may have to be suspended until July, when a sett excavation plan can be conducted under license.
Bats	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981 (as amended) Some species are listed as species of principle importance under the NERC Act 2006 To work under Licence issued by Natural England to Fusion, with associated method statements (not yet received from Fusion)	<ul style="list-style-type: none"> • Bat droppings may be seen on the ground/surfaces around roosting sites/access points (droppings are black or brown and around 10 mm in length). Droppings are softer and drier than mouse droppings and when crushed droppings crumble into a fine shiny powder. • Feeding remains (such as moth wings) may be present. • Scratch marks and staining from urine or fur oils may be found on the surface around access points/roosts. • The sound of bats chattering or noises from roosts may be heard. 	<ul style="list-style-type: none"> • Work must be halted immediately as it is illegal to capture or disturb a bat/roost without the appropriate license. • Advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately. • Works may need to be stopped until surveys and design mitigation measure have been undertaken. • Only licensed bat workers are able to enter a known roost/capture/handle bats unless except if a bat accidentally flies into a dwelling and needs releasing or is injured.
Dormouse	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981 (as amended) Species of principle importance under the NERC Act 2006 A licence from Natural England must be obtained before any works can take place.	<ul style="list-style-type: none"> • Characteristically gnawed hazelnuts. • Nests woven out of stripped bark, leaves and occasional grasses. • Nests tend to be 90 mm to 150 mm in diameter, typically have a roof and tend to include fresh green leaves which fade to a grey brown colour, distinct from the brown dead leaves collected from other species. 	<ul style="list-style-type: none"> • All works affecting potential dormouse habitat must be halted immediately. • Advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately. • Work may need to be delayed until a EPSM license has been obtained and/or until mitigation can be carried out at the appropriate time.

Feature	Legal Protection	Basic Signs of Presence	What to do in the Event of Discovery
Reptiles	Wildlife and Countryside Act 1981 (as amended) Species of principle importance under the NERC Act 2006 Method Statements to be provided by Fusion and clearance of habitat required prior to translocation.	<ul style="list-style-type: none"> Be aware of the four common reptile species found in the UK (common lizard, grass snake, slow worm and adder). 	<ul style="list-style-type: none"> All works affecting potential habitat must be halted immediately. It is acceptable to move a reptile if they are at imminent risk of being injured or killed but then advice must be obtained on how to proceed. Advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately.
Breeding Birds	Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> Active nests with either chicks or eggs present and the parent bird sitting on or regularly visiting the nest. 	<ul style="list-style-type: none"> If nesting birds are found on site, works in that area will have to stop until the young have fledged. During the nesting season any suspected nests should be inspected by an experienced ecologist. See guidance in document reference: 1EW03-FUS-EV-MST-C000-008590, if nesting birds are found or suspected. Advice must be obtained from the sub-contractor and Fusion ECoW.
GCN	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981 (as amended) Species of principle importance under the NERC Act 2006	<ul style="list-style-type: none"> May be found on land or in water bodies outside of their hibernation season (October to February). Adult GCNs are 110-170 mm long and are dark brown or black. During spring and summer males have a jagged crest across their back and the tail has a silver stripe along it. Females have neither the crest nor silver stripe but do have a bright orange stripe along the bottom of their tail. Males and females have bright orange bellies and black spots. 	<ul style="list-style-type: none"> If GCN are found once works have started they must be halted immediately. Advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately. Works may need to be delayed until the appropriate licence has been obtained/until mitigation can be conducted at the appropriate time of year.
INNS	Legislation relating the control of INNS includes: Wildlife and Countryside Act 1981 Countryside and Rights of Way Act 2000 Weeds Act 1959 Environmental Protection Act 1990 Environmental Protection (Duty of Care)	Become familiar with the following INNS: <ul style="list-style-type: none"> Japanese knotweed Himalayan balsam Giant hogweed Australian swamp stonecrop Parrot's feather 	<ul style="list-style-type: none"> If found advice must be obtained from the Sub-contractor ECoW and the Fusion ECoW immediately. Obtain approval from the Environment Agency if planning to use herbicides.

Feature	Legal Protection	Basic Signs of Presence	What to do in the Event of Discovery
	Regulations 1991 Town and Country Planning Act 1990 Highways Act 1980 Water Resources Act 1991 The Environmental Permitting (England and Wales) Regulations 2007 The Landfill (England and Wales) Regulations 2002	<ul style="list-style-type: none"> Floating pennywort Creeping water primrose Use Environment Agency "Managing invasive non-native plants" document (Environment Agency, 2010).	<ul style="list-style-type: none"> Remove all plant debris from any waterbodies after cutting operations; Seek advice from the Environment Agency on the disposal of plant material. Alert any neighbours to the problem, via the Fusion representative. Disruptive works (those that will break ground or involve heavy machinery) shall not take place in areas with confirmed Schedule 9 invasive plant species presence without a site-specific Biosecurity Management Plan being in place (see section 22.2.4 of Ecological Technical Standards (ETS) (document reference: HS2-HS2-EV-STD- 000-000017).

4.3 Health and Safety

- 4.3.1 All machinery and equipment will be transferred via the agreed access routes only. All contractors working on the ESMP Site must be compliant with HS2 Health and Safety Personal Protective Equipment Policy as well as the Fusion Health, Safety and Wellbeing Principles and inducted accordingly.
- 4.3.2 General construction activities (including during management, maintenance and monitoring), or 'aspects', that may 'impact' on the environment will include use of the public road network by construction traffic; closure of PRoW's; noise & vibration; dust/mud on roads; use of temporary site lighting; emissions to air from construction traffic and non-road mobile machinery (NRMM); use of water for site operations; impacts to controlled waters/ land drains; storage of fuel, oil and hazardous materials (including chemicals); storage of waste; unexpected discoveries after commencement of operations - these may include protected species, contaminated land and archaeological features.

4.4 Amendments to the Scope/Change Log

- 4.4.1 The current design/layout of the Receptor Site is provided in Appendix 6 and shown on Figure 4. During design stage there may be the requirement for amendments or deviations from the original design of the ecological mitigation and compensation, which would be determined or agreed with Fusion the Enabling Works Contract (EWC).
- 4.4.2 Any changes in the methodology for the maintenance, management and monitoring of the ESMP site will be recorded. All decisions and their rationale must be recorded in a log provided in Appendix 7. These shall include a concise summary of the on-site changes made, when they were made and the justification.

5 Management Measures - Initial Maintenance Tasks

- 5.1.1 A habitat creation specification has been produced for the ESMP sites (referenced in Appendix 6). This management plan details how the specification will be followed on both sites. The period for initial maintenance is five years after completion of the establishment stage and the tasks are compiled in Table 10. Diagram 1 gives an overview of the Ancient Woodland translocation process.
- 5.1.2 During the establishment phase, habitat protection measures will be required for both the retained woodland edge in the Donor Site and in the Receptor Site to prevent damage from construction activities.
- 5.1.3 To protect the translocated woodland from browsing by animals such as deer and rabbits during its establishment. The Receptor Site will be fenced with deer/rabbit proof fencing as detailed in Appendix 8.

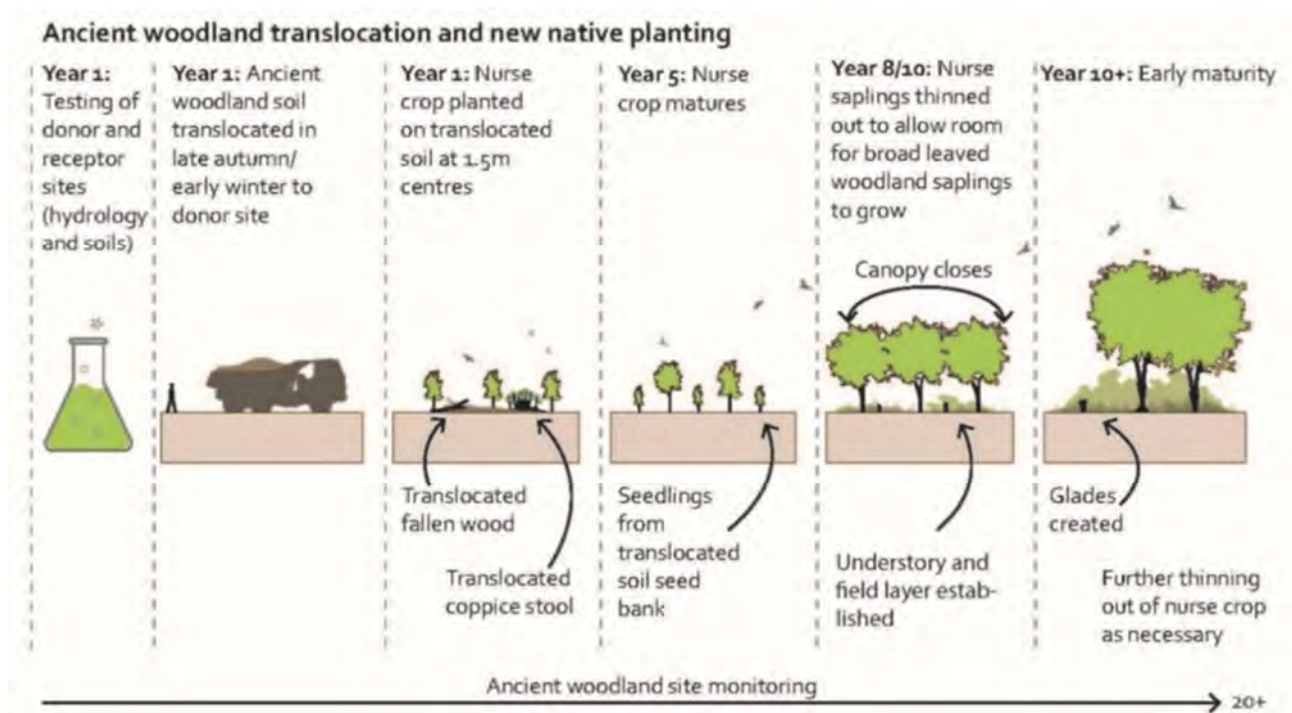


Diagram 1 Ancient woodland translocation and new native planting (source: HS2-HS2-EV-STR-000-000005 – Plant procurement strategy).

Table 10 Initial Protection, Management and Maintenance Tasks

Task	Description	Rationale
Nesting birds	Tree/ vegetation management has been specified outside the breeding bird season where possible. If an active birds nest is suspected in an area to be affected by the works an ecologist should be contacted to advise on whether the vegetation may be removed or to establish an appropriate buffer.	It is illegal to damage or destroy an active birds nest.
Woodland edge of newly exposed woodland in Donor Site	<p>The retained trees should be protected by fencing to the specification laid out in BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'</p> <p>The following principles must be kept to a minimum to minimise the already large impact on the retained ancient woodland:</p> <ul style="list-style-type: none"> - No plant or vehicles shall enter the CEZ; - Impermeable surfacing shall not be laid down over soil ('capping'); - No materials, fuels or chemicals shall be stored within any of these areas; - No fires to be lit where flames may reach within 5m of the CEZ; - No structures or fixtures of any kind shall be fastened in any way to the trunks of the retained trees; - No drainage or irrigation pipes shall be installed within the area that would be RPAs of the retained trees; and - Any unwanted vegetation shall be removed by hand. - Plant replacement inspections shall be undertaken annually in August/September for the first 5 years after planting to identify dead, diseased or dying stock - Plant replacements should be carried out annually between the start of November and the end of December. - Re-firming trees, guards and stakes shall take place three times a year for the first 2-4 years in January, April and October and after a storm to ensure support and protection for the woodland. 	Deviation from Natural England Standing Advice for Ancient woodland
Receptor Site woodland	<p>Plant replacement inspections shall be undertaken annually in August/September for the first 5 years after planting to identify dead, diseased or dying stock</p> <p>Plant replacements should be carried out annually between the start of November and the end of December.</p> <p>Re-firming trees, guards and stakes shall take place three times a year for the first 2-4 years in January, April and October and after a storm to ensure support and protection for the woodland.</p> <p>434.6m of permanent deer and rabbit proof fencing and 601.3m of temporary deer and rabbit proof fencing is to be installed around the ESMP and mitigation site. One temporary and one permanent access gate are to be installed, as shown on Figure 4.</p>	

6 Long Term Management, Maintenance and Monitoring

6.1 Overview

6.1.1 Following translocation of above ground woodland material and soils to the Receptor Site, supplemented by new planting, it will be managed, maintained and monitored as an Ancient Woodland habitat creation site.

6.1.2 The ongoing responsibility for management, maintenance and monitoring will need to be determined by HS2 Ltd. Responsibilities are dealt with in Section 8.

6.2 Long-term Management Tasks

6.2.1 After the end of the initial maintenance stage, this long-term management plan will be followed from year 6 to year 50, following translocation. Diagram 1 and Table 11 highlight the main long-term management tasks.

6.2.2 Woodland management regimes shall be put in place to ensure that multi-functionality and maximum benefit is obtained from all areas of woodland planting. Woodland habitats will be maintained so that they;

- Become structurally diverse as well as diverse in species, which enables the preservation of any surrounding semi-natural habitats;
- Develop open, semi-open and edge habitats;
- Do not become damaged due to animals;
- Demonstrate evidence of regeneration (seedlings, saplings, young trees);
- Protected and notable species are suitably supported (when appropriate);
- Can be an accessible amenity and educational resource for the local community (when appropriate) and;
- Can become an economic asset where possible.

6.2.3 Management shall be undertaken in accordance within the ancient woodland section of the Technical Standard – Landscape Maintenance, Management and Monitoring Plan (LMMMP)(HS2-HS2-EV-STD-000-000023), unless there is a requirement for specific management practices in connection with the presence of a protected species.

Table 11 Long-term Management Tasks

Task	Description	Rationale
Nesting birds	Habitat management including coppicing has been specified outside the breeding bird season where possible. If an active bird nest is found, even outside of the breeding bird season, an ecologist should be contacted to advise on a buffer zone for the nest.	It is illegal to damage or destroy an active bird nest
Newly exposed woodland edge	<p>Within 15m of the newly exposed woodland edge:</p> <ul style="list-style-type: none"> - Machinery shall be minimised; - Impermeable surfacing shall not be laid down over soil ('capping'); - No materials, fuels or chemicals shall be stored within any of these areas; - No fires to be lit where flames may reach within 5m of the CEZ; - No structures or fixtures of any kind shall be fastened in any way to the trunks of the retained trees; - No drainage or irrigation pipes shall be installed within the area that would be RPAs of the retained trees; and - Any unwanted vegetation or invasive species shall be removed by hand. - Any windthrown trees shall be replaced and felled trees due to health and safety shall be laid within the woodland. 	The aim is to retain as much of the newly exposed woodland edges as possible, throughout the HS2 construction boundary land take.
General Receptor Site management	<p>Removal of nurse species, where planted to shade seedling canopy trees, will be needed when they have out-grown their use and the trees beneath them are self-sustaining. This is likely to be 7-10 years after planting. To avoid sudden changes in the light, this should be carried out in a phased approach, where no more than a third of the total nurse species is removed in any one year.</p> <p>Tree thinning and felling should be aimed at those trees deemed less healthy or desirable and free up some growth space for remaining trees. Early colonisers shall be removed in order for desired species to get the opportunity to grow. The aim is for a mixed age class across different species, with enough light in order to allow ancient woodland ground flora to develop.</p> <p>Coppicing of suitable species should be carried out on rotation every 7-10 years.</p>	To maintain a woodland that replicates an ancient woodland, acknowledging that it will never be possible to directly compensate for the loss.

Task	Description	Rationale
	Where a scrub edge to the woodland shall be implemented on a rotational cycle after the 5-year establishment period (starting year 5 with a rotation being completed every subsequent 5 years until year 50). A gradient of differential age structure and vegetation between the woodland and its surroundings shall be established and maintained (e.g. sections not larger than a fifth of the total cut in any one year).	
Specific Receptor Site Management Measures		
Decrease Weed Competition	<ul style="list-style-type: none"> During establishment, lay 1m x 1m mulch mat or woodchip mulch around immediate area of new planting only. It is important to keep a circle of 1m² clear of vegetation around base of trees or maintain 1m vegetation-free strip along rows of trees; clearance should be carried out twice yearly (spring and late summer) for the first 5 years following planting. 	This will reduce competition from weed and grass growth and encourage establishment of tree species resulting in early canopy closure.
Plant and tree replacement	<ul style="list-style-type: none"> Inspections shall be made on an annual basis for the first 5 years (in August/September) after planting to identify dead, diseased or dying tree stock. Replacement planting to be carried out annually between the start of November and end of December. Tree replacements should be assessed in years 2-3 to assess the scale of losses. Selective rather than standard 'like for like' replacement will be carried out. Replacement planting to be carried out between the start of November and end of December. 	To encourage successful woodland establishment.
Aftercare of newly planted trees: accessories and guards	<ul style="list-style-type: none"> Re-firming trees and stakes, together with adjustments to tree-ties, tree tubes and spiral rabbit guards, shall take place 3 times per year for first 2 – 6 years in January, April and October and after a storm event to ensure support and protection of woodland tree planting. Although biodegradable, remove tree shelters with supporting stakes when trees and shrubs are well established. 	<p>To encourage successful woodland establishment, by protecting newly planted trees from weather and mammal damage.</p> <p>To prevent restriction to tree and shrub growth.</p>
Shrub edge management	<ul style="list-style-type: none"> Where a shrub edge to the woodland has been planted, management of the shrub edge species shall be implemented on a 5 year rotational cycle. A gradient of differential age structure and vegetation between the woodland and its surroundings shall be established and maintained. 	Creates a structurally diverse woodland as well as improving the species diversity.
Scrub management	<ul style="list-style-type: none"> Hawthorn/blackthorn scrub shall be cut on a 15 year rotation, as this is the age that it typically matures. Rotational coppicing of blocks of scrub and allowing regrowth allows the characteristic thicket structure of scrub to rejuvenate and be maintained. For scrub predominantly composed of bramble, the rotation cycle shall be 5-6 years. Thus for any given area of scrub about a fifth or sixth of it shall be cut each winter to provide a mosaic of bramble at different stages of growth. Overall, only approximately 30% of the woodland should be comprised of bramble; if too 	Scrub management

Task	Description	Rationale
	<p>dense the bramble will inhibit growth of other ground flora.</p> <ul style="list-style-type: none"> Rough grassland and tall herb fringes shall have a 'cut and rake' rotation cycle of 2-3 years where a half or a third is cut in late summer/autumn. 	
Coppicing	<ul style="list-style-type: none"> Coppicing of suitable species, once established, should be carried out in areas on a rotation of between 7 to 10 years for wildlife benefit and to produce a potential saleable crop of timber poles. Coppice stools should be monitored on a 7-10 year cycle to assess suitability and maturity for coppice management. 	<p>Coppicing produces a diverse woodland through creating periodic light which encourages growth ground flora and lower plants communities. It is also a natural habitat of the dormouse and ground nesting birds.</p>
Thinning and felling	<ul style="list-style-type: none"> Thinning and felling of selected woodland trees shall remove the less healthy or less desirable trees and give the remaining trees more space to develop. Prolific colonisers shall be removed to favour desired species to establish or to maintain designated open areas. A mixed age class across the species with reduced canopy cover will create light for the field layer to develop, however, drastic interventions which cause abrupt changes in light regimes shall be avoided. 	<p>Trees will be removed for the benefit of others to encourage growth and development.</p>
Species		
Badger	<p>Undertake a badger walkover on every visit to ensure that trackways can still be used and that new badger setts have not been created. If new badger setts have been created that could impede maintenance or monitoring work, an ecologist should be consulted, and a precautionary method of works shall be drawn up to avoid any damage to the badger sett.</p>	<p>To ensure active badger setts are not damaged during maintenance and monitoring</p>
Invasive and non-native species		
Schedule 9 Invasive weeds	<p>Invasive weeds as identified under the Wildlife and Countryside Act (1981) as amended, are to be removed and controlled on site. For Himalayan balsam, this shall be controlled in accordance with Appendix 22 -F of the Ecology Technical Standard (HS2-HS2-EV-STD-000-000017). As these shall be on ancient woodland soils, they must be hand pulled rather than using herbicides to avoid damage to the soil.</p>	<p>It is illegal to grow or allow to grow these species in the wild. Control will allow native plants to establish and increase biodiversity.</p>
Injurious weeds	<p>Any injurious weeds as identified by the Weeds Act 1959 will be treated with herbicide spot treatment and removed into compost piles or moved off site to a recycling facility.</p>	<p>Any injurious weeds shall be removed</p>

6.3 General Management and Maintenance Tasks

6.3.1 The ongoing management and maintenance tasks for the Receptor Site are detailed in Table 12 below.

Table 12 General Site Management and Maintenance Tasks

Task	Description	Rationale
General Management		
Arrange permits as required	EAP and other permits.	To ensure appropriate ecological mitigation measures and safety critical measures are in place.
Removal of rubbish/litter	Unless specified otherwise, dispose of arisings from all operations by removing from site to the appropriate licenced waste centre. In addition to scheduled litter collections, rubbish detrimental to the appearance of the site, including paper, packaging materials, bottles, cans, and similar debris should be cleared as required. Further collections should be carried out immediately.	To prevent the site from becoming contaminated and risking the potential success of woodland establishment and species colonisation.
Ensuring health & safety responsibilities are met	The safety of the workforce and the public is paramount. Consultants undertaking field survey as part of monitoring activities will be required to ensure that an appropriate health and safety risk assessment is in place prior to commencement of each field survey visit and to satisfy themselves that all appropriate access provisions are made. All risk assessments should address key health and safety issues such as potential for slips, trips and falls; working in close proximity to water; working within fields occupied by livestock; working at height; potential exposure to asbestos; confined spaces and night time working. In particular, lone working is to be avoided at all times.	Ensure no harm should come to any individual whilst they are on site.
Checking/maintaining access for ongoing management and maintenance	Through U&A register and agreed requirements as well as the PRoW and Traffic Management Plan	To ensure that suitable access is maintained for any required management, maintenance or survey work.
Perimeter/animal fencing checks	Check fencing surrounding the perimeter of the woodland to ensure access has not been breached. Where rabbit and deer fencing has been installed, this is to be inspected and repaired as necessary 3 times per year for the first 4 years in January, April and October.	Fencing should be maintained in order to ensure that translocated and newly planted trees and vegetation are able to establish without interference.
Issues/ hazards arising from topography	Issues could still develop after five or more years particularly with uneven ground, ground slumping, incorrect drainage etc. Site walkovers should be undertaken to observe any potential hazardous topography that could be developing and/or has developed.	To ensure no harm should come to any individual whilst they are on site or have any impact upon the surrounding area and improve the chances of successful establishment of woodland.

6.4 Incidental Records Procedure

- 6.4.1 There is a potential for new badger setts to be created underneath the trackway used for maintenance and monitoring vehicles. If any new badger setts are located, works must be stopped and an ecologist must be contacted to advise further.
- 6.4.2 There is the potential for invasive non-native species and species covered by the weeds act 1959 to be spread onto the ESMP site by humans or natural processes. In the event of a

discovery of these species, an ecologist will advise as to best practice in line with Chapter 22 of the HS2 Ecology Technical Standard.

7 Monitoring

7.1 Requirements for Monitoring and Reporting

- 7.1.1 Monitoring provided within the ESMP must comply with specific ecological commitments made in the Phase 1 Environmental Statement (and planning consents), and also describe sampling approaches to look at the wider effectiveness of the mitigation provided.
- 7.1.2 The overarching requirement for monitoring on the Scheme is specified in the HS2 Environmental Minimum Requirements (CS755 02/17). Monitoring is necessary to measure the extent to which the ecological objectives of the proposals are being met and to allow remedial action to be taken if problems arise.
- 7.1.3 According to Sections 6.1.13 and 6.1.14 of the HS2 Phase One: London-West Midlands Ancient Woodland Strategy (AWS), HS2 Ltd has set out indicative commitments to the management and monitoring of ecology led habitat creation in support of HS2 Phase One, during the period of establishment, within Information Paper E26: Indicative Periods for the Management and Monitoring of Habitats Created for HS2 Phase One.
- 7.1.4 Section 11.4 of the HS2 Phase 2a Information Paper (E2: Ecology) states that HS2 Ltd is committed to monitoring the effectiveness of ecological mitigation and compensation measures for a sufficient period to ensure that the objectives of the proposals for nature conservation and protection of the historic environment are achieved (see EMR Annex 4 Section 4.8.5).
- 7.1.5 HS2 Ltd have deemed the sufficient period of managing and monitoring to be 50 years, following translocation of ancient woodland soils. For this location, where new areas of woodland habitat creation are also proposed as part of the ecology compensation response, management and monitoring will be also be provided for up to 50 years (as referenced in the AWS). This timescale is regarded as the ‘establishment period’; timescales for on-going management, maintenance and monitoring beyond the establishment period is yet to be established.
- 7.1.6 The Nominated undertaker will be responsible for undertaking ecological monitoring as set out within the Ecological Monitoring Strategy (EMS). The EMS provides an overview of the route-wide approach that will be adopted for the ecological monitoring of mitigation features (for habitats and species), along with guidance on appropriate monitoring methods and when these should be utilised.
- 7.1.7 A suitably experienced ecologist will be engaged to advise further in relation to monitoring that will be required (see Sections 1.2.1 and 1.2.2 of EMS).
- 7.1.8 The programme for post-translocation monitoring is outlined in Section 10. Monitoring takes into account the requirements of HS2 Technical Standard –Landscape Maintenance, Management and Monitoring Plan (HS2-HS2-EV-STD-000-000023).

7.1.9 The timing for monitoring activities can be found in Section 9 and will include monitoring of:

- Coppice stools are to be monitored on a 7-10 year cycle to assess suitability and maturity for coppice management;
- Woodland inspections for structure and health, including checking the health of trees, identifying those needing replacement, felling or pruning once a year during the first five years of establishment;
- Re-firming of trees and their stakes and replacement of guards three times a year for the first 2-4 years in January, April and October until removal (4-6 years after planting);
- Checking of deer-proof fencing proposed in Figure 4 and identify any need to repair three times a year for the first four years in January, April and October;
- The presence of scrub to minimise encroachment into desired structure along woodland edge in accordance with HS2 GCN Management, Maintenance and Monitoring Plan and HS2 Landscape Maintenance, Management and Monitoring Plan; and
- Inspection for the presence of INNS and other weed species once a year during the first five years of establishment.

7.1.10 Progress against all the general and specific objectives detailed within Section 3 will be recorded.

7.1.11 The data collected during the monitoring visits will inform any amendments to this ESMP.

7.1.12 Where progress to objectives are not being made, the ESMP and Landscape Management, Maintenance and Monitoring Plan for the site shall be revised appropriately.

7.1.13 The nominated undertaker will maintain or make arrangements to maintain and monitor any new amendments to the plan.

7.2 Records

7.2.1 The following records will be documented and kept with this ESMP as a log of activities carried out on the ESMP site (Receptor and Donor). These will be added to Appendix 9 and documented here as they are added. These include:

- Records of any major habitat management including tree thinning, pollarding/coppicing and invasive plant control;
- Survey and monitoring results, including any monitoring undertaken as a requirement for a protected species licence;
- Up to date plans for pre- and post- works ESMP site conditions and landscaping

proposals; and

- Any progress reports in relation to the management of the site.

8 Responsibilities

- 8.1.1 The initial five-year maintenance period (currently anticipated to run until 2025) will be undertaken by HS2 Ltd or their appointed agent.
- 8.1.2 Long term management (5-50 years) is currently assumed to be undertaken by HS2 or their appointed agent.
- 8.1.3 In the event that the land is transferred back to the original landowner or a third party then the requirement to undertake these maintenance tasks may also be transferred, subject to legal agreement of all relevant parties.
- 8.1.4 Table 13 describes the role and responsibilities for individuals and organisations for these actions and prescriptions listed in this ESMP to meet to end site objectives.

Table 13 Role and Responsibilities

Title	Responsible	Start date	End date	Comments
Detailed Design – Donor Site				
INNS surveys	Thomson Ecology	October 2020	October 2020	INNs survey completed during unsuitable time of year. No invasive non-native species recorded
NVC surveys	Thomson Ecology	October 2020	October 2020	NVC survey completed during unsuitable time of year – reports to be issued
Topography surveys	Technics	October 2020	October 2020	Topography surveys completed
Arboricultural surveys	Thomson Ecology	October 2020	October 2020	Arboricultural survey completed – reports to be issued
Soil sampling	Reading agriculture	October 2020	October 2020	Soil sampling survey completed – reports to be issued
Preliminary ground level roost inspections	Appointed ecological consultancy (TBC)	Any time of year 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2
Bat emergence/return surveys	Appointed ecological consultancy (TBC)	March-October 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2
Badger Sett Closure Method Statement	Appointed ecological consultancy (TBC)	Any time of year 2020	TBC	To be produced to close the setts on site prior to any works. Responsible party to be confirmed by HS2

Hazel Dormouse Survey	Appointed ecological consultancy (TBC)	April-October 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2
Breeding bird survey	Appointed ecological consultancy (TBC)	March- June 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2
Great Crested Newt surveys	Appointed ecological consultancy (TBC)	April – June 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2

Detailed Design – Receptor Site

Badger survey	Appointed ecological consultancy (TBC)	Any time of year 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2
Reptile habitat suitability assessment	Appointed ecological consultancy (TBC)	Any time of year ideally spring 2020	TBC	To be completed prior to any works. Responsible party to be confirmed by HS2

Initial Maintenance – Donor Site

Replacement trees/shrubs	Appointed contractor	1 year post-construction	5 years post-construction	Responsible party to be confirmed by HS2
Maintenance of fencing	Appointed contractor	0.5 years post-construction	4 years post-construction	Responsible party to be confirmed by HS2

Initial Maintenance – Receptor Site

Maintenance of fencing	Appointed contractor	0.5 years post-construction	4 years post-construction	Responsible party to be confirmed by HS2
Re-firming of stakes, ties and guards.	Appointed contractor	0.5 years post-construction	4 years post-construction	Responsible party to be confirmed by HS2
Replacement trees	Appointed contractor	1 year post-construction	5 years post-construction	Responsible party to be confirmed by HS2

Long Term Management – Donor Site

Woodland edge management	Appointed contractor until year 50	5 years post-construction	50 years post-construction	Responsible party to be confirmed by HS2
--------------------------	------------------------------------	---------------------------	----------------------------	--

Long-Term Management - Receptor Site

Weed control	Appointed contractor	0.5 years post construction	50 years post construction	Responsible party to be confirmed by HS2
Nurse species removal and stump treatment	Appointed contractor	7 years post construction	10 years post construction	

Tree thinning and felling	Appointed contractor	7 years post construction	15 years post construction	Responsible party to be confirmed by HS2
Coppicing and rotation	Appointed contractor	7 years post construction	50 years post construction	Responsible party to be confirmed by HS2
Shrub edge management	Appointed contractor	5 years post construction	50 years post construction	Responsible party to be confirmed by HS2

Monitoring – Donor Site

Tree replacement inspections	Appointed contractor	1 year after construction	5 years post-construction	Responsible party to be confirmed by HS2
Condition of fencing	Appointed contractor	0.5 years post construction	4 years post-construction	Responsible party to be confirmed by HS2
Shrub edge management	Appointed contractor	5 years post-construction	50 years post construction	Responsible party to be confirmed by HS2

Monitoring – Receptor Site

INNS/weed monitoring	Appointed contractor	0.5 years post-construction onwards	50 years post-construction	Responsible party to be confirmed by HS2
Nurse species removal including stump treatment	Appointed contractor	1 year post-construction	10 years post construction	Responsible party to be confirmed by HS2
Tree thinning and felling	Appointed contractor	7 years post construction	10 years post construction	Responsible party to be confirmed by HS2
Coppice stools monitoring	Appointed contractor	5 years post construction	50 years post construction	Responsible party to be confirmed by HS2
Shrub edge management	Appointed contractor	5 years post-construction	50 years post construction	Responsible party to be confirmed by HS2
Tree replacement inspections	Appointed contractor	1 year post-construction	5 years post construction	Responsible party to be confirmed by HS2
The condition of tree guards and ESMP fencing	Appointed contractor	0.5 years post-construction onwards	4 years post-construction	Responsible party to be confirmed by HS2

9 Programme of Post Translocation Works

9.1.1 Table 14 sets out a programme of works for all post translocation actions and associated requirements of the ESMP for the duration of the ESMP's lifetime.

Table 14 Programme of Works (D=Donor, R=Receptor, AWC=Appointed Works Contractor, E=Ecologist, A=Autumn, S=Spring, W=Winter)

Action				Years																
Site (D/R)	Task	Responsibility	Season	0.5	1	2	3	4	5	7	10	13	15	20	25	30	35	40	45	50
R	Weed Control	AWC	S																	
	Monitoring	E	A																	
R	Nurse species removal including stump treatment	AWC	W																	
	Monitoring	E	A																	
R	Tree thinning and felling	AWC	W																	
	Monitoring (could be up to 50 years)	E	A																	
R	Coppicing/Rotation	AWC	W																	

Action				Years																	
Site (D/R)	Task	Responsibility	Season	0.5	1	2	3	4	5	7	10	13	15	20	25	30	35	40	45	50	
	Monitoring	E	A																		
R and D	Shrub edge management and rotation	AWC	W																		
	Monitoring	E	A																		
R	Tree replacements	AWC	A																		
	Monitoring	E	A																		
R	Re-firming trees/stakes		X3 annual – January, April and October (W, S, A)																		
	Monitoring																				
R and D	Rabbit/deer fencing		X3 annual – January, April,																		

Action				Years																			
Site (D/R)	Task	Responsibility	Season	0.5	1	2	3	4	5	7	10	13	15	20	25	30	35	40	45	50			
			October (W, S, A)																				
	Monitoring																						

10 References

Title	Reference
Birds of Conservation Concern 4: the Red List for Birds	British Trust for Ornithology, 2015
Trees in relation to construction	British Standard BS5837
Natural England Standing Advice on Ancient Woodland	Natural England Standing advice on Ancient Woodland https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences
HS2 Habitat Translocation: Phase 1 Route Wide	1D008-EDP-EV-REP-000-000007 Revision P03
HS2 Technical Standard – Landscape Maintenance, Management and Monitoring Plan	HS2-HS2-EV-STD-000-00023
HS2 Ltd (2013) London West Midlands Environmental Statement Volume 2 Community Forum Area report CFA15 Greatworth to Lower Boddington	ES 3.2.1.15
HS2 Ecology Technical Standards	HS2-HS2-EV-STD-000-000017
HS2 Environmental Management Plan	1EW03-FUS-EV-PLN-C000-005442
HS2 (London to West Midlands) Environmental Minimal Requirements Annex 4: Environmental Memorandum	CS755 02/17
HS2 Information Paper E26 – Indicative Periods for the Management and Monitoring of Habitats Created for HS2 Phase One	E26 Information Paper
HS2 Technical Standard – Plant Procurement Strategy	HS2-HS2-EV-STR-000-000005
HS2 LWM Project Dictionary	HS2-HS2-PM-GDE-000-000002
Managing invasive non-native plants	Environment Agency. 2010. <i>Managing invasive non-native plants</i> . Environment Agency.
Reptile Management Handbook	Edgar, P., Foster, J. and Baker, J. 2010. <i>Reptile Habitat Management Handbook</i> . Bournemouth: Amphibian and Reptile Conservation.
Series 3000 – Landscape and Ecology Spec	HS2-HS2-CV-SPE-000-013000
WP 54 – Environmental Mitigation- Ancient Woodland Translocation Strategy	1EW04-LMJ-EV-REP-N0000054000.

Appendix 1 – Changes to ESMP content

Date	Changes	Rationale	Organisation making the change

Appendix 2 – Record of Discussion

Date	Organisation	Named Contact	Comment	Response

Appendix 3 – Risk Assessments and other Health and Safety Documents

Title	Date	Reference
1EW03 Method Statement Jones’ Hill Wood Donor Site – Intrusive surveys	January 2020	1EW03-FUS_INT-HS-RIA-CS03-003161
1EW03 Method Statement Jones’ Hill Wood Receptor Site – Intrusive Surveys	January 2020	1EW03-FUS_INT- HS-RIA -CS03-003162
1EW03 Method Statement Jones’ Hill Wood Donor Site – Non-intrusive surveys	January 2020	1EW03-FUS_INT- HS-RIA -CS03-003163
1EW03 Method Statement Jones’ Hill Wood Receptor Site – Non-intrusive surveys	January 2020	1EW03-FUS_INT- HS-RIA -CS03-003164

Appendix 4 – Current site reports and survey data*

Title	Date	Reference
AWE2b-4 - Ancient Woodland Translocation Arboriculture Jones' Hill Wood Report	November 2020	1EW03-FUS-EV-REP-CS03-002580
AWE2b-4 - Ancient Woodland Translocation National Vegetation Classification Survey Jones' Hill Wood Report	November 2020	1EW03-FUS-EV-MST-CS03-002579
AWE2b-4 - Ancient Woodland Translocation Timber Valuation Scoping Jones' Hill Wood (Glyn Davies Wood) Report	November 2020	1EW03-FUS-EV-MST-CS03-002581
AWE2b-4 - Ancient Woodland Translocation Topographical Survey Jones' Hill Wood (Glyn Davies Wood) Report	November 2020	1EW03-FUS-EV-MST-CS03-002584

*All survey data can be located on Fusion GIS Portal :

<https://fusionhs2.cloud.esriuk.com/portal/home/signin.html?returnUrl=https%3A%2F%2Ffusionhs2.cloud.esriuk.com%2Fportal%2Fhome%2Findex.html>

Appendix 5 – Method Statements, Licences and Consents

Title	Date	Reference

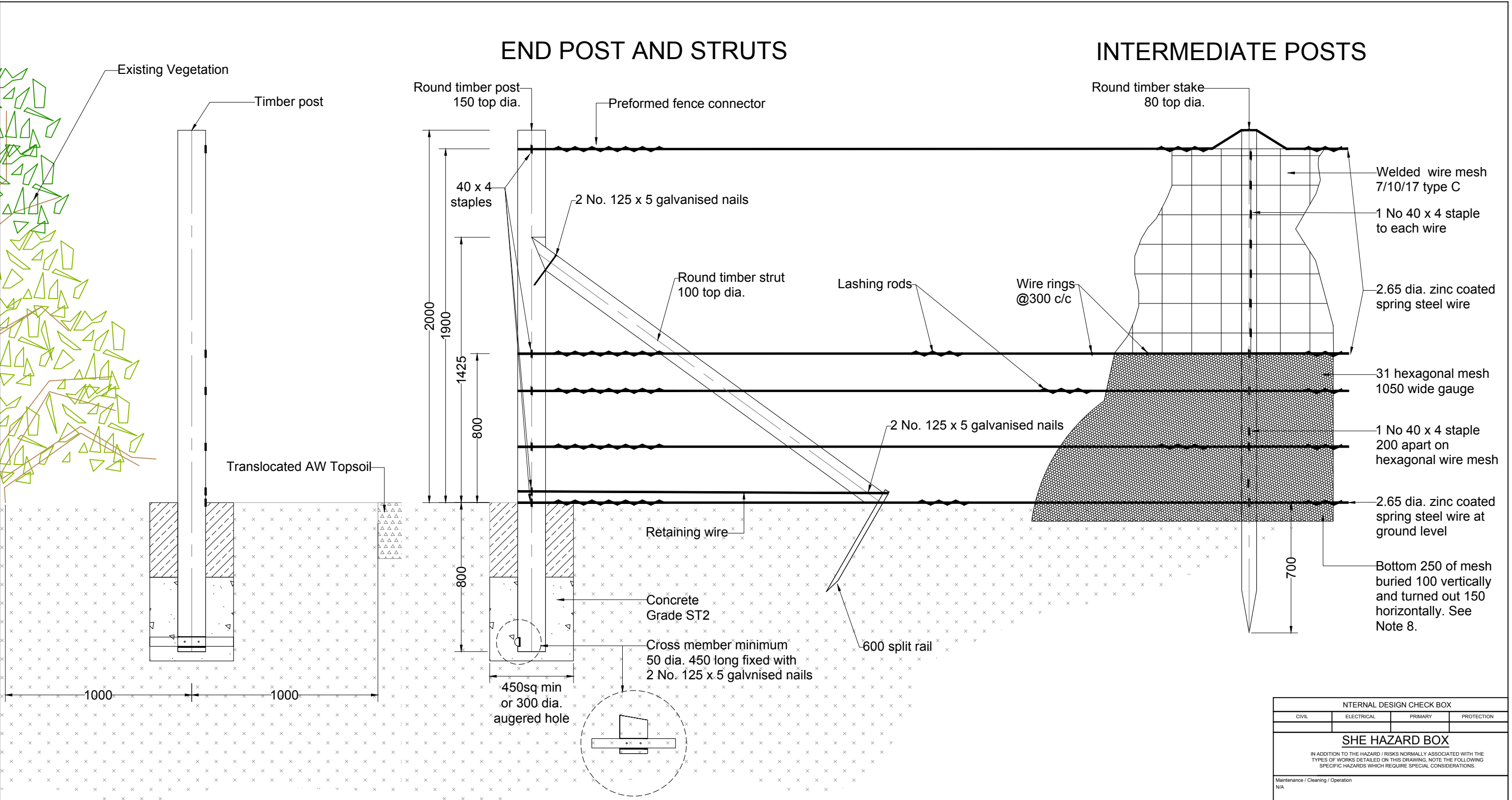
Appendix 6 – Detailed Landscape Design and Habitat Creation Specification

Title	Date	Reference
Jones’ Hill Wood General Arrangement	06/12/2018	1EW03-FUS-LS-DGA-CS03-000001
Jones’ Hill Wood Access Road Drawings	06/12/2018	1EW03-FUS-LS-DGA-CS03-000002
Jones’ Hill Wood Site and Key Plan	06/12/2018	1EW03-FUS-LS-DSP-CS03-000001
Jones’ Hill wood Site Clearance Plan	06/12/2017	1EW03-FUS-LS-DSP-CS03-000002
Jones’ Hill Wood Fencing Site and Key Plan	30/08/2018	1EW03-FUS-LS-DSP-CS03-000004

Appendix 7 – Management Change Log

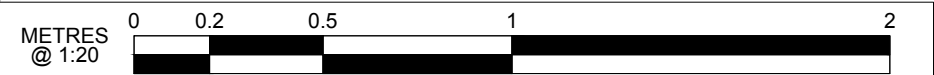
Title	Date	Reference

Appendix 8 - Deer and Rabbit Proof Fencing



Deer and Rabbit Fencing Detail
Section

Deer and Rabbit Fencing Detail
Elevation



C01	F1 for Acceptance	AY 18/10/18	MM 18/10/18	BC 18/10/18	MO 19/10/18	HS2 accepts no responsibility for any circumstances which arise from the reproduction of this document after alteration, amendment or abbreviation or if it is issued in part or issued incompletely in any way. © Crown Copyright and database right 2018. All rights reserved. Ordnance Survey Licence number 100049190 © Crown Copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO. This material was last updated on 2018 and may not be copied, distributed, sold or published without the formal permission of Land Registry. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes.
Rev	Description	Drawn	Checked	Approved	FUS Acc	Scale with caution as distortion can occur.

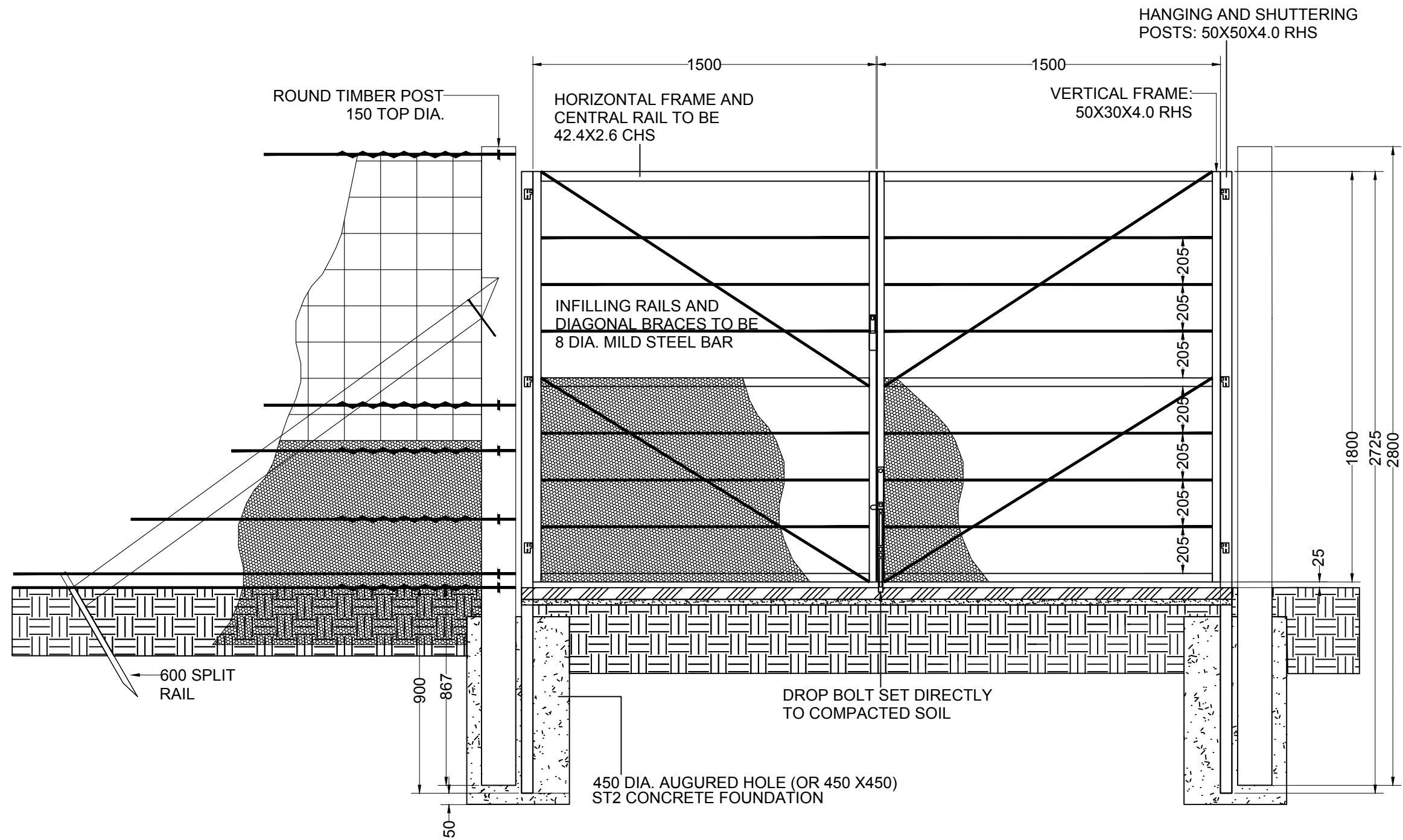
- Legend/Notes:
- All strained line wire finishing at a post shall be terminated by looping back on itself and joined with a preformed fence connector.
 - All joints in the spring steel wire shall be made by either a preformed fence connector or wire connector.
 - Where the ground is undulating, ground anchors or extra intermediate posts shall be used to maintain the constant distance of the line wires from the ground.
 - BS 1722 Part 2 Sections 8, 10 & 11 shall apply unless otherwise stated.
 - Wire mesh detailed separately for clarity.
 - All timber shall comply with Specification Clause 304.
 - For details of foundations see Drawing No H13.
 - For alternative treatments to 'turned out mesh see Clause 306.
 - Deer species are: Roe, Red, Fallow or Sika.
 - The distance between straining and intermediate posts not to exceed 10m. and the distance between straining posts should not exceed 200m.
 - ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.

HS2
Registered in England
Registration No. 06791686
Registered office:
2 Snow Hill,
Queensway,
Birmingham, B4 6GA

Zone	CENTRAL DELIVERY AREA W DE		Project/Contract	
Design Stage	STAGE4		1EW03 EWC CONTRACT SCOPE - AREA CENTRAL	
Drawing Title	PERMANENT DEER AND RABBIT PROOF FENCING		Discipline/Function	
			LANDSCAPING	
	Drawn	Checked	Approved	
	A.Yanez	M.Heald	B.Craig	
	Date	Scale	Size	
	18/10/18	AS SHOWN	A3	
Creator/Originator	FUSION JV		Drawing No.	Rev.
Suitability Code	A4		1EW03-FUS-LS-DDE-C00000003	C01
Suitability	App. & accepted as stage complete		D1904	

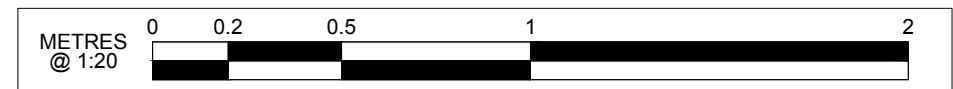
INTERNAL DESIGN CHECK BOX			
CIVIL	ELECTRICAL	PRIMARY	PROTECTION
SHE HAZARD BOX			
IN ADDITION TO THE HAZARD / RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORKS DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SPECIFIC HAZARDS WHICH REQUIRE SPECIAL CONSIDERATIONS.			
Maintenance / Cleaning / Operation			
N/A			
Construction			
N/A			
Decommissioning / Demolition			
N/A			
Subcontractor's Document Number			
N/A			

ACCEPTED CLIENT APPROVED



PERMANENT DEER AND RABBIT
PROOF MAINTENANCE ACCESS GATE
Section 1:20

ACCEPTED FOR CONSTRUCTION



C01	F1 for Acceptance	CP 15/11/18	AY 26/11/18	BC 26/11/18	MO 26/11/18	HS2 accepts no responsibility for any circumstances which arise from the reproduction of this document after alteration, amendment or abbreviation or if it is issued in part or issued incompletely in any way.	<div>Legend/Notes:</div> <div><div>1. All dimensions are in millimeters unless otherwise stated.</div><div>2. Gates shall comply with the appropriate clauses in Series 300, any further amendments in appendix 3/1 and with BS 3470.</div><div>3. Gates shall be set in line of the fence as shown.</div><div>4. All gate fittings shall be galvanised steel.</div><div>5. Top capping and base plates shall be 4.0 thick continuously flush welded tube.</div><div>6. Diagonal braces shall be fillet welded to circular hollow section frame/ rail.</div><div>7. Mesh and netting shall be fixed in accordance with specification and fencing drawings.</div><div>8. The gate shall open into the owner's property.</div></div>	<div><div>HS2</div><div>Registered in England Registration No. 06791686 Registered office: 2 Snow Hill, Queensway, Birmingham, B4 6GA</div></div>	Zone CENTRAL DELIVERY AREA WIDE		Project/Contract 1EW03 EWC CONTRACT SCOPE - AREA CENTRAL		
		--	--	--	--	© Crown Copyright and database right 2018. All rights reserved. Ordnance Survey Licence number 100049190			Design Stage STAGE4		Discipline/Function LANDSCAPING		
		--	--	--	--	© Crown Copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO. This material was last updated on 2018 and may not be copied, distributed, sold or published without the formal permission of Land Registry. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes.			Drawing Title PERMANENT MAINTENANCE ACCESS GATE DEER AND RABBIT PROOF FENCING		Drawn C.Papachristou	Checked A.Yanez	Approved B.Craig
									Date 15/11/18	Scale AS SHOWN	Size A3		
		--	--	--	--								
Rev	Description	Drawn	Checked	Approved	FUS Acc	Scale with caution as distortion can occur.		Creator/Originator FUSION JV	Suitability Code A3	Suitability App. & accepted as stage complete	Drawing No. 1EW03-FUS-LS-DDE-000-100-17	Rev. C01	

D1905

Appendix 9 – Management and Monitoring Records

Title	Date	Reference



Thomson
environmental
consultants

www.thomsonec.com
enquiries@thomsonec.com

D1907



Photograph 1:
Beech regen understory



Photograph 2:
Dense holly understory



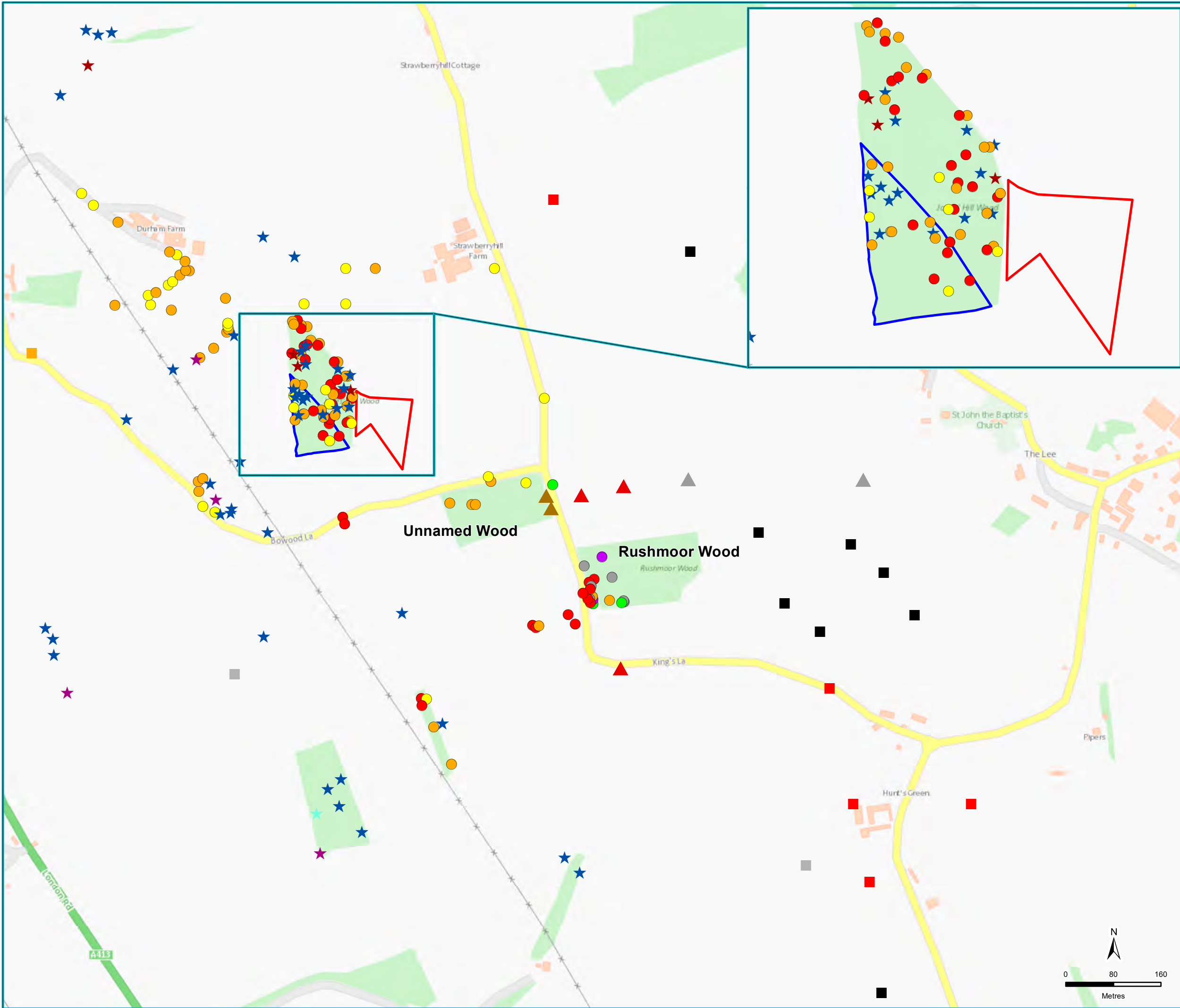
Photograph 3:
Leaf litter ground cover



Photograph 4:
The beech dominated canopy

Client	Fusion JV		Drawing Ref OFJV128/30941 /1		<div>Thomson environmental consultants</div> <div>www.thomsonec.com enquiries@thomsonec.com D1908</div>
Figure Number	2		Drawn LM	Checked PF	
Figure Title	Photographs of the Site		Date 28/10/2020		

Filepath: S:\Guildford\Projects\OFJV128 - 00027 AWE2b Habitat Translocation\Mapping\Working\Jones Hills Wood\Technical Method Statement\OFJV128_Fig2_JonesHillCoverData_AS_200820.mxd



Legend

GCN Survey Results

- ▲ GCN Absent
- ▲ Poor Habitat Suitability for GCN
- ▲ Scoped Out

Bat Tree Potential

- Confirmed
- High
- Moderate
- Low
- Negligible
- N/A

Badger Sett Type

- ★ Annexe
- ★ Main
- ★ Outlier
- ★ Subsidiary

Barn Owl Presence

- None
- N/A
- Medium
- High

■ Donor Site Boundary

■ Ancient Woodland Receptor Site

Site Grid Reference: 488,755 204,418

Contains Ordnance Survey data
© Crown copyright and database right 2020.

This map must not be copied or reproduced by any means
without prior written permission from Thomson Environmental
Consultants.

Drawing Ref
OFJV128/30392/1

Scale at A3
1:6,000

Drawn
AS

Checked
EA

Date
20/08/2020

Date
20/08/2020

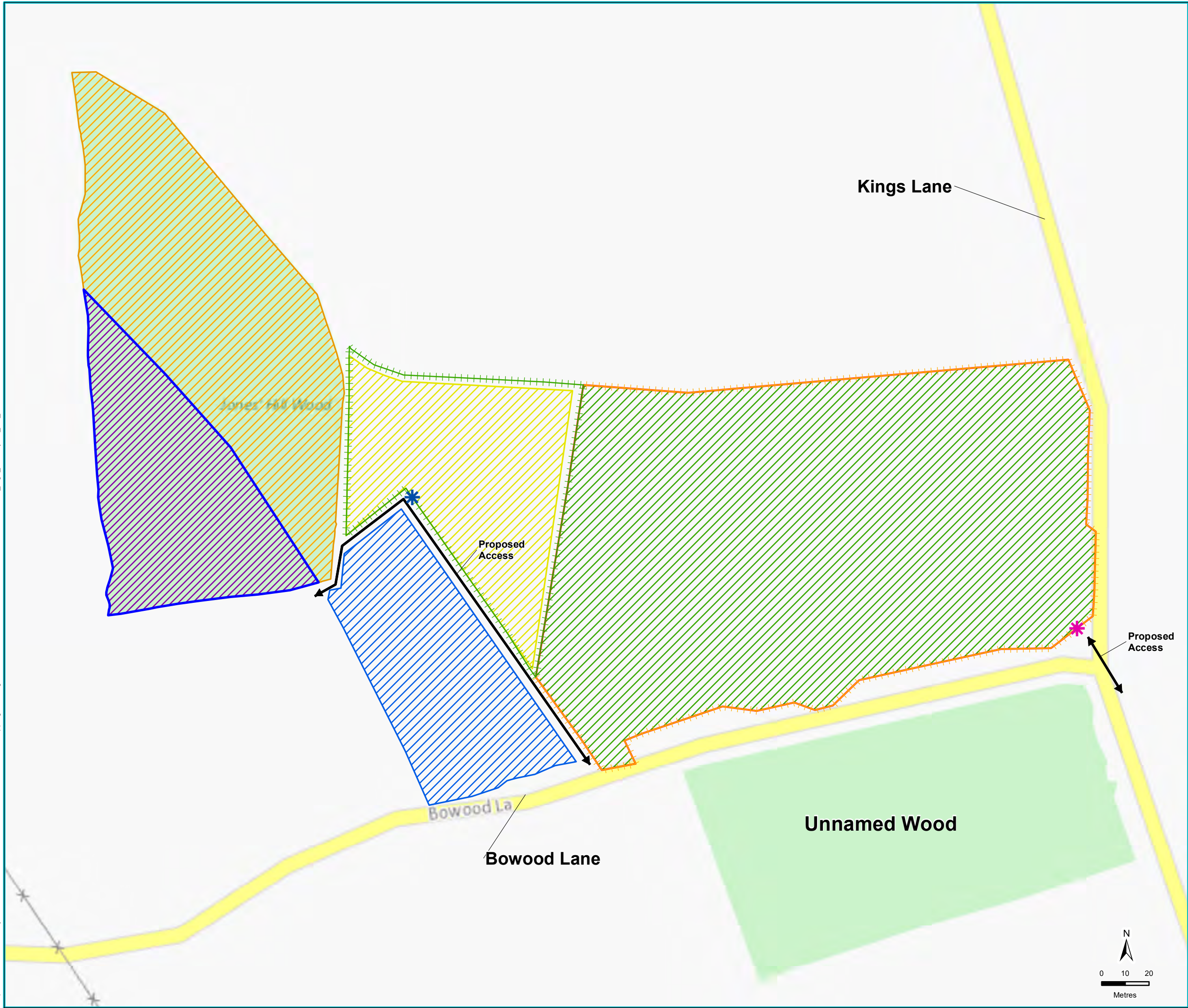
Client
Fusion

Figure Number
3

Figure Title
Protected Species
Survey Results

D1909

Filepath: S:\Guildford\Projects\OFJV128 - 00027 AWE2b Habitat Translocation\Mapping\Working\Jones Hill Wood\Technical Method Statement\OFJV128_Fig1_SiteLayout_AS_200820.mxd



Legend

- Permanent Gate
- Temporary Gate
- Permanent Deer and Rabbit Proof Fence
- Temporary Deer and Rabbit Proof Fence
- Proposed Access
- AW Donor Site
- AW Receptor Site
- AW Retained
- MWCC Site Compound
- Supplementary Planting
- Donor Site Boundary



Map Centre Grid Reference: 488,892 204,361

Contains Ordnance Survey data
© Crown copyright and database right 2020.

This map must not be copied or reproduced by any means
without prior written permission from Thomson Environmental
Consultants.

Drawing Ref
OFJV128/30391/1

Scale at A3
1:1,500

Drawn AS	Checked EA
Date 20/08/2020	Date 20/08/2020

Client
Fusion

Figure Number
4

Figure Title
Site Layout

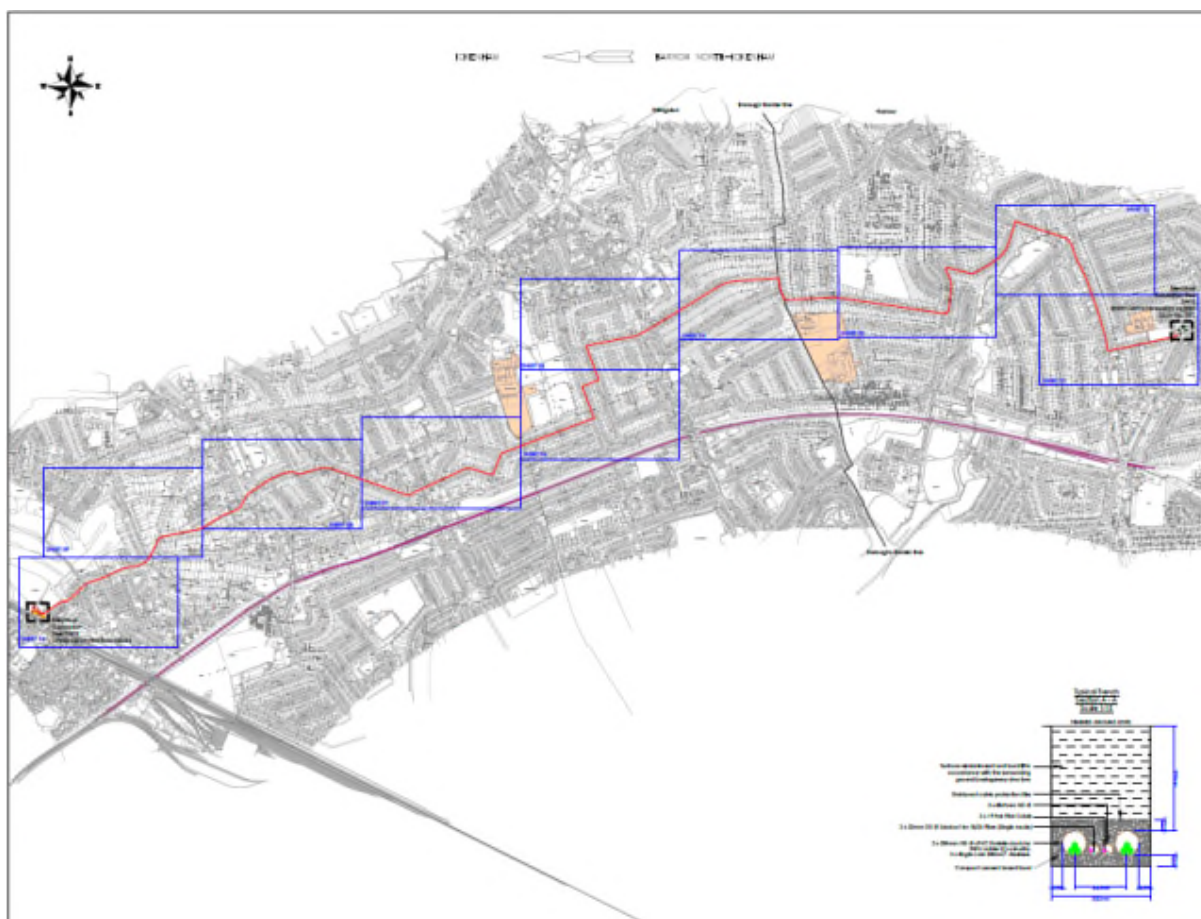
D1910

Hillingdon HS2 Residents Support Group

saving communities from High Speed Rail

HS2 tunnel boring machine power cable works through Ruislip, Eastcote & Harrow

HS2 will be laying a power cable from Harrow to West Ruislip to power the Tunnel Boring Machine they need. Work is expected to take around a year and start in “Q3”. Discussions are ongoing with Hillingdon and Harrow Councils, TfL and a local Traffic Liaison Group.



Maps of HS2's proposed route available [here](#).

There was a power supply available closer but HS2 failed to secure that supply in time due to their sign off processes and are now spending an reported £20 million (by Boris Johnson in the Telegraph) and causing lots of disruption for around a year on local roads. HS2 say it won't cost £20 million.

South Ruislip Residents have recently had a presentation from HS2 on this matter and you can read their report about it [here](#). There was a PowerPoint presentation used by HS2 that you can view [here](#).

We have asked HS2 to follow the tube route from Rayners Lane to at least Ruislip or as close to West Ruislip as possible, but they have ruled that out and insisted it has to be via roads. We hope that decision will be reviewed.

They have chosen to use residential roads to avoid disrupting main roads as much as possible but the route does pass across many of our main roads. We queried this and got this response:

“There will be a section of Ruislip High Street and Field End Road that will need to be crossed. The works on these roads are not expected to take longer than four weeks and will utilise a single lane closure. Measures will also be taken wherever possible to reduce the length of time of the works in a particular location.”

We have highlighted on maps where all the local schools are to encourage them to avoid extra disruption close to schools. Whether that will pan out or not we have no idea.

Local residents are concerned not only about the disruption but also about the level of electricity that will be carried by the cable close to their homes. See the SRRA website for detail on the voltage but in summary the cable 33kv and 20MVA (1MVA powers 250 domestic properties).

Remember other closures and disruption to our roads are planned on other key routes (e.g. Breakspear Road South 8 week closure planned for early summer) so this is just one element of the chaos we face across our area.

This slide shows just an element of the chaos to follow when work starts on utilities in Ruislip:

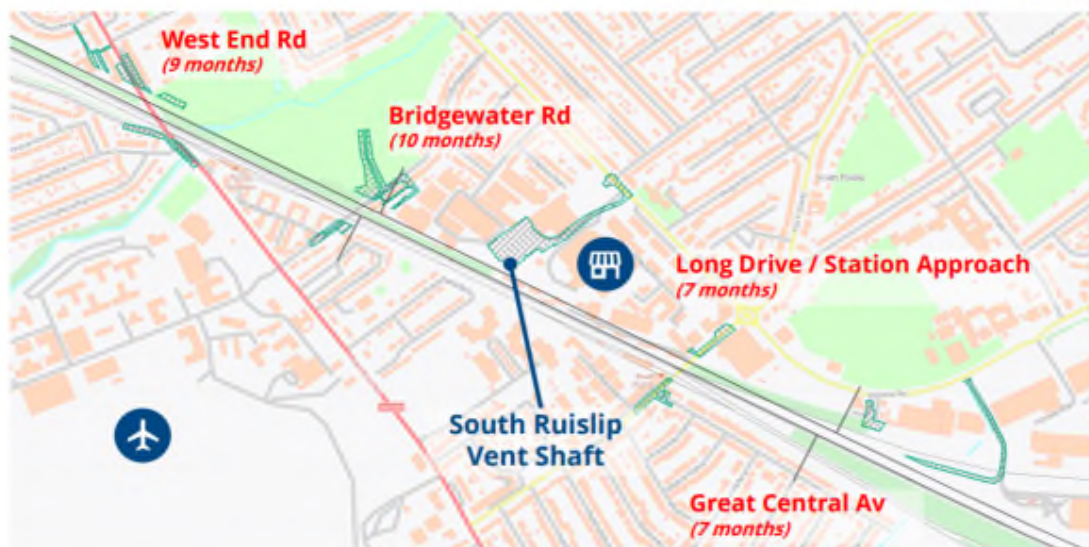
Utility Protection / Diversion

SKANSKA



Working on
behalf of

HS2



Affected roads for this disruption include:

Harrow

Farm Avenue

Rayners Lane

Whittington Way

St Michael's Crescent

Cannon Lane

Cannonbury Avenue

Rushdene Road

Hillingdon

Rushdene Road

Deane Croft Road

Meadow Way

D1913

Hawthorn Avenue

Lime Grove

Myrtle Avenue

The Uplands

Westholme Gardens

Manor Way

Midcroft

Ickenham Road

(note this is HS2's list and they haven't included the main roads they will be crossing in this list)

You can access the maps of the route [here](#).

Last edited early 2019 – please contact HS2 or attend an event or drop-in for more up to date information





Chiltern Tunnel North Portal: Construction Update

December 2021 | www.hs2.org.uk

High Speed Two (HS2) is the new high speed railway for Britain. We are following Government and Public Health England (PHE) advice on working safely during the pandemic. As we increase face to face engagement, in addition to virtual engagement, we will ensure all events and meetings adhere to the guidelines. The health and safety of our workforce and the communities we work within is our priority. If you have any questions about this, please contact our Helpdesk to find out more. This notification is to update you on our next construction phases at the North Portal taking place from January 2022.

What are we doing?

Over the last few months, you will have seen our site at North Portal being set up. The North Portal is where the trains will enter and exit the 10 mile-long Chiltern Tunnel and is being constructed within a large site on the north side of Frith Hill (South Heath Leg).

In January 2022, we will begin the next phase of our work which consists of strengthening the ground between the North Portal and Frith Hill as well as the creation of the North Portal head wall, ready to receive the tunnel boring machines (TBMs).

Why are we doing these works?

These works will create a stable support to the tunnel for the passage of the trains. Below ground, a total of 96 barrettes (concrete supporting pillars), arranged in 24 rows of four, will be constructed by the diaphragm walling (d-walling) method. The ground is excavated and backfilled with concrete to form a pillar that helps to strengthen the ground surrounding the tunnel. When the TBMs arrive, they will bore through sections of the barrettes to form a safely strengthened tunnel.

D-walling will also be the method used to construct the head wall; a continuous wall made up of 16 panels. Each panel is constructed using a narrow trench dug into the ground, which is supported by bentonite (engineering fluid), fitted with reinforcing metal rods and then filled with concrete. This will be where the TBMs exit the tunnel.

If you have a question about HS2 or our works, please contact our HS2 Helpdesk team on 08081 434 434 or email hs2enquiries@hs2.org.uk

Duration of works

Mid-January to summer 2022. Working hours are Monday to Friday 7am up to 10pm and Saturday's from 7 am to 1pm. We will also be on site for one hours start and shut down outside of those times.

What to expect

Site lighting during working hours. Noise from plant and machinery. Construction traffic.

What we will do

- Erect sound barriers around sections of the site facing residents
- Turn off main lights when not in use
- Do all we can to minimise disruption and keep the community updated.

Chiltern Tunnel North Portal: Construction Update

Notification



www.hs2.org.uk

When are these works taking place?

Mid-January until summer 2022. Site hours will be:

- 7am – 10pm Monday to Friday
- 7am – 1pm Saturday
- We do not anticipate working on Sundays, though some repairs and maintenance may be carried out over the weekend

We aim to meet our planned working dates, but these can change due to the impact of the weather or programme changes. We will do all we can to keep you updated.

Will there be noise and how will it be managed?

Due to the nature of the works, construction noise can be expected from our activities. To lessen the impact, a noise barrier has been erected at strategic locations around the site boundary to reduce the levels of noise leaving the site. We have also installed noise monitoring equipment at several locations. These monitors provide accurate readings that inform us immediately if the works generate unexpectedly high levels of noise which are above accepted levels. Should this happen, then an investigation will be undertaken by our noise and site teams to see how the works can be further controlled. Where possible, noisy activities will be scheduled for daylight hours to lessen disturbance.

How will we manage site lighting?

Mobile lighting will be used in the works areas. These task and tower lights will be placed in strategic positions, directed away from residents as much as practically possible. The site will only be lit this way during working hours. Less intrusive security lighting may be visible after these times as the site is staffed 24/7.

What route will construction vehicles use?

The existing internal haul road that is accessed via the A413 / Link Road roundabout is our dedicated route that will accommodate all our construction traffic including heavy goods vehicles (HGVs).

Staff are encouraged to take public transport where possible and use the Align shuttle busses between local stations and the worksite. Align utilise a car sharing app that assists staff and workers at minimising single occupancy journeys, where safe to do so.

Contact our HS2 Helpdesk team on **08081 434 434**

D1918

Chiltern Tunnel North Portal: Construction Update

Notification



www.hs2.org.uk

Future ancillary portal building

We will be organising events for the local community early next year to hear your views on the appearance of the mechanical and electrical building next to the portal. We will contact you further next year to finalise dates and invitations.

Map of works area

North Portal site below:



Contact our HS2 Helpdesk team on **08081 434 434**

D1919

Keeping you informed

We are committed to keeping you informed about work on HS2. This includes ensuring you know what to expect and when to expect it, as well as how we can help you.

The Residents' Commissioner

The independent Residents' Commissioner oversees and monitors our commitments to you.

The commissioner's reports and our responses can be found at www.gov.uk/government/collections/hs2-ltd-residents-commissioner

The Residents' Commissioner makes sure we fulfil the commitments in the HS2 Community Engagement Strategy (<https://bit.ly/3oOA25j>).

The Residents' Commissioner can be contacted on: residentscommissioner@hs2.org.uk

Construction Commissioner

The independent Construction Commissioner regularly meets our Chief Executive Officer to raise any concerns or emerging trends across HS2.

The Construction Commissioner's role has been developed to monitor the way we manage and respond to construction complaints.

The commissioner mediates on disputes about construction, involving individuals and organisations, that we can't resolve. The commissioner advises members of the public about how to make a complaint about construction.

The Construction Commissioner can be contacted on: complaints@hs2-cc.org.uk

Property and compensation

You can find out about HS2 and properties along the route by visiting:

www.gov.uk/government/collections/hs2-property

Find out if you can claim compensation at:

www.gov.uk/claim-compensation-if-affected-by-hs2

Holding us to account

If you are unhappy for any reason you can make a complaint by contacting the HS2 Helpdesk. For more details on our complaints process, please visit:

www.hs2.org.uk/in-your-area/contact-us/how-to-complain/

Contact us

Contact our HS2 Helpdesk team all day, every day of the year on:

 Freephone **08081 434 434**

 Minicom **08081 456 472**

 Email **HS2enquiries@hs2.org.uk**

Write to:

FREEPOST

HS2 Community Engagement

Website **www.hs2.org.uk**

To keep up to date with what is happening in your local area, visit: **www.HS2inyourarea.co.uk**

Please contact us if you'd like a free copy of this document in large print, Braille, audio or 'easy read' format. You can also contact us for help and information in a different language.

HS2 Ltd is committed to protecting personal information. If you wish to know more about how we use your personal information please see our Privacy Notice:

<https://www.gov.uk/government/publications/high-speed-two-ltd-privacy-notice>

Reference number: HS2-MW-Align-Ph1-Ar-Ce-C2-Prog-works-26-16/12/2021

High Speed Two (HS2) Limited, registered in England and Wales.

Registered office: Two Snowhill, Snow Hill Queensway, Birmingham B4 6GA.

Company registration number: 06791686. VAT registration number: 888 8512 56

From

Do Bat Gantries and Underpasses Help Bats Cross Roads Safely?

Anna Berthinussen, John Altringham

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0038775>

Bat Gantries

At all sites, few bats crossed using the gantry (Fig. 3). At the A590 gantry, four times as many (41%) crossed the road at unsafe heights as crossed within 2 m of the gantry (11%; $Z=2.61$, $P=0.008$), and 1.4 times as many as crossed within 5 m of the gantry (30%; $Z=1.49$, $P=0.15$). At the A595 gantry (Fig. 3B), far more bats (84%) crossed the road at unsafe heights than flew within 2 m ($<1\%$; $Z=2.81$, $P=0.002$) or 5 m (6%; $Z=2.81$, $P=0.002$) of the gantry. At the A69 gantry (Fig. 3C), more bats crossed the road at unsafe heights (17%) than flew within 2 m of the gantry (8%; $Z=1.17$, $P=0.31$), but fewer bats crossed at unsafe heights compared to those flying within 5 m of the gantry (42%; $Z=-2.14$, $P=0.06$).

SATURDAY 15 JANUARY 2022 4:08 PM

Taxpayers to foot bill for £40m HS2 bat tunnel

BY:LILY RUSSELL-JONES

Public procurement records show that developers are planning to build a £40m bat tunnel. Taxpayers reportedly face a £40m bill for a mesh shield to prevent endangered bats from being hit by high speed HS2 trains.

HS2 has bowed to pressure from conservationists who argued HS2 should not be built to preserve the ancient woodlands which are home to rare Bechstein bats.

Public procurement records show that French engineering firm Eiffage is working with British firm Kier to build an 850 metre bat tunnel over the new track at a location in Buckinghamshire, the Telegraph first reported.

“Bechstein bats are one of Britain’s rarest species of bat and are protected by strict UK environmental legislation,” a spokesperson for HS2 told the Telegraph. “The protection structure at Sheephouse Wood, which was designed following extensive consultation with leading bat experts, will keep the bats away from passing trains and allow HS2 to meet our legal obligations to avoid harming them and other bat species.”

“In addition, this structure is designed for four tracks, making it possible for any future local services between Aylesbury and Milton Keynes to operate in the area,” the spokesperson added.

Lord Berkeley, the former deputy chairman of a review into the future of HS2, said that spending £40m on a bat tunnel seems “excessive.”

At the time of the 2010 election, the cost of HS2 was estimated to be upwards of £20bn. Lord Berkeley’s independent review into the project predicted it could climb to £107bn.

Read more: HS2 rushes to purchase land for phase one opening

SHARE THIS ARTICLE

[Search](#)

[What is HS2](#)
[The route](#)
[Why HS2](#)
[Building HS2](#)
[In your area](#)
[Supply chain](#)
[Jobs and skills](#)
[About us](#)

[News](#) [Media gallery](#) [Contact us](#)



Updated HS2 designs for Cubbington set to deliver big environmental benefits for local area:
Cubbington Cutting and Green Bridges

Updated HS2 designs for Cubbington set to deliver big environmental benefits for local area

Published on
26 Apr 2022

- **HS2 design update for the Cubbington area in Warwickshire includes new landscaped slopes and green bridges that will provide habitats and connections for wildlife.**
- **Updated designs will reduce the volume of concrete and steel required by 60,000 cubic metres – that's the equivalent of around 8,500 HGV movements.**
- **A public event will be held in April where people can find out more.**

HS2's designers and construction contractors have released updated, more environmentally-friendly designs for the Cubbington Area in Warwickshire, reducing the materials and time needed for construction.

Replacing the previous concrete retaining walls, this section of the railway will now run in a V-shaped open cutting with grass slopes on the embankments and with green bridges for both wildlife and the local community.

The new designs raise the high speed rail line by around two metres, avoiding the need to excavate 150,000 cubic metres of soil - the equivalent of 60 Olympic-sized swimming pools. It also means 60,000 cubic metres less concrete and steel is needed in construction, cutting the project's carbon footprint. That's the equivalent of around 8,500 HGV movements, and less heavy machinery will be required to construct the railway in this location.

A key feature of the design includes the construction of two green overbridges, connecting existing footpaths for people to access local woodland areas. Native grassland and hedgerows will be planted on the bridges, creating wildlife crossings and habitats for invertebrates, bats, birds, and reptiles.

In addition, HS2's construction partner, Balfour Beatty VINCI Joint Venture, and their environmental partners are planting approximately 12 hectares (equivalent to just over 10 football pitches) of woodland near South Cubbington Wood and around a further 18 hectares (about the area of 15 football pitches) of trees across the wider Cubbington area.

HS2 Minister Andrew Stephenson said:

"From the beginning, our vision for HS2 has always been to leave the environment surrounding the route in the same condition, if not better, than we found it and build a cleaner and greener transport future."

"This project embodies that vision, reducing carbon equivalent of taking 8,500 HGVs off local roads, moulding our designs to ensure wildlife thrives alongside the new tracks and ensuring residents can continue to enjoy the rich nature forestry surrounding their village."

HS2's Senior Landscape Design Manager Steve Fancourt, said:

"As we continue to develop the detailed design of the railways, it's crucial that we look for ways to improve environmental features and enhance the local landscape."

"The introduction of grass seeded cutting slopes in this locality, paired with the construction of two 'green' overbridges, will provide increased crossing opportunities for local wildlife and preserve pre-existing footpath connectivity to the Cubbington woodland for local communities."

Julia Baker, BBV's Biodiversity Lead, said:

"Wherever we operate, we work tirelessly to reduce the impact of our work on both the local community and the environment. This updated design is testament to this commitment. We have created a solution which reduces our carbon footprint, and provides habitats for wildlife and green connections for people in the local area."

A public event will be held in Cubbington Village Hall from 5pm to 7.30pm on Thursday 28 April, and will include a drop-in session where people can ask general questions. This will be followed by a presentation and Q&A specifically on the design update. More information about the event can be found here: <https://www.eventbrite.co.uk/e/cubbington-area-design-face-to-face-event-tickets-308543691487>

ENDS

These plans are a clear breach of the Environmental Statement in three respects:

1. If the cutting through South Cubbington Wood (top of the hill) is to be two metres less deep, then the width of the cutting will require to be considerably less. Therefore considerably more of South Cubbington Wood has been felled than needed. (Please remember the Wood was felled illegally without proper licence and contrary to HS2's own Ancient Woodland Strategy.
2. A less deep cutting means more noise for the local population.
3. Works less than 1km down the line at the Leam Viaduct and associated embankments (bottom of the hill - surprisingly!) will require greater structures and more concrete to accommodate the raised level at the top of the hill, or the new planned gradient will be the steepest on the route outside the Euston approaches. If increasing the gradient is the chosen method, then the power uptake will of course be much greater and the speed will be lowered and hamper HS2's projected timings for all services.

It is clear too that another few lies are creeping in here. Such as the idea that grass embankments are adequate recompense for the ancient woodland lost, and the cost saving of concrete will presumably be shifted to the Leam Viaduct or ongoing power costs.

Latest update for HS2 works near Kenilworth

By James Smith

2nd Nov 2021 | [Local News](#)



The latest update on the HS2 works near Kenilworth has been released following a meeting between [Kenilworth Town Council \(KTC\)](#) and constructors Balfour Beatty VINCI (BBV)

BBV met with KTC on 13 October to answer questions on the local HS2 works and to give advance warning of future disruptions.

BBV also provided information of the Kenilworth Greenway's connection at the Berkswell Station end.

The connection is not expected to be completed for another two to three years.

Most recent work:

- Ongoing construction of the compound at Crackley Lane.
- Earthworks have been done for Bockenden Cutting.
- Earthworks to move earth from [Kenilworth Cutting](#) to Bockenden.
- Crackley Lane cutting has excavation complete including three ponds.
- Work has commenced on Roughknowles cutting.
- Temporary drainage works continue.

Upcoming work:

- Cabins for workers on Crackley Lane are now expected to arrive in November.
- Continue temporary drainage works
- Widening of Crackley Lane to allow for lights control to allow plant crossing
- Continuing earthworks at Rough Knowles.
- 20m more hedging will need removal in the area.

Crackly Lane will be closed near the junction of Cryfield grange Road from 2 to 19 November to allow for the earthworks.

BBV has also announced a collection of toys and clothes for helping hands, and will be setting up a soup kitchen for the local community.

Speaking at last week's town council meeting Cllr Michael Coker said: "We are promised at our next meeting that we will have as much detail as they have got, because the thing is it is changing and it is a work in progress, but that is a step forward."

Cllr Peter Jones added: "They did admit, under pressure from Cllr George Illingworth that the Bailey Bridge, or pseudo-Bailey Bridge they have built across on the A429 onto the site was now in the wrong place."







D1931











KELLER



D1937



D1938











D1943



D1944



We are considerate
tors

ALIGN - HS2
C11G8



S23 G11

GATE ONE

SCS SITE ENTRANCE

HS2



S23 G13

GATE

R.V.P.
7.50
38.00

S23G11

SCS SITE
ENTRANCE



S23G13

SCS SITE
ENTRANCE

SCS SITE
ENTRANCE

H52
08081 434 434
Helpdesk
08081 434 434



WORKS
ACCESS



GATE
4





D1952





D1954





HS2

KEEP OUT

POSSESSION OF HS2
TECTIVE EQUIPMENT ZONE
CONSTRUCTION ACTIVITIES
MAY BE SUBJECT TO
L PROCEEDINGS
NITY HELPLINE 08001 434 434

D1957



D1958



D1959







D1962







D1965

20 Festivals of Violence brought to the British Public by HS2 Ltd.

Please note: Paragraph 4(1) of Schedule 15 of the Act states: Not less than 28 days before entering upon and taking possession of land under paragraph 1(1) or (2), the nominated undertaker must give notice to the owners and *occupiers* of the land of its intention to do so.

(My italics)

1. **07/01/2020 - Harvil Rd 1st time.** Harvil Rd Wildlife Protection Camp originally was on the roadside. There were clear safety issues there so we eventually spread to the field behind, and had been there for two years with the knowledge of the possessor of the land. This is the camp that generated the non-violent direct action campaign against HS2. This was a non-obstructive protest camp from which we witnessed much of the initial on the ground failings of HS2, starting with the felling of a woodland in lieu of “surveys” and much, much more to come. It was here in particular that we began to piece together the enormous evidence of HS2 Ltd, with Environment Agency and London Borough of Hillingdon complicity, flaunting the Water Framework Directive. No appropriate risk assessment yet exists for the hugely destructive works that are going on here. Despite this, without prior notice the National Eviction Team who had been operating as unlicensed security guards in the area since 2017, and had already shown violent tendencies, and working under HS2 Ltd moved in to effect a swift, traumatising eviction. Paperwork was waved in front of our faces, I was the only one given any time to study. What was wrong with this eviction?

- a. No notice.
- b. We had implied licence to remain.
- c. It was an unobstructive protest camp that alone accorded us rights that were dismissed.
- d. We still have no idea if the paperwork was valid - did it mention trespassers or occupants?
- e. At least 2 assaults perpetrated on peaceful protestors.
- f. Much of our personal belongings were forfeit.
- g. Counter to EMRs (Environmental Minimum Requirements)

All our arrests resulted in no convictions.

2. **07/01/2020 Little Polly Higgins.** A little but highly significant camp that brought to attention the slapdash and questionable legality of HS2 Ltd's handling of PRow closures (a lesson they have yet to learn from).

- a. Unobstructive protest camp - indeed we were there to stop the illegal obstruction of a PRow - successful for 6 months.
- b. No notice.
- c. Implied Licence to Reside
- d. A violent and aggressive eviction saw the one resident manhandled as he was removed.
- e. Theft of belongings.

All our arrests resulted in no convictions.

3. **14/01/2020 Woodland Camp.** A small but beautiful camp, intended to obstruct felling of wet woodland, and to try to ensure it should be done according to environmental law.

- a. No Notice given.
- b. No paperwork shown
- c. No risk assessment
- d. Implied Licence to Reside
- e. Unobstructive protest camp at heart, obstructive only to work that has yet to be completed even now 2 yrs later.
- f. Violent and aggressive eviction
- g. Several assaults perpetrated on peaceful protesters.
- h. One young person in particular was falsely imprisoned, denied food, denied water, denied shelter, denied sleep, up a tree with no safety in place, for two bitterly cold days and nights. He came down with onset of hypothermia.
- i. Theft of belongings.
- j. I had to give map reading lessons as NET attempted to take considerably more land than they should.
- k. Counter to EMRs

As a result of this eviction, what was left of the camp was still home to 3 including myself, but HS2 cut off our access to food, water and the outside world, effectively trapping us in an island of freedom surrounded by a black clad army and their dogs. We were kept awake by dogs being goaded to bark all night, had bright lights turned on us, and were filmed constantly with no privacy allowed.

All our arrests resulted in no convictions.

4. **26/03/2020 Crackley** Crackley was a large and vibrant camp defending illegal felling of ancient woodland. We had already helped attain a stay of execution, but were unable to stop the felling occurring contrary to HS2's Ancient Woodland Strategy, and witnessed several wildlife crimes on the way.

- a. No Notice given.
- b. No paperwork shown
- c. No risk assessment
- d. Implied Licence to Reside
- e. Counter to Covid 19 Regulations
- f. Unobstructive protest camp
- g. Violent and aggressive eviction
- h. Countless assaults and transgressions on persons, including 20yr old woman had fence shoved in face.
- i. Bailiffs attempted to cut a climbers rope as she was climbing and thus trapped her.
- j. Elliott was cut from a high and exposed lockon (Steve Collins, bailiff) with an angle grinder within an inch of his thumb, no cooling, pain ignored, denied water and medical attn a long time even after down (**See para 109 Submission of Mark Keir Part 1**). This is an ongoing case.
- k. Steve Collins broke Elraks nose at height up a tree in return for Elrak asking if comfortable in his job.
- l. Steve Collins strangled Seb to unconsciousness, at height, with no safety and after Seb had already passed his knife (safety climbing eqpt) in front of Larch,

his father. (Further vindictive behaviour toward Larch and Seb has been an ongoing saga.

- m. Matt and Hayley endangered as removed from lock on at height with no safety in place....ongoing case.
- n. Human Rights Violations were numerous, denial of water, of food, of shelter.
- o. Endangerment of Life was frequent.
- p. Health and Safety violations were commonplace. Transfer of persons at height to a mobile platform is fraught with danger!
- q. Theft of belongings.
- r. Wildlife crimes
- s. Counter to HS2's Ancient Woodland Strategy
- t. Counter to EMRs

All our arrests resulted in no convictions.

This was the first of the truly traumatising evictions, and it was thoroughly riddled with criminality on HS2 Ltd's part.

5. **12/05/2020 Harvil Rd Mk2** As 1 above. We retook the camp with an audacious action, and launched an action to highlight HS2 Ltd's woeful community engagement and witnessed an HS2 roadblock turn back **2 emergency ambulances** quite needlessly. As above:
- a. No Notice
 - b. No paperwork shown
 - c. More assaults, one in particular, one man twisted up for upwards of 15 minutes looking very much like **torture**. Police looked on unconcerned.
 - d. Exactly the same paperwork was shown at this eviction as first time.
 - e. Theft of belongings.

All our arrests resulted in no convictions.

6. **12/05/2020 Woodland Mk 2** the same action as Harvil Mk2 also saw us retake Woodland.
- a. No notice,
 - b. No paperwork shown
 - c. Implied licence
 - d. Renewed attempt to imprison the camp they couldn't take.
 - e. Theft of belongings

All our arrests resulted in no convictions.

7. **12/05/2020 Squiddly Dot.** Winter quarters were in this ex-commercial premises taken from a local businessman beyond the demands of the Act of Parliament. We squatted for several months. Despite a desperate attempt to be heard fairly in law, the eviction went ahead.
- a. No Notice.
 - b. No paperwork shown
 - c. Squatter rights denied
 - d. Assaults included Tep having hands tied, hung upside down to lower her from a tree.....she was nearly dropped - Steve Collins
 - e. Stuart and Seb lifted out of a concrete inspection pit whilst still in heavy lockon - Sebs arm almost broken.
 - f. Larch, in another lockon, was left on his own with Steve Collins to guard him.
 - g. Multi violations of Health and Safety
 - h. Demolition carried out by unlicensed contractor (NET)

- i. Human Rights violations, including against workers in business at other side of road.

All our arrests resulted in no convictions.

8. **Early June 2020 Denham Ford Protection Camp.** At the time a very small camp, but it would soon return to play a major roll in slowing HS2Ltd's criminality.

- a. No notice given
- b. Grubby paperwork shown was for Harvil Rd. over a mile away
- c. No risk assessment
- d. Non obstructive protest camp
- e. Sited on land to which HS2 had no right of possession, beyond Act limits.
- f. Multiple assaults
- g. Endangerment of life
- h. Counter to EMRs
- i. Theft of belongings.

All our arrests resulted in no convictions.

9. **Mid June 2020 Stoneleigh Park.** Some of our number, were looking to set up a new camp in Warwickshire to bear witness to yet more ecological vandalism. We were only there for one night before swift reprisal.

- a. No notice given
- b. No paperwork shown
- c. No risk assessment
- d. Non obstructive protest camp
- e. Sited on land to which HS2 had no right of possession, beyond Act limits.
- f. Counter to EMRs
- g. Theft of belongings

10. **16/06/2020 HOAC (Hillingdon Outdoor Activity Centre).** Having lost all our homes in the vicinity of Harefield bar the original small roadside camp on Harvill Rd, we pitched up on a field and small woodland belonging to HOAC who were closed owing to Covid and the attentions of HS2. This eviction had a real sense of retribution about it, was preceded by numerous incidents of Human Rights Violations and much violent and threatening behaviour. The eviction itself followed a well trodden path.

- a. No notice given
- b. No paperwork shown
- c. Scant risk assessment
- d. Non obstructive protest camp
- e. Multiple assaults
- f. Endangerment of life
- g. Counter to EMRs
- h. Theft of belongings.
- i. After the eviction, our very first sight of police liaison, Imogen, attempted to placate our rage by sitting down with us and taking statements. She had to remonstrate with Adrian Long of the NET that he was not allowed to overhear us. He continued to intimidate, continued to interrupt, until Imogen threatened arrest.

All our arrests resulted in no convictions.

11. **July? 2020 Welsh Road.** A small Warwickshire camp that afforded us a grandstand view of HS2 works with all the now commonplace criminality and negligence.

- a. No notice given
- b. No paperwork shown.
- c. No risk assessment
- d. Non obstructive protest camp
- e. Theft of belongings.

All our arrests resulted in no convictions.

12. 01/10/2020 Jones' Hill Wood. Jones' Hill was the epitome of what we strove to do. We strove to call out HS2 in every aspect they strayed from the straight and narrow, we strove to gather incontrovertible evidence to that end and we strove to live in harmony with the life around us to the best of our ability. This was where we became everything HS2 didn't want us to be. Here we developed our own ecological skills, and our own legal skills with which we presented a case to Richard Buxtons Solicitors that they were happy to represent in Court. Please **see from para 27 Submission 1 of Mark Keir.** Suffice to say we have called out a vast glaring crime being committed even now by HS2 Ltd. **See video at <https://youtu.be/s6MAxf9yvl4>**

- a. No notice given
- b. No paperwork
- c. No risk assessment
- d. Claims of this being a court backed eviction were withdrawn, we were than informed it was a common law eviction. But TVP remained on site throughout
- e. Non obstructive protest camp
- f. Implied licence to reside.
- g. Clear evidence of criminal disregard to nature, to the environment, to EMRs and to the Act of Parliament
- h. A traumatising and toxic festival of violence rained down on us by an army of cavalier lawless thugs backed by Thames Valley Police for 8 days.
- i. The opening move from NET/ TVP (Thames Valley Police) was Sally being wrenched from a lock on, damaging hand, was nevertheless arrested and handcuffed, refused medical attention at the station. It did not get better.
- j. Countless assaults, punches thrown at defenceless tree house dwellers.
- k. Tree houses were smashed, food and water supplies destroyed and every one of twelve tree houses was eventually evacuated with illegal use of mobile platforms.
- l. Pigeon was punched in kidneys and had her medication (diabetes) removed, then left stranded up a tree overnight. Medication was not returned.
- m. Countless instances of assault, intimidation and bullying including to 80yr old
- n. TVP got invoved in the actual eviction, not just roll of oversight.
- o. Countless instances of endangerment to life.
- p. 16yr old threatened and endangered whilst slung from a line between trees.
- q. Locals bullied and intimidated by NET and TVP whilst on their own land!
- r. When at last TVP understood HS2 were acting criminally, no apology forthcoming.
- s. Theft of belongings
- t. To this day, continued harassment of the part of Jones' Hill not taken.

All arrested at this eviction and at several incidents that followed have been cleared of wrongdoing.

13. **05/10/20 Rugby Rd** As Welsh Rd, a small but highly effective camp. Again a series of criminal actions from HS2 Ltd
 - a. No notice
 - b. No paperwork
 - c. No risk assessment
 - d. Implied licence
 - e. Non obstructive protest camp
 - f. One of the most grotesque and horrific incidents of violence. Rat trapped in a hotel car park in a car with two others is subjected to a terrifying ordeal eventually being dragged from his car and having his jaw broken. Case is ongoing. Three NET including field leader Adrian Long remain suspended pending trial.
14. **10/10/20 Calvert Jubilee.** A small camp set up to oversee works at the local nature reserve. Eviction was enacted alongside a trail of illegal destructiveness to a nature reserve. **Please see Exhibit 15.**
 - a. No notice
 - b. No paperwork
 - c. No risk assessment
 - d. Non obstructive protest camp
 - e. Numbers were low in camp that day and we walked out, surprisingly unscathed.
 - f. But what we were there to protect was not.
 - g. Counter to EMRs
 - h. Counter to licence conditions *if* any licence applied
 - i. A massive careless blundering wildlife crime
15. **??/01/21 Euston.** A camp like no other. We engaged with local church groups, homeless and a huge number of daily commuters through Euston. We constructed our first tunnel. But otherwise, eviction seemed as per normal.
 - a. No notice
 - b. No paperwork
 - c. No risk assessment
 - d. Non obstructive protest camp
 - e. Implied licence
 - f. HS2 unable to prove possession
 - g. Highly dangerous attempt to remove tunnellers. **Please see Exhibit**
 - h. Tree dwellers had shelter dismantled, food and water removed, *and* rope access removed. Left up a tree with no exit available for up to two nights.
 - i. Police continually harass supporters, livestreamers and press.
 - j. Barrister seeking to speak to his clients below ground is wrongly fined for Covid breach.
 - k. Imogen, MET liaison officer appears to have turned. Calls to Seb (his father Larch in tunnel) threatens to have him evicted from his flat, even giving out details of his address in public, but particularly to NET.
 - l. Health and Safety breaches
 - m. Theft of belongings

Arrests have resulted in no convictions, though HS2 Ltd have pushed for appeal on

16. **??/02/2021 Poor's Piece** Another festival of violence was visited on this camp that reached new lows. A camp there by direct consent of the land owner, protecting an ancient wood, and a local community.

- a. No notice
- b. No paperwork
- c. No risk assessment
- d. Non obstructive protest camp
- e. Licenced to reside
- f. HS2 unable to clarify possession till after much violence and damage done beyond their Limits.
- g. Steve Collins and Matt Bailey again show despicable regard for people, law or property.
- h. One tree house with 6 occupants had all 6 kicked in the head **Please see exhibit**
- i. One protester sustains a neck injury, but is refused medical attention, a helicopter ambulance is even turned back.
- j. One protester strangled.
- k. On the ground the violence was in ample evidence too. Caroline pushed to ground for livestreaming.
- l. The landowner receives threats to "keep out of it"
- m. Health and safety breaches
- n. Theft of belongings
- o. Counter to EMRs, counter to ES

All arrests have resulted in no convictions

17. **??/02/21 Camp Isla.** Named for the camp dog. A camp proving its worth gathering evidence of the illegal mass felling of a host of ancient woods.

- a. No notice
- b. I believe no paperwork
- c. Implied licence
- d. Theft of belongings

18. **13/02/21 Harvil Rd Mk3** Above you will see reference to two previous evictions at Harvil Rd. This one is different. On 3rd October 2017 Sarah Green crawled under a digger to start the activism that became the anti HS2 campaign. Within three days at a later action a MET police chief told Sarah to "Get back to your designated protest zone!" Thus was born the first camp, on a narrow verge of a busy road near an awkward bend. But we had to be there. Even in 2ft of snow, we were there, watching, listening, and broadcasting. Yes, impudence was very much a part of what we did, but an injunction put paid to much of that. But in that injunction hearing and three that followed over the next couple of years, the status of that camp as a "Designated Protest Zone" was reiterated and entrenched. So, come the 13th February 2021, we were a little surprised.

- a. No notice
- b. No paperwork
- c. Court and police licence
- d. Implied licence from LBH
- e. Non obstructive protest camp
- f. No quarter given for this being a busy road, even at this time of night. Evicting people onto a rural road on a freezing dark night.

- g. A brutal eviction commenced at 1am on a bitterly cold night, down as low as -10 degrees.
- h. Simone, a slight woman in her 60s, pushed over a fire
- i. Groovy a youngster, pushed to the ground and kicked
- j. Two tree climbers denied food and water.
- k. When three ground based residents were evicted they walked into a cold dark night, but were stalked by Imogen the MET liaison officer threatening them with covid fines for not accepting her offer of warmth at a police station! She followed them for nearly an hour before giving up.
- l. Human Rights violations
- m. Endangerment of life
- n. Assaults
- o. Theft of belongings

19. 11/03/2021 Jones' Hill Mk2 This is a very strange incident indeed. Several months after the eviction of the half of Jones' in HS2 possession, the other half was suddenly put in jeopardy. We were given the nod from one security guard who had shown a degree of sympathy from time to time and had intervened on a number of occasions to hold back violent excesses from his colleagues from other security contractors. He let it be known that we were to be evicted at 1.30 am that night.

We were at a loss. We were not on HS2 land. Although the land owner had not directly given consent to reside, he knew of us being there and had done so for over a year without asking us to leave. When we got a message to him that "we were surprised by his decision, but would respect his wishes if he wished us to leave, but please give us some time so we can remove ourselves and all our kit and equipment", we were to learn of insidious goings on. It was not his decision. It was TVP (Why? Why would police be involved in an eviction, a civil matter?) had set up the eviction attempt in collusion with the land agent employed by HS2 in this area. The land owner stopped all proceedings as soon as he heard what was purportedly being done in his name. Thankfully we returned to our usual duty of holding HS2 to account.

20. 16/03/2021 Leather Lane. As we developed and honed our skills over two years at Jones 'Hill, we had been spreading our keen eyes and ears further and further afield. A local couple at Leather Lane (who have since left owing to the extreme and insidious harassment from HS2 Ltd's office staff and security that was even impinging on the safety of their children. We were made aware of a major ecological issue at Leather Lane and were asked to help protect it. 99 beautiful oaks were due to be felled in March 21 with no surveys completed and no licences in place. We set up camp. We were not there long.

- a. No notice
- b. No paperwork
- c. No risk assessment
- d. Implied licence to reside, by the community if not the landowner...but he knew too.
- e. Assault after assault as expected
- f. Pigeon dragged down from tree
- g. Human Rights violations as expected
- h. Health and Safety violations as expected
- i. And of course the wildlife crimes came flooding out once again

- j. **Please see Submission 1 of Mark Keir from para 38**
 - k. Theft of belongings
 - l. Counter ES and EMRs
21. **10/10/21 WAR** Wendover Active Resistance was set up to protect Wendover, nearby woodlands and habitats, and yet again the Coombe Hill Aquifer, part of the Mid Chiltern Aquifer seen at Harvil Rd. Throughout its existence the camp has borne witness to a vast array of wrongdoings by HS2 Ltd. What made matters hard for HS2 Ltd was the site of the camp. It was on a piece of waste ground, owned by Buckinghamshire Council, outside Act land, but entirely surrounded by Act land. HS2 Ltd had to resort to fraud to eliminate this camp. Three times however the NET were on standby to evict, but three times my colleagues and I had the eviction put on hold by working our growing powers as “lawyers”. In the end we had to concede defeat in Court though I absolutely believe we will yet prove our point, and call out HS2 Ltd’s fraud and Buckinghamshire Councils flaccid response to clear and incontrovertible evidence of that fraud. HS2 Ltd have concocted such a cloud of lies about the protest at WAR and elsewhere, but nowhere were those lies used as here.
- a. Yes, notice was given.....a result of our work here and at Euston.
 - b. Yes paperwork, but the paperwork sent to Bucks in particular was a fraudulent tissue of lies.
 - c. We had implied licence to reside, even setting up a waste collection contract with Bucks even after they had received those fraudulent documents.
 - d. I believe as a result of our new found legal flair, NET actually refrained from their usual brutish behaviour. For the most part.
 - e. What is clear, is a legacy of criminal and negligent behaviour by HS2 Ltd and associated groups such as TVP witnessed by those at WAR will be published and form a basis for legal cases.
 - f. Although we saw no violent thuggish behaviour from the NET in WAR, we did see Health and Safety breaches, with unsafe practices around tunnel evictions and use of mobile platforms.
 - g. We also saw violent thuggish behaviour outside WAR.
 - h. We set up a support camp on the broad verge outside WAR. Those camped there and those who joined us daily faced continuous intimidation, and of course violence could never be far away.
 - i. 1 17yr old cheekily picked up a road cone and tossed it safely over a fence back into HS2 possession. For this he was very roughly rugby tackled into a fence. His mother, who has mobility issues dived in and can clearly be seen defensively getting between her son and a security guard with her back to the guard. For this she was punched and thrown out of the way. **Please see Exhibit Case on going.**
22. *Every* eviction thus far illegal. *Every* eviction a festival of violence and assault meted out by a “Statutory Authority” given powers by a Parliament too blind, too deaf, too uncaring to understand what they have done.
23. Let it be noted please that every time we have been roughly, and illegally evicted we *did not choose to leave behind a demolished wreck of a home* for HS2 to crow over the “mess we left behind”.
24. Even as I write, we await the next verse in the painful saga of HS2 Ltd’s evictions of peaceful protesters. Bluebell awaits imminent eviction.

Good luck my friends.

PROTEST, TRESPASSERS AND HUMAN RIGHTS – THE AFTERMATH OF ST PAUL’S AND THE OCCUPY PROTESTS

Looking at the approach to possession actions involving protest groups on public and private land

David Forsdick, Landmark Chambers

1. New forms of peaceful protest are raising significant legal issues for private and public landowners, public authorities and the protesters themselves. The *Greenham Common* type long term, camped protest has moved from areas of land where the protesters could generally be left to protest in peace (on a highway verge in the countryside near the access to a military base) with very little impact on third parties, to buildings and open spaces in the heart of the London where it has been less possible/desirable to tolerate the impacts.
2. How has the law responded to these changes and what lessons are to be learnt? How do human rights play out in these cases?
3. This talk focuses on possession actions under CPR55 (not injunctions or trespass actions or self-help). It considers public land and private land separately.
4. The key recent case law in respect of protest on public land is *Mayor of London v. Hall* [2010] EWCA Civ 817 (“Parliament Square”) and *Mayor, Commonalty and Citizens of London v. Samede* [2012] EWCA Civ 160 (“St Pauls”). The headline position on public land established through those cases is that for long term protest camps:

“While the protestors’ Article 10 and 11 rights are undoubtedly engaged, it is very difficult to see how they can prevail against the will of the landowner, when they are continuously and exclusively occupying public land, breaching not just the owner’s property rights and certain statutory provisions, but significantly interfering with the public and Convention rights of others, and causing other problems (connected with health, nuisance and the like) particularly in circumstances where the occupation has already continued for months, and is likely to continue indefinitely” (St Paul’s at [49]).

5. But what does that mean for smaller scale protests, or for the ability of local authorities to immediately seek possession before a protest becomes entrenched?
6. And how, if at all, does that play out on private land?
7. What are the procedural problems to be overcome in such cases?

The relevant human rights

8. Apart from art 6 (fair hearing) the key human rights in play are art 10 (freedom of expression) and art 11 (freedom of peaceful assembly). Both of these are subject to such conditions or restrictions as are prescribed by law and are, so far as relevant, necessary in a

democratic society in the interests of public safety, for the prevention of disorder or crime, for the protection of health or moral or for the protection of the rights and freedoms of others. Other convention rights may also be impacted by protest: see e.g. art 9 – freedom of worship in *St Pauls*.

9. The rights and freedoms of others are not just their rights and freedoms protected under the convention but include the right to go about one's day to day life and to enjoy public spaces (*Parliament Square* [49]).

The Background

10. The occupiers of the *Greenham Common* permanent camp moved on some years ago.

Jones and the right of peaceful assembly on the highway

11. In 1999, the House of Lords held that peaceful, non-obstructive (short-term) protest on the public highway was lawful (*DPP v. Jones* [1999] 2 AC 240 (*Stonehenge/solstice*)). There the protestors had not committed the offence of trespassory assembly (s.14A of the Public Order Act 1986) as long as the assembly on the public highway did not amount to a public or private nuisance and did not obstruct the highway by unreasonably impeding the public's primary right to pass and repass.
12. The public right of protest assembly on the highway, subject to those caveats, was established. It is important to note that in giving judgment the House of Lords took into account and based its reasoning in part of the Convention rights even though the HRA 1998 was not yet in force. *Jones* can thus be seen as a vindication in the UK of the A10 and A11 rights. However, this was a short term assembly on the highway where there was no nuisance or unreasonable obstruction.

The Manner and Form of Protest – long term protest camps and Tabernacle

13. Post the HRA 1998 coming into force, the issue as to how to respond to long term protest camps/occupations first arose in *Tabernacle v. Secretary of State for Defence* [2009] EWCA Civ 23. That case concerned a once monthly weekend camp outside the nuclear research establishment at Aldermaston on the verge of the public highway.
14. The SoS had made regulations purporting to prevent gatherings and camping in what were called "controlled areas" outside but close to the perimeter fence in an attempt to stop these monthly protests. The protestors brought a challenge to the regulations under the HRA 1998 and in particular A10 and A11.
15. There was no compelling evidence of adverse impacts of the protest on anyone or on the military security of the base. The protests were peaceful and non-obstructive. The explanation as to the need for the regulations was largely dismissed.

16. The SoS argued in short: (1) protest yes; (2) protest encampment no. As long as the right to protest was protected, it was legitimate to control the *manner and form* of the protest.
17. The Court (per Laws LJ) disagreed. The manner and form may be an essential element of the protest. It may have acquired a symbolic force inseparable from the protesters message. There the long standing (23 year) peaceful gathering “has borne consistent, long-standing and peaceful witness to the convictions of the women who have belonged to it.”
18. To many, the “manner and the form” is the protest itself.
19. The relevant regulation was thus a disproportionate interference with the right to protest and was quashed.
20. The message protesters (and their lawyers) heard (whether correctly or not) was that public authorities would have to tolerate long term peaceful occupation of public land where such occupation did not cause harm to others.

Mr Haw and Parliament Square

21. Meanwhile the action moved to Central London.
22. Mr Haw had established a protest camp against the war in first Afghanistan and then Iraq in 2001 on the pavement on the central area of Parliament Square.
23. Westminster City Council (WCC v. Haw [2002] EWHC 2073) had sought and failed to obtain an injunction against his single tent. It was not an unreasonable obstruction of the highway. Westminster did not pursue the matter. Over time, others came to join him.

Democracy Village - large protest camp on Parliament Square Gardens

24. Over the 2010 General Election period, four major marches converged on Parliament Square and large numbers of people set up tents on Parliament Square Gardens (“PSG”). Surprisingly (and this will be a recurrent theme) the police did not intervene. The byelaws preventing such camping were wholly ineffective.
25. Within hours, the protestors had occupied and taken control of the whole of Parliament Square Gardens (“PSG”) establishing what they called Democracy Village (“DV”)¹ relying on the precedent of Mr Haw’s protest camp.

¹ Parliamentarians were not impressed with the “blot on the landscape” and the impact on their working environment, although the Queen was said to be unperturbed as she went in the State Coach to the Opening of the new Parliament.

26. Once negotiations had failed and it was evident that the protest was to continue long term, the Mayor of London (vested with control but not ownership of Parliament Square which was owned by the Queen) sought to evict the protestors seeking possession orders and injunctions.
27. Before issuing proceedings, the MoL did a careful balancing exercise of the factors in favour and against taking action placing great weight on the right to protest in a democracy (as the ECHR Case law required him to do) but also listed the harm that was being caused physically, in planning terms (camp site in the middle of London without running water or sanitation and next to major listed buildings) and to the wider public in terms of their use of PSG including for other protests.
28. Having resolved an important question as to title (which will interest property lawyers but which is not relevant to this seminar), the Court of Appeal (*Mayor of London v. Hall* [2010] EWCA Civ 817 [2011] 1 WLR 504, upheld the possession orders and injunctions made in (*Mayor of London v. Hall* [2010] EWHC 1613 (QB)):
 - a. it endorsed *Tabernacle* [37];
 - b. however “the greater the extent of the right claimed under article 10 or 11 the greater the potential for the exercise of the claimed right interfering with the rights of others and consequently the greater the risk of the claim having to be curtailed [38];
 - c. it held that the decision as to whether it was proportionate to evict was ultimately for the Court [43] and not the MoL based on *R(SB) v. Governors of Denbeigh High School* [2007] 1 AC 100 although they would be informed by the reasoning of the MoL. In the event the reasoning of the MoL was compelling and was adopted. The importance of a carefully reasoned report by the MoL before proceedings were issued was fundamental to the ultimate success in that case;
 - d. the length of time [49] combined with the harm to others (not limited to interference with the human rights of others but also the harm to their amenities etc.), the harm to the environment was easily enough to justify eviction; and
 - e. injunctions to uphold the criminal law were justified – the fines for breach of byelaws on PSG were no deterrent.
29. DV was thus removed.
30. Mr Haw had been made a party to those proceedings although his protest was separate from DVs appeal was allowed on one small issue going to proportionality. The claim against him ultimately succeeded in the High Court by which time Mr Haw was no longer present because of ill health.
31. Procedural points to note:
 - a. Court and claimant allowed many individuals to become named defendants – this caused major procedural difficulties and substantially prolonged the hearing. The protesters were aware that they could prolong the case and create procedural

problems for the Claimant by inundating the MoL and the Courts with applications from individuals. This then created potential Art 6 problems because each of the 19 defendants insisted on their full rights in courts.

- i. *Lesson for Claimants:* ensure a sole representative defendant is appointed by the Court (if necessary giving that person costs protection).
 - ii. *Lesson for future for defendants:* seek to secure costs protection through offering up a representative defendant.
- b. the Claimant went to great lengths to ensure that copies of documents were served across PSG and made available on the web and at its offices. Even then complaints were made by protestors of them not having a fair chance to prepare. If there had been skimping on the procedural steps, it would appear that the CA hearing would have been far more difficult including on A6 points:
 - i. *Lesson for Claimants* - whilst an order for substituted service is sensible, in practical terms it saves money and time in the long run if there is “over-service”
 - ii. *Lesson for Defendants* – ask Court at directions hearing to require all documents to be available on web and at a central location and copies provided to legal team ;
- c. the Claim Form had appended a full exposition of the law which accurately and in a non-partisan way told the protestors what the issues for the Court would be – so as to reduce the risk of any accusations relating to equality of arms and to avoid procedural delays during the hearing. All relevant case law was provided on the MoL website and copies provided on request. The result was that in Court the MoL was able to show that he had done everything to allow those protestors who are unrepresented to put their case forward in the hearing.
- d. negotiations were carried out – with hindsight that was a mistake for the Claimant. The small concessions made by the MoL to try to mitigate harm caused by the protest pending the hearing were then used against the MoL at the hearing:
 - i. *Lesson for Claimants:* ensure that any negotiations are recorded in writing and that the negotiations are expressly only with a view to minimising impact prior to the removal of the protest;
 - ii. *Lesson for Defendants:* non-compliance with agreed interim measures will be used against you (as in St Pauls);
- e. the production of a full report for the Mayor of London endorsed by him meant that the factors to go into the human rights proportionality exercise were fully articulated at the outset. This approach meant that the Mayor was properly directed in law and on the facts and that no argument could be made that he had taken into account factors which were of tangential (if any) relevance.
 - i. *Lesson for Claimants:* a full reasoning for the decision to take proceedings with the evidence to justify each point made is indispensable. It will demonstrate that the decision to proceed was not capricious or arbitrary, will make the decision maker approach the issue in the correct way and will give the Court a framework for its decision;
 - ii. *Lesson for Defendants:* do not let this report go unchallenged. Make your own representations to the decision maker before the decision to proceed is

made, and in Court take issue with any parts of the factual evidence on which it is based you can.

- f. the separate claims against Haw and Democracy Village were joined – this complicated the major case with the more discrete issues with Mr Haw. With hindsight it would have been better to keep the two separate.

32. Enforcement was ultimately straightforward - the HC warrant and HC enforcement powers were enough to persuade the police to very actively assist.

The legacy of PSG

33. However, the idea of camped protests in the heart of the City to draw the world's attention to any particular campaigning issue had caught on. The web was buzzing with similar protest ideas at various sites across London (and the world).

34. That "chatter" was coming to a head in early October 2011. Worldwide "Occupy" protests were planned - targeting the world's financial centres for obvious reasons. London was a prime target.

35. In the weeks before October 11th, many financial institutions and other businesses in London sought and obtained HC injunctions to protect their buildings from occupation by protestors on the back of intelligence/information gleaned from the web.

36. Paternoster Square (which houses the London Stock Exchange) was the prime target and wide ranging injunctions were obtained there.

37. Thus when on 11th October 2011, when the protest got to Paternoster Square it was stopped by the police who were there to prevent a breach of the peace and aggravated trespass. The protest therefore stopped outside St Pauls, and the tents were erected there instead. The police did not feel able to stop the camp being erected – although query why not given that there was wholesale obstruction of the public highway. At least some in the church appeared to welcome the protestors onto the forecourt of St Pauls. By Monday morning the protest was entrenched.

38. By accident, the Occupy protest had created a focal point for the worldwide Occupy movement on the steps of one of the world's most recognisable buildings. The location gave rise to some iconic photos which spread across the world.

St Pauls litigation

39. The City of London could not act quickly:

- a. it was not sure what land it owned, what was highway and what belonged to the church – title of open spaces and highways in the City is notoriously complicated going back to ancient charters. Fascinating subject for a history PHD but a legal nightmare;

- b. It also had to have the church onside with any action it took because otherwise the protest could simply move onto the forecourt of St Pauls;
 - c. there were obvious political sensitivities about the City preventing protest on a matter of major national importance; and
 - d. its preferred option was a short term camp and then voluntary moving on – so as to avoid the need for forceful eviction and it negotiated with a view to achieving this.
40. Whilst negotiations were sought to be progressed, evidence was collected with care:
- a. extent and numbers of protestors;
 - b. extent of obstruction of the highway;
 - c. extent of criminal and anti-social behaviour;
 - d. complaints from public, businesses;
 - e. interferences with the A9 rights of those attending St Pauls;
 - f. sanitation and cleanliness issues; and
 - g. equality issues and issues relating to the needs of vulnerable residents at the camps.
41. On the basis of that evidence and a detailed report, and once negotiations had failed, the CoL decided to take action.
42. It is worth looking at how procedural lessons from *Parliament Square* were learnt and procedures changed in response.
43. Initial procedural points:
- a. Proceedings were comprehensively drafted – more like a Skeleton with all case law and all headline evidential points; all case law and full witness statements were provided with the Claim at the outset. Everyone knew in detail at the outset what the CoL's case was. The purpose of this was to ensure that there were no delays in the directions for evidence to be presented;
 - b. service – the complete pack of documents were served across the protest camp and a separate website was provided with photographs being taken of service on each tent (to avoid allegations of inadequate service later); and
 - c. a preliminary hearing was arranged for directions and everyone informed of it at the time of service of the claim form (to avoid any delay).
44. The Directions hearing: The court was invited to appoint a representative defendant (CPR19.6) and the CoL (reluctantly) gave an assurance that it would not go for costs against the representative. The Court was invited to insist that anybody else who wanted to be a defendant applied with reasons in a short timescale – indicating why they wanted to be separately represented from the representative. In the event only three people did apply and all were allowed (compare the 17 or 18 defendants in PSG). The proceedings were also continued against “persons unknown” in case any other person claimed to have been missed out on service.
45. Issues with service were flushed out and substituted service orders made covering all future steps. All time lines were set out in the orders and those orders were then extensively

distributed. The aim being to ensure the hearing would be effective, and fair and that there would be no risk of art 6 challenges to it later. Leading and junior counsel appeared pro bono for the protestors.

46. The substantive hearing: By the time of the hearing all of the issues of fact about title, causes of action etc... had been resolved. Any points raised by the protestors were quickly answered/rebutted by the City.
47. At the hearing therefore, the focus quickly shifted onto the key question – proportionality given the importance of the right to protest [147]. The hearing took 5 days. Judgment was given in January 2012 (*City of London v. Samede* [2012] EWHC 34 (QB)). Possession was granted over the highway (including areas not yet occupied) and injunctions under the Planning Acts over land owned by the Church.
48. The judgment (very clear and well reasoned) came to very strong conclusions on the facts:
 - a. *Tabernacle* was distinguished [146]. Lack of harm/impacts there, compare the position at St Pauls. It now seems that the decision in *Tabernacle* is confined to its own facts
 - b. the Court gave weight to the way the CoL had assessed the pros and cons of possession [148];
 - c. the CoL's evidence had survived five days of challenge [152];
 - d. the case for the protesters and the right to protest was obviously strong – right to protest of “fundamental importance”; Defendants “powerfully motivated by the causes that inspire them”; protest was necessarily inconvenient for others – it was in the nature of human rights that they necessarily involved a degree of impact on others; many of the protestors had done all they could to limit their impacts [158];
 - e. however, the factors on the other side of the balance were very strong (“unusually persuasive”) and each of them would have warranted an order [165]
 - i. the protest camp was in breach of various legislation - planning, environmental health, public health, ecclesiastical law [160] and “plainly at odds with the intent and purpose of the statutory schemes”;
 - ii. it was impossible to reconcile the presence of the protest camp with the lawful function and character of the highway [161] and there was a considerable impact on other users of the highway;
 - iii. there was major interference with the A9 rights of others wishing to worship at St Pauls [162];
 - iv. environmental concerns, loss of trade to local businesses, crime and disorder; and
 - v. the length of time the protest had gone on.
49. Following *Meier*, the possession order extended to other highway land (not currently occupied) in the vicinity of St Pauls – on the basis that it was equivalent to the single wood in *Meier* and that but for the wider possession order, the protest camp would simply move.

The Court of Appeal – the final word?

50. Permission to appeal to the CA was sought and, following a very promptly arranged day long permission hearing, was refused. The headline argument was that, even on the basis of Lindblom J's judgment, given the importance of the subject matter of the protest (to which the protestors spoke very eloquently) there was an unjustified interference with the right to protest [37]. The Court of Appeal said that the A10(2) and A11(2) balance was necessarily fact sensitive and will depend on a number of factors.
51. Lord Neuberger listed the following as a non-exhaustive list [39]:
- a. the extent to which the continuation of the protest would breach domestic law;
 - b. the importance of the precise location to the protestors;
 - c. the duration of the protest;
 - d. the degree to which the protestors occupy the land; and
 - e. the extent of the actual interference the protest causes to the rights of others;
52. Further the nature of the protest was relevant [41] with "political and economic" protest at the top end of the scale – although of course it was not for the Court to determine or consider the rights and wrongs of the subject matter of the protest [40].
53. Having set out that approach, the Orders were upheld on the facts [44]. General guidance was then given in the light of experience at PSG and St Pauls.

"[Following those cases] there is now... guidance available for first instance judges faced with cases of a similar nature...[61]

Of course each case turns on its facts, and where convention rights are engaged, case law indicates that the court must examine the facts under a particularly sharp focus. Nonetheless, in future cases of this nature, (where the facts involve a demonstration which involves not merely occupying public land, but doing so for more than a short period and in way which not only is in breach of statute but also substantially interferes with the rights of others) it should be possible for the hearing to be disposed of at first instance more quickly".

The Current Position on Protest on public land

54. It appears to follow from *St Pauls* and *Jones* that:
- a. protest assembly on public land (including the highway) which is not a public or private nuisance and does not unreasonably obstruct the public's rights is lawful whether under A10/A11 or common law;

- b. long term protest camps which are obstructive, in breach of statutory schemes and substantially interfere with the rights of others are not.

55. But where is the line to be drawn. At what stage can a public authority obtain possession and what evidence does it need?

Timing

56. CPR55 envisages being able to seek possession immediately upon possession being taken.
57. However, a key factor in both *St Pauls* and *PSG* was the fact that the protest camps had been present for several months and attempts to agree a long stop date for departure had failed. In both cases, the public authority had put off for a considerable time going to court.
58. Does the case law mean that public authorities would have difficulty getting immediate possession orders at the outset of “short term” (whatever that means) occupations of public land?
59. The ECHR case law concerns very short term protests and not protest camps. In *Kuznetsov* [2008] ECHR 1170, a public passageway in a courthouse was blocked by a protest for about half an hour. This was illegal under domestic law but there had been no complaints. The ECHR emphasised that “a degree of tolerance is required from the state” re: protests and the state had to accept that “any demonstration in a public place inevitably causes a certain level of disruption to ordinary life including disruption of traffic”. On the facts the interference by the state with such a short protest was disproportionate. But that was a very short duration protest.
60. There has never been a case where the ECHR has held that the degree of tolerance necessary extends to even a one day occupation. In *G v. Germany* (1987) approved by the ECHR in *Lucas* (App No 39013/02), prevention of regular (12 mins every hour) blockades of a highway access to a military base was lawful. A one night, single tent protest outside the Norwegian parliament was lawfully cleared by the police.
61. It thus seems that it will be possible for public authorities to take CPR55 proceedings very quickly in an appropriate case depending on the harm and the other factors raised by Lord Neuberger MR in *St Pauls*.

Evidence as to harm

62. In both *St Pauls* and *PSG* before proceedings were issued there was extensive evidence of various forms of harm. Is such evidence necessary before CPR55 proceedings can be issued?
63. First, in both cases, the evidence on each of many heads was individually sufficient to justify possession. Plainly in those cases, the public profile was so high that the public authorities

could not leave any “t” uncrossed, and went further in terms of evidence than was, with hindsight, necessary to secure the orders. It is not necessary to have such overwhelming evidence in the average case particularly in the light of the general comments in *St Pauls*.

64. Second, however, absent evidence as to harm, it is difficult to see how the Court can undertake the requisite balancing exercise under A10/A11 – there will be little to weigh against the fundamental importance of the right to protest. It appears that mere assertion of title will, in terms of public land and the right to protest, not be enough. There must be more.

65. Third, in the context of public land, some matters may be self-evident and not require significant elaboration – the exclusion of general public user; the obstruction of the lawful rights of others. In the cities, the general “planning” and environmental health inappropriateness of campsites will normally be plain. Campsites of any significant size on the highway will almost inevitably constitute an unreasonable obstruction if present for any prolonged period. These matters can be shortly stated.

66. The best advice to public authorities is therefore:

- a. to try to prevent a protest camp becoming established by seeking injunctions and police support (as per Paternoster Square);
- b. in the event of a protest camp becoming established, take some time (days not weeks) to assess the impacts and to prepare a careful report weighing the importance of the right to protest and the other factors referred to in *St Pauls* against the harm;
- c. in the meantime and alongside preparing for proceedings, seek to negotiate an end date; and
- d. in the proceedings, adopt the procedural lessons from *St Pauls* and *PSG* set out above.

67. The *St Pauls* case has now been used successfully by various public authorities to stop long term camped protests across the country. No proceedings have got beyond the County Court.

Private Land

68. The Occupy movement has also targeted vacant bank (and other) buildings for use as “community universities” and campaigning headquarters.

69. *St Pauls* and *PSG* were examples of public land held for public purposes including (see *Jones*) for use for public assembly and protest. To what extent can the principles in those cases be applied across to private land?

70. The answer, in short, under existing case law, is that there is no direct read across. *St Pauls* and *PSG* was specifically addressing only protest on public land.

71. In *Sun Street Property Limited v. Persons Unknown* [2011] EWHC 3432 (Ch) (7th December 2011) Roth J considered a claim for possession of a former bank building occupied by an overflow from the St Paul's protest. The protestors claimed that the occupation of this building was intrinsic to the protest - "manner and form" - because they wanted to highlight the waste of resources in the City including vacant properties which could be used by those in need.

72. His Lordship held that public protest on public land raised "different considerations" from the occupation of private property [35] and he adopted an approach which is inconsistent with the *Tabernacle* manner and form approach [32]. His Lordship said this:

"The [Defendant's] submissions confuse the question of whether taking over the bank's property is a more convenient or even more effective means of the Occupiers expressing their views with the question whether if the bank.... recovered possession, the Occupiers would be prevented from exercising any effective exercise of their freedom to express their views so that, in the words of the Strasbourg court, the essence of their freedom would be destroyed. When the correct question is asked, it admits of only one answer. The individuals or groups currently in the property can manifestly communicate their views about waste of resources or the practices of one or more banks without being in occupation of this building complex."

73. It was held that the case law on A10 and A11 gave "not the slightest" support for the argument that protestors could override private property rights [33].

74. The leading case is *Appleby v. UK* [2003] 37 EHRR 38 which appears to have survived the developments of the law in *St Pauls and PSG*. In that case, the applicant sought to set up two stands in a shopping centre to collect signatures for a petition about development in a local park. The centre owners refused permission. The ECHR held that:

"..notwithstanding the acknowledged importance of freedom of expression, [A10/A11] does not bestow any freedom of forum for the exercise of that right . Whilst it is true that demographic, social, economic and technological developments are changing the ways in which people move around and come into contact with each other, the Court is not persuaded that this requires the automatic creation of rights of entry to private property, or even necessarily to all publicly owned land (government offices and ministries for instance). Where, however, the bar on access to property has the effect of preventing any effective exercise of freedom of expression or it can be said that the essence of the right has been destroyed, the Court would not exclude that a positive obligation could arise for the State to protect the enjoyment of convention rights by regulating property rights. ..."

75. In the UK of course, *Jones, PSG and Parliament Square* can be relied on by private property owners to show that there is effective protection of A10/A11 rights in the public sphere and that therefore there is no justification for impinging on their A1P1 rights.

76. It therefore appears that private land owners will be able to secure possession without having to satisfy the balancing exercise in *St Pauls*. However, for bodies which are "on the cusp" between public and private (take for example universities) it would make sense for decision makers to record the harm to their operations which are caused by the protest camp (see the position in Bournemouth University where an offshoot from St Pauls took up

occupation at its main entrance after being evicted from St Pauls – possession was quickly obtained).

Procedural Issues on private land

77. Protest groups are well aware of the potential to delay possession (contrary to the basic thrust of CPR55) by relying on procedural failings. In *Sun Street* arguments on procedural issues delayed possession by several weeks. It is thus important to get procedures correct even though in the final analysis even procedural failings may not invalidate orders obtained because (as shown above) there will be no defence and thus, under the overriding objective, no justification for setting aside orders obtained following procedural mishaps.
78. First, for any major buildings issue in the High Court and serve a certificate as required under CPR 55.3(2) explaining the reasons why it is appropriate to start in the High Court:
- a. the subject matter – major building and right to protest;
 - b. the extent of the occupation - large numbers of people;
 - c. the way Occupy type occupations have been dealt with recently – mostly in the High Court;
 - d. the suitability of HC enforcement powers – and the increased willingness of the police to assist HC enforcing authorities (compared to the position with County Court bailiffs).
79. Second, ensure that there is strict compliance with all the requirements of CPR55. More haste often means less speed – see the position in *Sun Street* where extreme expedition meant that some basic procedural requirements had not been complied with.
80. Third, “over-serve”. Whilst orders for substituted service under e.g. CPR6.15 are necessary and generally appropriate especially against persons unknown, in order to avoid third party A6 complaints late in the day (a standard protestor argument and one which was deployed at all stages in St Pauls and PSG) wide distribution of all documents is important.
81. Fourth, try to secure a named representative defendant. Limit the number of other defendants who are joined under CPR19. Whatever happens also proceed against persons unknown – to protect against a person claiming not to be aligned with either the representative defendant or the other defendants.
82. Fifth, over-prepare and frontload preparation, legal argument and evidence so as to reduce the risk of adjournments. Have answers to arguments based on procedural failings (*Sun Street*) and human rights (*Sun Street and St Pauls*) ready.
83. Sixth, do not negotiate in a way which suggests you are happy to tolerate a long term protest – negotiate on the basis that you are seeking to minimise harm pending court orders.

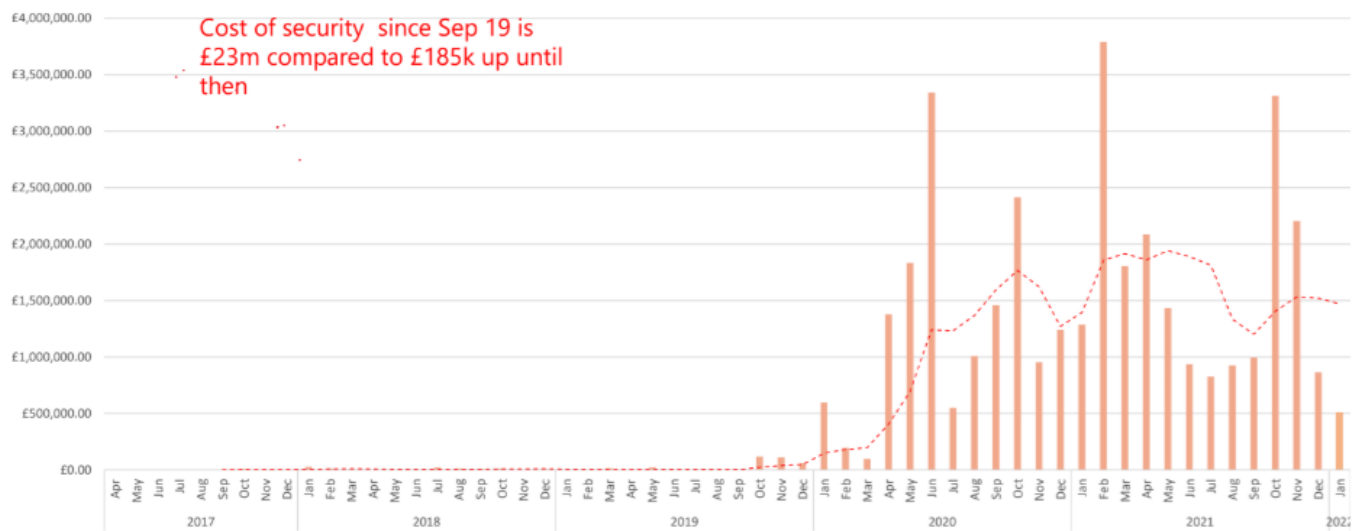
David Forsdick

Landmark Chambers

26th November 2012

This seminar paper is made available for educational purposes only. The views expressed in it are those of the author. The contents of this paper do not constitute legal advice and should not be relied on as such advice. The author and Landmark Chambers accept no responsibility for the continuing accuracy of the contents.

HS2 Ltd Security Spend





Report to Leader (finance, resources, property and assets portfolio)

Notice issued by the Proper Officer under Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to make a key decision. Reason why regulation 9 not complied with: consideration of this item was requested after the publication of the 28 day notice, and is required in response to the assessed responsibilities and protection of the interests of the council.

Date:	13 August 2021
Reference number:	FR.01.21
Title:	Small Dean – Granting of Leasehold interest at Small Dean, Wendover, Buckinghamshire.
Relevant councillor(s):	Cllr Martin Tett – Leader of Buckinghamshire Council Cllr Angela Macpherson, Cllr John Chilver, Cllr Steve Broadbent, Cllr John Chilver, Cllr Peter Martin, Cllr Peter Strachan and Cllr Richard Newcombe.
Author and/or contact officer:	John Reed – Service Director Property and Assets Joan Hancox – Interim Director Strategic Transport and Infra structure
Ward(s) affected:	Wendover, Halton and Stoke Mandeville
Recommendations:	The Director of Property and Assets in consultation with the Cabinet Member Finance, Resources, Property and Assets and the Service Director for Legal Services is authorised to agree and finalise heads of terms, exchange and complete on the lease in accordance with the heads of terms set out in the Part 2 confidential report considered as part of this report.

Reason for decision:

The Council owns land at Small Dean in Wendover and this is shown on the plan at Appendix A of this report.

The site has been subject to occupation by trespassers who are protesting against the Government backed High Speed 2 (HS2) rail link. The Council has taken no action to remove the protesters as it understood that protests had remained peaceful. The Council itself is not supportive of the HS2 project and whilst it accepts that the scheme will go ahead, aims to ensure that the impact on residents is minimised and there are maximum environmental benefits.

However, the Council was made aware earlier in 2021 of disruption to local residents and attacks on HS2's contractors' staff which resulted in injuries. Further details are provided in Part 2 of this report. Due to the location between the railway line and the A413 road, there is a risk that further unlawful activity could pose a risk to protestors, contractors and the general public.

The Council has considered a number of options with regard to the site and have concluded that granting a leasehold interest to HS2 Ltd is in the interests of all concerned. The Council has a community safety duty and maintaining safety of protesters, contractors, staff and members of the public has been the Council's priority when considering the options available to it.

1. Executive summary

- 1.1 The Council owns land in Small Dean, Wendover as shown on the attached plan at Appendix 1. The land falls outside Act limits (as defined in the High Speed (London to West Midlands) Act 2017) relating to the work being undertaken by HS2 Ltd and therefore HS2 Ltd has no rights to acquire the land either freehold or leasehold.
- 1.2 The land is occupied by Protesters who are protesting against HS2 rail link, and the Council has not taken any action to gain possession whilst they remained peaceful.
- 1.3 However, there have been reports of violence and protest that is not peaceful and the Council has had to balance the right to peaceful protest against the potential risk of non-peaceful protest that may result in health and safety risks to the protesters, contractors, public sector employees, Police and emergency services and the general public. The Council has concluded that facilitating action by HS2 Ltd is reasonable. Whilst the numbers of people occupying the site and activity has reduced since June, the granting of the lease would prevent further non-peaceful activity in this location.
- 1.4 The Council has reviewed its options and considers granting a lease in accordance with the Heads of Terms considered in the Part 2 report to HS2 provides the most constructive way forward.

2. Content of report

- 2.1 The Government's High Speed Rail Link travels through Buckinghamshire. This Government funded project is not supported by the Council.
- 2.2 The Council is a significant landowner in Buckinghamshire, with some land adjacent to the new HS2 rail line. The land that is the subject of this report is such a piece of land.
- 2.3 HS2 has been the subject to Public protest. Part of that protest has materialised in a protest camp being formed on land owned by the Council at Small Dean. This occurred in approximately January 2020 with the Council not intervening as the protests appeared to be peaceful.
- 2.4 The Council is the freehold owner of land occupied by the protesters. The land in the Council's ownership is shown on the plan at Appendix 1 of this report.
- 2.5 HS2 Limited by the High Speed 2 (London to West Midlands) Act of Parliament 2017 (HS2 Act) has acquired rights to possession over the land shaded yellow, green and purple on the plan by virtue of Schedule 16 of the HS2 Act 2017. For the purposes of this report it does not consider in detail the provisions of Schedule 16 but the Schedule does give HS2 powers to enter and take possession of land. HS2 Ltd have confirmed their intention to use these powers on the yellow, green and purple land.
- 2.6 The land coloured blue and orange on the plan is also in the freehold interest of the Council, however HS2 does not have powers to enter or take possession of the land pursuant to Schedule 16.
- 2.7 The Council has not intervened to remove the trespassers from its land whilst protests in the area have seemed to be peaceful. However, more recently there has been disturbance to local residents and also recent events involving non-peaceful protest resulting in injury or the potential to cause injury, which has caused the Council to reconsider its position. Detail is set out in the Part 2 report.
- 2.8 The Council does not consider it can continue to allow occupation of its land if it is being used, or could be used, as a base for outbreaks of violence and other activities targeted, in particular, against HS2 workers or contractors undertaking lawful activities.
- 2.9 Having reviewed the Council's options it considers that the granting of a lease to enable HS2 Ltd to gain possession of the site, secure it for the duration of the contract and reinstate at the end of the lease is the most acceptable option, taking into account the Council's primary duty to maintain the health and safety of the

Community, workers, protesters, emergency services and others for the period of the construction of HS2.

3. Other options considered

- 3.1 Do nothing – This is not the recommended option. There are on-going concerns about Health and Safety of local residents and the community as set out in this report. Whilst the occupation of the site has reduced in recent months there remains the potential for occupation numbers to increase and anti-social and illegal behaviour to resume.
- 3.2 Not to grant a lease. Whilst the Council has powers as freehold owner to re-possess the site. This would carry significant financial and other liability risks.
- 3.3 Proceed and obtain possession through its own actions – This is not the recommended option due to the amount of co-ordination which could be required with HS2 Ltd on land over which Schedule 16 rights apply and the land over which they do not apply.

4. Legal and financial implication

- 4.1 There is a requirement for Buckinghamshire Council to ensure any vulnerable children and children associated to the site are safeguarded. Actions have already taken with two identified vulnerable adults around this. Currently the Council is not aware of any vulnerable individuals on the site.
- 4.2 The Council also has a duty under s17 of the Crime and Disorder Act 1998 to exercise its functions with “due regard” to the need to prevent crime and disorder in their area.
- 4.3 The Council has powers to enter into leases of its land pursuant to section 123 Local Government Act 1972. A report on S123 Local Government Act 1972 implications is included in Part 2 of this report.

5. Corporate implications

- 5.1 This section includes the relevant corporate plan priority relating to this report and make reference to any other implication that need to be taken into account such as:-
 - a) Property – These are set out in this report and the Part 2 report
 - b) HR - None
 - c) Climate change – None related to the leasing of the land but the project does facilitate the delivery of HS2.

- d) Sustainability – None related to leasing of the land.
- e) Equality (does this decision require an equality impact assessment) – None, however the Council will need regard and will agree actions in relation to its safeguarding responsibilities.
- f) Data (does this decision require a data protection impact assessment) - None
- g) Value for money – None

6. Local councillors & community boards consultation & views

- 6.1 Local Members have been consulted on the direction of the paper.

7. Communication, engagement & further consultation

- 7.1 A communications plan has been prepared this is considered in Part 2 of this report.

8. Next steps and review

- 8.1 Finalise Heads of terms, instruct Solicitors to agree the lease and subject to the recommendations in this report exchange and complete on the lease.

9. Background papers

- 9.1 None

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team democracy@buckinghamshire.gov.uk



Report for Cabinet Member Decision – Part 2

Date:	date of meeting or date of decision
Reference number:	for cabinet member decisions only
Title:	Lease of Land at Small Dean - Wendover
Relevant councillor(s):	Cllr Martin Tett, Cllr Angela Macpherson, Cllr Steve Bowles, Cllr Steve Broadbent, Cllr John Chilver, Cllr Peter Martin, Cllr Richard Newcombe and Cllr Peter Strachan
Author and/or contact officer:	John Reed – Director of Property and Assets and Joan Hancox – Interim Director Strategic Transport and Infra Structure
Ward(s) affected:	Wendover, Halton and Stoke Mandeville
Recommendations:	Proceed in accordance with the recommendations in the Part 1 report whilst noting the contents of this Part 2 report.
Reason for decision:	The reason for the decision is set out in the Part 1 report, however the commercial aspects of the lease proposed to HS2 and details of reports into incidents that have occurred are matters for this Part 2 report.

1. Executive summary

- 1.1 It is proposed to enter into a lease with HS2 Ltd in accordance with the Heads of Terms included in this Part 2 report at Appendix A. The reasons for granting the lease are set out in the Part 1 report.
- 1.2 The lease will enable HS2 to take possession of the site, however there may be safeguarding issues, and these are considered in this Part 1 report.
- 1.3 HS2 taking possession of the land both inside and outside Act limits may not be without incident, and will involve close working with the Courts, HS2 and the Police

by Council Members and Officers. Furthermore, removing protesters from the site is likely to attract significant media interest. A communications plan has been developed and attached to this report.

- 1.4 The reason for letting the land outside Act Limits is because the protests are no longer peaceful and consequently the Council has decided it needs to take action to ensure the safety of the Community and others as set out in the Part 1 report. Some of the activities of the protesters are set out in this Part 2 report.
- 1.5 To undertake the enforcement of any possession order ourselves could be expensive and reputationally risky and requires significant coordination with HS2 if it is to be successful. Also, HS2 have considerable experience of undertaking this type of work with specialist staff and contractors.

2. Content of report

Property Matters

- 2.1 These are adequately described in the Part 1 report and the Part 2 report Heads of Terms.

Safeguarding

- 2.2 This has been covered in the Part 1 report.

Reports on Protesters

- 2.3 The Council owned land at Small Dean has been occupied since January 2020 without the Council's agreement or authorisation by trespassers and been used as a base for anti-HS2 activities which have included abusive and violent incidents. Over a period of months there were several attacks on HS2 staff. These activities cannot be regarded as peaceful protests and there is now a public safety risk associated with continued occupation of the site.
- 2.4 Thames Valley Police have been sending reports through to officers and these have been collated which demonstrates that there have been multiple incidents of violent behaviour designed to inflict injury on HS2 staff and contractors. In addition, the proximity of the site to the A413 road and the railway line represents a potential and serious safety risk.
- 2.5 There was an incident in March, when around 30 protestors attacked HS2 security staff including using planks of wood to assault them. Some of the security staff needed to attend hospital for treatment or assessment. The incident spilled out onto the A413 and caused a major risk of injury to either protestors, the general public and HS2 security staff.

- 2.6 The evidence also reports on multiple incidents of projectiles being thrown at security staff and HS2 have now moved their staff at least 50m back from the fence line to protect them. The evidence also includes verbal abuse and the use of laser pens being shone in security staff eyes. HS2 Ltd and Thames Valley Police have linked these incidents with occupants of the site, although it is not clear if they are still present.
- 2.7 Given this intelligence the Council also has a duty under s17 of the Crime and Disorder Act 1998 to exercise its functions with “due regard” to the need to prevent crime and disorder in their area. The lease provides for the transfer of the land to HS2 Ltd, and that HS2 Ltd will secure the site and keep it secured for the duration of the lease. This would result in the land being cleared of trespassers and also preventing it being occupied during the HS2 construction period.
- 2.8 Over the last few weeks (since the beginning of June), it has been much quieter. The number of people on the whole site (the land within HS2 Act limits and the Council land) has reduced from between 80 – 100 people to reportedly under 10 people in the week ending 9th July. The reasons for the reduction in activity are considered to be
- a) Lack of opportunities to undertake attacks – HS2 works have either been concluded (such as tree felling at Jones Hill Wood), or works are only taking place out of range of protestors
 - b) Events elsewhere, such as G7 in June, which may have attracted some protestors
 - c) Increasing construction activity in other locations outside Buckinghamshire
- 2.8. Whilst there is currently a reduction in activity, this could increase when HS2 re-commence work in the Small Dean area or when notices are served on the within Act land.

3. Other options considered

- 3.1 These are set out in the Part 1 report.

4. Legal and financial implications

- 4.1 These are set out in the Part 1 report.

5. Communication, engagement & further consultation

- 5.1 A communications plan has been developed and this is attached at Appendix 2.

6. Next steps and review

- 6.1 The next steps will be to finalise the Heads of Terms, instruct Solicitors to agree the lease. Authority delegated in the Part 1 report will be then sought before the lease is exchanged and completed.

d:	Date of Incident	Impact Category	Incident Level	Location	Area
INC09946	3/6/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
	May				
INC09905	27/5/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC09763	12/5/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09743	9/5/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC09742	8/5/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09741	7/5/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09705	5/5/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09685	4/5/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09690	4/5/2021	Physical / Personal	Level 3	[C2] Small Dean South	NCA
	April				
INC09479	7/4/2021	Physical / Personal	Level 3	[C2] Wendover Dean Viaduct	NCA
	March				
	26/3/2021	Physical / Personal	HiPO	[C2] Small Dean Viaduct	NCA
	February				
INC09082	20/2/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC09015	13/2/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC08945	5/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08918	3/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08919	3/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08920	3/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08921	3/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08922	3/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08907	2/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08916	2/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08917	2/2/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC08891	1/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08892	1/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08893	1/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08903	1/2/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA

INC08906	1/2/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
	January				
INC08887	31/1/2021	Physical / Personal	Level 4	[C2] Small Dean Viaduct	NCA
INC08882	30/1/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA
INC08879	29/1/2021	Physical / Personal	Level 3	[C2] Small Dean Viaduct	NCA

Brief Description of Incident	Violence Threatening	Criminal Damage	NVD	Trespass	Theft
	3	0	0	2	1
At approx. 12:00 hrs 4 x males jumped over the entrance gates of the Boswell Estate from the inside onto HS2 possessed land and headed towards Small Dean Protestor Camp. The males were believed to be using this route as a shortcut from the rear of the Boswell Estate to				1	
	5	4	1	2	0
At approx. 12:00 hrs 4 x males jumped over the entrance gates of the Boswell Estate from the inside onto HS2 possessed land and headed towards Small Dean Protestor Camp. The males were believed to be using this route as a shortcut from the rear of the Boswell Estate to			1		
At c.1600hrs, 7 protestors from the Small Dean Protestor Camp arrived at the entrance to the Rifle Range, all wearing white overalls and started to throw balloons filled with solid and liquid at the security officers. The protestors headed towards a private driveway where they	1				
3 protestors from Small Dean Protestor Camp tried to access Small Dean Viaduct Launch compound via a gap within the fence line which was believed to have been cut during the night. Security officers intervened and stopped the trespass. Protestors then returned to camp and		1		1	
A protestor from the Small Dean Protestor Camp approached the fence opposite the camp entrance and shook the CLD (mesh & block fencing) trying to pull it down. Moments later the protestor returned to camp. A short while later a blue laser light was pointed from the Camp	1	1		1	
A protestor from the Small Dean Protestor Camp approached the fence opposite the camp entrance and shook the heras fence trying to pull it down. Moments later the protestor stopped and returned to camp.		1			
At c.2330hrs on 5th May, projectiles were thrown from the Small Dean Protestor camp aimed at the EKFB security staff. This assault continued for a period of 30mins. The security team moved behind the fencing for their own safety, contacted the Police and escalated to the	1				
At approx. 1530 hrs it was reported that some golf balls were being thrown at staff working in the area from the Small Dean Protestor camp. One member was hit on his right arm but no injuries reported. Works were then stopped for the day.	1				
EKFB had planned on carrying out de-vegetation works, however at c.22:00hrs activists from Small Dean Protestor camp began to block access to sites in the area and damaged sections of heras fencing. The activists also caused a nuisance to the Traffic Management.	1	1			
	1	1	3	3	0
On 7th April at the junction of Bowood Lane and Kings Lane (Wendover) c.5 activists deployed and attached themselves to a lock-on device. They were removed by EKFB security when they inadvertently unlocked their device. Disruption was less than 2 hours.			1		
	1	2	2	2	1
8 Security Officer Assaulted	1	1			
	3	3	8	9	0
On the 20th Feb at approx. 23:00 hrs a group of 6 protestors, believed to be from Wendover Active Resistance camp, arrived at the entrance of Small Dean compound. 1 of the female protestors attempted to trespass onto HS2 land and was stopped by security using open palm.	1				
At approx. 01:15hrs on Small Dean Lane approx. 20-25 protestors believed to have been from the Wendover Active Resistance Camp tried to breach the Small Dean Compound. The protestors managed to damage the entire fence line of heras fencing and breached the site. The	1	1		1	
At 11:32hrs 4 protesters (1 x female and 3 x males) known to be residing in the nearby Wendover Action Resistance camp were observed taking photos of the fence line and adjacent 'Badger mitigation' within the fence line of the Small Dean Compound. 2 x security officers made			1		
At 12:30hrs 1 x male protester known to be residing in the nearby Wendover Action Resistance camp was observed photographing the welfare cabins and fencing within the compound whilst standing from kerbside boundary of Small Dean Lane highway. The security within the			1		
At 13:20hrs 1 x female protester known to be residing in the nearby Wendover Action Resistance camp was observed/ overheard talking into her phone describing the size of the trees overhanging and fencing type running along the southern side of the compound in line with Small			1		
At 15:00hrs two protesters (1 x female and 1 x male) known to be residing in the nearby Wendover Action Resistance camp were observed taking the registration numbers of vehicles stored within the overflow car park for Small Dean Lane compound. The external security			1		
At 15:25hrs two protesters (1 x female and 1 x male) known to be residing in the nearby Wendover Action Resistance camp were observed attempting to enter the area cleared of vegetation on Saturday/Sunday 30th/31st through the hedge-line just south of the lavhy situated on				1	
At 16:10hrs three protesters (2 x female and 1 x male) known to be residing in the nearby Wendover Action Resistance camp were observed entering land under the possession of HS2 with climbing equipment and a tarpaulin. EKFB Security asked for three protesters to vacate the	1		1	1	
New protestor camp set up on HS2 possessed land. The camp is approx. 150 metres from Wendover Active Resistance Camp. Currently the number of occupants of the camp fluctuate between 4 to 8 protestor at a time. No engagement has taken place as of yet.			1	1	
On Tuesday 2nd February at 14:30hrs as a HGV was departing Small Dean Lane compound at slow speed a male protestor known to be residing in the nearby Wendover Action Resistance camp stepped out from the verge directly in front of the vehicle and proceeded to walk at			1		
On Tuesday 2nd February at 16:18hrs whilst a ASRM (Area Security & Resilience manager) for EKFB was entering his vehicle parked in the lavhy on Small Dean Lane a stone hit his window screen resulting in a crack measuring 5cm to the side of the screen next to the window.		1			
At 09:00 hours two protesters (1X female, 1X male) known to be residing in the nearby Wendover action resistance camp were observed photographing videoping the site activities from the PRoW.			1		
At 10:30 hours two protesters (1 x female, 1 x male) known to be residing in the nearby Wendover action resistance camp were observed in land possessed by HS2 security approached and in a polite manner asked for two protesters to vacate the area as it was under possession				1	
At 13:00hrs two protesters two protesters (1 x female, 1 x male) known to be residing in the nearby wind over action resistance camp were observed entering land under the possession of HS2. The male was observed to be carry a 'Tree saw' the security engaged with them in a				1	
At approx. 2230hrs on the 1st February 2021 at Small Dean Compound entrance 6 x protestors believed to be from the Wendover Active Resistance camp approached the entrance gate and asked about what works were taking place at the woodland opposite the compound					

At 15:00hrs six protestors (3 x female, 3 x male) known to be residing in the nearby Wendover action resistance camp refused to leave the land under the possession of HS2. The EKER Security Team requested the assistance of the IRT. The EKER Security team remained polite				1	
	4	0	3	5	1
At approx. 2310 hrs on the 31st January 5 x protestors arrived at the entrance of the Small Dean Compound. The protestors are believed to be residents of the Wendover Resistance Camp. Police vehicles patrolling the area intervened almost immediately and asked the protestors					
At approx. 2300 hrs on the 30th January 2021 de vegetation works started at Small Dean Compound. Shortly after a group of around 15-20 individuals who are believed to be residents of the Wendover Active Resistance camp arrived at the front gate to the compound and	1			1	
At approx. 1215 hrs 3 x protestors (1 x female, 2 x male) known to be residing in the nearby Wendover Active Resistance camp arrived at the entrance of the Small Dean Compound and were enquiring about what works were taking place. The security officers engaged with them in a	1				

14 criminal offences from Jan to June 2021





























































Communi 3	999 3
1	5
1	
	1
	1
	1
	1
	1
0	3
	1
1	1
	1
1	4
	1
	1
	1
1	

15	3
1	



