



**CHILTERN**  
CONSERVATION BOARD

T: 01844 355500

E: [office@chilternsaonb.org](mailto:office@chilternsaonb.org)

[www.chilternsaonb.org](http://www.chilternsaonb.org)

Mark Thurston  
Chief Executive Officer  
HS2 Ltd

**Open Letter: sent by email**

30 October 2020

Dear Mr Thurston,

### **HS2 Enabling Works at Jones' Hill Wood, Ancient Woodland**

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

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

We understand that, earlier this month, an ecological survey identified Barbastelle bat roost sites within Jones' Hill Wood and that HS2 Ltd is aware of the subsequent report<sup>1</sup>. All UK bat species are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

This means a criminal offence may be committed if you:

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

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

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

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

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

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

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

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

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

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

HS2’s own literature<sup>2</sup> describes the use of such a tunnel - the Boxley Tunnel - to protect ancient woodland along the route of HS1. Such a tunnel could be constructed without any change in vertical or horizontal alignment of the HS2 route and would minimise tree felling. Indeed, during the Parliamentary Select Committee process, Bettina Kirkham (on behalf of the Chilterns Conservation Board and other stakeholders) presented evidence on 13 October 2015, describing the landscape and wildlife benefit of just such a structure adjacent to Jones’ Hill Wood<sup>3</sup>.

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

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

Your sincerely,



Dr Elaine King  
Chief Executive Officer

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

<sup>1</sup> Eco Tech report. 5 October 2020.

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

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