



The Wildlife Trusts

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Our principal petitioning points

We believe the promoter should be aiming for higher than 'no net loss.' It should instead be aiming for 'biodiversity net gain'.

We do not agree with HS2 Ltd's assessment that additional compulsory purchase of land will be required in order to write biodiversity net gain into the Bill.

We request a clause is added to the Bill requiring net gain for biodiversity, which is secured in perpetuity with appropriate allocation of funding.



Biodiversity Net Gain – Definition

Net gain is defined in National Planning Practice Guidance*
(July 2019) as:

“an approach to development that leaves the natural environment in a measurably better state than it was beforehand.”

it also states

“Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development”

It is important to note

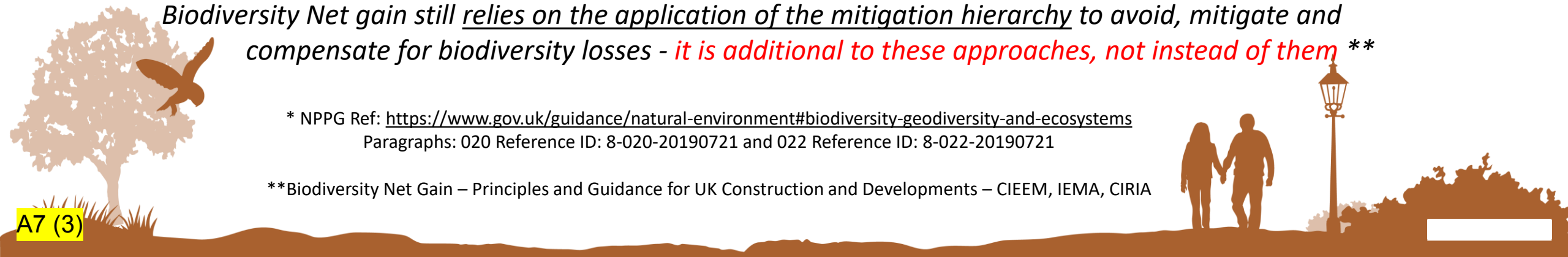
*Biodiversity net gain does not override the protections set out in the NPPF. **

*Biodiversity Net gain still relies on the application of the mitigation hierarchy to avoid, mitigate and compensate for biodiversity losses - **it is additional to these approaches, not instead of them** ***

* NPPG Ref: <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>

Paragraphs: 020 Reference ID: 8-020-20190721 and 022 Reference ID: 8-022-20190721

**Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments – CIEEM, IEMA, CIRIA



Government commitments 2011 - Enhancing Biodiversity

The Natural Environment White Paper (2011) states the Government:

*“expects the planning system to deliver the homes, business, **infrastructure** and thriving local places that the country needs, while **protecting and enhancing** the natural and historic environment.”* (Para 2.33)

*“**Our leadership must stretch beyond its headline commitments** – extending, for example, to the way we promote and conserve biodiversity on our estate **and the standards we set for construction projects.**”* (Para 3.44)

As a result, there has been a significant shift in policy and ambition to reverse decades of decline in our natural environment.



Government Commitments 2018 – Nature’s Recovery

Government’s 25 Year Environment Plan* commits to:

- “Develop a ***Nature Recovery Network*** to protect and ***restore wildlife***”

and reaffirms commitments to:

- “***connecting habitats into larger corridors for wildlife***”.

it also commits to:

- “***embed an environmental net gain principle for development, including housing and infrastructure***”

and to make sure that

- “***existing requirements for net gain for biodiversity in national planning policy are strengthened***”.

Government Commitments 2018 - Strengthened Planning Policy

Revised National Planning Policy Framework (July 2018) strengthened biodiversity net gain policy. It states:

Planning policies and decisions should provide:

“net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

It now creates a clearer expectation that net gain applies to all developments

Plans should:

*“identify and pursue opportunities for **securing measurable net gains for biodiversity**”*

This helps avoid biodiversity accounting being inconsistently applied, subjective and negotiable

Government Commitments 2019 – Mandate Biodiversity Net Gain

In the Spring Statement (March 2019) Government announced that:

*“to ensure that wildlife isn’t compromised **in delivering** necessary **infrastructure** and housing, the **government will mandate** net gains for biodiversity on new developments in England to deliver an increase in biodiversity”*

In its response to the net gain consultation (July 2018), Defra also announced:

“Government will continue to work on exploring potential net gain approaches for these types [sic] of development”*

**Nationally Significant Infrastructure Projects*



Government Commitments 2020 – Environment Bill

In January 2020, Government introduced a new Environment Bill, which sets out legal provisions to:

- make **biodiversity** gain a **condition of planning permissions** under the Town and Country Planning Act 1990
- produce and publish **Local Nature Recovery Strategies** for the whole of England
- strengthen the biodiversity **duty on public bodies**, from an expectation ‘to have regard’ to the ‘conservation of biodiversity’ to one that requires public bodies to consider actions ‘to further’ the ‘conservation and enhancement of biodiversity’ - And for them to have regard to the relevant Local Nature Recovery Strategies as part of this process.

HS2 should 'aim higher' and 'produce biodiversity gains'

Recommendations and advice to Government and HS2 Ltd:

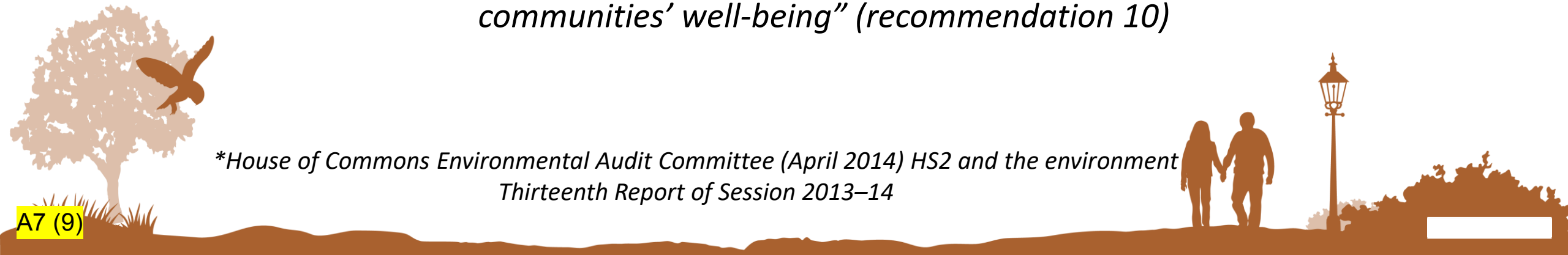
In 2014, The Environmental Audit Committee* recommended:

*“On HS2 the Government should **aim higher** than simply striving for **no net biodiversity loss**”
(recommendation 10)*

&

*“as it further develops its processes and metrics for biodiversity offsetting it should seek to weight these to be more likely to **produce biodiversity gains** and take explicitly account of local communities’ well-being” (recommendation 10)*

**House of Commons Environmental Audit Committee (April 2014) HS2 and the environment
Thirteenth Report of Session 2013–14*



HS2 should 'aim higher' and 'produce biodiversity gains'

Recommendations and advice to Government and HS2 Ltd:

Natural England's independent review* recommended:

*“for Phase 2 the **metric should be applied** for the purpose of **meeting a net gain objective** in order to fully **accord with national policy**, rather than simply aiming to achieve NNL” (recommendation 10.36)*

&

*“Phase 2 is an opportunity for **innovative and existing biodiversity projects** to be realised under a net gain approach” (para 10.35, page 53)*

**Natural England (2016) Review of the High Speed 2 No Net Loss in Biodiversity Metric*

HS2 should 'aim higher' and 'produce biodiversity gains'

Recommendations and advice to Government and HS2 Ltd:

The House of Lords' Select Committee on the High Speed Rail (London – West Midlands Bill) report* stated:

*“There is no doubt a lot to be learned from experience on this project that can be used to **improve the metric**, and perhaps have the **more ambitious aim of some net gain on future phases of HS2**”* (Para 293, page 73).

* The House of Lords' Select Committee on the High Speed Rail (London – West Midlands Bill) (2016) Special Report of Session 2016-2017



Promoter's response does not reflect updated planning policy

The promoter stated in August 2019 it: *"recognises and supports national policy which is to minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.... as set out in the National Planning Policy Framework (NPPF). **The Promoter is satisfied that the project's approach to no net loss is consistent with this policy.**"*

We do not agree – The Planning Policy the promoter refers to was **updated and strengthened** in July 2018.

The Revised NPPF no longer focuses on 'halting decline' or achieving biodiversity net gains 'where possible'. Planning policy now sets much clearer objectives for the planning system to:

- protect and enhance the natural environment (para 8c and 170d); and
- provide net gains for biodiversity (para 170d)

Conclusions of The Wildlife Trusts Report – What's the damage?

Too many protected sites at risk

- 5 (2) Internationally designated sites
- 33 (3) Sites of Special Scientific Interest
- 21 (4) Local Nature Reserves
- 693 (69) Local Wildlife Sites

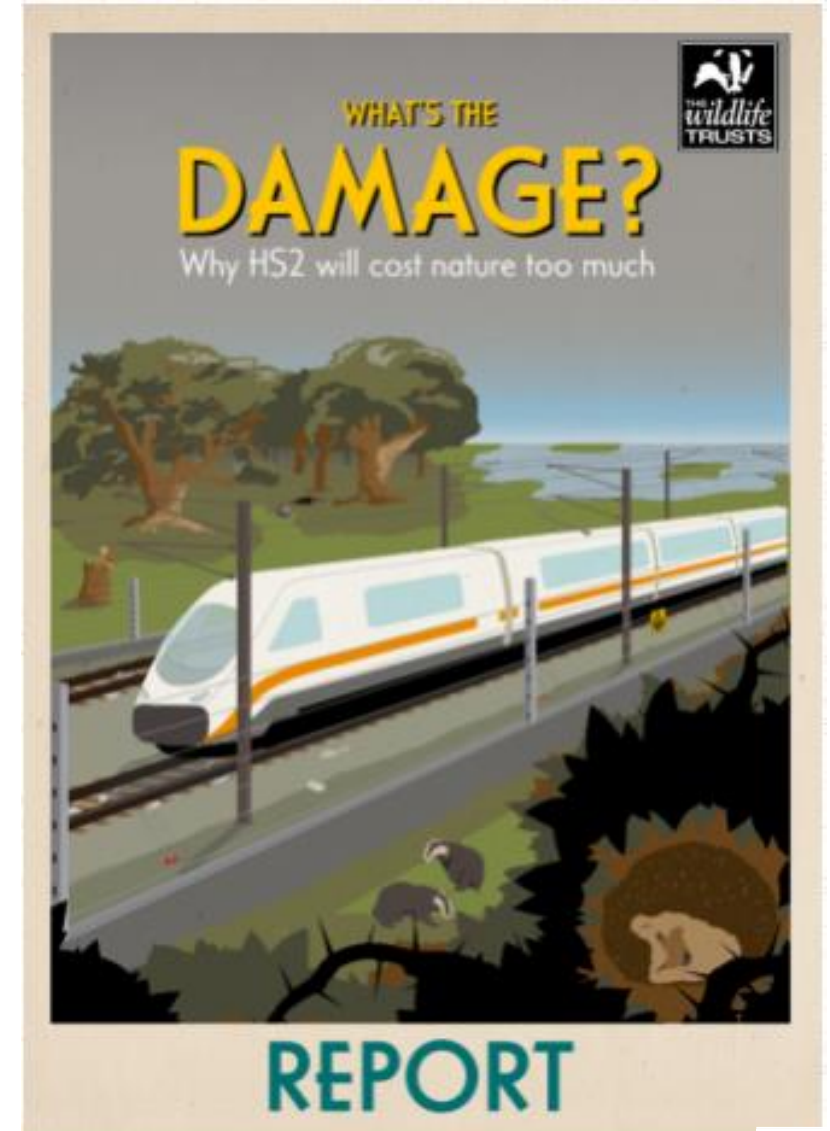
(Route wide figures with P2a figures in brackets)

Multiple proposals of inadequate/inappropriate mitigation & compensation

Risking further losses

Failing to meet 'no net loss'

Let alone Government's wider commitment for net gain



Embedding Net Gain within Infrastructure is a Government Commitment

The promoter notes: *“that nationally significant infrastructure projects and other ‘major’ infrastructure projects of equal or greater significance (in terms of geographic scale or cost) are outside of the scope of current mandatory net gain proposals.”*

Our response: It is outside the scope of the current mandatory proposals, but Nationally Significant Infrastructure Projects and other ‘major’ infrastructure projects are not outside the scope of Government’s overall commitments for delivering biodiversity net gain and contributing to nature’s recovery.

HS2 Ltd still has a responsibility to align with these commitments.



Biodiversity Net Gain is a National Infrastructure Commission design principle

Design principles should be applied to all economic infrastructure

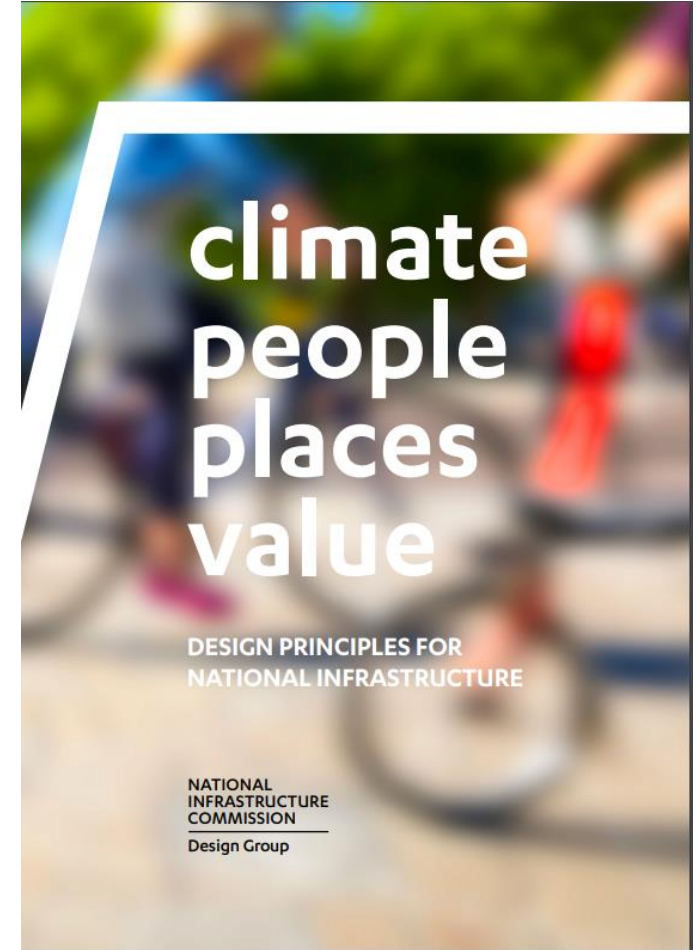
These principles state that well-designed infrastructure should:

- **support local ecology**, which is essential to protect and enhance biodiversity
- Make a positive contribution to local landscapes within and **beyond the project boundary** to sustain local ecosystems
- Make active interventions to **enrich** our ecosystems
- Seek to **deliver a net biodiversity gain**, contributing to the **restoration** of wildlife on a **large scale** while **protecting irreplaceable natural assets and habitats**

“Design for national infrastructure has been an after thought for too long”

&

“infrastructure of the 21st century should not seek to emulate the best examples of the past...it needs to surpass them”



February 2020

Achieving net gain is realistic and feasible for HS2 Ltd



In 2014, a greener vision for HS2 was costed at < 1% of the then total HS2 budget of £42.6 bn



2019 - HS2 could help towards turning nature's recovery from an aspiration to reality

If HS2 Ltd

- got the mitigation and compensation right;
- targeted habitat creation more strategically;
- considered more use of restoration and enhancement;
- proactively encouraged and approached willing landowners; and
- looked beyond the Bill limits

It would be more effective at properly mitigating the effects of HS2 and achieving biodiversity net gain.



Land take is not a constraint

The promoter states: *Aiming for a net gain from the offsetting metric at an early stage **would be likely to lead to a response that leads to excessive third-party land take** for newly created habitats....Whilst the National Planning Policy Framework recognises that the planning system should seek to minimise impacts on biodiversity, it also recognises that any development needs to protect the best agricultural land, and therefore a balance must be struck. **The Promoter therefore believes that focusing on no net loss at this early stage strikes the correct balance.***

We disagree: Land take should not be a constraint on achieving net gain. HS2 Ltd should:

- Invite and approach willing landowners to be involved in management agreements for habitat creation, restoration or enhancement of appropriate habitats on their land - both within and beyond the Bill limits.
- Make more use of restoration and enhancement of existing habitats within the Bill limits (rather than focusing solely on habitat creation).
- Seek willing landowners within a suitable distance beyond the Bill limits to secure compensation and net gain through land acquisition.

So to conclude:

We believe the aim of the Bill in relation to ecological impacts, should be to achieve 'net gain' for biodiversity in line with government commitments and not be limited to 'no net loss'.

We do not agree that writing net gain into the Bill will require additional compulsory purchase of land.

We request that a clause is added to the Bill requiring net gain for biodiversity, which is secured in perpetuity with appropriate allocation of funding.

