

Angela Moore
External Affairs Manager, Communications Directorate
Department for Transport

FAO Grant Shapps MP, Secretary of State for Transport
CC Mark Thurston, CEO, High Speed 2 Ltd

3rd March 2020

Dear Sirs,

Re: High Speed 2

We are responding to the Department for Transport's email of 11 February confirming the Government's intention to proceed with HS2 and inviting any feedback or questions.

We have noted the claim that "*there is a plan to ensure that this is one of the most environmentally responsible infrastructure projects ever delivered in the UK*". This is a welcome ambition, but sadly we feel there is a wide gap between ambition and reality for HS2 and its impact on nature. We believe HS2 as currently planned will cause a significant net loss of biodiversity and that the Government's claim is unjustified. The RSPB and the wider environment sector have worked hard over many years to engage with HS2 Ltd over the mitigation and compensation package. However, on many important issues our advice has not been followed. For example:

- Along with the Barn Owl Trust and four local Wildlife Trusts, we have said HS2 Ltd's barn owl mitigation plan will not work. We believe HS2 phase 1 will eventually kill a nationally significant number of barn owls, and phase 2 will merely add to that toll.
- Much of the mitigation for bats in Buckinghamshire has been challenged by independent academic experts as inadequate and ineffective. For example, Bechstein's bats are one of the UK's rarest mammals and prefer mature woodland - newly planted hedgerows and woodlands will not help these animals.
- HS2 Ltd's own figures currently suggest that Phase 1 will lead to a 3% net loss of replaceable habitats, and 17% loss for Phase 2a - thereby falling short of HS2 Ltd's own objective of achieving no net loss of biodiversity. This is after discounting unavoidable damage to irreplaceable ancient woodland, which cannot be compensated for.

We do not think this is good enough. However, we are still prepared to work with HS2 Ltd, the Department for Transport and other stakeholders to help make HS2 fit for purpose in the context of a climate and ecological emergency. But, for us to justify our continued engagement we would need some assurances of the Government's positive intent. These are:

- 1) Each phase of HS2 must deliver a net gain for nature in its own right, as good or better than your Government's expectations for other forms of development. This would be in line with the recently-launched National Infrastructure Committee [Design Principles](#) for National Infrastructure. We believe HS2 should strive for a minimum of 10% net gain but ideally go further, and deliver what nature needs which is to begin to recover from its low baseline. There is no reasonable justification why major infrastructure projects should be exempt from delivering net gain, especially as their fragmentation effects on Nature Recovery Networks are likely to be profound. We applaud the East West Rail company for voluntarily committing to delivering net gain, at least within the [Bedford-Cambridge section](#). We call on you to ensure that HS2 and other major infrastructure projects do the same, or even better.

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The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

- 2) It must be accepted that “compensation” for the loss of ancient woodland is not possible, no matter how many new trees are planted. We understand that irreplaceable habitats have been excluded from the net loss calculations, long after we argued for it during the consultations on the Environmental Statement and our Hybrid Bill petition. More than that, HS2 Ltd must deliver the best mitigation package for irreplaceable habitats that is possible given the state of the art.
- 3) As a matter of policy, HS2 and other major infrastructure projects must apply the same principles of the ecological mitigation hierarchy the NPPF requires local authorities to follow. For example, when accounting for impacts on nature in phases 2a and 2b, HS2 Ltd must not conflate mitigation and compensation, and stop concluding that after taking compensation into account there are no residual adverse impacts on (for example) designated sites and ecological networks.
- 4) A clear and independent audit of the carbon footprint of HS2 is needed, taking into account its construction and lifetime performance, and predicted effects on other transport sectors including road freight and aviation. The environmental sector has been criticised for not acknowledging the alleged carbon-saving benefits of HS2 while drawing attention to its biodiversity impacts. And yet, the Oakervee Review merely notes the *potential* for HS2 to contribute to a reduction in carbon emissions across the whole transport sector. Unfortunately, many of the policy initiatives needed to bring this about do not yet exist - notably, an integrated government strategy to encourage people to shift to greener transport modes. Until such measures are put in place there is no guarantee that HS2 will bring about a major shift away from more polluting forms of transport instead of fuelling further unsustainable growth and travel demand, and no firm basis to claim otherwise.
- 5) Linked to the above point, the Government needs to show how the landmark ruling over the third runway at Heathrow airport issued on 27 February 2020 will be applied to strategic design choices made over HS2. This includes the Government’s continued unwillingness in this and other schemes to accept that Strategic Environmental Assessment has a critical role to play in considering and addressing environmental issues. This includes the implications of policies or plans for meeting carbon reduction targets.
- 6) Finally, we need to see HS2 Ltd and their contractors behaving responsibly and going beyond the letter of the law when it comes to avoiding destruction of active nests of breeding birds and mitigating impacts on other protected species. There can be no reason for large-scale clearance of trees, hedgerows and woodlands in the breeding season except for Government pressure on HS2 Ltd to deliver the project quickly. The RSPB advises HS2 Ltd and their contractors to avoid clearance work between early March and the end of August.

We have already witnessed ethically and practically doubtful tactics such as Harris hawks being used in an ill-informed attempt to deter birds from nesting in a wood, and notification to the Woodland Trust that undergrowth from other ancient woodlands will be cleared as another tactic to try to deter birds from nesting in places where later they might be destroyed. Such activities raise concerns about the professional competence of the ecological advisors HS2 Ltd is using and they certainly cannot be held up as environmentally responsible best practice.

We will consider any attempt by HS2 Ltd’s contractors to claim that destruction of active birds’ nests was not intentional and was the incidental result of a lawful operation that could not reasonably have been avoided, to be legally and morally dubious. Local people are watching events on the ground with keen eyes and the RSPB is bound to advise them to contact the police when an offence under the Wildlife & Countryside Act 1981 is suspected.

Unless we see clear commitment from the Government and HS2 Ltd on the above points the RSPB cannot justify further positive engagement with you to try to improve this project, not least to our 1.2 million members, many of whom are deeply concerned about HS2 and other major infrastructure projects. Far from being “*one of the most environmentally responsible infrastructure projects ever delivered in the UK*” HS2 will stand as an example of worst practice in the face of the climate and ecological emergency, one that cannot be repeated as other major infrastructure projects are brought forward.

In the worsening climate and ecological emergency, it will be impossible to achieve the ambitions in the 25-year Environment Plan if major infrastructure projects such as HS2 are allowed to do this amount of damage as well as proceeding without a full understanding of the carbon footprint.

I invite you to respond to us in writing, giving the assurances we ask for, in which case members of my team will be in touch with HS2 Ltd to discuss the practical ways in which we can help.

Yours sincerely

Emma Marsh
Director, RSPB England