

A Response from the RSPB to the Government's Major Projects Inquiry

23 April 2020

About us

The RSPB is the charity that takes action for wild birds and the environment. We are the largest wildlife conservation organisation in the country with over one million members. We own or manage 158,725 hectares of land for nature conservation on 220 reserves throughout the UK. We believe that sustainability should be at the heart of planning and decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning policy, climate change, energy, marine issues and water. Our casework team is involved in responding to major infrastructure projects where these could result in significant harm to nature. This includes road and rail projects and offshore wind farms. We have also undertaken significant large-scale habitat restoration and nature conservation projects in partnership with major infrastructure projects to realise benefits for nature, the environment and society.

Overview

Major infrastructure projects can be some of the most damaging developments for nature. At the same time, they have the potential to deliver significant benefits to the environment and nature. Done well they can support rather than hinder the achievement of the Government's ambitions in the 25 Year Environment Plan. We believe that an improved approach to the planning, design and construction of these projects would result in significantly better outcomes for people and nature.

We have developed a **set of principles for major infrastructure** appropriate for the climate and nature emergency we are facing, which are appended to this response. At the core of these is a need to consider proposals in a strategic way, for environmental impacts to be assessed upfront and transparently, assessments and decisions to be made available for democratic scrutiny, and for the environmental outcomes to be a primary consideration in decision-making, prioritisation and delivery of major projects. Considering major infrastructure projects in this way, alongside political, social and economic factors, will result in more sustainable solutions and may also reduce public hostility such as we have seen with HS2.

We have provided responses to questions 1, 2 and 5 and focus specifically on good and bad practice in the context of the environment and the need to better build environmental considerations into major infrastructure decisions. We have no comment on other aspects of the Government's Major Projects Portfolio.

This inquiry provides an opportunity to scrutinise the contribution of past projects to nature's recovery and net zero carbon emissions and look for opportunities within future and existing projects to improve practice.

Response to relevant inquiry questions

1. How does the Government decide where and how to invest money through major projects? What role should the national infrastructure strategy play in this?

Planning and decision-making on major infrastructure projects need to better incorporate likely environmental impacts (both positive and negative) and include these as part of broader cost-benefit planning. Unfortunately, practice is highly variable with the environment often only considered in a superficial way, if at all, in the early stages of a project's development. This is a

significant missed opportunity for the Government to deliver on its core environmental ambitions (including nature's recovery and net zero emissions).

HS2 Phase 1 is a case in point. As part of our response to the Oakervee Review of HS2 we called for full consideration of the environmental impacts of HS2 as well as potential benefits. Although the [Review](#) did reference environmental impacts, this was cursory, concluding: '*Conclusion 8: The Review recognised the impact of HS2 on woodland, landscape, biodiversity and more broadly on built and natural environments. Given the duration of the HS2 project, such impacts, along with any accompanying mitigation and compensatory measures, need to be kept under review...*'

Conclusion 51 goes on: '*There are impacts that are currently not quantified that are important to consider alongside the monetised benefit-cost ratio. This includes the potential transformational benefits that HS2 could unlock through changing land-use as well as the adverse environmental impacts from construction and the permanent land required for the railway.*'

The adverse environmental impacts have not been scrutinised in detail as part of the review, despite the significant nature of these impacts and clear calls from the RSPB and other 'ReThink HS2' partners for this to happen, nor have environmental considerations featured in the decision to proceed.

This criticism was echoed by Lord Berkeley in his 'Minority Report' Review which highlighted that there are a number of unresolved and diverse views on environmental issues, which need to be further and properly considered before any final conclusions can be drawn by the Secretary of State (Section 2.9.1).

This is deeply concerning given the scale of the predicted impacts.

Based on our latest information it is the RSPB's understanding that HS2 Ltd's own figures show Phase 1 will lead to a 3% net loss of replaceable habitats, and 17% loss for Phase 2a¹ - thereby falling short even of HS2 Ltd's and Government's own inadequate commitment to achieving no net loss of biodiversity. Some of the environmental issues and concerns associated with HS2 could have been avoided if the Government had committed to taking a strategic approach to the planning and assessment of the programme of works, including use of Strategic Environmental Assessment (SEA).

We view HS2 as a very bad example of government decision-taking on major infrastructure projects, particularly the failure to take full account of environmental impacts, and we strongly recommend that these failings be considered and the lessons learned, as part of this inquiry.

The role of the National Infrastructure Strategy (NIS)

The NIS has an important role to play in guiding decisions on major infrastructure. As part of this, **we support the National Infrastructure Commission's [Design Principles for National Infrastructure](#)** that projects should:

- Make active interventions to enrich our ecosystems;
- Deliver a net biodiversity gain, contributing to the restoration of wildlife on a large scale while protecting irreplaceable natural assets and habitats; and
- Help set the trajectory for the UK to achieve net zero greenhouse gas emissions by 2050 or sooner.

The delay to publication of the NIS provides a clear opportunity to take a strategic look at the pipeline of infrastructure projects and consider their contribution to nature's recovery and the net zero target.

¹ Figure for phase 1 as reported in HS2 London-West Midlands "No net loss in biodiversity calculation – methodology and results" report by HS2 Ltd (December 2015) and for phase 2a as reported in "Government overview of the case for HS2 Phase 2a and its environmental impacts" by the Department for Transport (June 2019).

However, **the NIS itself is not a spatial plan and is therefore a missed opportunity** to base decisions on major infrastructure projects on a clear National Spatial Plan (NSP) and vision which considers all types of infrastructure and major development in a coherent way, providing certainty for the long term. This (NSP and vision) needs to be developed as a matter of urgency. This will, in turn, provide an effective framework for spatial planning at the local level and help integrate other Government objectives, such as nature's recovery. Alongside our other key principles for major infrastructure this would promote better environmental decision-making and greater sustainability of major infrastructure.

2. How well does the Government estimate cost, time and benefits at the start of projects? Are there barriers to doing this well, and what mechanisms could be used to ensure estimates more are accurate?

A key part of our position is that the Government largely fails to consider environmental costs (including non-monetised costs) and benefits at the start of projects, especially when making strategic choices between alternatives (e.g. by refusing to use tools such as SEA to aid decision making). This point, and potential solutions, is developed above and below in our response.

5. Does the Government learn the lessons and apply them to future projects? What are the key lessons from previous projects that should be considered as part of the inquiry, and what examples of good practice could be highlighted?

Under question 1, we highlighted the importance of taking full account of environmental impacts from the outset of decision-making and cited **HS2 as a very poor example** in practice, despite repeated requests to government for this to happen. Some of the mistakes made with HS2 are now apparently being repeated in other projects, e.g. the refusal to consider SEA and the failure to require major infrastructure projects either to deliver net gain in biodiversity or be consistent with achieving net zero carbon emissions, such as the Oxford-Cambridge Expressway. This should be considered as part of this inquiry.

Early and effective public engagement could help to address concerns about environmental impacts at the outset, leading to better environmental outcomes and perhaps reducing the chances of people feeling disenfranchised by the decision-making process. SEA provides a tool by which effective public engagement can be built in from the start of the process.

Examples include (NB: whilst these may not be part of the Major Projects Portfolio per se, the principles still apply):

Offshore wind:

We believe the current approach to offshore wind deployment is not fit for the purpose of reaching net zero targets as well as posing significant threats to nature at a time of ecological crisis and when healthy functioning ecosystems have been identified as crucial to the response on climate.

As both the Intergovernmental Panel on Climate Change's (IPCC)² and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services Report (IPBES)³ make clear, the climate and biodiversity crises are indivisible - we will not stay within 1.5°C of warming without addressing the biodiversity crisis.

We are calling for urgent, transformative action in line with the Committee on Climate Change (CCC) to translate targets and commitments into robust strategic planning ensuring sustainable and timely low carbon renewables in harmony with nature.

A further problem is due to inadequate SEAs carried out for the offshore licensing zones meaning many leases were granted to ecologically sensitive areas.

Good Practice:

Severn Tidal Power Feasibility Study: between 2008 and 2010, the Department of Energy and Climate Change (DECC) undertook a Severn Tidal Power Feasibility Study. It was thought the Severn estuary could provide up to 5% of UK electricity generation from an indigenous renewable source and bring new employment opportunities. But any scheme would need to be cost effective compared to other low-carbon energy alternatives. Furthermore, the Severn estuary and some of its tributaries are designated as internationally important nature conservation sites. The Study considered whether DECC could support a tidal power project in the Severn estuary and, if so, on what terms.

The Study concluded that no scheme be recommended for further investigation at that time. The decision not to proceed was largely attributed to excessive costs and unacceptable risks for taxpayers and energy consumers relative to other renewable energy options. Severe and unavoidable impacts on internationally designated wildlife sites were also a consideration, along with the great practical and financial difficulties of providing ecological compensation.

The application of SEA ensured that the complex environmental impacts of the various options were considered and fully understood, alongside their economic feasibility. The SEA process ensured that claims made about the benefits of some options in reducing flood risks were properly examined. It highlighted the extent to which technologies often promoted as beneficial to reducing flood risk could in fact exacerbate it. Such previously unrecognised additional costs contributed to the eventual decision not to proceed with a scheme.

Wallasea Island Wild Coast Project: This is the largest coastal habitat creation project of its kind in Europe and a prime **example of how strategic approaches (e.g. positive strategic spatial planning and effective public consultation)** can help resolve multiple environmental and socio-economic issues. Several spatial planning challenges came together in two linked projects, which resulted in imaginative win-win solutions that enhanced the natural environment and solved other spatial planning problems. Firstly, the UK Government was able to provide compensation for the loss of wetland habitats of international importance for birds as a result of port development, selecting the

² IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*

³ IPBES. 2019. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. S. Díaz, J. Settele, E. S. Brondizio E.S., H. T. Ngo, M. Guèze, J. Agard, A. Arneth, P. Balvanera, K. A. Brauman, S. H. M. Butchart, K. M. A. Chan, L. A. Garibaldi, K. Ichii, J. Liu, S. M. Subramanian, G. F. Midgley, P. Miloslavich, Z. Molnár, D. Obura, A. Pfaff, S. Polasky, A. Purvis, J. Razaque, B. Reyers, R. Roy Chowdhury, Y. J. Shin, I. J. Visseren-Hamakers, K. J. Willis, and C. N. Zayas (eds.). IPBES secretariat, Bonn, Germany

best site from more than 120 alternative locations against a range of environmental and socio-economic criteria. This initial project highlighted that Wallasea was not only big enough to compensate the destroyed wetlands in full, but presented an opportunity to deal with a further spatial planning challenge: a sustainable end-use for the large quantities of clean clay, sand and gravel arising from the Crossrail tunnelling project. Using this material at Wallasea enabled the restoration of coastal habitats and provided an alternative to landfill for half of all the material excavated by Crossrail – 3 million tonnes.

Opportunities to improve practice

The RSPB's good practice principles (Appendix 1) set out the tests we expect to apply to all major infrastructure projects. None of these are new and many simply require proper implementation of existing laws and best practice. However, we remain concerned that despite the Government's stated ambition to restore nature in a generation and reduce net emissions to zero by 2050, it continues to support major infrastructure projects that at best fail to contribute to achieving these important goals (and may even hinder these). This inquiry should scrutinise the contribution of past projects to nature's recovery and net zero carbon emissions and look for opportunities to improve practice.

Oxford-Cambridge Arc: we welcome the recent commitment to a long-term spatial framework which will help consider the pipeline of projects (1 million homes, East-West Rail Link and Expressway) in a strategic and holistic way. The framework should be supported by environmental assessments (including SEA and Habitats Regulations Assessment) and be subject to public consultation, so the environmental impacts can be set out clearly. This must include rethinking key aspects of the proposals:

- **East West Rail** – While the EWR Company has voluntarily adopted the goal of achieving net biodiversity gain, the Secretary of State for Transport's decision not to fully electrify the proposed East West Rail line that will reconnect Oxford and Cambridge undermines his Department's commitment to de-carbonise a transport sector that now contributes more than any other to our national carbon emissions.
- **The Oxford to Cambridge Expressway** – Currently on hold while the Department for Transport explores alternatives, to date there has been no public consultation on this project. The promised Government review must redress this democratic deficit and answer questions about the project's compatibility with Government net zero carbon and 25 Year Environment Plan targets.

The Arc could be a pioneer of biodiversity net gain and natural capital planning, establishing a model of sustainable development that mitigates climate change and restores nature at a large scale, but only if it puts the environment first and demonstrates a strategic joined-up approach to ensure both infrastructure and housing together respect environmental constraints and protect nature.

Appendix 1: RSPB Principles for Major and Large-scale Infrastructure in England

There is a growing recognition that we are in the middle of a climate and nature emergency that threatens biodiversity, ecosystem functionality, and human health and wellbeing. The current global pandemic has heightened awareness of these longer-term crises, with a majority of the public already clear that they want the environment prioritised in our post-Covid economic recovery⁴.

The environment has historically been at best an afterthought in the development of major infrastructure, but the need to respond to the climate and nature emergency requires a shift in the way we plan, design and build major and large-scale infrastructure. Infrastructure planning and development must shift towards an approach that has the environment and nature at its core - seeking to not only minimise the environmental damage done by continuing infrastructure development, but to maximise new infrastructure's contribution to repairing and restoring the natural environment, and to upgrade existing infrastructure to realise its potential to benefit the environment. The following principles set out the high-level approach to planning major and large-scale infrastructure that is required in order to meet society's needs in the face of these urgent environmental challenges.

1. Decisions on major and large-scale infrastructure projects (henceforth known as infrastructure) should be **based on a clear National Spatial Plan and vision** which considers all types of infrastructure and major development in a coherent way, providing certainty for the long term – this needs to be developed as a matter of urgency. This will, in turn, provide an effective framework for spatial planning at the local level and help integrate other public objectives, such as nature's recovery.
2. Infrastructure proposals should be **subject to early and effective democratic scrutiny** through public participation and consultation at both local and national levels. This is essential to ensure transparency. Those adversely affected by decisions on infrastructure should have a fair opportunity to challenge it.
3. Infrastructure projects and the plans underpinning these should be **based on up-to-date and scientifically robust evidence**, including evidence on the value of the natural environment. Plans should be monitored and reviewed regularly.
4. Infrastructure projects and the plans underpinning these should be **rigorously assessed for their environmental impacts** and the results used to improve the plan to ensure that plans do not exceed environmental limits and tolerances. This includes, but is not limited to, Strategic Environmental Assessment, Habitats Regulations Assessment and Environmental Impact Assessment.
5. **Alternative options must be considered**, particularly alternatives that are less damaging to the environment and the reasons for rejecting any options should be made public.
6. Infrastructure proposals should **not lead to any regression of existing standards and requirements** including those relating to environmental assessment and statutory protected sites. Proposals must also be compatible with new environmental commitments and requirements emerging as we exit the European Union, (for example, those set out in the Government's 25 Year Environment Plan and established by the Environment Bill).

⁴ <https://www.ipsos.com/ipsos-mori/en-uk/two-thirds-britons-believe-climate-change-serious-coronavirus-and-majority-want-climate-prioritised>

7. New infrastructure projects must achieve no net loss of biodiversity through rigorous application of the **mitigation hierarchy**. Once no net loss has been demonstrated, projects should then look to **deliver a minimum 10% net gain for biodiversity** in line with Government proposals for wider development.
8. All new major and large-scale infrastructure projects must be **compatible with (and ideally further) the UK's net zero target**. The RSPB is calling for a UK target of net zero sooner, by 2045, and for this to be enshrined in law.
9. Public authorities must have the legal powers and resources to **enforce planning laws**, especially where illegal development is resulting in environmental damage.