

Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act² in December 2023) requires 'relevant authorities', in exercising or performing any function that affect AONBs in England, to "seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty."

1. Does HS2 Ltd consider that this section applies to the activities of the nominated undertakers in constructing HS2?

Yes, HS2 Ltd does consider that section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act² in December 2023) applies to the activities of the nominated undertakers in constructing HS2.

2. If so, please indicate how the designs specified in applications PL/25/6639/HS2 and PL/26/02545/HS2 further the purpose of conserving and enhancing the natural beauty of the Chilterns National Landscape

HS2 Ltd has taken significant steps to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (AONB).

However, as the objective of conserving and enhancing the AONB within the constraints of building the railway informs all our design decisions it is not possible to artificially identify aspects that specifically do this.

Through the Parliamentary process, relevant stakeholders were consulted and a range of additional mitigation measures were incorporated into the scheme. For example, these include tunnel extensions, landscape planting proposals, Key Design Elements (KDEs) that allow for continued local input into the appearance of structures, and land restoration plans designed to retain the character and integrity of the AONB as far as reasonably practicable, alongside the delivery of a railway authorised by Parliament.

These commitments have subsequently been reflected in Schedule 17 approvals, which have enabled further refinement and enhancement of the railway's integration within the AONB. This includes:

- The use of plant species that are consistent with those found across the AONB and surrounding landscape, with a strong emphasis on native broadleaved species of local provenance.
- Designing mitigation measures to maximise long-term environmental benefits and integrate with existing landscape character, in accordance with the Lawton Principles¹.
- Incorporating biodiversity enhancements into the scheme design to support species diversity and improve ecological connectivity within the AONB (and beyond).

¹ <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

- Where appropriate, using rapid-establishment and targeted screening planting to reduce visual impacts and shorten the time required for mitigation measures to become effective.

Your document 'No Net Loss in Biodiversity calculation' stated (in Dec 2015) that "In line with government policy, HS2 Ltd is seeking to achieve the goal of Phase One of the proposed railway ('the Scheme') resulting in no net loss in biodiversity at a route-wide level."

3. *Is HS2 still seeking to achieve this goal?*

HS2 Ltd remains committed to seeking to achieve the goal of No Net Loss to Biodiversity, on a route-wide basis on Phase One. This is in line with the policy commitment HS2 Ltd made in 2013 and the White Paper *The natural choice: securing the value of nature* published by the Department for Environment, Food & Rural Affairs (Defra) in 2011², which established the Government's ambition to move progressively from a position of net biodiversity loss to net gain.

4. *If so, please indicate what calculations have been made of the biodiversity which will result from the designs specified in the above two proposals, and which biodiversity metric was employed in this calculation.*

Please note that HS2 Ltd does not calculate or report disaggregated No Net Loss values for individual locations, as progress towards the No Net Loss in Biodiversity goal is assessed on a route-wide basis. The route-wide calculation is iterative and reflects the varying stages of design development and construction maturity across different sections of the route.

Therefore, as a consequence of this approach, separate No Net Loss calculations have **not** been undertaken for Leather Lane or Wendover Dean, as both form part of the wider route-wide assessment.

Notwithstanding this approach, local communities are encouraged to identify opportunities for delivering ecological enhancements within their areas, supported by HS2 Ltd.

To assess progress towards the No Net Loss in Biodiversity target, HS2 Ltd developed the HS2 Metric, a modified version of the Defra pilot biodiversity offsetting metric³, which was the only recognised biodiversity accounting metric available.

The HS2 metric uses habitats as a proxy for biodiversity and quantifies the losses and gains through biodiversity units. The HS2 metric and associated biodiversity accounting methodology were developed in consultation with Defra and Natural England and has

² <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>.

³ <https://www.gov.uk/government/publications/technical-paper-the-metric-for-the-biodiversity-offsetting-pilot-in-england>

subsequently been subject to an independent review by a team established by Natural England and by Lloyd's Register Independent Assurance.

The HS2 metric is used as an accounting tool to compare habitats present before and after construction of Phase One of HS2 to assess the resulting losses and gains in biodiversity units as a consequence of the scheme. This process is referred to as the 'No Net Loss in Biodiversity calculation'.

The HS2 metric calculates losses and gains in replaceable habitats (*i.e.* excluding irreplaceable habitats such as ancient woodlands). It calculates losses and gains for hedgerows and watercourses as linear features and for all other habitats as area-based features. Accordingly, the No Net Loss in Biodiversity calculation produces three separate outputs:

- Area-based habitats, measured in area-based biodiversity units;
- Hedgerows, measured in hedgerow biodiversity units; and
- Watercourses, measured in watercourse biodiversity units.

In 2017, consultants acting on behalf of HS2 Ltd completed a biodiversity accounting assessment based on the Phase One scheme at Royal Assent. This assessment incorporated all Additional Provisions and a limited number of further amendments where it was known changes were to be brought forward either through agreement with landowners, or other separate consents. This assessment is referred to as the '2017 Baseline'.

The 2017 Baseline report was shared in draft with HS2 Ltd's Ecology Review Group (ERG) in October 2017 for review and scrutiny. The ERG was established following recommendations from the Environmental Audit Committee's review of HS2 in 2014. Its primary role is to scrutinise monitoring data relating from ecological mitigation and compensation measures delivered by HS2 Ltd.

Since 2017, HS2 Ltd has required its contractors to seek to achieve No Net Loss in Biodiversity through the subsequent design and construction phases of Phase One of HS2 and to undertake further calculations to monitor progress against the 2017 Baseline.

HS2 Ltd remains committed to transparent reporting of ecological and biodiversity performance. Progress continues to be reported to the Ecological Review Group and published through HS2 Ltd's annual Environmental Sustainability Progress Report⁴, providing accountability and transparency regarding the actions being taken and the outcomes achieved.

⁴ <https://www.gov.uk/government/publications/hs2-environmental-sustainability-progress-report>