



Ministry of Housing,
Communities &
Local Government

Rt Hon Dame Cheryl Gillan DBE MP
House of Commons
London
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Mrs Heather Wheeler MP
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Dear Cheryl,

I was grateful for your contributions to Mike Hill MP's Westminster Hall debate of 13 May regarding e-petition 244233 and developers' use of netting that prevents birds nesting. You asked the valid question why, given the scale of HS2's potential environmental impact, the Government does not make it mandatory for net gain for biodiversity on this project immediately.

In response to the interventions yesterday, I agreed that that any amendment to the legal framework of HS2 would need primary legislation. While this is factually correct, I am aware this may have been interpreted as implying the Environment Bill will introduce this measure. I need to confirm that is not the Government's intention.

The Environment Bill will not introduce any further measures to prevent bird netting. It will introduce mandatory biodiversity net gains for development within the normal planning process of local decision-making. The Government will publish the response to the net gain consultation soon.

As you know, work on the HS2 project was authorised under the HS2 Phase One: High Speed Rail (London to West Midlands) Act which received Royal Assent on 23 February 2017. HS2 is thus outside the normal planning process of local decision-making, and it is not categorised as a Nationally Significant Infrastructure Project.

Nevertheless, work on HS2 should respect national policy on the environment, biodiversity and net gain. HS2 Ltd and its contractors are committed to mitigating the impacts of their scheme, placing much of the railway in tunnel or

cutting, creating new habitats for protected species affected, and funding projects to enhance the local environment. They produced the Environmental Statement available at <https://www.gov.uk/government/collections/hs2-phase-one-environmental-statement-documents>

You were right to imply that the actual performance of HS2 Ltd in fulfilling its commitments in this area should be monitored carefully; especially with regard to the consistency and effectiveness of its use of ecologists' expertise to ensure harms to biodiversity are indeed avoided or mitigated.

I am copying this letter to colleagues in the Departments for Transport and Environment, Food & Rural Affairs, and to Mike Hill and Kerry McCarthy MP given their shared interest.

I am depositing a copy of this letter in the library of the House.

A handwritten signature in cursive script, appearing to read "Heather Wheeler".

MRS HEATHER WHEELER MP