



Q4. If appropriate, what is your organisation?

VINE - Values In Nature and the Environment. A not-for-profit organisation with 200 members drawn from some 180 nature conservation organisations focusing on values and ethics in nature conservation. www.vineproject.org.uk

Q7. Do you think the Government should introduce a biodiversity offsetting system in England?

NO. UNLESS all ANCIENT natural/semi-natural habitats (such as are currently protected under national and international statutory wildlife designations) are EXCLUDED from consideration for the 'offsetting' option.

Examples of such protected habitats would be those protected under the Annex 1 of the Habitats Directive and Section 41 of the 2006 NERC Act, and include those found within SSSIs and NNRs. Such habitats, including ancient woodland, heathland, grasslands, etc have established species assemblages over centuries which just cannot be recreated on 'offset' sites.

By analogy one might ask questions such as would it be okay to burn all the Rembrandts in the world, as long as we'd got some photocopies of them somewhere? Would it be okay to destroy all record of Bach's music, as long as we'd got the latest 'Now That's What I Call Music 229'? Would it be okay to knock down our ancient monuments as long as we build copies of them - but they'd all be without all the fine detail of the originals, without any of their cultural and archaeological value, with all sorts of parts missing.

Q8. Do you think the Government's objectives for the system and the characteristics the Government thinks a system would display are right?

NO, unless ancient sites as described in Q7 above are excluded from consideration for offsetting.

Better to perhaps consider a Land Value Tax system where overall the effect will be to concentrate development on existing brown-field land and make better use of it, than to take pristine new land. I.e. landowners of underdeveloped land would not benefit from the granting of planning permission as that increased rental value will be extracted in tax. Developers can still turn a modest profit from construction but as no huge windfall gains are to be made there will be no incentive for large lobbying efforts to gain planning permission.

Q9. Do you think it is appropriate to base an offsetting system on the pilot metric?

NO. There should be a system of financial penalties overseen by the statutory nature conservation bodies (i.e. Natural England/Defra) for non-delivery of offset objectives. There is the HUGE problem of what to do with development companies who fail to complete and deliver SUCCESSFUL offsetting schemes! It is easy for them to commit to a scheme when they are submitting a planning application but once the development has gone ahead their commitment and expertise in managing offset land in a way that delivers prescribed results is likely to be found wanting. There should be SEVERE financial penalties at appropriate intervals (e.g. 5, 10, 15, 20, 30, 40 year intervals) for companies who are less than successful in delivering on the objectives they have signed up to. We have all seen planning approvals that required

growing of tree screening belts around developments but after initial planting there is no follow up maintenance and the screen never happens. Creating wildlife habitat requires far more commitment than a tree screen!

Q10. If you think the pilot metric is the right basis for an offsetting system. Are there any other changes you think should be taken into account?

We don't think it is right BUT at the very least there should be severe financial penalties for non-delivery and maintenance of objectives over many decades.

Q11. Do you think offsetting assessment should be used when preparing a planning application for a project?

YES, for all non-designated sites. Designated sites and those supporting Article 41 habitats must be excluded from development.

Q12. Do you agree that it should be the responsibility of planning authorities to ensure the mitigation hierarchy is observed and decide what offset is required to compensate for any residual loss?

NO. It should be a statutory wildlife authority i.e. Natural England.

13. Do you think biodiversity offsetting should have a role in all development consent regimes?

NO. Designated wildlife sites should not be developed.

14. Do you think developers should be able to choose whether to use offsetting?

NO. If used, it would need to be a statutory requirement.

15. If you think developers should be required to use offsetting do you think this requirement should only apply above a threshold based on the size of the development?

No. It should apply to all developments.

16. Do you think there should be constraints on where offsets can be located?

YES. Offsets should be placed in the location where there is the greatest likelihood of success considering such things as underlying geology, soils, climate, nearby species 'seeding' sites and management availability. Obviously it must not negatively impact on existing habitat of conservation value (for example recreating heathland on existing lowland acid grassland of conservation value)

19. Do you think offsetting should be a single consistent national system without scope for local variation?

YES.

20. Do you agree with the proposed exceptions to the routine use of biodiversity offsetting?

The Great Crested Newt example does have merits, provided the exceptions do not become the norm.

21. Which habitats do you think should be considered irreplaceable?

(Ticked boxes for ancient woodland, and limestone pavement).

Commented: All ancient habitats such as ancient woodland/ heathland/grasslands which have species assemblages established over centuries that just cannot be recreated on 'offset' sites.

22. Do you think offsetting should, in-principle, be applied to protected species?

Ticked the YES box.

23. Has the Government identified the right constraints and features that need to be addressed when applying offsetting to protected species?

Ticked the YES box.

24. Do you agree that great crested newts should be the first area of focus?

Ticked the YES box.

27. Do you think conservation covenants should be put in place as part of an offsetting system?

Ticked the YES box. Management Agreements might be better (Q 28) but possibly use conservation covenants on some land.

If they are required, who do you think should be responsible for agreeing conservation covenants?

A public body with suitable ecological expertise (e.g. Natural England).

28. Do you think management agreements should be put in place as part of an offsetting system?

Ticked the YES box. A public body with suitable ecological expertise (e.g. Natural England).

29. Do you think an offset register should be put in place as part of an offsetting system?

Ticked the YES box. A public body with suitable ecological expertise (e.g. Natural England).

30. How long should offsets be secured for? (Options: perpetuity, fixed time span, case-by-case.)

In perpetuity - otherwise losses will occur down the road.

32. Do you think biodiversity offsetting should be "backdated" so it can apply in relation to any planning applications under consideration at the point it is introduced?

Ticked the YES box.

33. Do you think an offsetting system should take a national approach to the question of significant harm and if so how?

Ticked the YES box. Assessment by a public body with suitable ecological expertise (e.g. Natural England). We do not like the other four options suggested.

34. Do you think any additional mechanisms need to be put in place to secure offsets beyond conservation covenants?

Ticked the YES box. Whichever of your 'financial arrangement' examples provides the best financial security without incurring high administration costs.

35. Do you think there should be constraints on what habitat can be provided as an offset?

Ticked the YES box. A combination of the options suggested. To be determined by a public body with suitable ecological expertise (e.g. Natural England).

36. Do you agree an offsetting system should apply a strategic approach to generate net ecological gain in line with Making Space for Nature?

Ticked the YES box. There are pros and cons of the suggestions provided. Probably favor the 'hybrid' and 'enabling' models.

37. Do you think habitat banking should be allowed?

Ticked the NO box.

38. Do you think maintaining an environmental gain that might otherwise be lost should count as an offset?

Ticked the NO box. Offsetting should be directly linked to the development proposal.

39. Do you think it is acceptable or not to use biodiversity gain created for other purposes as an offset?

Ticked the NO box. Offsetting should be directly linked to the development proposal.

40. How do you think the quality of assessments should be assured and who by?

To be determined by a public body with suitable ecological expertise (e.g. Natural England).

42. Do you think the metric should take account of hedgerows?

Ticked the NO box. Look for the best habitat wildlife gain.

43. Do you think it should be possible to offset the loss of hedgerows by creating or restoring another form of habitat?

Ticked the YES box. Look for the best habitat wildlife gain.

45. Do you have any other feedback or comments that have that not been captured in the previous questions?

Quote:

“It is not, what a lawyer tells me I may do; but what humanity, reason, and justice, tells me I ought to do”. Edmund Burke, *The father of modern conservatism.*

We note the irony of this consultation being undertaken as the result of a clause in the draft Deregulation Bill, which 'regulates' (with the economic 'growth duty') bodies such as Natural England, to control their ability to regulate threats to biodiversity etc. The references in this draft Bill to 'pointless' red tape are extraordinary and we are reminded of the existing statutory duty that all levels of government, from central, to local, including parish, should have due regard for enhancing biodiversity. 'Enhancing' biodiversity by first allowing 'loss' of biodiversity is for us hard to rationalise and seems to be a way of overcoming many earlier 'wildlife and habitat protection' legislation at a stroke! We are sorry if this sounds cynical but we note that it appears preparation is being made to give biodiversity offsetting the go ahead before this consultation exercise is even completed. We do hope our fears for losses of 'historic' and therefore irreplaceable wildlife sites are unjustified.