

Wildlife and Countryside Link response to Defra's consultation on biodiversity offsets

February 2011

Wildlife and Countryside Link (Link) brings together over 30 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 690,000 hectares of land.

This consultation response is supported by the following 17 organisations:

- Amphibian and Reptile Conservation
- Badger Trust
- Buglife – The Invertebrate Conservation Trust
- Bat Conservation Trust
- Butterfly Conservation
- Campaign for National Parks
- Campaign to Protect Rural England
- The Grasslands Trust
- The Mammal Society
- Open Spaces Society
- People's Trust for Endangered Species
- Plantlife
- Pond Conservation
- Royal Society for the Protection of Birds
- Woodland Trust
- Wildfowl & Wetland Trust
- WWF-UK

Link welcomes the opportunity to respond to Defra's consultation on biodiversity offsets. If we are to meet our EU and global commitments to halt and restore the loss of biodiversity by 2020 then a significant revitalisation of delivery mechanisms is required. Link believes that biodiversity offsets could be a potential solution at addressing biodiversity decline, but a clear, robust system would need to be in place for this to have the desired effect.

Link has some concerns with Defra's position stated in the consultation, which we have highlighted below. For a biodiversity offsets system to work, we believe that the following issues would need to be addressed. This is not currently clear in Defra's consultation.

1. The planning system

There is no clear road map on how this system will interact with the planning system. A fundamental issue would be to address this gap, as for any offset system to work will relate to the degree to which its implementation is supported by the planning system's legal and policy framework. Currently the role of the Department for Communities and Local Government is not clear and should be addressed before further progression of this mechanism. There are discussions going on regarding the new National Planning Policy Framework (NPPF) and further development of biodiversity offsets should be linked to this in particular existing work that has been done through the Local Biodiversity Action Plan

(LBAP) process. Link believes that the NPPF should set some guiding principles for further development of biodiversity offsets. Link has devised principles of what we think a good offsetting system should include (see Annex A, page 4).

Greater consideration should be given to whether there is an opportunity for very localised assessments to be undertaken through the neighbourhood planning process. Neighbourhood plans will require a Strategic Environmental Assessment to be carried out as part of the process before they are adopted, which may be a good place for a biodiversity assessment to take place through establishing the baseline.

2. Defra's guiding principles

Link agrees with some of the principles that Defra has set out in its consultation, particularly;

- Building on existing levels of protection for biodiversity;
- Delivering real benefits for biodiversity – expanding and restoring the existing ecological network, and not merely protecting what is already there;
- Be additional – not deliver something that would have happened anyway.

However, we have some concerns that there is an emphasis on this system being straightforward and transparent, rather than delivering for biodiversity. Although we support simplification, delivering for biodiversity should be at the heart of any offsets system. We also believe that as well as involving local communities, conservation experts should be included in any development and offsetting decisions. Link welcomed the recent publication from Sir John Lawton, *Making Space for Nature*, and was supportive of many of the recommendations set out in this report. We believe that the biodiversity offsetting principles should be more ambitious following the recommendations set out in this review.

Ensuring that an offsets initiative does not dilute the protection afforded to the natural environment through the planning system, and achieving quality habitat creation or restoration, in the right places to support conservation priorities, will be the key tests of success. As part of the Natural Environment White Paper and the England Biodiversity Strategy (EBS), we are looking for a spatially explicit framework about what wildlife (species and habitats) is needed to be restored/ created in any given geographic area. Delivery of offsets should tie in with that framework. For example in any National Character Area (NCA), these priorities should be species, habitats and landscape scale conservation and the deployment of biodiversity offsets should align with these identified priorities, where appropriate e.g. where net gain is an objective.

This necessitates a commitment to developing local biodiversity objectives, set in the context of national objectives and a strong link between biodiversity conservation and the regulation of land use planning. This will need to be supported by effective data and monitoring systems so that objectives can be set in a meaningful way and the progress towards achieving these is being tracked. Importantly, products need to be generated from this to allow good communication between all stakeholders. These systems need to ensure that all the components of biodiversity are being safeguarded and enhanced and this is an essential element for determining whether 'biodiversity offsetting' is achieving the desired outcomes for biodiversity conservation. Simplistic 'trading' of equivalent value habitats may lose significant and/ or locally characteristic wildlife.

3. Existing and future mechanisms

Biodiversity offsets must be seen as complementary to the international and national legislation already existing and in line with the aims and objectives of the forthcoming Natural Environment White Paper. Species and habitats whose loss cannot be compensated need to be identified, and their exclusion from the application of the 'offsetting mechanisms' need to be made explicit within the biodiversity offsets policy. It also needs to provide a net gain over and above what is already being achieved through implementation of existing legislation and policy. Biodiversity offsets are likely to be most successful if set within a better integrated and effective framework of conservation policy and legislation.

4. Overarching comments

- Overall, Link feels strongly that a clear vision or objective of how this system will deliver for biodiversity through the provision of quality offsets is a necessity. We are concerned that a poorly implemented offsets system could have a negative effect on biodiversity and smart regulation needs to be explored for this system to work. Biodiversity offsets needs to be seen as one mechanism to contribute to the overall objectives of biodiversity conservation, while indirectly contributing additional ecosystem services and further multifunctional benefits and not an end in itself. Monitoring needs to be put in place to demonstrate that these objectives are being met.
- As previously stated, biodiversity offsets are an additional mechanism designed to address a specific conservation issue, and will not replace other existing mechanisms that contribute towards it.
- This mechanism will be tested by its ability to deliver specific benefits for biodiversity conservation; species' populations enhanced and restored, habitat extent and quality improved, in locations where it is most needed.
- Link is not persuaded that the voluntary, opt-in approach outlined in Defra's papers will match the Government's commitments and aspirations. It is unlikely to result in any significant change to the status quo where, with the exception of Natura 2000 sites and European Protected Species, biodiversity loss and damage due to development goes largely uncompensated and / or unpunished and so there is little incentive to avoid such damage. Any offsets systems would need to be reviewed, which should include an evaluation of the net effects on UK BAP related species and habitats.
- There are discussions ongoing regarding the Natural Environment White Paper about a better understanding of the wildlife value of any given area and biodiversity offsets should be linked to this.
- From further information fed through to Defra and other colleagues, we are aware of the thinking on metrics and multipliers in the development of credits system; we urge simplicity in implementation of the overall scheme to allow greater buy-in, but expressly designed to ensure that the delivery of offsets meet the conservation objectives of habitats and species being affected.

Annex A

Please see below, Wildlife and Countryside Link's principles of what a good biodiversity offsets scheme would look like.

Principles of a good system¹

1. A credit scheme is not a replacement for existing biodiversity protection and enhancement mechanisms or a substitute for avoidance or mitigation of negative impacts. We agree with the Lawton principle that: 'Biodiversity offsetting must not become a 'licence to destroy' or damage existing habitat of recognised value. In other words, offsets must only be used to compensate for genuinely unavoidable damage. Development should avoid adverse impacts first, mitigate impacts second and compensate for unavoidable impacts as a last resort.' It could form a significant tool within the planning system, where it sits alongside additional policy, guidance, legislation and initiatives to halt and reverse biodiversity loss.
2. Lessons must be learnt from similar schemes in other countries, particularly where there are examples of biodiversity offset schemes resulting in net biodiversity loss.
3. At a minimum there should be no net loss and should be net gain for biodiversity in and around areas where development will occur.
4. The scheme should contain mechanisms for ensuring that the quality of new habitats is at least equivalent to the quality of habitats that are being lost. The timing of habitat replacement must take into account the need to sustain species populations impacted through habitat loss. The location of replacement projects should take into account landscape character and access for local people affected by species and habitat loss.
5. Special consideration in the scheme design will be required to take account of the increasing vulnerability of rare, threatened and declining species and habitats. Certain species and habitats must remain or become, protected outright through legislation, site protection and planning guidance from destruction as their displacement to another area or re-creation is practically unachievable.
6. Species and habitats require adaptation mechanisms in the face of climate change, including landscape-scale conservation, connectivity and site safeguard. Yet it is important to note that small-scale action, targeted in the right places is also essential for maintaining biodiversity and to ensure there are stepping stones between larger sites.
7. Any scheme must include measures to monitor quantity and quality of 'conservation land' created or secured by the scheme. Assessment of success should be undertaken by a body independent from those responsible for delivering new habitat or managing secured habitat.
8. Finance for the scheme should be clearly ring-fenced and it should be impossible for it to be used for other initiatives, related or unrelated. The exploration of new innovative methods of securing funds for habitat management should be encouraged.
9. Any scheme should seek to contribute to national or regional conservation objectives through delivery at a local level.
10. The existing range of spatially explicit 'nature maps' and emerging information on species dispersal, habitat restoration and creation should be employed as reference material, and supplemented as necessary by thorough in situ survey.

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¹ http://www.wcl.org.uk/docs/2009/Link_response_Conservation_Credits_14Aug09.pdf