



intergenerational foundation

Fairness for Future Generations

A response to the public consultation on biodiversity offsetting

Who we are...

The [Intergenerational Foundation](#) (IF) is a think tank which researches fairness between the generations in the UK, in order to protect the interests of younger and future generations, who are at risk of being ignored by current policy-makers.

Our response...

The following section contains our responses to the questions from the green paper on biodiversity offsetting where we feel IF possess a relevant viewpoint to add to the debate:

Question 1: *Do you think the Government should introduce a biodiversity offsetting system in England?*

IF agrees that a biodiversity offsetting should be introduced in England, as this would help to create intergenerational fairness in two important respects. Firstly, it would protect the quality of the natural environment for future generations, to whom we owe a duty of stewardship to ensure that the environment which we pass on to them is in no worse condition than the one which the present generation inherited from its predecessors. Secondly, it should make it easier to build houses and critical infrastructure projects which the current younger and future generations need if they are going to be able to prosper in the future.

Question 2: *Do you think the Government's objectives for the system and the characteristics the Government thinks a system would display are right?*

IF agrees with all the objectives and characteristics for the system, as they seem likely to achieve the twin aims of making developments which would benefit future generations easier to build while also protecting the quality of the natural environment which they will inherit.

Question 5: *Do you think offsetting assessment should be used when preparing a planning application for a project?*

IF believes that offsetting assessments should be integrated with the existing planning process and produced as part of planning applications for projects, as this will provide a relatively simple and straightforward means of assessing what the net environmental impacts of a project will be before it has been built.

Question 6: *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? If not, why, and how do you think offsetting should be approached in the planning system?*

IF believes that there would be a significant drawback to allowing individual local planning authorities to determine how much offset is required before a project can be built, which is namely that it would be possible for local authorities who wanted to discourage development to demand unfeasibly large amounts of offset as a means of preventing developments from going ahead. For this reason, it would be preferable if the biodiversity offsetting component of all planning applications was assessed centrally by DEFRA, with there being a system in place through which developers could appeal against the amount of offset which has been demanded from them if they feel it is excessive.

Question 7: *Do you think biodiversity offsetting should have a role in all development consent regimes?*

IF believes that biodiversity offsetting should have a role in all relevant development consent regimes where a balance needs to be struck between the need for new development and the responsibility of protecting the natural environment.

Question 8: *Do you think developers should be able to choose whether to use offsetting? If so what steps could Government take to encourage developers to use offsetting?*

IF believes that developers should be allowed to choose whether to use offsetting, as this would give them the greatest possible flexibility to use it in situations where it is the most effective method of reducing net harm to the environment, while also enabling them use alternative strategies for projects where there is an obvious alternative which is likely to produce better results. Of course, developers would be encouraged to use offsetting if plans which included it were more likely to be granted planning permission than those that propose alternative methods of minimizing environmental impacts.

Question 9: *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? What level should the threshold be?*

IF believes that the threshold should be such that the requirement to offset would only apply to relatively large-scale development projects or ones which are located in especially sensitive areas, as the environmental impacts of small-scale developments are unlikely to be significant enough to be worth offsetting.

Question 10: *Do you think there should be constraints on where offsets can be located? If so what constraints do you think should be put in place?*

IF believes that it will have the greatest benefit to the rest of society if development is allowed to take place in areas where economic demand is greatest (especially London and the South East) and conservation activities are restricted to areas of less economic importance. This is because restricting development in favour of conservation activities in more economically valuable areas will lead to undesirable outcomes such as higher land prices where development is permitted, creating economic distortions and harming people who are trying to get on the property ladder. Therefore, the scheme should be designed in such a way that developers are able to locate offsets in less economically valuable areas.

Question 13: *Do you think offsetting should be a single consistent national system without scope for local variation?*

IF believes that the system should mostly be run on a national basis (preferably by DEFRA) in order to avoid local planning authorities who are opposed to development being able to use biodiversity offsetting requirements to block development in their areas.

Question 15: *Which habitats do you think should be considered irreplaceable?*

IF believes that certain habitats need to be protected outside the offsetting scheme for the enjoyment of future generations, because it would be virtually impossible to replace them in their current form on any meaningful timescale. Ancient woodlands are an obvious candidate for this type of protection, although there are likely to be others and a full assessment would need to be carried out by DEFRA prior to the launch of a national offsetting scheme to clarify which habitats are irreplaceable. It would also be responsible to protect rare and endangered native species (and their habitat) in a similar fashion.

Question 16: *Do you think offsetting should in principle be applied to protected species?*

As stated above, IF believes that offsetting should also be applied to protected species, as they are of great ecological value to future generations. This means that it will be necessary to find an appropriate method of measuring the precise ecological value of a particular species and calculating how to offset this value, which may be difficult in some cases.

Question 21: *Do you think conservation covenants should be put in place as part of an offsetting system? If they are required, who do you think should be responsible for agreeing conservation covenants? If not, how else do you think offsets could be secured for the long-term?*

IF believes that there is a difficult balance to be struck between protecting the natural environment for future generations and not placing so many controls on how land can be used that future generations are hamstrung in their ability to undertake vital development projects. If conservation covenants are used then it is important that they should only be in operation for a fixed period of time (such as 50 years) so that planning authorities in the future are able to respond to changing conditions.

Question 22: *Do you think management agreements should be put in place as part of an offsetting system? If they are required, who do you think should be responsible for agreeing management agreements?*

IF believes that management agreements, like conservation covenants, could be useful but they should also contain sunset clauses for the reasons explained above.

Question 23: *Do you think an offset register should be put in place as part of an offsetting system? If so, who do you think should be responsible for maintaining an offset register?*

IF believes an offset register would be a useful means of regulating the offsetting scheme and ensuring that developers and planning authorities are held to account to ensure that it is working in the way it is supposed to. It would make sense for the register to be maintained by a national environmental body, such as DEFRA.

Question 24: *How long should offsets be secured for?*

As explained elsewhere in this consultation response, IF believes that a balance needs to be struck between protecting the environment for future generations and not placing an excessive burden of restrictions on their ability to undertake beneficial development in the future. Therefore, offset schemes should probably contain sunset clauses, of perhaps 50 years' duration, after which the piece of land which contains the offset could possibly be developed.

Question 25: *Are there any long-term factors, besides climate change, that should be taken into account when securing offsets?*

IF believes that the interests of future generations are of primary importance to this issue, and while securing the natural environment for future generations is important, it should not be automatically assumed that future generations will have the same priorities with regard to conservation which we do today. Therefore, offsets need to be designed in such a way that they protect the environment today, but they do not tie the hands of future generations in perpetuity.

The remainder of the questions in the consultation document address highly technical details of how an offsetting scheme could be implemented on which IF does not wish to express a view.

Conclusion...

In order to help promote the interests of younger and future generations, IF would be willing to discuss any of these ideas further with DEFRA.

For more information about the Intergenerational Foundation and its work, please visit www.if.org.uk or contact Liz Emerson, Co-Founder at liz@intergenerational.org.uk.

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