

THAMES CROSSING ACTION GROUP

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Response to Consultation on Biodiversity Net Gain Regulations and Implementation

Thames Crossing Action Group is a community group which represents thousands of people who are strongly opposed to the proposed Lower Thames Crossing (LTC). The £8.2bn LTC would be hugely destructive and harmful; it would not meet the project objectives, and is not fit for purpose.

Feedback on participation in consultation

Sadly we feel the need to comment that we find this consultation to be extremely technical and not at all user friendly for members of the public.

More and more people are feeling the need to take part in consultations like this, because of the terrible negative impacts to biodiversity and our lives, health and wellbeing due to the massive amounts of development projects throughout the country.

The numbering of the questions doesn't even match up between the pdf that details the consultation and the online form, which adds to confusion.

We would have hoped that a consultation such as this could have been laid out in a way that made the materials and questions much more clear and informative for the general public.

Part 1

Since our group represents those opposing an NSIP our responses to this section are limited.

In regard to exemptions, we do not believe that NSIP should be exempt from Biodiversity Net Gain, neither should any associated legacy projects. For instance with the proposed Lower Thames Crossing there should be no exemptions for the project as per the DCO application. Nor for any projects National Highways/LTC deem to be legacy projects.

Hole Farm Community Woodland would be a prime example, the proposal of this site was originally advertised as improving biodiversity along the National Highways major routes, in this case the M25. Yet they have been attempting to associate it with the LTC project.

This is agricultural land which would see a variety of biodiversity, which may vary from that which they are proposing by nature of a woodland. Skylarks, corn buntings, etc that are birds that nest in the ground usually in agricultural settings, would be impacted if an application was submitted to change the agricultural land to woodland.

Many developers cannot be trusted to obtain an adequate and realistic baseline of biodiversity either. We know from London Resort that the developer did not have adequate

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ecology surveys to identify that it had the potential to be designated a Site of Special Scientific Interest (SSSI). It came down to community and NGOs to step up and get the SSSI status for the site, the developer would have just pushed ahead with their plans and destroyed an SSSI.

Irreplaceable habitat is just that and should never be considered for any development, whether it be direct loss or impacted in any way.

Clear definition is needed on what is considered Irreplaceable habitat, and that should most definitely include ancient woodland, and grade 1 listed agricultural land. Ancient woodland should also include woodland that deserves ancient woodland status, but has not yet been designated, such as smaller ancient woodlands that have not yet been designated. Provision also needs to be put in place to ensure that woodland that is almost ancient is saved and protected too, or it will never get a chance to reach ancient woodland status. We need a gain in ancient woodland too, and the only way for that to happen is to ensure that we futureproof and protect the woodlands that are on their way to ancient woodland status!

To conclude on the topic of exemptions we do not believe that any NSIP should ever be considered exempt from Biodiversity Net Gain requirements/law. And Irreplaceable habitat needs to be protected from loss or impacts no questions asked, a complete no go area.

Part 2

Since our group represents those opposing an NSIP our responses to this section are limited to points that are or we consider to be relevant to NSIPs.

NSIPs

Question 17 Are any targeted exemptions (other than that for irreplaceable habitat), reduced biodiversity net gain objectives, or other modified requirements necessary for the application of the biodiversity net gain requirement to NSIPs?

No

There should be absolutely no exemptions for NSIPs in regard to biodiversity net gain requirements. By nature these are huge destructive and harmful projects so it is essential that they be governed by at least the same, if not stronger laws and requirements. If developers question this then there is likely a serious issue with their development. If they cannot comply with the biodiversity net gain requirements they should not be granted permission.

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Question 18 Do you agree that the above approach is appropriate for setting out the biodiversity net gain requirement for NSIPs?

No

Plans to address the issue of biodiversity loss date back to at least 2010, that's around 12 years ago, in Nagoya, Japan when global agreement was reached to take urgent action to halt the loss of biodiversity.

Yet still we have outdated policies, such as National Policy Statement for National Networks (NPS NN) that projects like the proposed LTC would be examined against. They are not strong enough policies, and not legally compliant on climate grounds. The NPS NN is currently being reviewed, thanks largely to Transport Action Network's legal threat.

The fact that the policy is not being suspended whilst it is reviewed, whilst knowing that it is not legally compliant is a disgrace, and suggests that Government doesn't truly care about climate change or biodiversity if NSIPs are allowed to continue to be pushed through regardless of the destruction and harm they would cause. The fact that it would have an impact on developers/construction companies etc is not a good enough reason. The simple fact is priority should be given to ensuring a healthy sustainable planet for our future existence is essential, and should always be rated of higher importance than economic growth and financial gain.

The NPS NN states:

"5.32 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.¹ Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this."

How can this ever be deemed acceptable when we are trying to reach biodiversity net gain? It should not be up to the decision-maker, in this instance the Secretary of State for

¹ This does not prevent the loss of such trees where the decision-maker is satisfied that their loss is unavoidable

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Transport, as their interest by the nature of their position is in favour of transport, not the environment and biodiversity.

This section of the NPS NN is not the only one whereby the decision-maker has the right to decide whether the 'need' for the project outweighs the harm the project would cause. Section 5.35 in the NPS NN would be another prime example, and there are others. The decision maker usually has a vested interest in the development proceeding, by the nature that it is their job to progress such developments. As mentioned previously the Secretary of State for Transport would be in favour of transport developments, rather than favouring the environment and biodiversity.

We are seeing an increasing amount of DCOs being recommended for refusal by the Planning Inspectorate (PINS) only for the decision-maker to overrule and go against the recommendation. We have PINS in place to examine these DCO applications, yet government is not giving their work and their recommendations the respect it deserves.

There is also the aspect the projects like the proposed LTC would impact ,and destroy/impact flood plains, which in turn not also harms the biodiversity that exists in flood plains but also furthers the risk to other areas that would not normally be subjected to flooding and in turn harm the biodiversity in those areas too.

This is as well as the impacts to the actual river through coastal erosion which would likely be increased due to the nature of the impacts to flood plains. If the water can no longer escape the river into the flood plains additional pressure would be put on river banks causing further erosion.

There will also be an outlet into the river from the LTC, which we are told should be cleaned before discharge, but all too often we are hearing of dirty water being discharged into the rivers, seas and oceans, so monitoring needs to be put in place to ensure this does not happen, as it would harm biodiversity with PM2.5 etc.

This would also be the case with run off from the LTC into watercourses etc, with growing evidence of just how harmful PM2.5, especially from roads, can be to biodiversity. With potential contamination from construction being an additional concern too.

The importance of biodiversity is not something new. Developers on NSIPs projects should be more than aware of the importance and value of biodiversity. There should be no need to have to slowly phase it in.

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The bar has been set far too low for developers for far too long. Biodiversity offsets that feature in the NPS NN should not be allowed either. If a project cannot avoid or properly mitigate significant harm it simply should not be allowed to progress.

The major problem with the NPS NN is that it is so outdated, and prioritises development over the natural environment, which is completely unacceptable at a time of climate emergency. The need for action against climate change is far more important, since it is critical to a planet that can continue to sustain a health environment for our existence, than the 'need' for new infrastructure.

Question 19 Do you consider that the November 2025 is an appropriate date from which NSIPs accepted for examination will be subject to the biodiversity net gain requirement?

No, it should be sooner

For all of the reasons highlighted above, and more, 2025 is not soon enough to introduce the new requirements they need to be brought in as quickly as possible, preferably with immediate effect. This is not something we can afford to wait on implementing.

Any NSIP that had been granted DCO, but not been completed at the time the Environment Act was passed in Nov 2021 should be liable for retrospective biodiversity net gain. Meaning all projects that were still to be completed past Nov 2021 should have to retrospectively ensure the biodiversity net gain is achieved in relation to their project. As well as any projects that submit their DCO since Nov 2021 should have the same requirements. This is an urgent matter, not something that can be left for years before implementing.

In regard to the statement in the consultation materials:

“As the UK Government has previously stated, HS2’s development will not be subject to the Environment Act’s biodiversity net gain requirement because adding processes at this advanced stage of design maturity would cause significant delays and cost. However, the UK Government has now made a policy commitment to aim to deliver a net gain in biodiversity on the next phase of HS21”

We would say that rather than focusing on delays and financial costs we should be focusing on how we cannot afford delays in working towards a more biodiverse rich country, because the cost of not doing so could be catastrophic.

Something we are experiencing and extremely concerned about in regard to biodiversity in regard to the proposed Lower Thames Crossing is the loss and impacts to woodland that

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may not yet have been designated the status it deserves. For instance, we have managed to source evidence in regard to The Wilderness in South Ockendon, Essex, that we believe shows it should be awarded Ancient Woodland Status. Yet National Highways refuse to identify it as an Ancient Woodland, because obviously that suits their needs and wants. More needs to be done to research and survey sites, and have them awarded their worthy status, and at very least given the respect they deserve. Currently there seems to be no recognition of sites value unless they have been awarded official status. If for instance a woodland can be dated back to 1767, and be shown on a map as being known as The Wilderness (which does not suggest a young woodland) then surely it should not be treated the same as if it was planted in more recent times?

In a time of climate emergency we need greater urgency when it comes to saving and protecting the natural environment, and we need actions to back up ambitions and talk. This cannot wait until 2025, whilst hugely destructive and harmful projects such as the proposed LTC are pushed through. It feels like the requirements and laws are being delayed to allow all the major projects to be pushed through before they become subject to the new requirements/laws, to avoid failure. The only failure we truly need to be concerned about is ensuring a planet that can sustain a healthy existence. Things like roads and money are not going to be what ensures a healthy sustainable future, healthy biodiversity will.

We cannot rely upon an outdated policy such as the NPS NN to safeguard biodiversity until such time as we eventually get round to introducing the new requirements/law. The NPS NN and other outdated policies need to be suspended with immediate effect until at very least emergency strategy can be included in them to ensure adequate safeguarding of biodiversity and climate protection that reflect the times we are living in, we need urgent action and changes now.

Question 20 Do you agree that a project's acceptance for examination is a suitable threshold upon which to set transition arrangements?

No

The new requirements need to come in asap, and we'd go as far as to say that any NSIP that was not completed by Nov 2021 or submitted or submits a DCO application from Nov 2021 should be subject to the new requirements with immediate effect. This means we deem it necessary for NSIPs to retrospectively comply with biodiversity net gain if they have already progressed past DCO submission. Any submissions from now on must reevaluate their projects and they cannot be submitted unless they agree to comply with the new requirements/law.

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We also believe that it should be compulsory for NSIP developers to have to disclose a certain level of information on ecology surveys and biodiversity net gain plans publicly prior to DCO application submission.

The natural environment and biodiversity is something that is not only very important for the public to know about, but also to be given the opportunity to have our say on during consultation, prior to DCO submission. Currently NSIP developers, like National Highways are withholding too much information until the DCO application is accepted for examination.

We have lost count of all the info they refuse to share with us in regard to the proposed LTC. More transparency is needed. How are we supposed to give meaningful responses to consultation about environmental issues when developers will not share the info we need to fully understand and assess the situation?

We believe this is being done to allow them to put extra pressure on us and make it as hard as possible for people to react and have our say during the DCO process, when time is limited and documentation is extensive. Tens of thousands of pages of documentation for an NSIP like the proposed LTC, and we will only see much of the info for the first time when the DCO application is accepted for examination. That is not acceptable in a democratic process.

Question 21 Would you be supportive of an approach which facilitates delivery of biodiversity net gain using existing landholdings by requiring a lighter-touch registration process, whilst maintaining transparency?

No

There should be no allowance for offsite biodiversity net gain in any circumstances. National Highways and others estates are usually made up of land obtained under DCO for projects. That land should have only been included in an NSIP DCO if it is critical to that specific project. Therefore it should not be allowed to be included in other projects as a means of biodiversity net gain. There would also be a risk of such estates being traded in offsetting which we do not believe should be allowed under any circumstance either. Biodiversity is essential to our existence and we should not be treating it as a tradeable commodity, it should be given the respect it deserves.

The likes of National Highways cannot be trusted with such matters either. Currently they are trying to claim Hole Farm, near Great Warley as a National Highways project to improve biodiversity along their major routes in this case the M25, as well as a legacy project for the

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proposed LTC, and a Community Woodland project that will progress regardless of whether they get permission for LTC or not. They are using this piece of land, which has been bought using taxpayers' money to greenwash their plans.

Any biodiversity net gain should fall within the NSIP DCO order limits. We should also remember that biodiversity net gain should include all creatures and habitat which should include humans. Nature has very strong benefits for our health and wellbeing, and therefore offsite biodiversity net gain allowances can remove biodiversity from areas that would otherwise have benefited from the natural environment. We'd see offsite biodiversity net gain miles and miles away from where the destruction and harm is being caused. That is not fair or acceptable for any form of biodiversity, people included.

Question 22 Do you consider that this broad 'biodiversity gain plan' approach would work in relation to NSIPs?

No

This is the very problem we have with environmental mitigation, it can never be mitigated. Especially not when you consider that the land they then take to implement the mitigation is further lost land that should then be mitigated. It's a never ending snowball effect. This is why ultimately it is not possible to ever truly mitigate most NSIPs. You can never leave things better than you found them with such hugely destructive and harmful projects like NSIPs.

With NSIPs they should be made to provide a higher net gain % to reflect the level of destruction and harm they cause. The tougher the requirements on NSIPs the better, we need every deterrent possible to ensure that there really has to be a genuine and essential need to progress them, not just because it suits certain people. If it cannot be done in a way that doesn't end up being hugely destructive and harmful, then it should not be granted permission.

The proposed LTC for example, how can anyone consider such a hugely destructive and harmful project to ever be able to deliver biodiversity net gain? You simply cannot do so when such a huge project destroys, impacts, and cuts through so much of the natural environment.

Question 23 Should there be a distinction made for NSIPs between on-site habitats (which are subject to the biodiversity net gain percentage) and those

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habitats within the development boundary which are included solely for environmental mitigation (which could be treated as off-site enhancement areas without their own gain objective)?

Yes or No depending on how you look at it!

Offsite biodiversity net gain should not be allowed, it should all have to fall within the NSIP DCO order limits. Therefore there should be a distinction made in that off site should not be allowed for NSIPs.

If offsite gain was allowed it would open it up for too much potential abuse. Plus we don't believe you can easily create biodiversity net gain in many circumstance, because every time they acquire new land for biodiversity requirements, they potentially disrupt the existing ecosystem. Everything needs to fall within the DCO order limits so it can be properly assessed, considered, and monitored.

Question 24 Is there any NSIP-specific information that the Examining Authority, or the relevant Secretary of State, would need to see in a biodiversity gain plan to determine the adequacy of an applicant's plans to deliver net gain (beyond that sought in the draft biodiversity gain plan template at Annex B)?

Yes

We also feel that wildlife surveys for NSIPs should be more independent, and have to be more thorough, as well as up to date. When projects suffer delays wildlife surveys should have to be carried out again at regular intervals to satisfy that they represent a current representation of biodiversity.

Also whilst we understand that it may not be a good idea for developers to have to share exact location specifics on wildlife, in order to keep wildlife safe, it should be the case that a certain level of the wildlife survey findings are shared with the public, so that we can have meaningful engagement during consultation.

The same with loss and impacts to trees, hedgerows, waterways etc. None are being revealed during consultation. Instead it is biased and limited representations of what they aim to provide for environmental mitigation. It is hard to judge if it would be adequate without being provided the relevant information to assess these things.

Currently NSIP developers can and are withholding information until it reaches DCO stage and the ES is released. This is not adequate for meaningful consultation, and to enable us to consider whether we feel it is adequate biodiversity net gain.

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All too often we hear of wildlife surveys being carried out badly, and/or findings being in favour of the developer to suit their needs.

How can we know and trust the findings that are being provided by people who are being paid by large developers?

On no account should developers be allowed to choose their own ecological consultants. Consultants should be allocated from a central body to break the potential conflicts of interest between developers and the consultants reporting on the ecological value of sites.

Irreplaceable Habitat should be recognised when it is impacted not only lost to a development. Any loss or impact to Irreplaceable Habitat should be at a higher % net gain % imposed.

Impacts to things such as foraging routes etc need to be taken into account too, not just the loss of direct habitat. For instance routes, bats or other creatures, take for foraging need to be taken into account in regard to biodiversity. A huge road project like the proposed LTC cuts habitats in half and it is not just the land that is lost for the roads, for example it will be the lack of connectivity for foraging etc. Also there should be a clear distinction of what green bridges should entail, as many hear green bridge and their thoughts are of wildlife bridges, wide fully planted sections across roads. There is a big difference between the two. Also green bridges usually allowing for vehicles to cross by means of road/track are not going to be conducive for wildlife. In fact it could lead to more loss of wildlife due to it often being the only crossing point on wildlife routes, so more wildlife being pulled towards roads/vehicular tracks when prior to development they would be using fields/open space to get around. The more wildlife has to come into contact with roads and humans the more at risk they become and the more stress is put upon them. This also includes invertebrates and pollinators etc, and birds and bats etc.

It should also be recognised that woodlands are impacted not only by the part that is destroyed by developments but also any woodland that may be left, due to the complex interconnectivity of the trees, especially underground with the networks of mycelium that connect all the trees in the woodland. It cannot be that only the trees that are destroyed are taken into account when calculating biodiversity net gain, the impacts to the woodland as a whole need to be taken into the equation.

Also when “adding” to biodiversity with net gain, the existing biodiversity ecosystem must be taken into account. Translocation alone should not simply be considered acceptable or adequate. Full consideration should be given to the impacts translocation will have on existing sites and surrounding areas in regard to foraging etc.

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How would we like it if more and more people came to live in our house? How would we feel if more and more people shopped at our supermarket and the supermarket wasn't able to get any more stock in to supply everyone?

We in no way believe or agree that developers should be able to buy or sell biodiversity net gain in units. It would be too complex to monitor that the biodiversity net gain is actually fulfilled. Plus the biodiversity net gain should be considered and relevant to the developments as a whole and in the local area, not sold off to the highest bidder in areas that may not even be local. This is for the benefit of not only the biodiversity (flora and fauna), but also the important benefits to people living and working in the areas. It is a proven fact that nature is extremely important and valuable to our health and well-being. Biodiversity issues are also of extreme importance and relevance to people when being consulted upon for developments, and should be in context to the project and not randomly bought to fulfil the developer's needs. Biodiversity needs to be awarded and recognised for the extreme value it holds in its own right, not given a financial price tag, as biodiversity is priceless and essential for our existence.

Net gain cannot create a loss in other areas, for instance a lot of agricultural land is being proposed as environmental/biodiversity mitigation with the proposed LTC. Agricultural land has its own value both for biodiversity, and also food security. We cannot allow developers to keep building on and using agricultural land, especially top grade land, for whatever they like.

We need to ensure that biodiversity net gain happens in a way that doesn't lead to future issues that are knowingly overlooked now, such as food security issues or generally trying to cram all our biodiversity into too small an area spread across the country.

We do not believe that the developer alone should be responsible for identifying the baseline for biodiversity. Often, especially with NSIPs the developer will obtain land/property by means of Blight and Discretionary prior to the DCO even being submitted, let alone granted. This means that they may own land and property that could result in negative impacts to biodiversity that lower the baseline for biodiversity, which would be beneficial to the developer when calculating biodiversity net gain.

For NSIPs legacy funds should not be able to be considered or promoted in a way to suggest biodiversity net gain for the development. Biodiversity net gain must come purely from the project within the DCO and not legacy projects. National Highways are currently trying to promote Hole Farm Community Woodland, which is not part of the LTC DCO project as

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biodiversity improvement and associate it with the proposed LTC project. The reality is it is land that was bought for biodiversity improvement along their major routes in this instance the M25, and not the LTC. Greenwashing is a serious issue and concern, especially with NSIPs. Also if a site is being used for biodiversity net gain, no other developer should also be able to use the same site for their biodiversity net gain, otherwise it just stacks up and could create harm with over population etc. In areas where more than one NSIP in particular are adjoining or in close proximity this needs to be monitored and assessed cumulatively. For instance Tilbury 2 and future Freeport expansion, LTC, and Thurrock Power are all in very close proximity, with the additional risk of London Resort depending on how they proceed next. We have experienced land conflict on development boundary for the LTC and Freeport, and Freeport and London Resort, it is definitely something that needs to be considered moving forward.

Procedures need to be put in place to ensure that all biodiversity net gain is not only carried through but also monitored to ensure it is taken care of ongoing, and not just left, which could lead to harm and issues. For instance any planting needs to be managed and maintained to ensure healthy growth, by means of watering etc. All too often developers make gestures and then don't follow through.

Also with NSIPs the workload and level of understanding needed is of a high level, so provision needs to be put in place so that Local Authorities etc have access to funds (provided by the developer) to employ or train staff with suitable levels of knowledge and experience to deal with DCO applications in regards to Biodiversity Net Gain as many Local Authorities would likely not have staff with enough knowledge and experience in Biodiversity. Also to support ensuring their staff have adequate training and knowledge to monitor things moving forward on a regular ongoing basis.

Biodiversity Net gains need to be protected for many many years into the future. We need provision to be ensuring we have the future ancient woodland and other habitat equivalents for a more biodiversity rich future. Covenants should be put in place to protect biodiversity.

We would also like to say that Biodiversity Net Gain policy and law should always be strong enough to ensure it is not used as an option for developers to just get away with doing what they want. There need to be limitations. Biodiversity cannot be seen as a get out jail free card. It always needs to be given serious attention to ensure it is in reality a biodiversity net gain and not just an on paper claim to assist developers in reaching their aim, which is to build and profit. Very few believe that developers in general truly care about biodiversity.

In general legislation and policy is set in favour of the developers, the bar is too low, and this needs to be addressed. We cannot simply continue to build, build, build.

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Now more than ever we need to be saving and protecting biodiversity. We currently live in a country that is biodiversity poor, and ultimately every time we allow another development to go ahead, the truth is that it is reducing biodiversity options. No amount of 'Biodiversity Net Gain' can really compensate for the damage and harm the majority of these project, especially NSIPs inflict upon the natural environment.

Question 25 Do you think that 30 years is an appropriate minimum duration for securing off-site biodiversity gains allocated to NSIPs?

No, it should be longer

To clarify again we do not believe offsite gains should be allowed for NSIPs for the reasons previously detailed, everything should fall within the NSIP DCO order limits.

NSIP harm will be ongoing for longer than 30 years so any mitigation and net gain should be equally ongoing.

If the project is considered Nationally Significant then the environmental mitigation and biodiversity net gain should also be considered Nationally Significant and protected as such.

30 years is nothing when we are talking about the life of a tree, especially when considering that most NSIPs plant whips that will take at least 30 years to establish.

Thames Chase Community Woodland was created to mitigate the M25, yet it is already under threat of being partially destroyed and impacted by the proposed LTC if it goes ahead. This kind of practice cannot be allowed.

Cost should not come into it either, if a project cannot be progressed in a way that offers value for money, whilst addressing biodiversity requirements then the project should not be progressed, simple.

Question 26 Are further powers or other measures needed to enable, or manage the impacts of, compulsory acquisition for net gain?

No

This is where it gets more complicated, because yes if we have to have an NSIP like LTC, of course we want and need environmental mitigation and biodiversity net gain. However, realistically how can you leave things better off than prior to such a huge destructive and

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harmful project? If you keep taking more and more land in attempts to provide biodiversity net gain for such a project, then it's never ending. Can you ever truly provide biodiversity net gain? Surely the most beneficial thing for biodiversity is to not allow such destructive and harmful projects to go ahead.

Question 27 Is any guidance or other support required to ensure that schemes which straddle onshore and offshore regimes are able to deliver biodiversity net gain effectively?

Yes

Projects like the proposed LTC would have an impact on marine life and therefore should have to include biodiversity net gain including provision for marine life too.

Again this needs experienced, qualified experts in the marine field to carry out surveys and advise developers, and prepare evidence. Expert should be from a central approved bank of experts, and not chosen by the developer.

Part 3

Since our group represents those opposing an NSIP our responses to this section are limited.

We do not believe that Biodiversity Net Gain should be allowed to be bought or traded, and should not exist offsite. The natural environment is not something that should be considered a commodity, but something of extreme value that needs to be respected, saved and protected.

We do not believe that NSIPs should be trusted to buy or trade Biodiversity credits and offsetting etc. It would be too hard to register, track, and monitor these kinds of deals, and is open to too much abuse.

It should be essential that anything to do with Biodiversity Net Gain in regard to NSIPs is transparent and available to the public, prior to DCO application submission. This is so that meaningful consultation can take place, and the public can assess whether they feel the proposed actions in regard to the environment/biodiversity are adequate.

Conclusion

We feel that in regard to NSIPs Biodiversity Net Gain needs to be set at a higher % requirement. No offsite or offsetting trading should be allowed in regard NSIP Biodiversity

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Net Gain. The bar needs to be raised in favour of the natural environment and communities, rather than as it currently is, in favour of the developer.

Ecology surveys should be carried out by an ecologist from a central bank of qualified experienced ecologists, not one chosen by the developer that could lead to conflict of interests.

The new Biodiversity Net Gain requirements/laws need to be introduced asap as a matter of complete urgency. Any NSIP not completed by Nov 2021 should be liable for retrospective biodiversity net gain requirements. Any NSIP submitting a DCO from Nov 2021 onwards should be liable to comply with Biodiversity Net Gain requirements. Alternatively, all policies should be suspended until such time as policies and laws are updated to reflect Biodiversity Net Gain requirements.

The power of the decision makers with NSIPs need to have strict guideline/laws to work with instead of it being up to them alone to decide whether a project is, or should be deemed more important than biodiversity. For us the answer is simple we do not want to see projects like the proposed LTC destroy and harm biodiversity including our own communities, health and wellbeing.

We cannot allow NSIPs to be pushed through whilst the details of the new Biodiversity Net Gain requirements are bought in. We need to ensure that laws are in place and all NSIPs have to abide by them with immediate effect, we cannot afford to allow any NSIPs to progress and do harm in the meantime.

Biodiversity Net Gain should always be in addition to environmental mitigation, and NSIPs should always avoid doing harm at all costs. We cannot continue to allow NSIPs to continue to destroy and impact biodiversity including our own lives, health and wellbeing, as well as that of the natural environment. Projects like the proposed Lower Thames Crossing would clearly do more harm than good, and therefore legislation needs to detail clearly that these kind of projects should not be granted permission, due to how hugely destructive and harmful they would be.

Other Info

Prepared and submitted on behalf of Thames Crossing Action Group by Laura Blake, Chairperson. We agree to our response being published.

Email: admin@thamescrossingactiongroup.com