

For the attention of James Norman

Dear Mr Norman

Please find the following submission in response to the consultation on behalf of the RSPB. This response to the consultation addresses only the environmental aspects of the tendering process; other aspects are not viewed as areas in which we have sufficient expertise. Our views cut across several of the questions posed in the consultation, so are provided without specific reference to particular questions.

The process to appoint the CATO must incorporate rigorous evaluation of the tenderers track record and ability to mitigate identified environmental impacts of all projects considered in this consultation; the tenderer should be required to underwrite their environmental, and in particular ecological, performance, eg via a bond - set at a meaningful scale - to be released on successful completion

The tenderers must show that they are aware of the ecological constraints and likely impacts of the project, ie of statutory and non-statutory designations potentially impacted by the project, as well as other features of importance (eg rare species/habitats etc), and demonstrate their legal and social responsibilities in relation to these in their submission.

It is critical that the regulator maintains clear sight of operations throughout the project to monitor ecological performance of the CATO and to ensure ecological issues are addressed with appropriate diligence. Standard processes and procedures should be defined and included in the specification, and tenderers should detail how they will provide independent evidence of ecological impact and necessary remediation.

The project specification should in each case adopt a Net-Positive-Impact approach to ecological parameters, including biodiversity. It is increasingly the case that business sectors are setting their own benchmark for addressing impacts on biodiversity in their operations at a Net-Positive-Impact threshold. This means that the - usually proportionately small or insignificant - costs of repair and enhancement of the biodiversity are absorbed in project budgets. Businesses and regulators can realise valuable profile through promoting their contributions to wildlife conservation to more than offset any financial impact. However, we would argue that in most cases, with appropriate ecological assessment, method statements and application, these costs are effectively nil, and in some cases savings can be made in making good.

Thank you for your consideration of our views

Yours sincerely

Nigel Symes  
Head of Business Advice  
RSPB