

DLP BRIEFING NOTE 73

Prepared by
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On 7th June 2011 the Government published their **Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature'** which outlines the government's vision for the natural environment for the next 50 years and the practical actions required to deliver their ambition.

Within this paper DEFRA announces its intention to work with local planning authorities and their partners to test *biodiversity offsetting* in a number of pilot areas over the next 2 years, starting in April 2012. The information gathered during this period will enable DEFRA to decide how offsetting should be used in the future.

The **Business and Biodiversity Offsets Programme** defines biodiversity offsets as:

“measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate prevention and mitigation measures have been implemented”.

Biodiversity offsetting is a market-based conservation tool which measures negative impacts on biodiversity and seeks to replace this loss through improvements. Such conservation activities are designed to deliver biodiversity benefits in order to compensate for losses incurred by development projects and maintain an equivalent level of biodiversity elsewhere (that would otherwise be lost), or by enhancing biodiversity at an alternative location.

The general process involves buyers, who are usually developers requiring land for development, and sellers who are the suppliers of the land to be used as an offset.

Biodiversity offsetting can be carried out in following 3 main ways:

- **The developer or its partners (such as an NGO) implement the offset**
- **The developer pays the government the amount needed to implement the offset 'in lieu' of implementation itself**
- **The developer buys 'credits' from a landowner or conservation bank sufficient to offset its impacts.**
- **Overall, offsets aim to achieve 'no net loss' or net gain' of biodiversity.**

DEFRA believe that biodiversity offsetting has the potential to deliver planning policy requirements for compensation for biodiversity loss in a more effective way.

Current Planning Policy, as set out in **PPS9: 'Biodiversity and Geological Conservation'** states that "***planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible***" and advocates principles for achieving this. These include the actions of local authorities to ensure that where no alternative sites are available for development which would result in less harm, then adequate mitigation measures are put in place. When mitigation is not an option, appropriate compensation measures should be sought.

When compensation for biodiversity loss is required, the arrangements for the delivery of this are often not as effective as they could be. Compensatory measures can often be piecemeal or small scale, inadequate and usually time consuming for the developers and planning authorities involved. Such measures can be incorporated into legal agreements, making them binding on the land.

DEFRA's commissioned research aims to provide an objective and robust analysis of the effectiveness of current planning policy, in protecting biodiversity and examine any barriers faced in the application of this policy. **The outcomes of this research will be reported early 2012.** Further details on this work are contained within the ***Planning Policy and Biodiversity Offsetting Research Summary Document.***

The planning system is currently undergoing reform and one of the objectives set out in the Draft National Planning Policy Framework (July 2011) is to conserve and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity, where possible (para.64). The Government therefore aims to introduce a formal process of biodiversity offsetting and improve the implementation of planning policy requirements for biodiversity compensation through this new framework, allied to the NPPF, and this would enable it to achieve the following outcomes:

- **Enable resources to be used more effectively to deliver greater biodiversity benefits;**
- **Streamline the process for all involved;**

LPA's will play a central role and are likely to use offsetting as a mechanism for delivering planning policy in their area and in particular are increasingly likely to require developers to mitigate the 'harm' their proposals are potentially seen to cause to biodiversity. Where compensation is required however, subject to this being compliant with other measures, developers should be able to use a common approach to effectively measure their impact. The developer could then provide compensatory habitat of the same biodiversity value themselves, or could identify an offset provider such as a local conservation group or landowner who could deliver it for them.

DLP, through its Planning, Design and Transportation teams, have wide spread experience in assisting in the delivery of sustainable developments of all levels and types and the management of development proposals. If you require any further information about this matter please do not hesitate to contact us.

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