



Piloting biodiversity offsetting in Nottinghamshire - information for offset providers

Introduction

Nottinghamshire has been selected as one of six pilot areas nationally to trial biodiversity offsetting. The pilot will run for two years from 1st April 2012, and is being led by Nottinghamshire County Council.

Biodiversity offsetting is a process by which conservation activities designed to deliver biodiversity benefits in compensation for losses are delivered, and is distinguished from other forms of ecological compensation by the formal requirement for measurable outcomes.

Developers in pilot areas required to provide compensation for biodiversity loss under planning policy can choose to do so through offsetting. The benefit for the developer is that:

- a. It simplifies the discussion about how much compensation is needed: the impact of the development can be measured in units
- b. It is transparent: relevant information is open and available to all from the start of the process
- c. It allows the developer to pay someone else to deliver the offset for them, and to pass on the responsibility for managing that offset: they have no ongoing responsibility for the offset

In summary, using the biodiversity offsetting approach means that a developer employs a standardised formula to calculate the number of “biodiversity units” to be lost as a result of their development, based on the habitat(s) affected, and its condition and extent. The

developer then provides an offset (either themselves or through a third party offset provider) to deliver an equivalent number of biodiversity units on land elsewhere – either by creating new habitat, or restoring existing (degraded) habitat.

Participating local authorities

For planning applications determined by Nottinghamshire County Council, the area covered by the pilot covers the whole county of Nottinghamshire. This includes waste development and the county council’s own developments (such as schools, libraries and roads), but is expected to normally exclude minerals development (which normally has the ability to create areas of high quality habitat through the restoration process, compensating for any initial loss and sometimes delivering considerable enhancements)

For other planning applications (such as housing, industrial and commercial developments), the following district councils are participating in the pilot:

- Newark and Sherwood District Council
- Bassetlaw District Council
- Gedling Borough Council (tbc)
- Nottingham City Council

The Local Offsetting Strategy

A Local Offsetting Strategy is currently under development, and will shortly be available on Nottinghamshire County Council’s website.

The Local Offsetting Strategy sets out how the offsetting process will be managed in Nottinghamshire, and has been developed by participating local authorities with input from interested stakeholders.

The Local Offsetting Strategy must be read in conjunction with national guidance produced by Defra, available on their website:

- Guidance for Developers:
www.defra.gov.uk/publications/2012/04/02/pb13743-bio-offset-developers/
- Guidance for Offset Providers:
www.defra.gov.uk/publications/2012/04/02/pb13742-bio-offset-providers/
- Information for Local Authorities:
www.defra.gov.uk/publications/2012/04/02/pb13744-bio-offset-local-auth/

Offsetting in the planning process

Planning applications submitted to local authorities participating in the offsetting pilot area will be considered as normal, and decisions about their acceptability will be made in line with the development management process by the relevant local authority.

Fundamental to this is the application of the 'mitigation hierarchy' which requires that impacts on biodiversity are avoided, mitigated against, or compensated for (in that order), recognising that where satisfactory compensation cannot be secured, then permission should not be granted. In this context, the provision of compensation in general, and the use of offsetting specifically, must be a last resort, where it has not been possible to firstly avoid impacts, or secondly to provide sufficient mitigation.

Offsetting can be used to provide compensation for all types of development (normally excepting that relating to mineral extraction), and of any size or scale.

Acting as an offset provider

Where a developer chooses to use offsetting, they may wish to pay a third party offset provider to deliver the offset on their behalf, and to undertake ongoing management of the offset. It is the responsibility of the developer to source a third party offset provider, but a list of potential offset providers and projects will be maintained on the Nottinghamshire County Council's website to assist them in this process.

Note that the developer is not buying the biodiversity itself, or the land on which it stands. What is being sold is the cost of delivering and maintaining the requisite number of biodiversity units, the cost for which is calculated by the offset provider on a case-by-case basis.

To be an offset provider, you will need to:

- Ensure that your offset project will be delivered in a way that is consistent with the Local Offsetting Strategy.
- Commit to maintaining the offset for as long as the lifespan of the development to which it relates, and preferably in perpetuity.
- Produce a Biodiversity Offset Management Plan to provide Natural England and the local planning authority with confidence in what the offset project is intended to achieve.
- Factor in the financial implications of providing and maintaining the offset.

In order to register as a potential offset provider, you will be required to provide further details, including a calculation of the number of biodiversity units available. You can, if you then wish, undertake further work (including production of the Biodiversity Offset Management Plan) and get the project approved by Natural England, meaning that the offset project is 'ready to go' for a developer. However, carrying out this further work is not essential at this stage, given that there is no guarantee that your offset project will actually be taken forward by a developer.

In any event, you should contact Natural England at an early stage to establish that your offset project is likely to fit with the Local Offsetting Strategy.

Further guidance is available in the 'Guidance for Offset Providers' document, and a pro-forma for registering a potential offsetting project is available for download from the Nottinghamshire County Council's website.

Support and further information

Further information about the biodiversity offsetting pilot in Nottinghamshire, including more information about putting yourself/your organisation forward as an offset provider, can be obtained from Nottinghamshire County Council's website, at:

www.nottinghamshire.gov.uk/biodiversityoffsetting

Should you wish to put yourself forward as a potential offset provider, you should contact:

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