



Piloting biodiversity offsetting in Nottinghamshire - information for planning officers

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 – and your role

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. As planners, the potential need to provide

compensation, and the role of offsetting in delivering it, should be highlighted to the developer as early as possible – for example, in pre-application discussions. They will then be able to work with their ecological consultants to look at the matter in more detail, to calculate how many biodiversity units they need to provide, and to identify potential offsetting sites, if they choose to use offsetting to deliver their compensation requirements.

Support and further information

It is recognised that planners will require support in relation to offsetting, given its technical nature.

Natural England will be able to provide advice to planners on:

- The offsetting project in general
- The consistency of individual development proposals and their fit with the offsetting strategy
- Advice on whether biodiversity impacts have been assessed correctly, and whether the biodiversity metric has been applied correctly by the developer
- Advice on offset provider capability to deliver biodiversity offsets, the viability of their specific offset project proposals and its fit with the Local Offsetting Strategy

Further information about the biodiversity offsetting pilot in Nottinghamshire, including advice in relation to specific development proposals where offsetting could be used, can be obtained from Nottinghamshire County Council’s website, at:

www.nottinghamshire.gov.uk/biodiversityoffsetting

Alternatively, contact:

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