



Department
for Environment
Food & Rural Affairs

Biodiversity offsetting in England

Intro

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Aim to explain the current consultation in England including :

- the recent history
- why the Government is interested in offsetting
- key elements of an offsetting system for England
- key questions still to be resolved
- next steps

Context

- England has 130,000 sq km and 53 million people = approx 401 people per sq km (cf Netherlands 500, Germany 225, France 117, USA 35, Australia 3)
- a plan led system operated by 400+ local authorities
- also other regimes, eg Nationally Significant Infrastructure Projects, marine, private Bills

Context

Defra priorities are to:

- grow the rural economy
- improve the environment
- safeguard plant health
- safeguard animal health

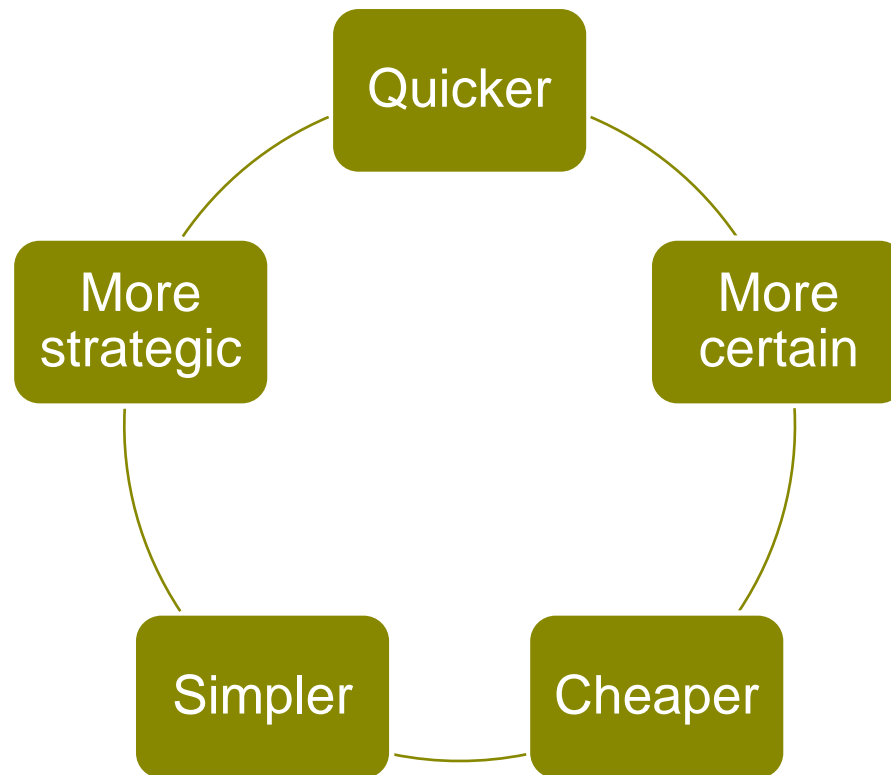


Introduction

- *NEWP* commitment to “piloting biodiversity offsets, to make requirements to reduce the impacts of development on biodiversity simpler and more consistent ... We will establish a new voluntary approach to offsetting and will test this in a number of pilot areas”
- Pilots started April 2012 and run to 2014
- *Biodiversity offsetting in England* published 5 September. Consultation ends 7 November

Why is the Government interested?

- Can do more for the environment
- Improve the way the planning system works

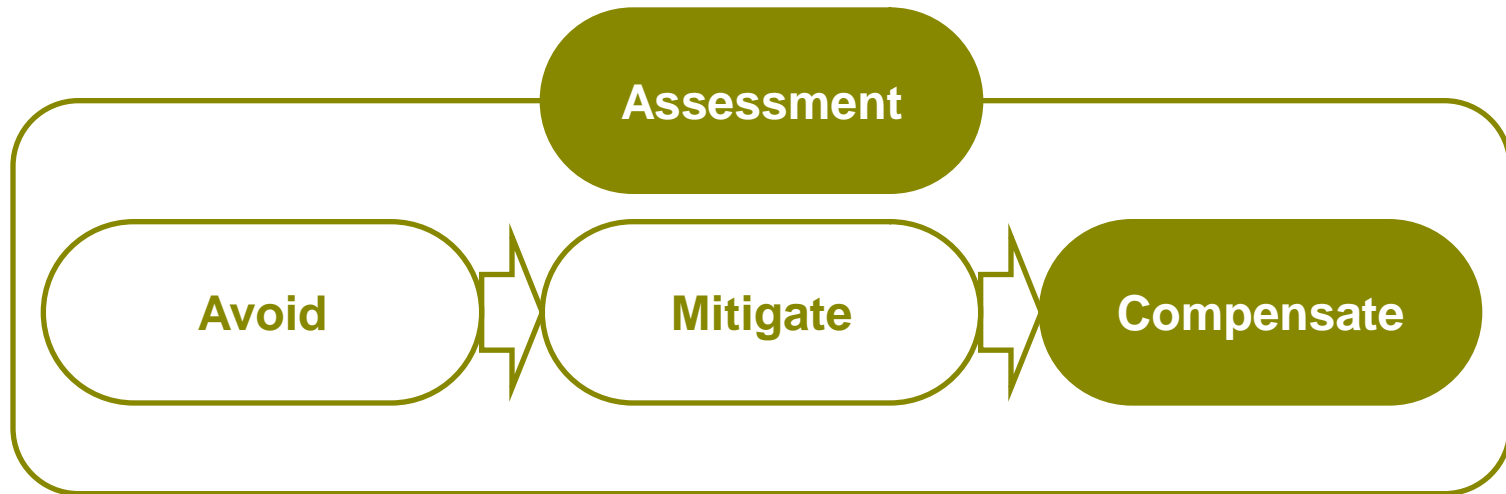


Why is the Government interested ?

- For too long we have allowed the lazy assumption that the environment and growth are incompatible objectives within the planning system. Whereas I believe that in many cases it is possible to have both.
- This is why I am particularly interested in Biodiversity Offsetting. The purpose of offsetting is to ensure that where the planning system requires compensation for biodiversity loss, it is delivered in a fair and effective way.
- Offsetting gives us a chance to improve the way our planning system works. It gets round the long-running conundrum of how to grow the economy at the same time as improving the environment. [Owen Paterson addressing LGA Rural Conference Sept 2013]

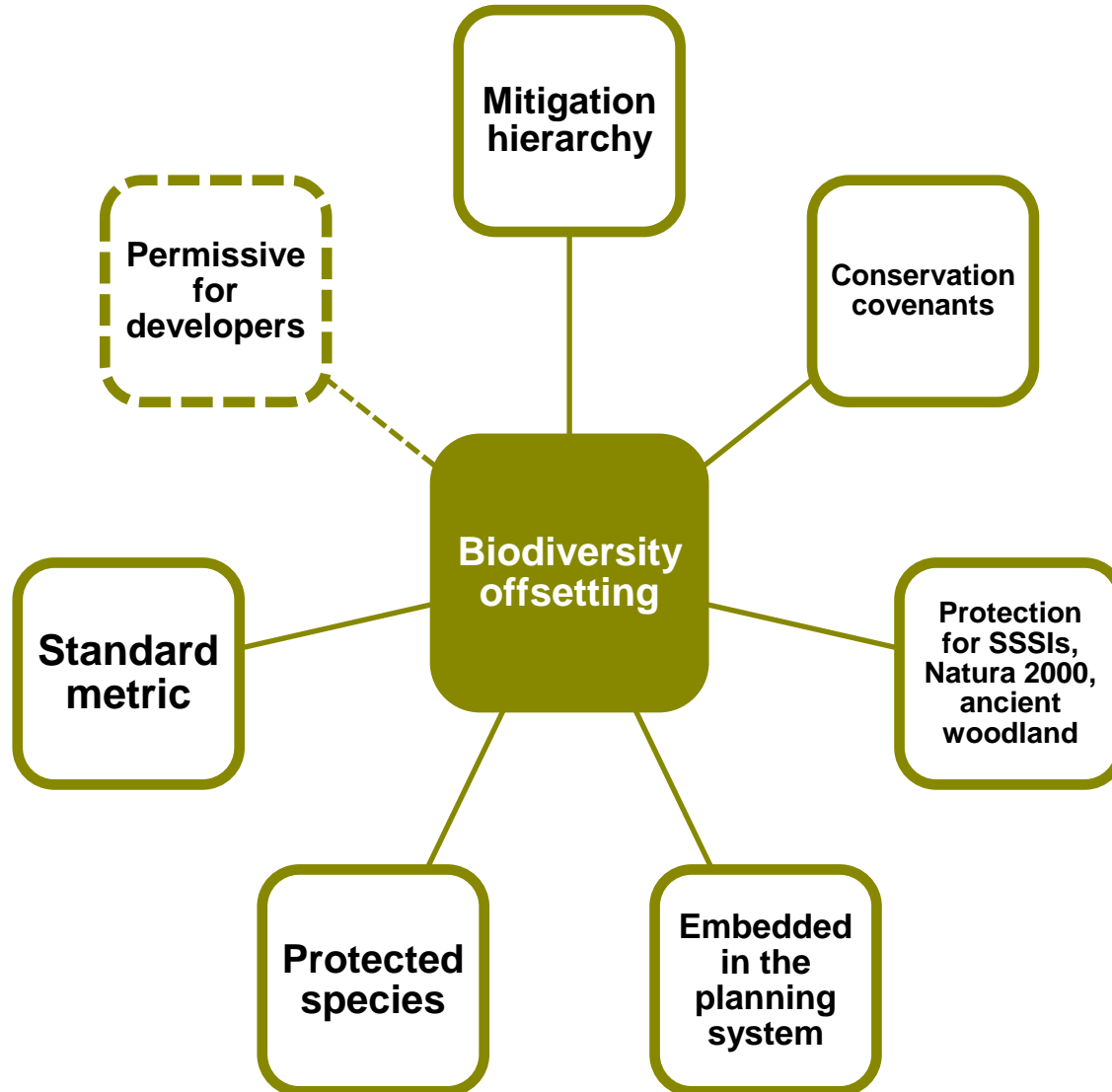


What is biodiversity offsetting?



- Key features :
 - A quantified way of assessing gains and losses
 - use of that quantified information to determine the offset
 - a legal/admin system which ensures the offset is delivered as intended and then maintained

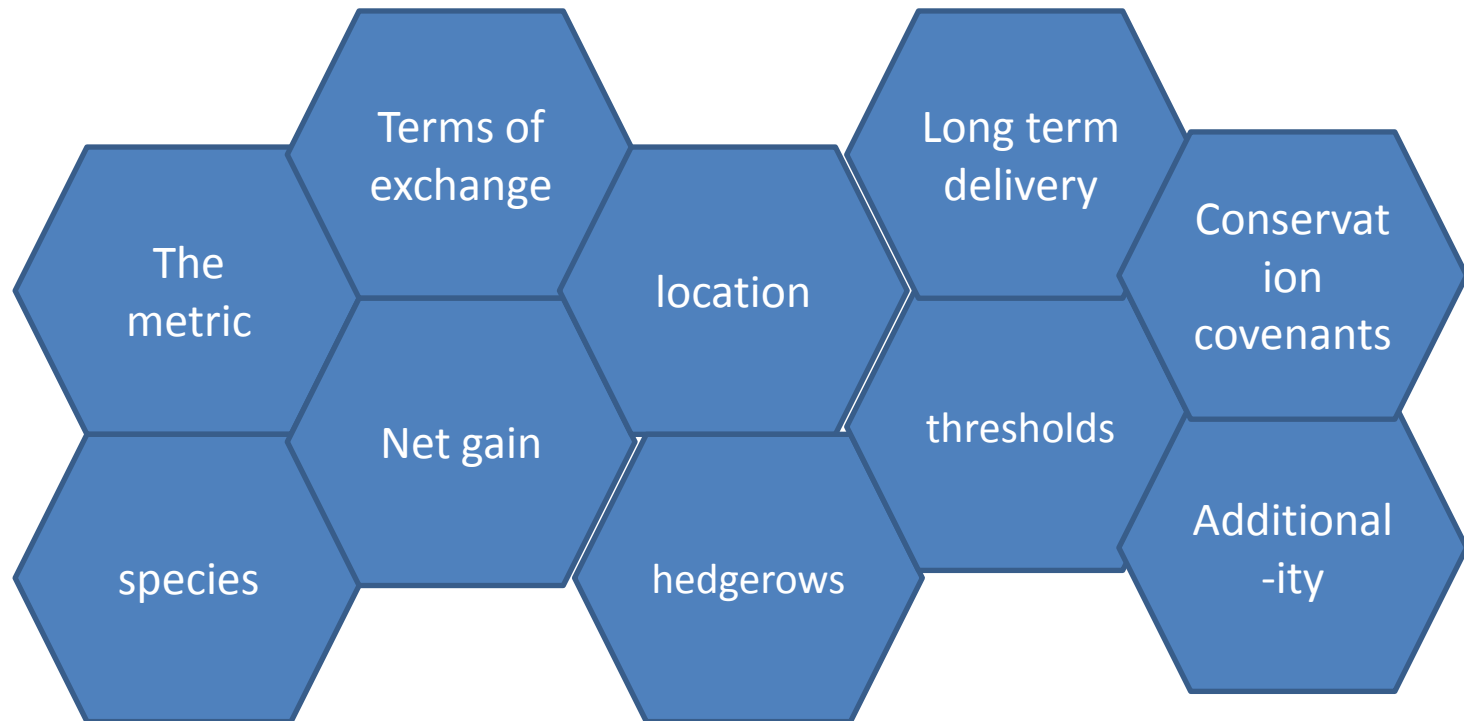
Key features



Basic Options

- a **fully permissive** approach where developers could choose whether to use the offsetting metric
- a **partially permissive** approach where developers might be required to use the offsetting metric to assess their project's impacts and then be free to choose to the means of securing compensation (i.e. through a section 106 agreement or by obtaining an offset).
- a **uniform** approach where developments that exceed a certain threshold would be required to use the offsetting metric to assess their project's impacts and to obtain an offset as the mechanism for compensation
- a **Community Infrastructure Levy** based approach. infrastructure.

Key questions



The metric

To assess the loss :

- 1 You need to know :
 - the area in has
 - whether it is low, medium, or high distinctiveness
 - whether it is in poor, medium or good condition
- 2. You multiply those factors together

To assess the gain:

1. You need to know :
 - the area in has
 - whether it is low, medium, or high distinctiveness
 - whether it is in poor, medium or good condition
2. You also need to know :
 - how connected it is to existing habitats
 - what level of risk attaches to establishing this habitat
 - how long it will take
3. You multiply together the favtors in step 1 and then make adjustments for the factors in step 2

Location

- - reconciling social, economic, environmental goals
- - who has the final decision : lpa, developer, others ?



Conservation covenants

- A Law Commission project
- Ability to covenant (whether for nature, or buildings or any other purpose) is currently limited
- Law Commission have consulted and are now considering final proposals. Could lead to a Bill during 2014

How to respond

- Consultation paper is on the internet until 7 November :
- https://consult.defra.gov.uk/biodiversity/biodiversity_offsetting



Next steps

- A further Government statement on intentions in late 2013 or early 2014
- Evaluation of pilots available early summer 2014
- Followed by advice and / or legislation
- Any legislation likely to be linked with conservation covenants
- Advice could be issued over a period but the earliest date for new legislation would be summer 2015