

Rebuilding Nature in the Biosphere Reserve: North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018



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1. Introduction

- 1.1. This strategy has been produced for anyone Local Planning Authorities and Developers with regard to applying Biodiversity offsetting within the North Devon UNESCO World Biosphere Reserve. It is a deployment strategy for the pilot programme and should be read in conjunction with national guidance produced by Defra.
- 1.2. North Devon's Biosphere Reserve has been selected as one of six pilot areas nationally to trial biodiversity offsetting. The biodiversity offsetting pilots will run for two years from 1st April 2012. As a designation for testing new approaches, the UNESCO World Biosphere Reserve will also include an account for ecosystem services within the pilot programme.
- 1.3. The 2012 National Planning Policy Framework, the 2012 Natural Environment White Paper and previous policies and international obligation support net Biodiversity gain as an aspiration and certainly no net biodiversity loss as a firm target. The Local Plans for the local planning authorities within the Biosphere Reserves recognise this designation as being important for biodiversity. Furthermore the joint plan for Torridge and North Devon will be using the principles of the ecosystem approach in land-use planning.
- 1.4. Biodiversity offsetting is the process by which conservation activities designed to produce biodiversity benefits in compensation for losses are delivered, and is distinguished from other forms of ecological compensation by the formal requirement for measurable outcomes. This process will happen as an integrated part of the planning application process.
- 1.5. In the pilot area, developers are required to follow the mitigation hierarchy whereby impacts on biodiversity are first avoided, then mitigated against on site, with compensation only used as a last resort. In the Biosphere Reserve this relates only to direct impacts of the development; indirect or background impacts must be addressed through appropriate mitigation measures such as Community Infrastructure Levy.
- 1.6. Offsetting is not a replacement for existing protection under legislation. The mechanism is not to provide an excuse for poor planning and design or effect a licence to destroy sites but is to be the last stage in a design process that leads to high quality, environment friendly design with the unavoidable losses being replaced elsewhere through a sequential process. The losses resulting from the impact of development and the gains achieved through an offset are measured in the same way¹. Note that the offsetting programme is not to account for the loss of protected species, but the loss of all habitats.

¹ <http://www.defra.gov.uk/publications/2012/04/02/pb13743-bio-offset-developers/>

- 1.7. In order to support the mechanism to give quantified information on biodiversity of different types, Defra have developed Biodiversity metric tool². This relatively simple tool is used to measure the biodiversity losses and gains under different scenarios and therefore is an important feature of how this strategy will be applied.

2. The Offsetting Hierarchy

- 2.1. When considering a development, both the developers and planning authority must approach the proposal in the following way.
- AVOID: the design and operation of the proposal must seek to avoid any damage to biodiversity, ecosystems and their functions.
 - MITIGATE: Any damage caused by the proposed development must be mitigated on site as much as possible. There should be an iterative process between the planning authority and the developers, and possibly also conservation agencies, to ensure that the design of the site builds in as much biodiversity as is reasonably possible.
 - COMPENSATE: any biodiversity loss that cannot be accommodated on site will be compensated through biodiversity offsetting.

3. What are the benefits of biodiversity offsetting?

The benefits of biodiversity offsetting include³:

- **Benefits for developers** – predictable costs and outcomes and a more efficient passage through the local planning system
- **Benefits for biodiversity** – protection and enhancement of biodiversity through larger conservation initiatives, over longer time periods and delivered in the right place for wildlife and local communities.
- **Benefits for Local Planning Authorities** – less staff time spent on negotiating and securing compensation or enhancements for approved development. Development is managed in such a way that it demonstrates sustainable development.
- **Benefits for local communities** – confidence that developers are compensating for any unavoidable biodiversity impacts in a coordinated and transparent way.

² Defra Biodiversity Offsetting Metric Tool:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/166036/110714offsetting-guiding-principles.pdf.pdf

³ Adapted from: http://www.essex.gov.uk/Environment%20Planning/Environmental-Issues/local-environment/Wildlife-and-Biodiversity/Documents/EBOP_Information_Sheet_1.pdf

The Strategy for Applying Offsets

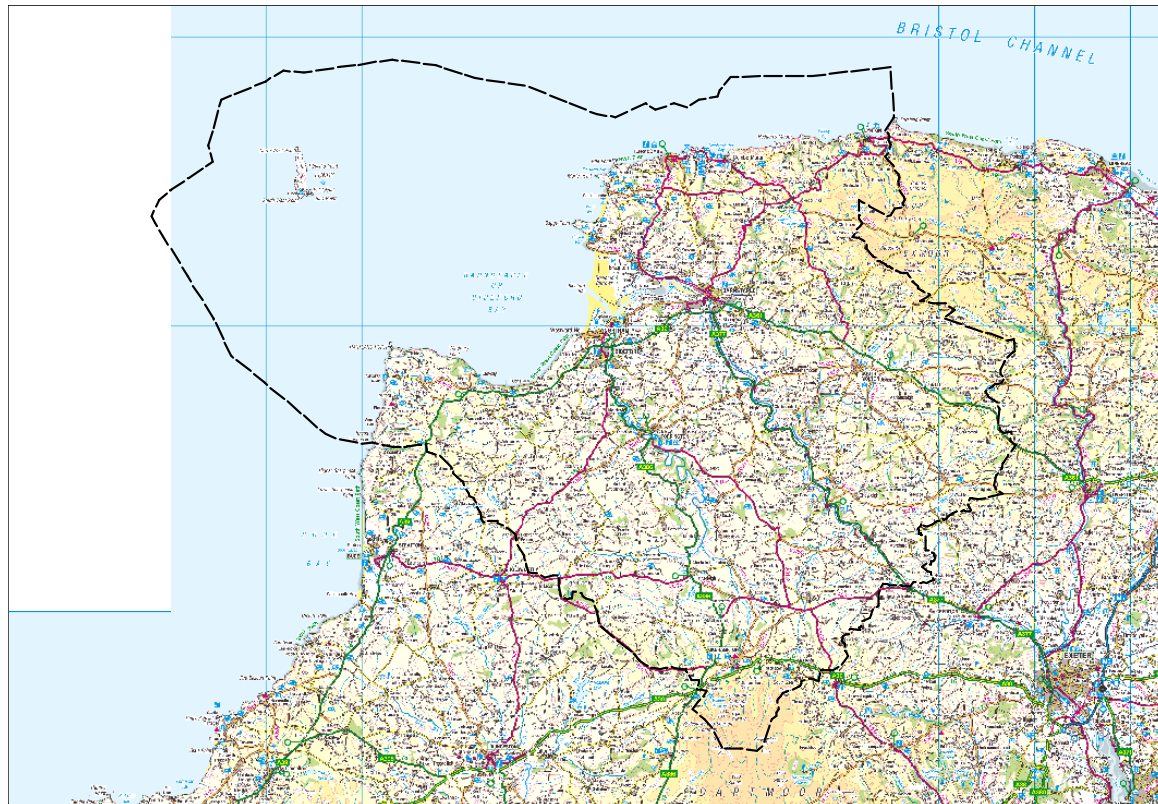


Figure 1: Geographic coverage of the Biosphere Reserve pilot area.

4. The reason for the new approach in northern Devon.

- 4.1. Analysis shows that over 45Ha of land is developed within the Biosphere Reserve each year and is lost to biodiversity.
- 4.2. This has been mainly around the urban areas as settlements grow.
- 4.3. This type of growth has led to fragmentation or loss of connectivity between habitats.
- 4.4. Half of the land lost in the area is due to development applications of 3 homes or less. For this reason developments of 3 houses or fewer will be subject to biodiversity tariff per square metre. Developments of 4 homes and more will be subject to the biodiversity offsetting system.

5. Design Hierarchy

- 5.1. There will be a presumption against development that removes critical environmental assets. These are biodiversity features that are rare or cannot be replaced or re-located within a reasonable time. Examples will include ancient and semi natural woodland, all SSSI and SACs, Culm Grassland, Flood Plain and Grazing Marsh, intertidal areas and dune habitats.
- 5.2. On site avoidance of loss must be the first priority. If loss cannot be avoided onsite mitigation should be included as much as is feasibly possible through good design. Mitigation should be designed into the proposals on-site as far as is reasonably practicable. If there is still a residual biodiversity loss, then the offset system will be invoked.
- 5.3. The measurements of biodiversity losses and gains will be determined using the standard Defra Offset Metric tool.⁴
- 5.4. The type of offset provision will be guided as follows;
- 5.5. If the site impacts a Key Biodiversity Action Plan habitat, (saltmarshes, culm grassland, indigenous broadleaf woodlands, floodplain and grazing marsh, flower rich meadows, orchards, wood pasture and parkland, raised bog and blanket bog, heathland) the presumption will be that the replacement habitat will be “like for like” in type.
- 5.6. If the site impacts hedgerows; “like for like” will be used in every case.
- 5.7. Low biodiversity quality habitats and non-Key habitats can be compensated by offsetting to Key BAP habitats such as saltmarshes, culm grassland, indigenous broadleaf woodlands, floodplain and grazing marsh, flower rich meadows, orchards, wood pasture and parkland, raised bog and blanket bog, heathland
- 5.8. Any SSSI or SAC sections of a potential development site are to be treated under the existing rules and regulations. Ultimately any compensatory project for impacts to these protected sites should be delivered alongside an offsetting project.

6. Accounting for ecosystem services;

- 6.1. If a proposed development location is providing a critical ecosystem service, such as flood attenuation, the offset must also provide the same type of ecosystem service to the benefitting community; this also includes public access.

7. Location hierarchy

- 7.1. The biodiversity offset should be provided at a site close (close being defined by dispersion distance or in landscape character area) to the loss of the biodiversity. If nothing suitable or agreeable can be found close to the site; then the offset can be provided further away but should still be compliant with the spatial strategy for habitat creation/restoration in Appendix 1. Biodiversity offsets may be provided outside of the spatial strategy but will be penalised by applying a greater multiplier for the size of habitat to be created or restored. This is covered in more detail in the Defra Biodiversity Offsetting Metric Tool.

⁴ Defra Biodiversity Offsetting Metric Tool:

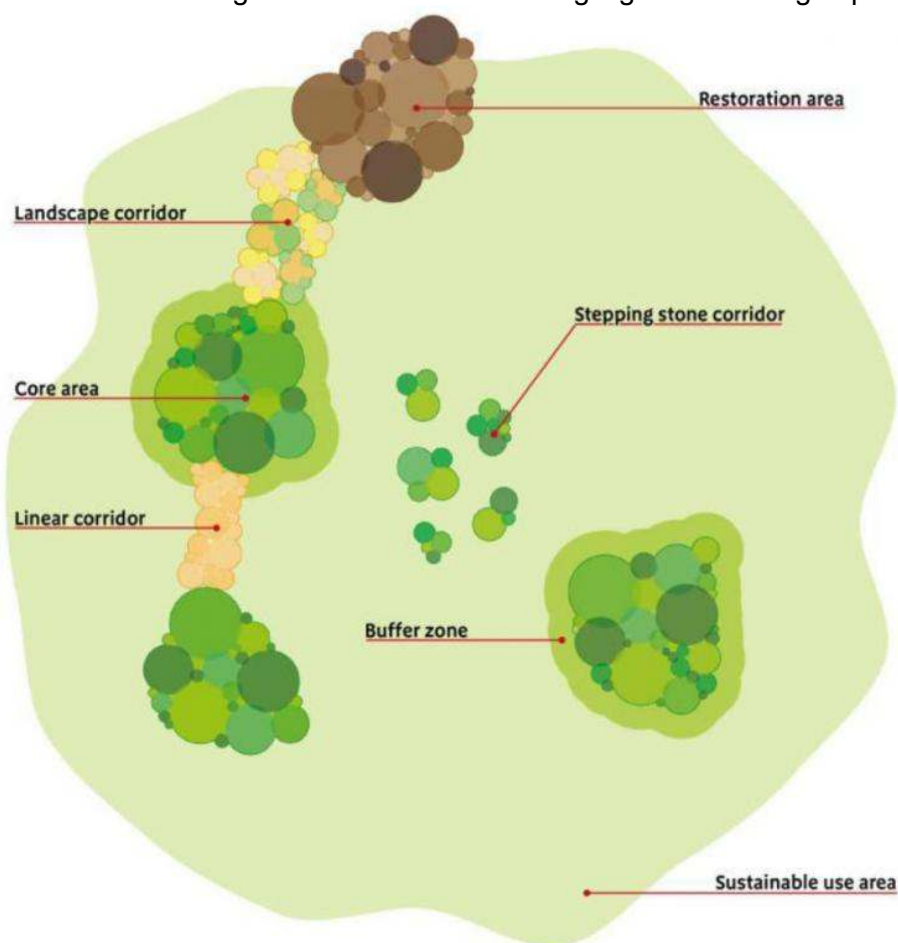
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/166036/110714offsetting-guiding-principles.pdf

Spatial approach over the next 5 years

8. Areas to be gained

8.1. Using the Lawton Principle in “Making Space for Nature”⁵ the following concepts apply:

- **Bigger:** Extending existing patches (including next to designated sites) to ensure that the area remains viable for populations of the key species.
- **Better:** Improving the quality of locally designated and non-statutory sites for their biodiversity.
- **More:** Creation of new habitat patches for the target habitats
- **Joined:** Creating functional connections between habitat patches. Critical corridors through urban areas are also highlighted as being important.



Source: Making Space for Nature. Defra

8.2. Strategic areas for biodiversity gain have been identified by exploring the distribution of the Key BAP Habitats and their inter-connectivity. Strategic Nature Areas identified on the Southwest Nature Map have also been incorporated into the identification of sites and areas for habitat restoration. The biodiversity aspects of Green Infrastructure Strategies also provide detailed opportunities. Habitat creation will be guided by landscape character assessments.

⁵ Making Space for Nature; <http://archive.defra.gov.uk/environment/biodiversity/index.htm>

8.3. A series of habitat opportunity maps have been produced using the following principles

- 8.3.1. Saltmarshes and inter-tidal habitats: New sites for creation have been identified through the previous studies where tidal inundation of a site can be increased without creating further flood risk to property around the Taw Torridge Estuary.
- 8.3.2. Broadleaf Woodlands: New woodland planting has been identified where it can extend existing ancient semi-natural woodlands; improve connections between existing woodlands that are separated by more than dispersion distance of 1km; improve the management of ancient semi-natural woodland sites. This target habitat also includes floodplain/wet woodland and riparian buffer strips.
- 8.3.3. Culm Grasslands; extended where the soil, rainfall and aspect conditions suggest habitat creation is likely to be successful and where the resulting area is greater than the minimum patch size is less than (2ha), restore culm grassland sites that improve connections between existing sites. A dispersion distance of 250metres has been applied.
- 8.3.4. Wood Pasture and Parkland: Improving the grazing regimes around existing parkland and wood pastures and the management of veteran trees. New sites for restoration of woodland pasture within the 3 km dispersal distance of key beetle species of established parkland areas.
- 8.3.5. Orchards; Extend and create new traditional orchards. A dispersion distance of 2km has been used for key species. Indications are that the orchards are well connected and therefore there will be an emphasis that old orchards will be brought into good management.
- 8.3.6. Flower Rich meadows: A dispersion distance of 250m has been used similar to that of Culm grassland. Sites on low to moderate nutrient value land near settlements are most likely to be appropriate.
- 8.3.7. Heathland (including lowland, coastal and upland): Existing areas will be extended
- 8.3.8. Species Rich Hedgerows: Recreation of hedgerows preferably along lines where they existed previously, or filling in gaps between hedgerows and bridge between habitats to ensure connectivity is maintained.
- 8.3.9. Raised bog and blanket bog: Habitats will be restored by re-wetting degraded bog areas in the Exmoor and Dartmoor National Parks. This is will be in or next to areas of existing bogs.
- 8.3.10. Flood Plain and Grazing Marsh: Priority will be given to seasonally wet areas from the flood plain mapping provided by the Environment Agency.

8.4. The maps can be found in appendix 1

9. Ecosystem Service conservation and gains.

- 9.1. In addition to accounting for biodiversity, this Biosphere Reserve pilot will also account for ecosystem services. These are defined as the benefits that society receives as a result of the functions that habitats provide. These include carbon fixing, water filtering, flood attenuation and recreation.
- 9.2. Key regulating and cultural services provided by habitats have been identified as areas for improvement/enhancement. At this stage a qualitative assessment is proposed to account for these services until a robust metric is developed.
- 9.3. Flood attenuation services are provided by the following land cover/uses:
 - Steep un-wooded land for conversion to woodland to reduce run-off.
 - Floodplain woodland to attenuate fluvial flow in flood events.
 - Culm Grassland for flow buffering
 - Flood Storage in Floodplain grazing marsh
- 9.4. Carbon sequestration services are provided by the following land cover/uses:
 - Upland Bog
 - Woodland
 - Culm grassland
- 9.5. De-pollution services are provided by the following land cover/uses:
 - Saltmarshes
 - Riparian Buffer Strips
 - Freshwater wetlands of all types
- 9.6. Access for enjoyment
 - 9.6.1. All habitats resilient to physical public access.

10. Local Delivery Projects

- 10.1. A key area for investment of biodiversity is in the North Devon Nature Improvement Area. The National Planning Policy Framework recognises the Nature Improvement Areas as places for special consideration of planning for biodiversity. Other delivery projects include the Taw Torridge estuary, Working Wetlands, More Woods Campaign, Orchards Campaign are also suitable projects to provide biodiversity credits.

11. Organisational Roles

- 11.1. **Local planning authorities** Local planning authorities (LPAs) participating in the pilot will, through pre-application discussions, highlight that offsetting is available to developers as a tool for delivering any compensatory works that may be required in relation to their scheme. Where compensation requirements are to be delivered through offsetting, the LPA will reach a decision about its acceptability in line with the normal development management process. As part of this process, advice will be taken from Natural England, but the ultimate decision on whether the offset project is acceptable or not will be for the LPA to make and capture in a Section 106 agreement.
- 11.2. **Developer:** will make proposals for the development of the site and may appoint an ecological consultant to apply the biodiversity metric on the site. The developer should work with the LPA and the relevant authorities to ensure that his/her development is a “sustainable development” by ensuring

biodiversity is not lost as a result, firstly by good design and secondly by offsetting.

11.3. *Biosphere Reserve Team*

- 11.3.1. The Biosphere Reserve Team, in consultation with Natural England, will provide pre-application advice to developers and their ecological consultants, where this is sought (either by a direct contact from the developer/consultant, or through the relevant planning case officer at the LPA).
- 11.3.2. The Biosphere Reserve team will also provide advice to the determining LPA during the planning application process, where this is sought, and will liaise with Natural England to ensure that the advice received by the LPA is clear and consistent. The Biosphere Reserve team will also maintain relevant website-based information about offsetting, including a list of potential offset providers and projects.
- 11.3.3. Biosphere Reserve Team will also be responsible for maintaining the offsetting strategy, making any necessary amendments as the need becomes apparent during the pilot.

11.4. *Natural England*

- 11.5. Natural England will provide advice to local authorities on:
 - The offsetting project in general
 - The development of the offsetting strategy
 - The consistency of individual development proposals and their fit with the offsetting strategy
- 11.6. 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 Offsetting Strategy

11.7. *Offsetting Providers:*

- 11.7.1. These may be private landowners, or bodies such as wildlife trusts or public sector countryside services who can prove that they have the capability to deliver biodiversity gain projects and guarantee that gain for the perpetuity. Providers will need to be vetted by Natural England prior to being engaged for offsetting projects. Providers may be identified through the local delivery projects mentioned above but must be agreed through the Offsetting Agency.
- 11.7.2. Offset providers and projects must be first approved by Natural England to ensure that the value of biodiversity can be delivered and therefore reduce the risks of failure.
- 11.7.3. Providers can generate biodiversity credits at their own risk ahead of developments for rapid transaction with developers. To do this, the land owner must register their interest with the Offsetting Agency, have the land assessed and the existing biodiversity quantified. Increases in biodiversity value will then be recorded as credits for that landowner to sell to developers.

11.8. *Offsetting Agency*

- 11.8.1. In the short term, the Biosphere Reserve team will be the offsetting agency which will provide the interface between the developers, offset

providers and the LPA on biodiversity offset issues. In the longer term it is hoped that this role will be taken on by an offsetting agency specifically set up to deal with the offsetting.

11.8.2. The Offsetting Agency will be accountable through a steering group of local authority and conservation bodies to ensure it is transparent.

11.8.3. It can be the holder of offsetting funds placed in dedicated purpose accounts in order to avoid combined funding of projects and comply with Section 106 requirements.

12. Process.

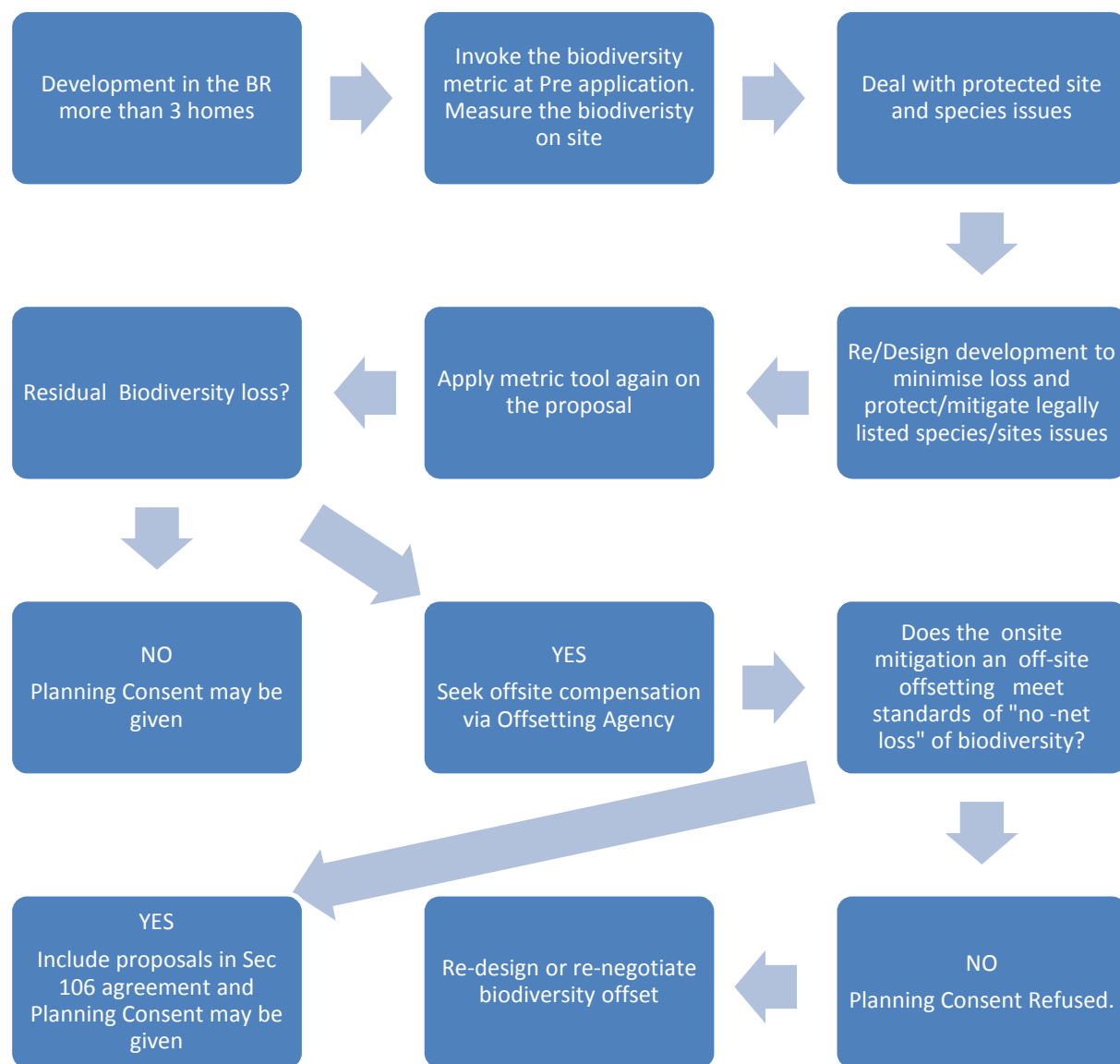


Figure 2: Process flow of applying the biodiversity offset.

13. Management body for the Offsets

13.1. The offsets will ultimately be managed by the offsetting agency established or modified if necessary to:

- Provide advice to developers and offset providers
- hold the funds in appropriate accounts,
- disburse them to reliable project deliverers and
- ensure a monitoring scheme is in place
- ensure external verification of the credits.

- 13.2. The agency will ensure that the strategic investment of the credits will be directed by a local specialist group according to a detailed strategy based on important ecological networks. These will primarily be within the Biosphere Reserve Biodiversity Action Plan, Strategic Nature Areas, and biodiversity corridors as identified in green infrastructure strategies. Further work will be done on key habitats in the BAP to identify where key ecosystem functions and or habitats can be replaced, repaired or enhanced within the SNA's.
 - 13.3. The Agency will be responsible for ensuring that the credits are applied within a reasonable timeframe. That timeframe will be dependent on land availability for a viable land parcel for that habitat in the right location.
 - 13.4. The Steering Group will ensure an appropriate balance between benefiting habitats.
 - 13.5. The Steering Group and trust will be fully transparent in its business.
 - 13.6. The trust/agency will also develop a credit purchase system for businesses wishing to offset their operations as well as developments.
14. Application of the Offsets
- 14.1. Land benefiting from the credits will not be nationally designated biodiversity sites (SACs, SSSIs or NNRs) but can be locally designated sites (CWS).
 - 14.2. Land will be secured through land purchase, restrictive and positive covenants, conservation covenants or secured agreements for tax exempt heritage assets or the Steering group will investigate inheritance tax relief on new none-woodland habitats.
 - 14.3. Offsets should be applied in perpetuity. In the interim it is accepted that the agreements with landowners will be for a minimum of 25 years.
15. Verification of the Offsets
- 15.1. The agency and the local authorities will provide a mechanism for external verification of the biodiversity credits being implemented.
- 16. Publicity and promotion**
- 16.1. As offsetting is being tested as a national pilot, there may be considerable interest about it. In order to promote offsetting and to recognise the efforts of developers who chose to use offsetting, opportunities to undertake publicity in local press (and through other media where appropriate) will be sought.
 - 16.2. A Step by Step Guide will be made available for planners and developers.
 - 16.3. Training and awareness sessions will also be arranged.
 - 16.4. During the pilot phase the Biosphere Reserve team will provide pre-application advice to planners, developers and their consultants.

17. Further information:

North Devon World Biosphere Reserve Service
5th Floor, Civic Centre, North Walk, Barnstaple, Devon.
www.northdevonbiosphere.org.uk

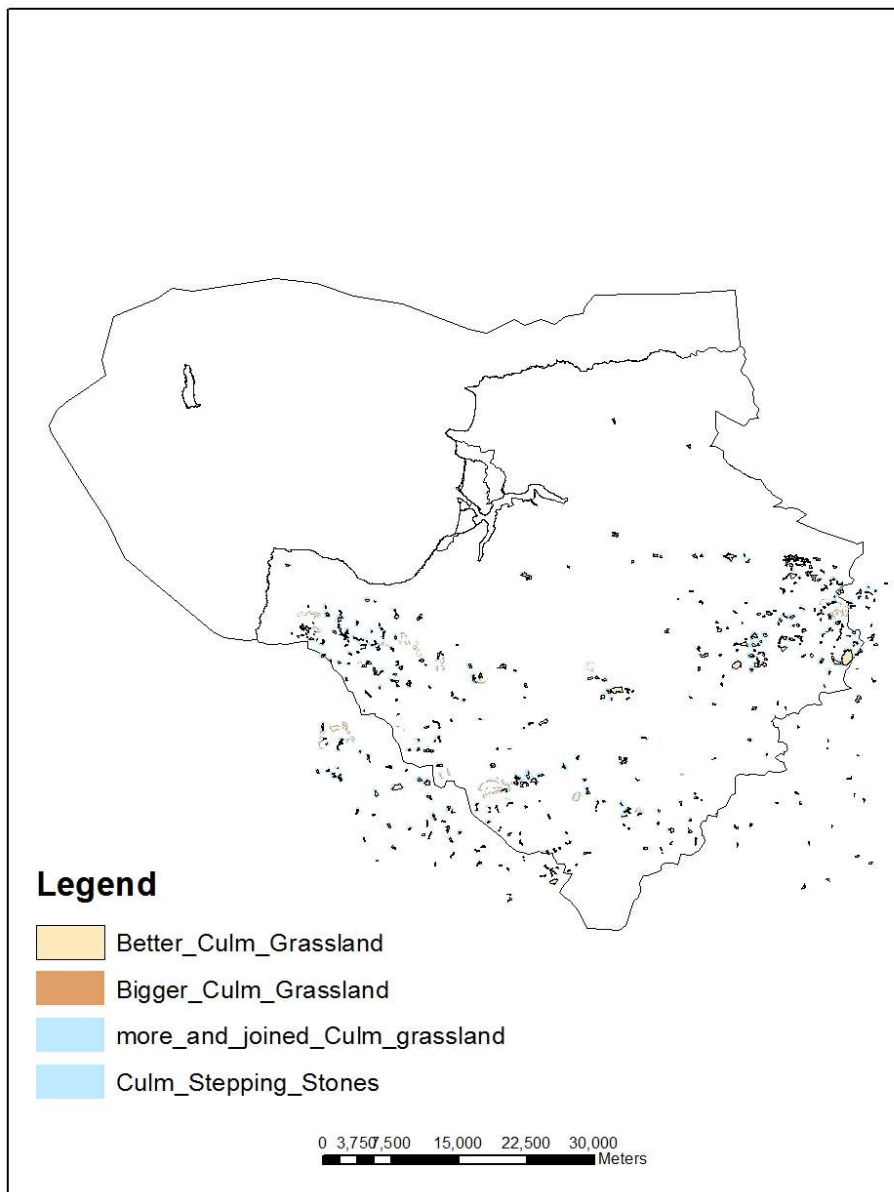
18. Glossary:

- 19. *Critical environmental assets;*
- 20. habitats or features that are important and cannot be replaced easily or trans-located, such as ancient woodland, or a feature providing an ecosystem service (e.g. flood mitigation, urban cooling, corridor) that is critical to that area.
- 21. *Like-for-like*
- 22. Conservation (through the biodiversity offset) of the same type of biodiversity as that affected by the project. Impacted habitats in the high distinctiveness band will usually need to be 'like for like' i.e. type and quality or better. Whereas those in the medium band will need to be 'like for like' or better, and those in the low band will need to be better i.e. offset by a habitat in a medium or high distinctiveness band.
- 23. *Mitigation*
- 24. Measures taken which reduce negative impacts. Examples of mitigation measures include changes to project design, construction methods or the timing of work.
- 25. Defra's biodiversity offsetting definition of mitigation includes "enhancing or restoring other interests or areas on a site so its overall ecological value is retained". This strategy considers this to be compensation. However, this should not be confused with 'mitigation' under the Habitats Regulations as discussed in "compensation" above.
- 26. Dispersion Distance

Appendices

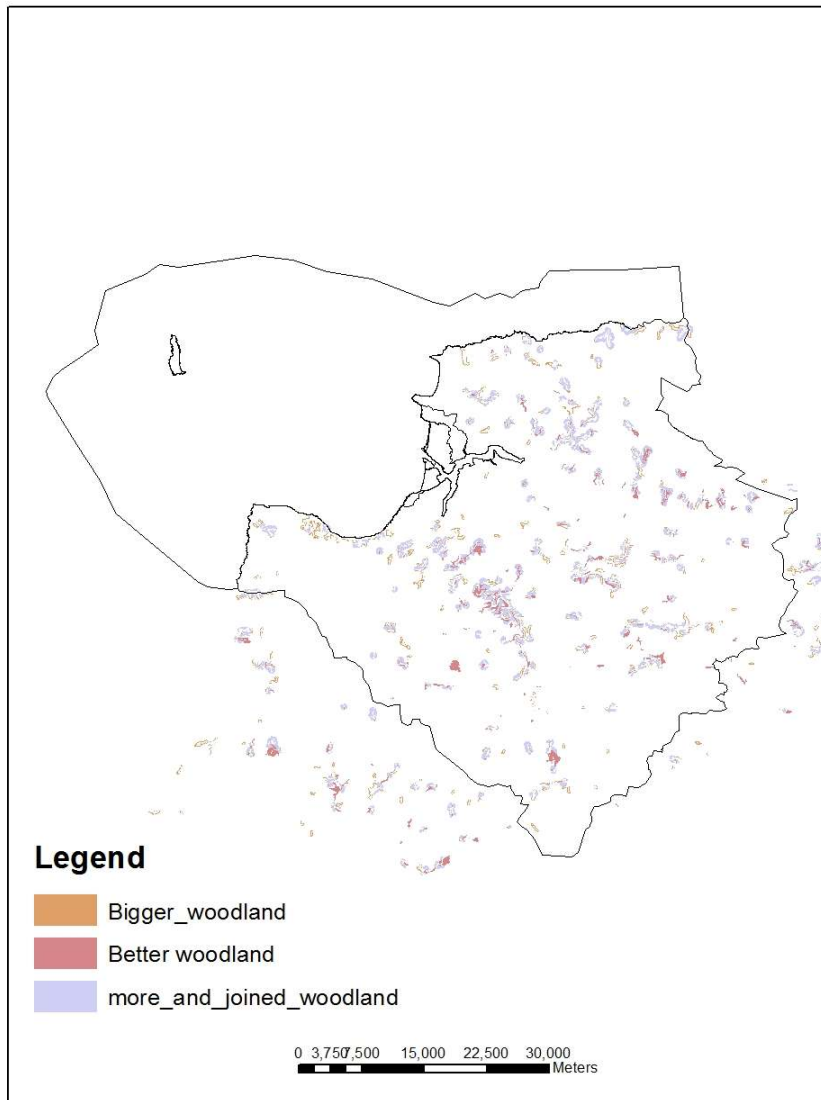
Appendix 1 Biodiversity Opportunities Maps

Culm Grassland Targeting for Biodiversity Offsets

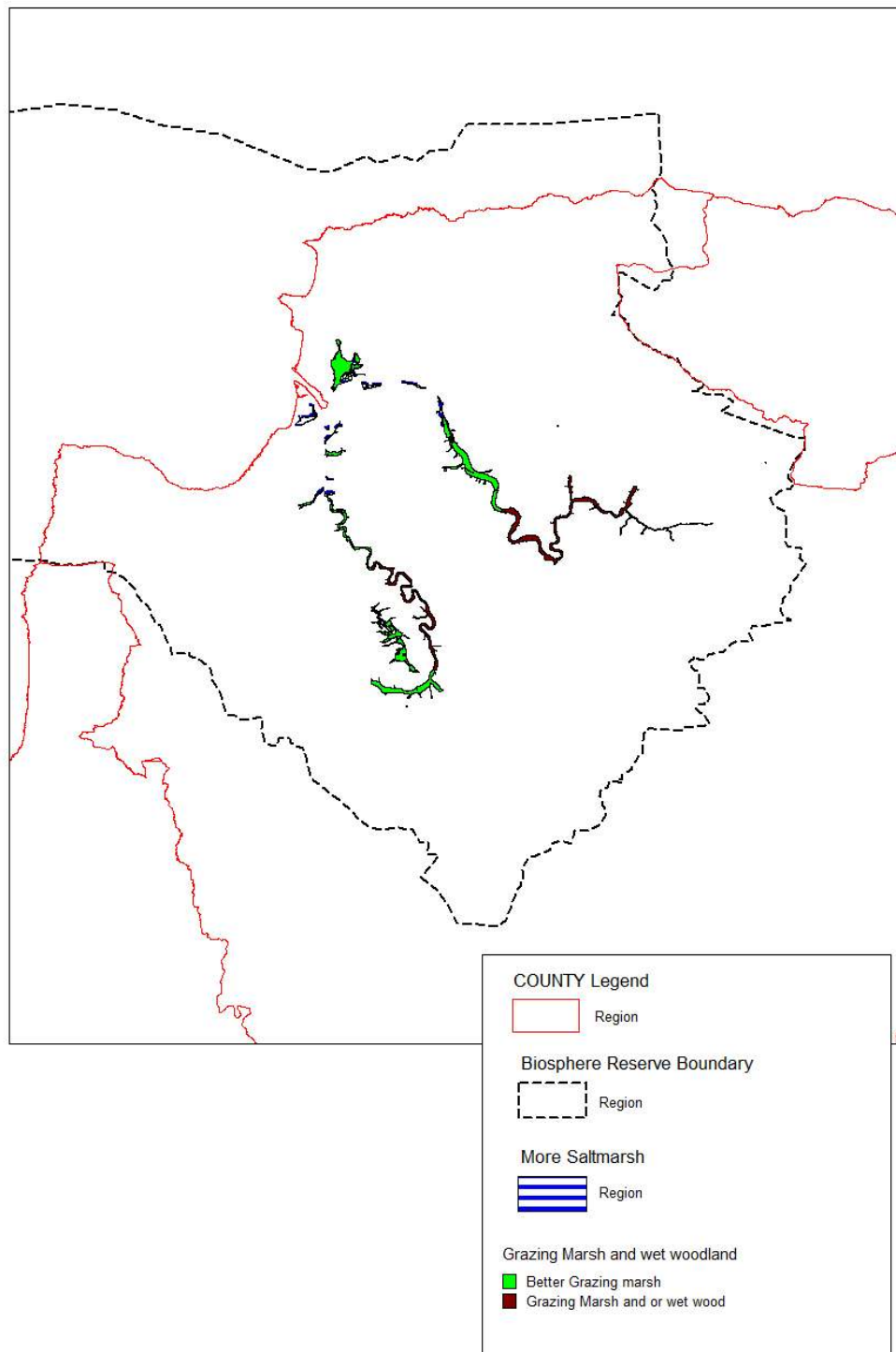


The highlighted areas will serve to boost biodiversity over the coming 5 years. A sequential strategy will further build connections between these established areas.

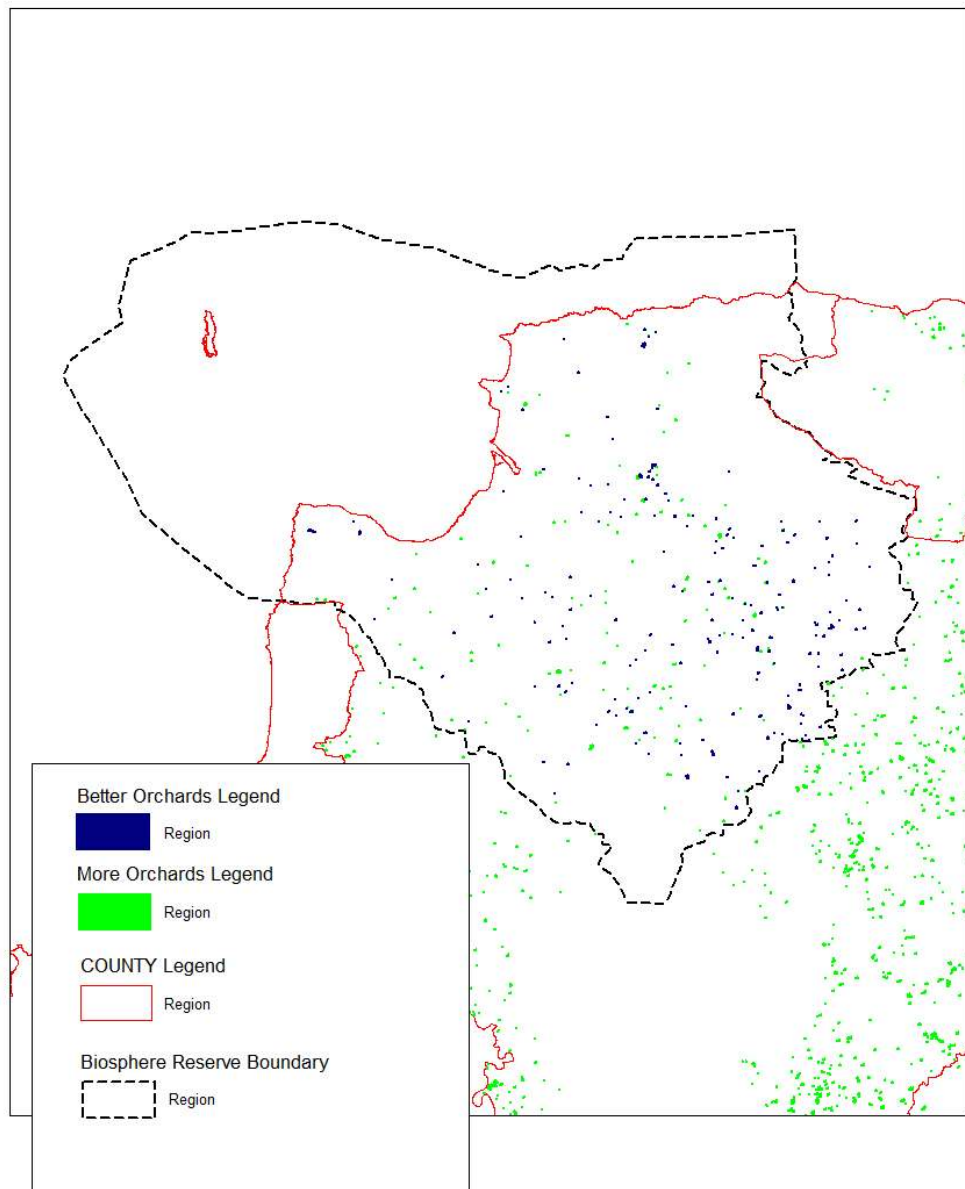
Biodiversity Woodland Targeting for Offsets



The potential woodland sites in the map maximise biodiversity connectivity. Woodland areas outside of these zones may be created for other ecosystem service gains as well as biodiversity. Further linking areas can be established provided that they do not impact on functional connectivity between more sensitive habitats.



Floodplains can be enhanced for either freshwater or saltwater habitats, also flood storage and flow attenuation.



Orchards are traditional features in the landscape are key to the survival of many invertebrates.