

# **German Impact Mitigation Regulation – an example towards no net loss of biodiversity?**

**ICCB-ECCB 2015, Symposium 124 “Biodiversity management and  
development: challenges, opportunities and new directions”**

**4 August, 2015, Le Corum, Montpellier**

**Marianne Darbi, Prof. Wolfgang Wende**

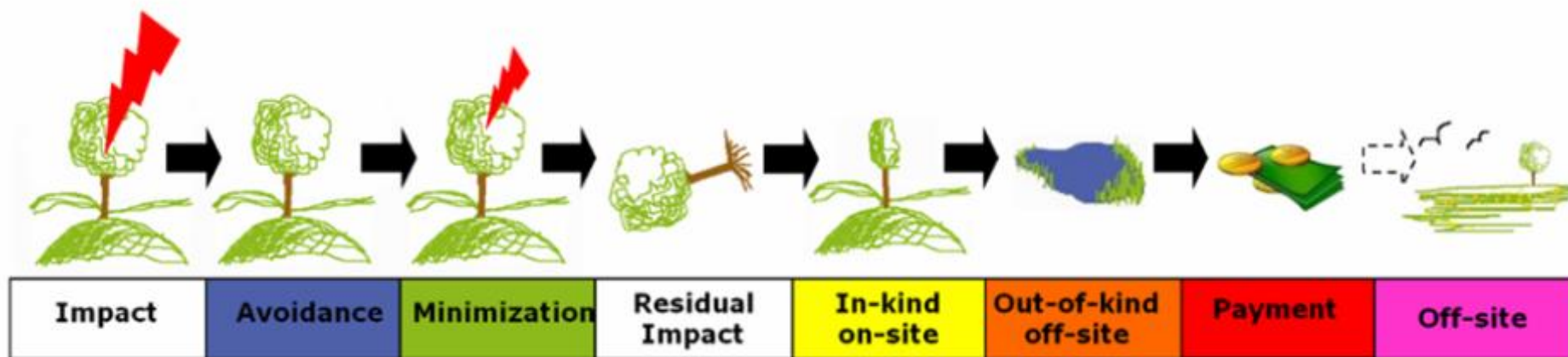
**(IOER, Leibniz Institute of Ecological Urban and Regional Development)**



# Basic principles of German Impact mitigation regulation

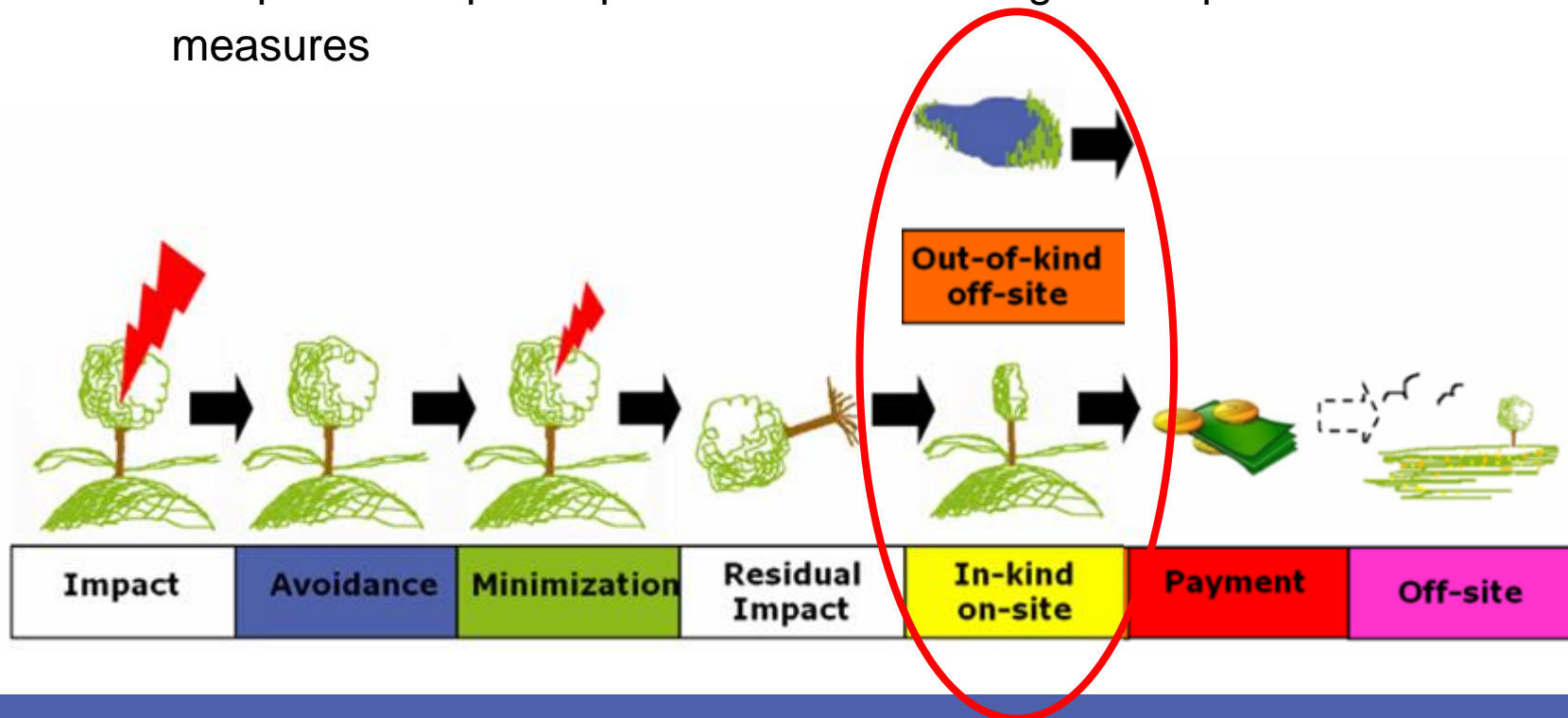
Impact Mitigation Regulation (“Eingriffsregelung”) is the major landscape conservation instrument to address mitigation and compensation for impacts from developments and projects in Germany:

- entered into force as part of the Federal Nature Conservation Act 1976
- comprehensive approach (for all impacts, on all scales, not restricted to specific areas)



# Basic principles of German Impact mitigation regulation

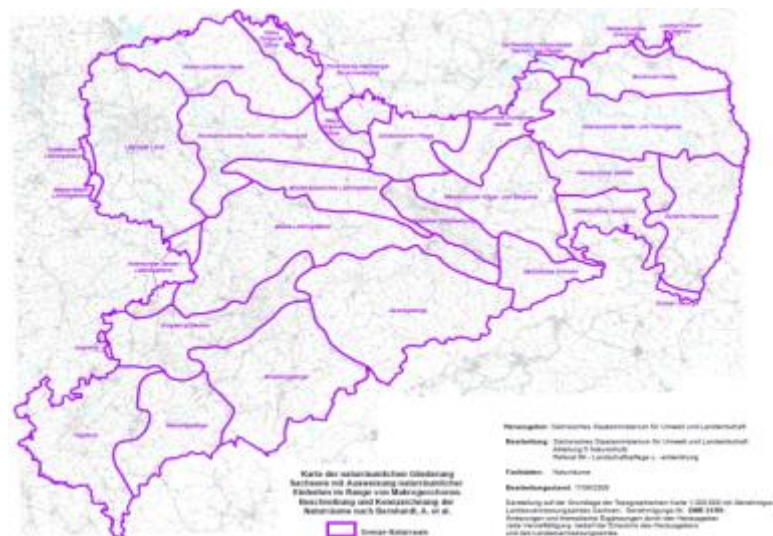
- 2002 and 2009 amendments to the Federal Nature Conservation Act: loosening of spatial and functional connection between impact and compensation
- compensation pools: provision and bundling of compensation sites and measures



# Clear regulation and policy guidance

- Good experience with mandatory system as a prerequisite for success
- Installation of the habitat bank and approval of credits by the competent Nature Conservation Authority, Compensation land register
- Clear and consistent loss-gain-calculations and metrics: biotope value based procedure
- Spatial and functional relation of impact and offset: compensation within the same Natural Landscape Unit

	Biotope type	credits/m2	area in m2	biotope value in credits		
	Nutzung/Biototyp	Wertpunkte je m²	Fläche [m²]	Biotopwert		
	Bezeichnung		vor Maßnahme	nach Maßnahme		
Before	10.01.200 Intensiv genutzter Acker	5	72.736	363.680		
	Summe		72.736	363.680		
After	06.02.000 Grünland frischer Standorte (extensiv)	22		55.943	1.230.746	
	01.10.200 Gestufter Waldrand	22		2.721	59.862	
	02.02.410 Baumreihe	21		612	12.852	
	09.07.200 Steinhäufen	18		439	7.902	
	08.05.000 Magerrasen trockener Standorte	22		13.021	286.462	
	Summe			72.736	1.597.824	
Flächensumme			72.736	72.736	363.680	1.597.824
Biotopwertdifferenz						1.234.144



# Active land management for higher nature conservation outcomes

- secure land with a high nature conservation value or potential through land purchase, change or consolidation (land consolidation enables quick and easy land acquisition without extra costs)
- Implementation of larger, complex and high quality measures adds to reaching state-wide nature conservation goals and strengthen biotope networks and is more cost-efficient
- Compensation is best implemented in the “normal landscape”, not in protected areas (where potential for enhancement is low and costs are high) → Don't touch the Habitats Directive!





# Design and plan measures clearly, but be creative!

- Design and plan measures clearly, e.g. using a landscape maintenance plan
- design creative measures, e.g. using discontinued bunkers for improving shelters for bats

4



Landscape maintenance plan (Landschaftspflegerischer Begleitplan) for Berlin bypass road



Former bunker (above) transformed to bat shelter (below)

# Sound business and full costing

- Stable, independent and not profit-oriented compensation services provider enables the maintenance and safeguarding of the measures in perpetuity
- Calculating a price for the single credit – full costing (“Vollkostenkalkulation”) includes all costs from planning of goals and measures over and land acquisition and project implementation to maintenance and monitoring, including parameters such as securities, risk and bridge financing
- Costing is a process that builds on balancing target values and actual values: a cost estimate at the beginning is quarterly compared with actual used resources → Price for the single credit adjusts over time to the actual costs



## Strong regional cooperation

- Landowners and Farmers: compensation through Land Use Contracts reduces consumption of farming land for offsets
- Authorities: approval and agreement through the whole process
- Public: acceptance through clear nature conservation goals including socioecological aspects
- Federal Association of Compensation Agencies: common quality standards





# The model of habitat banking – fit for purpose?

Habitat banking has become the **major tool for ensuring appropriate and timely implementation of offsets** under the German impact mitigation.

However, some **obstacles remain**:

- advance financing as limiting factor
- uncertainty (refinancing of sites and measures cannot be guaranteed)
- need for trained personnel
- Competition, lacking coordination and price dumping can have a negative effect on the quality of the measures
- lacking transparency and transferability (valuation techniques to balance impact and compensation and cost calculation differ very much)
- interaction with the Common Agricultural Policy of the EU (subsidies)
- Unclear and uncertain administrative action and sometimes lacking engagement of municipalities

Obstacles

# Making a success of No Net Loss: recommendations to companies, governments and the conservation community

- **Prerequisites:** Give priority to avoidance and minimization, Accept limitations to what can be offset
- **Clear legal regulation and policy guidance:** Establish a legal mandatory framework as a pre-requisite for success
- **Go beyond exiting EU legislation (esp. Habitats directive):** Establish a new tool for the 'normal landscape'
- **Active land management** (land purchase, land change, land consolidation) to secure land with a high nature conservation value or potential
- **Design and plan measures clearly** (e.g. landscape maintenance plan)
- **Design creative measures** (e.g. improving shelters for bats example)
- **Sound business and full costing** (preferably by stable, independent and not profit-oriented compensation services provider)
- **Strong regional cooperation** with stakeholders (land owners and farmers, other compensation services providers and the public)



# Thank you!

## Contact

**Leibniz Institute of Ecological Urban and Regional Development (IOER)**

Marianne Darbi

Fon: 0351 4679 223

Fax : 0351 4679 212

E-Mail: [M.Darbi@ioer.de](mailto:M.Darbi@ioer.de)

Wolfgang Wende

Fon: 0351 4679 242

Fax : 0351 4679 212

E-Mail: [W.Wende@ioer.de](mailto:W.Wende@ioer.de)



Leibniz Institute of  
Ecological Urban and  
Regional Development



## Visit the Biodiversity Offsets Blog: [www.biodiversityoffsets.net](http://www.biodiversityoffsets.net)