

First National Biodiversity Offset Guideline published

South Africa's first National Biodiversity Offset Guideline has been published for implementation.



Image source: Jean van der Meulen from [Pexels](#)

“Biodiversity offsetting, which forms part of the mitigation hierarchy envisioned in the National Environmental Management Act (NEMA) principles, is a relatively novel practice in South Africa.

“It has not always been implemented in an evidence-based and consistent manner, therefore the guideline serves to provide a degree of consistency and standardisation in the implementation thereof,” the Department of Forestry, Fisheries and the Environment (DFFE) said on Monday.

The guideline will also serve as an intervention aimed at improved protection for, and appropriate management of biodiversity. If done correctly, the biodiversity outcome, as a result of the intervention, counterbalances the negative impact of an activity on biodiversity.

It was published in Government Gazette 48841 (Notice No. 3569) by the Minister of Forestry, Fisheries and the Environment Barbara Creecy, on 23 June 2023 in terms of the National Environmental Management Act.

“The National Biodiversity Assessment 2018 stated that South Africa’s biodiversity is declining and ecosystems are being degraded. Therefore, there is a need for urgent action to slow down the loss and degradation of these natural assets. The guideline will serve as a means to minimise and offset biodiversity loss as a result of the negative impacts of unsustainable development on the country’s natural environment.

“Biodiversity offsetting is only required if there is still a significant residual biodiversity impact after all other efforts have been made to avoid and minimise negative impacts on biodiversity,” the DFFE said.



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Principle guidelines

Fundamental principles are spelled out in the guideline for offsetting biodiversity in South Africa.

This includes guidance on when offsets are required, how to determine the requirements for biodiversity offsets and how to ensure that the actions taken are binding on the person liable for implementation.

“The Guideline applies to the terrestrial and freshwater realms, and not to offshore marine areas or estuarine ecosystems. That does not however mean that biodiversity offsetting is not required where development will have negative impacts on marine or estuarine ecosystems.

“The guideline is not legally binding and does not replace the environmental authorisation (EA) process outlined in the NEI or the Environmental Impact Assessment Regulations.

“It augments the legislation by guiding the implementation of NEMA and the EIA Regulations in the context of mitigation of impacts on biodiversity and the use of biodiversity offsets. Competent authorities listed in terms of NEMA will be required to consider the Guideline when taking decisions on EA applications,” the Department said.

The Guideline can be accessed on [National Environmental Management Act, 1998 \(Act No. 107 of 1998\): The National Biodiversity Offset Guideline published for implementation](#) [G48841 – GoN 3569].

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