



Consultation on Biodiversity Net Gain Regulations and Implementation

Date: 4 April 2022

Introduction

1. The Country Land and Business Association (CLA) is the membership organisation for owners of land, property and businesses in rural England and Wales. As well as agriculture and forestry, the CLA's 28,000 members operate 250 different types of business located in the rural area, covering over 10 million acres across England and Wales. They have a long-term interest in the rural communities and environment in which they live. Their businesses are often at the foundation of the local economy by providing homes, jobs, employment space and services to local communities.
2. The CLA welcomes this opportunity to respond to the Consultation published on 11 January 2022.

General comments

3. The CLA has members operating at various points in the biodiversity net gain process. For some members looking to undertake (mainly minor, rural) development they will be subject to the mandatory biodiversity net gain requirements. Others will be putting forward land for development and the requirement for net gain will have an impact on the market for land for development. The majority of our members are most likely to interact with the policy as landowners or land managers who have the potential to deliver biodiversity gain sites on their land.
4. The CLA welcomes the introduction of mandatory biodiversity net gain but believes special attention is needed to ensure that the additional burden it creates does not prevent much-needed small scale rural development. We also believe that for biodiversity net gain to play a role in delivering on the Government's environmental ambitions, certain improvements are needed including clarity on the tax treatment of land and income used for net gain; a flexible approach to the additionality principle and the ability to combine net gain income with other environmental payments; and further support and assurances regarding the capacity of planning authorities to implement the policy.

Planning authority capacity

5. Biodiversity net gain requirements will be an added burden to planning authorities who will require additional personnel and ecological expertise. We are pleased to see that the government is providing some additional funding to assist with biodiversity net gain

delivery and that Planning Advisory Service are setting up training courses. However, a substantial funding increase to planning authorities is required, given the year on year funding cuts they have experienced since 2008, as well as additional funding to assist with the delivery of biodiversity net gain. It is widely recognised that the planning system across England is overburdened with serious delays on practically all planning application decision-making, no matter how small or big the development proposed.

6. Specific concerns around planning authority capacity include: the ability to evaluate biodiversity gain plans; to ensure the mitigation hierarchy is followed; that statutory biodiversity credits are only used by developers as a last resort; and the monitoring and enforcement of biodiversity net gain agreements once in place. Even if some planning authorities are able to deliver all these requirements swiftly and effectively, the risk of an unequal playing field with large geographic disparities in the delivery of net gain is high. Central government support, funding and guidance is needed to mitigate this risk and avoid even slower planning decisions and a system incapable of delivering good outcomes for either nature or development.

Additional burdens on small-scale rural development

7. The government's agricultural transition plan and the productivity gap between the rural and urban economy both point towards the vital importance of diversification as a strategy for many farming businesses. Small-scale rural development will also contribute towards a socially and economically thriving countryside. Such development already faces high burdens in terms of the cost of planning applications and the overall economic viability. We are concerned that the additional burden of complying with mandatory biodiversity net gain will prevent some necessary development.
8. The CLA believes that Rural Exceptions Sites for between 1 and 9 units for affordable rural housing should be exempt from biodiversity net gain. We also would like to see further simplification of the Small Sites Metric and biodiversity gain plan so that it is easier for farmers and land managers to use.

Compulsory acquisition of land for Nationally Significant Infrastructure Projects

9. The CLA strongly opposes the proposals to allow compulsory acquisition of land for biodiversity net gain for Nationally Significant Infrastructure Projects (NSIPs). The Government's overall aim with biodiversity net gain is to set up a market-based approach, with the sale of biodiversity units allowing biodiversity net gain to be delivered and statutory credits used as a last resort. This approach should allow NSIPs to meet any biodiversity net gain requirements in the same way as other development. While it may appear easier to use compulsory acquisition to achieve their obligations, allowing commercial developers to do so at the expense of curtailing private property rights is not a price worth paying.
10. In many cases, landowners would be better placed to deliver biodiversity net gain for NSIPs on their land, rather than lose the land to compulsory acquisition. We know from experience that delivery of biodiversity projects as compensation for NSIPs is not always of a high standard. Where this it is not possible to deliver net gain on nearby land then, as with other forms of development, NSIP developers should resort to the open market in biodiversity units or statutory credits. This would in any case help to kick start or support these markets and avoid them being undercut by NSIP compulsory land acquisition.

Protected sites and additionality

11. The CLA is very concerned that Defra is proposing to apply a strict interpretation of the additionality principle to the use of biodiversity net gain to fund management of protected sites such as Sites of Special Scientific Interest (SSSIs). England's protected site network is failing to deliver nature recovery and this is in part due to a lack of funding for site management. Government is prepared to invest public money, through agri-environment schemes, in SSSI management but in order to achieve the necessary step change to deliver on national targets other funding sources are needed. We believe biodiversity net gain funding should be used to fund management of protected sites, including their designated features, where it can be demonstrated that such management is not currently taking place and would lead to a measurable biodiversity gain.

Tax issues for biodiversity net gain

12. Landowners and professional advisers have indicated that uncertainty about taxation, capital, revenue and VAT is a very real blocker in their ability to cost, plan for and ultimately sign up to biodiversity net gain contracts. The CLA believes that land in dedicated environmental schemes should be deemed as agriculture for the purposes of Agricultural Property Relief from inheritance tax. Similarly environmental land should be deemed as a trade for the purposes of Business Property Relief and Capital Gains Tax.

Specific Comments

13. We have the following additional comments in response to the Consultation questions.

Exemptions

Question 1. Do you agree with our proposal to exempt development, which falls below a de minimis threshold from the biodiversity net gain requirement?

- a. for area-based habitat:
[Yes (which of the following thresholds do you think is most appropriate: 2m² 5m², 10m², 20m², 50m², other threshold – please specify) / No (please explain why not) / Do not know]
- b. for linear habitat (hedgerows, lines of trees, and watercourses):
[Yes (which of the following thresholds you think is most appropriate: 2m, 5m, 10m, 20m, 50m, other threshold – please specify) / No (please explain why not) / Do not know]

14. The CLA agrees with the proposal for a de minimis exemption for development proposals with minimal or negligible impacts. This exemption will ensure mandatory biodiversity net gain is proportionate and will allow certain developments that are important to farming and rural businesses.

15. The threshold for area-based habitat should be 50m² and for linear habitat 50m. These thresholds would allow minor improvements and additions to farm businesses such as the installation of farm gates and other access points.

Question 2. Do you agree with our proposal to exempt householder applications from the biodiversity net gain requirement?

16. Yes. To include these in mandatory biodiversity net gain would increase the administrative burden despite little or no risk of biodiversity loss. Householder applications largely relate to changes to an existing building or small extensions within the existing site (e.g. into the garden).

Question 3. Do you agree with our proposal to exempt change of use applications from the biodiversity net gain requirement?

17. Yes.

Question 4. Do you think developments which are undertaken exclusively for mandatory biodiversity gains should be exempt from the mandatory net gain requirement?

18. Yes. Such scenarios (eg pond creation) would mostly apply to off-site biodiversity gain sites which would require planning permission. Not exempting these developments would make proposals unattractive, for example requiring landowners wishing to deliver net gain to undergo additional administrative burden and to deliver a greater number of biodiversity units (to deliver the net gain on top of the net gain). This could limit the supply of biodiversity units.

Question 5. Do you think self-builds and custom housebuilding developments should be exempt from the mandatory net gain requirement?

19. Yes – If a single self-build dwelling is to be used for a rural workers dwelling, it should be exempted from the biodiversity net gain requirements, so long as it is:
- a. the subject of an occupancy condition and is granted permission by reference to National Planning Policy Framework paragraph 80(a) and
 - b. meets the Community Infrastructure Levy self-build requirements.

Usually these types of dwellings can only be built if the income from the agricultural holding will support the development costs. As income from smaller agricultural holdings is generally very tight, the additional burden of biodiversity net gain would undermine the delivery of critically needed rural workers' dwellings.

20. No - If more than one self- or custom-build dwelling is proposed on a site then the entire development site should be the subject of the small sites metric to avoid abuse and loopholes.

Question 6. Do you agree with our proposal not to exempt brownfield sites, based on the rationale set out above?

21. Yes.
22. Some brownfield sites will be exempt from the net gain requirements because they score zero on the biodiversity metric. Others will have a high biodiversity value and should not be exempted. It seems perverse to exempt self-build and custom build development, but not to exempt brownfield land. This suggests that home ownership trumps nature recovery.
23. However, consideration should be given to the high cost of brownfield development. Land remediation, surveys and planning applications, as well as the potential for a Community Infrastructure Levy and section 106 agreement, add to this expense. If subject to biodiversity net gain requirements, the entire development cycle will be lengthy and possibly financially unviable. This could lead developers to continue to favour developing green field land.
24. The CLA suggests that Defra and DLUHC should revisit the idea of exempting low biodiversity value brownfield land from mandatory biodiversity net gain if this (combined with Community Infrastructure and section 106 commitments) make a proposal financially unviable.

Question 7. Do you agree with our proposal not to exempt temporary applications from the biodiversity net gain requirement?

25. Yes we agree that the use of the biodiversity metric to disregard any temporary loss of biodiversity is sufficient.

Question 8. Do you agree with our proposal not to exempt developments which would be permitted development but are not on account of their location in conservation areas, such as in areas of outstanding natural beauty or national parks?

26. No.
27. Defra should give further consideration to the impact that these proposals could impose on smaller farming businesses located in protected landscapes. Farmers are

told by government to pursue economic diversification, which is essential to maintain the business in the face of very tight economic margins for farming in these landscapes. The economic viability of businesses is often undermined by rigid planning policy. The uncertainty about achieving a beneficial outcome leaves many land managers unwilling to attempt to steward a planning application through the planning process. This leads to inertia and a lack of investment, and in turn to declining profitability for businesses and declining communities. Placing an additional burden on small rural businesses would not only undermine rural productivity but jeopardise the government's levelling-up agenda.

Question 9. Are there any further development types which have not been considered above or in the previous net gain consultation, but which should be exempt from the biodiversity net gain requirement or be subject to a modified requirement?

28. Yes.

29. The following development types should be exempted:

- a. A single self-build rural workers dwelling which is the subject of an occupancy condition (under National Planning Policy Framework Para 80(a))
- b. New farm buildings that require planning permission. Most new agricultural buildings are developed within an existing business. In some cases they are developed to allow the business to grow and in other cases they are replacing obsolete structures with more efficient modern buildings for either livestock health and welfare or health and safety reasons in respect of grain/vegetable/fruit storage. If the new building is erected on the footprint of the obsolete building then an exemption from biodiversity net gain should be applied.
- c. Soft fruit growing using "Spanish" Polytunnels generally requires planning permission because they are considered to be a "building" under the Town and Country Planning Act 1990 (the 1990 Act). Soft fruit growing is an agricultural activity (section 336 section 1990 Act). These polytunnels, which extend the growing season for soft fruit growing in line with demand from consumers, should also be exempted from biodiversity net gain requirements.
- d. Rural Exception Sites used for affordable rural housing (social rent) of between 1 and 9 dwellings should be exempted from all biodiversity net gain requirements. As these are economically marginal developments at best and in order to continue to encourage landowners to bring land forward for this type/scale of development, we urge the government to exempt this type of development.

Question 10. Do you agree with our proposal not to exempt development within statutory designated sites for nature conservation from the biodiversity gain requirement?

30. Yes in principle. However, as set out in response to question 9 there are circumstances where this requirement would add too high a burden. The exemption for new farm buildings constructed on the footprint of an existing one should also apply in protected sites.

31. The CLA is also mindful of the existing restrictions on development in protected sites. As explained in response to question 8, economically thriving rural businesses are often a prerequisite for the positive management of sites for nature. The requirement for biodiversity net gain on development in protected sites should not be used to prevent appropriate, sustainable development, which can often help land managers to deliver nature conservation alongside thriving commercial businesses.

Question 11. Do you agree with the stated proposals for development (or component parts of a development) on irreplaceable habitats, specifically:

a) The exclusion of such development from the quantitative mandatory biodiversity gain objective?

b) The inclusion of a requirement to submit a version of a biodiversity gain plan for development (or component parts of a development) on irreplaceable habitats to increase proposal transparency?

c) Where there are no negative impacts to irreplaceable habitat, to allow use of the biodiversity metric to calculate the value of enhancements of irreplaceable habitat?

d) To use the powers in biodiversity net gain legislation to set out a definition of irreplaceable habitat, which would be supported by guidance on interpretation?

e) The provision of guidance on what constitutes irreplaceable habitat to support the formation of bespoke compensation agreements?

32. The CLA agrees with all the proposals set out in question 11. We acknowledge that development on irreplaceable habitat should be avoided, but where it cannot be, the standard application of biodiversity net gain would not be appropriate.
33. It is vital to have a clear list of defined irreplaceable habitats and guidance on interpretation of what constitutes an irreplaceable habitat.
34. We are concerned that local planning authorities do not have the capacity and expertise to arrive at bespoke compensation agreements for development on irreplaceable habitat. Elements of this process can benefit from guidance and learning from the implementation of mandatory net gain. This is particularly relevant if the concept of “irreplaceability” is taken to apply not just to certain habitat types which are defined as irreplaceable (e.g. ancient woodland) but also to specific instances of other habitat types which are determined to be irreplaceable in a given geographic context.

Question 12. Do you agree with our proposed approach that applications for outline planning permission or permissions which have the effect of permitting development in phases should be subject to a condition which requires approval of a biodiversity gain plan prior to commencement of each phase?

35. Yes.

Question 13. Do you agree with the proposals for how phased development, variation applications and minerals permissions would be treated?

Section 73 applications and phased developments

36. Yes.
37. This is a sensible way of handling phased developments, which are most effective when Master Planning is used. Coordination could be difficult on a large site where many different developers may be working without an overarching strategy for delivering biodiversity net gain requirements. On large phased development sites there should be an agreed overall biodiversity net gain strategy for the entire scheme. Consideration should be given to local design codes which could include key biodiversity information and strategy to help provide coordination across large sites.

Minerals development

38. Don't know.
39. Minerals developments can be complex. There are complex landownerships, the minerals development can take place over many years and minerals developers have long been delivering restoration plans that provide biodiversity net gain.
40. The CLA suggests that Defra should look at minerals separately for the following reasons:
- Landowners and minerals companies have long been delivering restoration programmes on a phased basis. Mineral developers will need to take care to ensure that as part of the phased process they are not charged twice for biodiversity net gain. In some instances biodiversity net gain or restoration can take place some time before minerals development even commences e.g. the planting of a shelter belt of trees 10 years in advance for landscapes purposes
 - Mineral planning authorities are the lead authority when making decisions on minerals development, not the planning authority. Local Nature Recovery Strategies (LNRS) are likely to take place at county level. So it will be essential to ensure that the minerals, county and local planning authorities are working together to deliver a joined up approach to LNRS and biodiversity net gain requirements
 - Minerals permissions have long-term management agreements over many years with long-term delivery arrangements. Some minerals permissions have many different landowners which means that there is a lot of detail still to work out.
 - The review of old mineral planning permissions (ROMP) will not be the subject of biodiversity net gain if they continue to be active for next 20-30 years. However, historic permissions that are active into 2037 may lead to biodiversity net gain being required. It is unclear what happens to old consents that have never delivered biodiversity net gain. If an old consent is reviewed and minerals development is expanded beyond the confines of the original permission then biodiversity net gain would be included.
 - Minerals developers are aware that Natural England is pushing for biodiversity net gain to be included for new phases of minerals

permissions. Mineral developers will need to take care to ensure that as part of the phased process they are not charged twice for biodiversity net gain.

- Achieving a minerals consent is difficult, time consuming, expensive and will include a restoration plan. The biodiversity net gain requirements could make it even more difficult. Considerations should be given as to whether it is in the national interest to make it even more difficult to extract minerals. We believe for these reasons a specific metric and guidance are needed to implement biodiversity net gain on minerals developments.

Question 14. Do you agree that a small sites metric might help to reduce any time and cost burdens introduced by the biodiversity gain condition?

41. The CLA is concerned about the additional burden and impact on viability that mandatory biodiversity net gain will have on minor development. This applies in particular to small, rural developments of the type necessary to ensure a socially and economically thriving countryside. Farm diversification is a necessary strategy for many farmers and land managers navigating the current agricultural transition to a new domestic policy, particularly for smaller farms.
42. The small sites metric is an improvement on the Defra Metric 3.0. However, it is still complicated to use and will require professional ecological advice in order to submit the best possible planning application. This will add time and cost onto the development and impact viability. Defra and Natural England should revisit the small sites metric so that it is cost effective and positively encourages a smaller farmer to reinvest in their farming business.

Question 15. Do you think a slightly extended transition period for small sites beyond the general 2- year period would be appropriate and helpful?

43. Yes.
44. This would particularly help planning authorities to get up to speed with biodiversity net gain and embed the processes and good practices. The additional 12 month transition will help to learn lessons from the application of net gain to larger sites and ensure a smooth transition for small sites.

Question 16. Are there any additional process simplifications (beyond a small sites metric and a slightly extended transition period) that you feel would be helpful in reducing the burden for developers of small sites?

45. As outlined in response to question 9, the CLA believes that rural exception sites should be exempt from biodiversity net gain.
46. There are also areas where other policies could give wider support to the operation of biodiversity net gain. For example, the cost and expertise required to undertake an ecological survey may be prohibitive. However, the CLA believes that all farmers and land managers should be incentivised to undertake natural capital baseline assessments through the new Environmental Land Management scheme. Doing this would provide useful data, both for land that is earmarked for development (and this can help ensure development happens on sites of lower biodiversity value) and for sites that could be used to generate biodiversity units off site.

Question 17. Are any targeted exemptions (other than that for irreplaceable habitat), reduced biodiversity net gain objectives, or other modified requirements necessary for the application of the biodiversity net gain requirement to NSIPs?

47. No.

Question 18. Do you agree that the above approach is appropriate for setting out the biodiversity net gain requirement for NSIPs?

48. Yes. A biodiversity net gain statement should be adequate for all NSIPs and can cross-refer to an Environmental Impact Assessment where one has been undertaken. If an Environmental Impact Assessment has not been undertaken at that time, preliminary detail should be included to show indicative requirements and then updated prior to the development consent order being granted. The replacement habitat for NSIPs should be close to the development and deliver a similar habitat to that lost.

Question 19. Do you consider that the November 2025 is an appropriate date from which NSIPs accepted for examination will be subject to the biodiversity net gain requirement?

49. Yes, as many NSIP applications will already be building biodiversity net gain into their applications.

Question 20. Do you agree that a project's acceptance for examination is a suitable threshold upon which to set transition arrangements?

50. Yes.

Question 21. Would you be supportive of an approach, which facilitates delivery of biodiversity net gain using existing landholdings by requiring a lighter-touch registration process, whilst maintaining transparency?

51. The CLA supports businesses using their own landholdings providing they are sufficiently close to the infrastructure scheme (within the parameters set for other development). However, it would not be appropriate for an NSIP in Cornwall to deliver its BNG hundreds of miles away, just because that is where the developer owns land, or where they can buy it more cheaply to provide an offset.
52. There should be no "lighter-touch" process for NSIPs. Transparency and delivery are just as important for NSIPs as they are for other kinds of development. Biodiversity net gain should deliver something in addition to the investment in delivery that you would normally expect those organisations to make as part of their everyday business.

Question 22. Do you consider that this broad 'biodiversity gain plan' approach would work in relation to NSIPs?

53. Yes.

Question 23. Should there be a distinction made for NSIPs between on-site habitats (which are subject to the biodiversity net gain percentage) and those habitats within the development boundary which are included solely for environmental mitigation

(which could be treated as off-site enhancement areas without their own gain objective)?

54. There is no need to distinguish between onsite ecological delivery and offsite delivery, as this could lead to double counting. However, with biodiversity net gain there is greater scope for offsite delivery: with an active and growing market it will not be necessary to deliver as much environmental habitat onsite as has been the case in the past (when that was the only way of delivering an offset).

Question 24. Is there any NSIP-specific information that the Examining Authority, or the relevant Secretary of State, would need to see in a biodiversity gain plan to determine the adequacy of an applicant's plans to deliver net gain (beyond that sought in the draft biodiversity gain plan template at Annex B)?

55. There would have to be an assessment of how the NSIP provider would approach this requirement for habitat and the timescale over which it would be delivered.
56. The NSIP process should never be used to deliver biodiversity net gain, this should always be delivered through commercial negotiations. Those who suffer compulsory acquisition should not have more land taken from them via compulsory acquisition to satisfy biodiversity net gain requirements.

Question 25. Do you think that 30 years is an appropriate minimum duration for securing off-site biodiversity gains allocated to NSIPs?

57. Yes

Question 26. Are further powers or other measures needed to enable, or manage the impacts of, compulsory acquisition for net gain?

58. Compulsory acquisition should not be used to deliver net gain, for both practical reasons and because it goes against the established principle of private property rights.
59. Compulsory purchase rides rough-shod over the property rights of individuals and works in direct opposition to the market-based approach introduced by biodiversity net gain. It damages affected businesses, whether those affected by the original NSIP or by widening impact onto previously unaffected businesses nearby. Compensation tends to be inadequate and is often paid years too late. Meanwhile, the compulsory acquisition can affect the economic viability of a business. These impacts can often last for many years or decades. Such impacts are not only bad but iniquitous and would run against the government's agenda for driving economic growth and encouraging property ownership. Using compulsory purchase for the delivery of biodiversity net gain sends the wrong signal: that it is acceptable to damage existing, established and viable businesses in order to deliver the environmental offset of a new scheme over which that landowner has little influence.
60. The impact of compulsory purchase is exacerbated because often NSIP providers over-estimate the amount of land required under compulsory acquisition. This is done to ensure an adequate safety net because the final detailed design and build of a scheme is not finalised at the time the development consent order is granted. It is currently all too easy for NSIP providers to argue that compulsory acquisition is

necessary to deliver environmental habitat, however this is often because it is the easiest option or because they are unsure how this habitat will be delivered.

61. NSIPs are not always used only to deliver much-needed national infrastructure, but commercially provided infrastructure by multinational companies. These companies can make money from this infrastructure, while the use of compulsory purchase means landowners are unable to benefit from the project and can claim only limited compensation, remaining at the whim of the developer as to when they will be paid.
62. The whole objective of biodiversity net gain is to ensure that biodiversity units are delivered through a market-based approach, with statutory credits used as a last resort if needed. There is no reason why NSIPs should be any different. There will be more than adequate opportunity to meet any net gain requirements using commercial agreements, habitat banks or through the purchase of statutory biodiversity credits. This could be the difference between a nearby NSIP being the cause of economic harm for a land-based business or an economic opportunity for them to deliver biodiversity units.
63. The proposals for biodiversity net gain within this consultation are focused on providing a commercial market led solution to delivery of biodiversity net gain. This should be reflected too for NSIP schemes otherwise those commercially profitable companies will ride roughshod over smaller business and individual's property rights under the guise of it being in the "public interest".

Question 27. Is any guidance or other support required to ensure that schemes which straddle onshore and offshore regimes are able to deliver biodiversity net gain effectively?

64. Yes. Guidance will be important to ensure the delivery of net gain in these circumstances.

Question 28.

a) Do you agree with the proposed content of the biodiversity gain information and biodiversity gain plan?

b) Do you agree with the proposed procedure for the submission and approval of biodiversity gain information and the biodiversity gain plan?

65. The CLA supports the introduction of a consistent, universal biodiversity gain plan, used across England. This should reduce inconsistency and make it easier to produce guidance and improvements at the national level.
66. The CLA welcomes the proposal to produce a more concise version of the biodiversity gain plan template for use on small sites.

Variation in net gain requirements

67. The CLA is concerned about the possible implications of the ability of planning authorities to set net gain requirements above the 10% minimum. The consultation document states that: "careful consideration should be given to the feasibility and achievability of any requirements above 10%, which can have significant impacts on the costs of developing a site." We want to underline this point. Setting very high biodiversity net gain requirements, especially when the policy and its implementation

are still in the early stage, could have unintended consequences in terms of development viability. A better proposal may be for planning authorities to start with 10% and consider increasing this level once the policy has proved it is operating effectively.

Question 29. We will continue to work with external stakeholders and industry on the form and content of the template. Do you agree with the proposed information to be included in a biodiversity gain plan as shown in the draft template?

68. Overall the template biodiversity gain plan seems reasonable and asks for all the relevant information needed. However, whether the plans fulfil the policy objective of delivering net gain and minimising burden to development, will depend on how they are evaluated. Without further guidance it is hard to judge this aspect of plans and how they will be interpreted by planning authorities. As an example, the plan asks developers to show they have adhered to the mitigation hierarchy, but this could easily depend on subjective interpretation of what seems proportionate and reasonable. Defra should provide guidance to help planning authorities interpret and evaluate biodiversity gain plans in a common manner.

Question 30. Do you agree that further guidance is needed to support decision-making about what constitutes appropriate off-site biodiversity gains for a given development?

69. Yes.
70. The CLA supports the proposals for off-site habitat to be as close to the development site as possible, using the Biodiversity Metric's spatial risk multiplier. We also support the preference for sites targeted through Local Nature Recovery Strategies, though this is subject to Local Nature Recovery Strategies being developed in a robust and transparent way, with the engagement and support of local land managers.¹ Mandatory biodiversity net gain will have more impact and a better chance of delivering against government targets for nature recovery if it is delivered in a strategic manner. This includes ensuring that biodiversity gain sites complement other environmental policies and funding sources, such as environmental land management schemes and other private sector environmental investment.
71. **The use of conservation covenants and section 106 agreements to secure biodiversity gain sites.** Biodiversity net gain agreements remain relatively untested, and conservation covenants were only introduced into law recently. Guidance will be needed for farmers and landowners considering entering into an agreement and the CLA would welcome the opportunity to work with Defra to develop this. Model clauses and heads of terms for both section 106 and conservation covenants would help establish and embed common principles for the legal securement of biodiversity net gain. As conservation covenants are new legal agreements, likely to be first used at scale for delivering biodiversity net gain, there is a need for guidance to ensure all parties understand how they operate.

On site vs off site biodiversity net gain

¹ See CLA response to Defra's Local Nature Recovery Strategy consultation here: <https://www.cla.org.uk/policy/local-nature-recovery-strategies-how-to-prepare-and-what-to-include/>

72. The CLA is concerned that it is not clear how decisions are made between delivering net gain on the development site (on-site) or beyond its boundaries (off-site). The “spatial hierarchy” set out on p.16 of the consultation states that on-site enhancement or restoration of biodiversity is preferable to off-site delivery. This is true from a purely geographical viewpoint and the CLA accepts the principle that biodiversity net gain should take place close to the development site, so that the benefits are realised by those communities affected by the development. However, there are non-geographic reasons why off-site habitat may be preferable and the location of the compensatory habitat should be only one factor in decision-making (and is effectively captured in the Biodiversity Metric 3.0 through the geographic weighting).
73. On-site habitat delivery is often harder to maintain, due to pressure from public access and recreation. There is also a potential blurring of the lines between aesthetic landscaping, which provides health and well-being benefits, and habitat aiming to deliver biodiversity benefits. On-site landscaping, which can anyway add to the financial value of a development, may not deliver the best biodiversity value. Management of green space within a development site is often neglected or focused on amenity, rather than biodiversity, value.
74. The consultation document states (p52, footnote 37) that some elements of biodiversity enhancement on-site may not need to be legally secured unless it is considered a “significant on-site enhancement”. As well as leaving it to planning authorities to judge what is significant, this creates an uneven playing field. Most biodiversity net gain must be legally secured for 30 years by a conservation covenant or section 106 agreement, but some on-site gains will be subject to lower levels of legal enforcement. This creates an additional incentive for developers to deliver net gain on-site.
75. The CLA believes these concerns apply to NSIPs too. Where on-site biodiversity net gain can be done through an efficient use of development land, this should be incentivised. But we have concerns that a preference for on-site net gain for NSIPs could lead to more land being compulsorily acquired, which would be unacceptable.
76. In summary, the CLA believes that the only reason to prefer on-site biodiversity gain is due to its geographic proximity to the development site. Other factors may make off-site preferable, in terms of environmental delivery and pragmatism. More guidance is needed to avoid developers seeking to pass off ecologically low value green space, which may not be well-managed for the full 30 year period, as a true biodiversity gain. In many situations, a dedicated off-site area of habitat, managed to high standards and focussed on delivering biodiversity value, would be a better option and contribute more to achieving the Government’s nature recovery ambitions. We are also aware of examples where on-site biodiversity net gain is not delivered, or even destroyed, when developments or planning permission is sold on. This highlights the difficulty planning authorities have in enforcing on-site delivery.
77. We believe that all habitat contributing to biodiversity net gain, including those within a development site, should be subject to the same requirements, including being secured by legal agreement and entered into the biodiversity gain site register.

Question 31. How should the UK Government encourage or enable developers and landowners to secure biodiversity gain sites for longer than the minimum 30-year period?

78. The CLA has consistently argued that 30 years should be the default length of an agreement in order to encourage landowners to enter into biodiversity net gain agreements. 30 years represents roughly a generation and is long term enough to deliver significant benefits but avoids binding successors in title to the land. Without the flexibility to consider other land uses or management approaches at the end of 30 years, landowners are less likely to consider entering these agreements. An agreement in perpetuity, unless it aligns with the pre-existing desires of the landowner, offers little benefit to a landowner, who could more easily sell the land instead. For these reasons, the CLA would be extremely wary of any move to increase the minimum agreement length beyond 30 years.
79. We also believe that a 30 year agreement should be seen as just that, with an expectation that it loses legal force after year 30. The consultation document (footnote 46, p.65) says, “after this period, the enhanced habitats are likely to be subject to a range of wider protections in policy or legislation which will incentivise their retention.” While we understand the desire to maintain the biodiversity improvements achieved from the net gain policy, there is a danger of unintended consequences if a 30 year agreement is seen as something that in reality involves permanent land use change. The CLA supports continuing incentives for land managers to maintain biodiversity gain sites, rather than using restrictive regulation (such as designation) to effectively force the continued management by precluding any alternative land uses. There is a risk that the advantages of biodiversity net gain as a policy, encouraging voluntary, incentivised delivery of biodiversity improvement off site, are undermined if sites later face increased restrictions or burdens. It is not fair or justified that a developer’s obligation is regarded as discharged after 30 years while a landowner who has helped them discharge it is left with a permanent uncompensated impact on their business assets.
80. The consultation states that any development that takes place on a biodiversity gain site will be subject to its own biodiversity net gain. This overlooks the range of legally permissible activities that could reduce the biodiversity value of a site after the 30-year agreement ends. We should be wary of an assumption (by government, local authorities or the public) that signing a 30-year agreement implicitly guarantees a site in perpetuity. It is true that having delivered biodiversity improvement, a site may be considered differently, for example being identified as of ecological importance in a Local Nature Recovery Strategy.
81. At the end of the 30-year period there are various options concerning what happens to the site. One option is to continue managing it for biodiversity net gain but under a new agreement. Using the end of the 30-year agreement as a new baseline, further enhancements or improvements could be delivered, generating more biodiversity units. Alternatively maintenance or improvement of the site could be delivered through other mechanisms, such as government environmental schemes (e.g. Local Nature Recovery or Landscape Recovery) or sources of private environmental investment. The Government could help by offering a clear path for former biodiversity gain sites into government funded environmental land management schemes.
82. What happens to the land after year 30 will also depend on what commercial activities can take place alongside biodiversity maintenance or gain and whether the site can generate income to fund its management. In the CLA’s experience, positive environmental management is expensive to deliver and so needs to be either funded directly or delivered in combination with commercial, income-generating activities. If the site is primarily valuable as a source of biodiversity and this biodiversity requires

management costs to maintain then these will need to be funded beyond the 30-year agreement. For this reason, any move to designate biodiversity gain sites and restrict commercial activities, while not guaranteeing funding for their management risks negating the environmental benefits over the long term.

83. There may be instances where landowners are prepared to sign up for longer agreements, in part due to the situation outlined above, i.e. if the land does not have another obvious commercial use and a longer agreement would maintain an income stream for its management. However, it is not clear that it would be in the financial interests of a developer to pay for management of a site beyond the 30-year minimum if not required to do so.

Question 32. Do you agree with our proposals for who can supply biodiversity units and the circumstances in which they may do so?

84. Yes.
85. We believe clear guidance is needed for planning authorities to ensure the market remains open and fair. In the current voluntary net gain market, we are aware of planning authorities preferring to deliver biodiversity gain themselves or taking a general payment from developers, even when alternative proposals by a third party to deliver the gain are on offer and may be preferable. As well as the risk of preferential treatment given to certain providers of units by planning authorities, a lack of time and resources to properly evaluate proposals could produce less obvious market imbalances, for example a preference for certain types of biodiversity gain plan (and therefore certain types of biodiversity unit provider) because the planning authority has greater experience of these. The Government and market operators can help to avoid this by providing more market data and transparency, allowing planning authorities, developers and unit suppliers to operate within a level playing field, rather than according to biases or customs that arise within the market. Given the likely strain on planning authority capacity, it is important that complex or bespoke proposals for biodiversity net gain are not rejected in favour of those that deliver less but are easier for planning authorities to process or evaluate.

Question 33 Do you agree that developers which are able to exceed the biodiversity gain objective for a given development should be allowed to use or sell the excess biodiversity units as off-site gains for another development, provided there is genuine additionality?

86. Yes – subject to the proposals on additionality. We also refer to our response to question 30 and to the potential draw-backs to on-site biodiversity habitat if not monitored and managed to a high standard.
87. The CLA also believes that any excess biodiversity units delivered on land that has been compulsorily acquired for an NSIP should not be able to be sold on by the developer. This would be unfair and represent the developer profiting from the expropriation of private property.

Question 34 Do you agree with the proposed scope of the UK Government’s role in facilitating the market, as set out above?

88. For the market in biodiversity units to function effectively there is a need for consistency, guidance and clear regulations from the Government. While we

understand the need to allow the market to develop without undue interference from Government, we also think that many of the elements that make up the market are novel or untested and this leaves it open to abuse or failure.

89. There are a range of issues which apply to environmental markets in general and which the Government has the ability to help solve through the implementation of biodiversity net gain, which will be operational at a wider scale and earlier than other environmental markets. These issues include:
- a. The difficulty of estimating prices for delivery of environmental services on the open market. Environmental land management has been funded largely by philanthropic funds (e.g. by conservation charities) and government funds (agri-environment funding but also including a large element of cross-subsidy from Basic Payment Scheme funds that help businesses to undertake environmental management). The CLA is concerned that the full cost (including full cost recovery) of dedicating land to producing environmental outcomes as a commercial activity is not well understood by buyers or sellers.
 - b. Clarity on the tax treatment of land and income used for biodiversity net gain is important for landowners and others involved in the market. Landowners and professional advisers have indicated that uncertainty about taxation, capital, revenue and VAT is a very real blocker in their ability to cost, plan for and ultimately sign up to biodiversity net gain contracts.
 - c. Guidance is needed on how to combine income from biodiversity net gain with other sources of environmental income (“stacking”).
 - d. The absence of agreed standards and accreditation for planning, delivery and monitoring of environmental projects. There is a risk to both biodiversity net gain policy and wider environmental goals if sub-standard biodiversity net gain projects are approved.
 - e. The fact that the policy and market context around farming, land use and the natural environment is changing so dramatically could lead to extreme market volatility in the early years of biodiversity net gain. Uncertainty could lead to an unwillingness on the part of landowners to enter any private environmental agreement until there is more clarity as to their long-term options.
90. The CLA believes that Government support and engagement in the development of the biodiversity net gain market should happen as part of a broader strategy for developing environmental markets. Given the potential for land to deliver multiple environmental outcomes through nature-based solutions, it would be a missed opportunity if the biodiversity net gain market developed in a way that prevents or discourages environmental projects that deliver multiple environmental outcomes.

Question 35 Are the proposals outlined here sufficient to enable and encourage habitat banking?

91. The CLA agrees that habitat banking offers benefits and contributes to a more strategic, and therefore effective, delivery of biodiversity net gain. From a landowner and land manager point of view, habitat banking allows the details of an agreement for supply of biodiversity units to be worked out in advance of their need for sale. This

could avoid the potential time pressure or phasing issues caused by having to align the project proposal and biodiversity unit delivery to the timeline of a specific development.

92. There must be clarity over the timeframes involved and implications for cost of management for habitat banking. The Biodiversity Metric incentivises advance creation of habitats, as this minimises the time needed to reach the desired ecological condition of the habitat. Our assumption is that the 30-year period begins when the biodiversity units are purchased by a developer and listed in a Biodiversity Gain Plan. This creates a potential funding gap where habitat is being created and maintained, possibly for years or even decades, prior to the units being sold. The biodiversity net gain market will need to cover these additional costs, which are uncertain given that there is no guarantee if or when biodiversity units generated in a habitat bank will be sold. Market volatility, for biodiversity units, but also wider economic changes that affect the pace and rate of development, could lead to an “over supply” of unsold biodiversity units.

Question 36 Do you agree with our proposal that to be eligible to supply biodiversity units for mandatory biodiversity net gain, habitat must be created or enhanced on or after a specified date, proposed to be 30 January 2020?

93. Yes.

Question 37 Should there be a time limit on how long biodiversity units can be banked before they are allocated to a development? What would you consider to be an appropriate time limit?

94. The CLA suggests that a maximum time period for banking would reduce some of the risk for landowners and habitat bank operators. A limit of 5 years seems reasonable. This would give time for complex habitats to start becoming established but would induce some pressure on habitat bank operators to market the biodiversity units and ensure they do not remain unsold indefinitely.
95. A further concern is that habitat banking introduces complexity into the legal arrangements for securing net gain. Our assumption is that the habitat would need to be legally secured for both the time between establishment and sale of the unit and for an additional 30 years once bought by a developer. Guidance will be needed to establish whether this is a single contract or two separate ones.
96. Finally, we want to avoid a situation where habitat banks are created and biodiversity units remain unsold for long periods. This could increase the risk of habitat bank operators being put under financial strain. Habitat banks should therefore be underwritten by a bond to ensure that they remain operational even if the original operator cease to exist.

Question 38. Do you agree that the eligibility criteria for adding sites to the biodiversity gain site register are sufficient?

97. The CLA agrees with these criteria although would welcome sight of further guidance for how they will be interpreted and evaluated by the register operator. In particular the eligibility requirement that a site provider has “sufficient rights to the land” would benefit from clarification regarding the eligibility or ineligibility of tenanted land to be registered as a biodiversity gain site.

Question 39. Do you agree that the register operator should determine an application within a maximum of 28 days unless otherwise agreed between both parties?

98. Yes.

Question 40. Do you agree that this list of information requirements will be sufficient to demonstrate that a biodiversity gain site is legitimate and meets the eligibility criteria?

99. Without the accompanying guidance it is difficult to be certain whether these information requirements will demonstrate the legitimacy and eligibility of a biodiversity gain site. In principle, however, the list appears comprehensive and we cannot think of anything additional to include.

100. When it comes to how much of this information to include on the public register, the CLA wishes to highlight the importance of the careful use of data, especially where it could contain commercially sensitive information, for example about land management or other land-based businesses on or near the site.

101. Another issue that has affected CLA members in the past is confusion from some members of the public over whether land identified on public registers, maps or databases implies it is open to the public. Biodiversity gain sites will not always be publicly accessible, and there is a tension between public access for recreation and management for biodiversity. The consultation says the site register “allows local communities to access information on habitat sites being delivered and for these sites to be tracked and monitored over time. This will allow for scrutiny of outcomes.” (p.63). This language implies an unofficial (but Government condoned) role for local communities in monitoring net gain sites. It should be absolutely clear that this does not extend to unauthorised public access onto private land, for example to carry out unofficial surveys of the land.

Question 41. Do you agree that the UK Government should require a habitat management plan, or outline plan, for habitat enhancement to be included on the register?

102. Yes. This will provide certainty from the outset as to what management is expected to deliver the desired outcomes. A management plan should, however, remain flexible and focus on outcomes rather than how they are achieved. The day-to-day management of the site will be a matter for the unit supplier and the body charged with monitoring and enforcement to determine.

Question 42. Do you agree that the UK Government should allow the register operator to:

- a) set a fee for registration in line with the principle of cost recovery?**
- b) impose financial penalties for provision of false or misleading information?**

103. We believe any fee should be proportionate and based on clear evidence showing what the fee is spent on and how it delivers cost recovery.

104. We agree that financial penalties should be imposed for the provision of false information, to help maintain the integrity of the site register.

Question 43. Do you agree with our proposal to allow applicants to appeal a decision by the register operator where the applicant believes that the registration criteria have not been appropriately applied?

105. Yes.

Question 44. Do you agree with our proposals for additionality with respect to:

- a) measures delivered within development sites?**
- b) protected species and off-site impacts to protected sites?**
- c) on-site impacts on protected sites, and any associated mitigation and compensation?**
- d) achievement of River Basin Management Plan Objectives?**
- e) the strengthened NERC Act duty on public authorities?**

106. Yes. It is welcome that Defra is taking a holistic approach, which allows land management interventions that deliver on multiple objectives to be recognised as such and to secure funding and/or regulatory compliance from multiple sources.

Question 45. Do you think that A) the non-designated features or areas of statutory protected sites and/or B) local wildlife sites and local nature reserves, should be eligible for enhancement through biodiversity net gain?

107. The CLA believes that both A) and B) should be eligible for enhancement through biodiversity net gain.

108. We are concerned that the interpretation of the additionality principle in protected sites is too strict and will prevent nature recovery. The consultation proposes that only enhancements to the non-designated features of a protected site should be eligible to count as net biodiversity gain. It would often be difficult to distinguish in a site management plan between actions that benefit the designated features and those that benefit wider biodiversity. More importantly, this seems to rely on an unrealistic understanding of what drives management of protected sites. The consultation states that “many [protected sites] are already subject to requirements to maintain favourable condition or to bring them into favourable condition” (p.73). These requirements are not clear cut – some fall on Natural England to implement and others on land managers via specific management plans or agreements.

109. Some management of protected sites is funded through agri-environment schemes, and it is reasonable to avoid funding the same activity twice, through net gain and agri-environment agreements. However, if agri-environment schemes were delivering sufficient biodiversity gains on protected sites then we would expect protected sites to be in a better condition than they are. In many cases the existing agreement does not do enough to bring a site into favourable condition, for example many protected sites are managed to maintain rather than restore biodiversity. We expect that Local Nature Recovery Strategies will identify many protected sites as areas that would most benefit from environmental improvement.

110. The CLA strongly believes that in these cases the use of biodiversity net gain to improve, enhance and restore protected sites, including their designated features, is entirely justifiable. This is the same basis on which Natural England chooses to fund management of protected sites through agri-environment schemes. It is not obvious that the different funding source (public funds for agri-environment versus developer

funding for biodiversity net gain) makes a difference to the principle that positive management of protected sites should be incentivised.

111. This is above all a pragmatic argument, that in order to achieve the Government's aim of achieving favourable status in protected sites, we need to use all tools available to us. There is also a large potential gap between the legal requirements of management of a protected site and the optimal management for biodiversity. Biodiversity net gain offers a clear incentive for land managers to go beyond the minimum that is required or enforced by Natural England and ensure that protected sites really are the jewel in the crown of the Nature Recovery Network.

Question 46. Do you agree that the enhancement of habitats, including designated features, within statutory protected sites should be allowed in the coastal, intertidal and marine environment as defined above?

112. Yes. We note that Defra are willing and able to take a different approach to additionality and protected sites in this circumstance, due to the high proportion of intertidal, coastal and marine land that is designated. We hope that a similar approach can be taken to terrestrial sites and highlight a similar risk: that the impact of biodiversity net gain will be distorted and ineffective if it is limited to land that is not protected for nature.

Question 47. Do you agree with our proposed approach to combining payments for biodiversity units with other payments for environmental services from the same parcel of land?

113. The CLA supports the approach to allow stacking of payments for different environmental services and a review after three years. We suggest that Defra and/or the register operator should consider what information they will need to conduct such a review. This could include data of where biodiversity units have been combined with other payments; logs of common queries around compatibility etc.
114. As with the new environmental land management schemes, permitting stacking of payments in principle is a minimum requirement but will not guarantee that it takes place in practice. The consultation stipulates that “[a]greements must be compatible, pay for different or additional outcomes and must not pay for the same outcome twice.” How this operates in practice and how it is enforced will determine how attractive stacking is for land managers.
115. This consultation takes place when other environmental markets, such as for carbon and nutrient off-setting, as well as Government-funded environmental land management schemes are all in their infancy. Funders or investors in different environmental services should collaborate to ensure that contracts are compatible and that there is clarity over what services are being paid for and how this is monitored. Model clauses for biodiversity net gain, as suggested in response to question 30, that explicitly allow for payment stacking would help.
116. The role of Local Nature Recovery Strategies (LNRS) in facilitating stacking of environmental payments is also important. LNRSs will focus on targeting action for nature recovery but could also identify solutions to wider environmental issues using nature-based solutions. This will rely on LNRS being able to take a broader view than just nature and on private sector investors in environmental services acknowledging LNRSs when making investment decisions.

117. It is worth highlighting that if stacking of payments is restricted or does not occur there could be negative consequences for development and the environment. With the pressures on land use for housing, food production, trees and nature recovery (to name but a few objectives), we cannot afford not to look at land from a multi-functional point of view. If the net gain and other private environmental markets develop in ways that are single issue (e.g. land just used for carbon or biodiversity outcomes) this risks raising prices or limiting the availability of land for environmental schemes.

Question 48. Are these proposals for statutory biodiversity credits sufficient to:

- a) Ensure, when supported by suitable guidance, that they are only used by developers as a last resort?**
- b) Mitigate the market risk associated with the sale of statutory biodiversity credits by the UK Government?**

118. It is hard to say whether these proposals are sufficient to ensure credits are only used as a last resort without seeing the guidance. As with other elements of net gain, it appears that the planning authority will be the one to determine whether a developer has demonstrated that they first attempted to secure biodiversity units on the open market. The planning authority would have an understanding of the market so could tell to some extent how reliable this is. However CLA concerns on the capacity of planning authorities and the time it will take them to get up to speed with biodiversity net gain may make some of these judgements unsound, especially in early years.

Question 49. Do you think there are any alternatives to our preferred approach to credit sales, such as those outlined above, which could be more effective at supporting the market while also providing a last resort option for developers?

119. The proposals state that “Further guidance on how the need for credits should be determined and demonstrated will be published during the transition period to support decision-making by developers and planning authorities.” Without this guidance it is hard to tell how the proposals will work in practice.

Question 50. Do the principles for how we will set, and review credit price cover the relevant considerations?

120. Pricing statutory credits at an uncompetitive level is a reasonable strategy to ensure they are only used as a last resort, though this may have short term implications for development in areas where biodiversity units are unavailable on the open market, so should be monitored carefully. A dynamic pricing of statutory credits taking account of the availability of biodiversity units within each planning authority may avoid this problem, making it cheaper for developers to buy statutory credits when there is clearly no other option available.

Question 51. Do you agree with the proposed principles for credit investment?

121. The CLA sees the statutory credit system as an opportunity for Government to support the development of private environmental markets and to showcase how ambitious environmental projects can be delivered. Alignment with other policies and programmes, such as the Natural Environment Investment Readiness Fund and the Landscape Recovery scheme will be important.

Question 52. Do the above project-level management, monitoring, enforcement, and reporting proposals seem sufficient, achievable, and not overly burdensome on practitioners, developers, or planning authorities?

122. How biodiversity gain sites are monitored and enforced is very important to land managers who will be delivering these projects. CLA members' most relevant experience of this will be in relation to agri-environment agreements, which will be a useful source of learning for those involved in monitoring and enforcement. The independent Farm Regulation and Inspection Review² also gave important insights into monitoring and auditing of land management activities.

Monitoring

123. The CLA believes that monitoring progress is important, and something that has been lacking in some agri-environment and voluntary programmes. Land managers will want to have evidence of the impact their efforts are having and their contribution to national and local objectives (for example to priorities within Local Nature Recovery Strategies). Monitoring should be accompanied by advice and support to improve where needed or to adapt management plans in the face of changing climate or circumstances.

124. The CLA is concerned that the cost of monitoring (and the accompanying advice) will not be factored into the implementation of biodiversity net gain. A landowner who has agreed to deliver off-site net gain must not be required to pay for the monitoring costs over the course of the 30 year time period. The CLA suggests that guidance should be issued to raise the profile of monitoring costs to ensure that developers are fully aware that landowners will be expecting that the monitoring costs of delivering the development's biodiversity net gain are likely to be paid (in a lump sum) by the developer.

Enforcement

125. The CLA is very concerned to ensure that a landowner who has entered into an agreement(s) to deliver off-site biodiversity net gain could be the subject of enforcement action if the biodiversity net gain delivery has failed through circumstances beyond their control e.g. flooding/climate change/fire etc. Guidance must be issued to deal with these types of circumstances.

Question 53 Do you think earned recognition has potential to help focus enforcement and scrutiny of biodiversity net gain assessments, reporting and monitoring?

126. Yes

127. It allows developers to demonstrate that they can be relied upon to deliver biodiversity net gain.

128. For those landowners who have agreed to deliver offsite biodiversity net gain, they will be able to demonstrate a strong track record of skill, competence, compliance and reliability with the biodiversity net gain requirements.

Question 54 Do the above proposals for policy-level reporting, evaluation and enforcement seem sufficient and achievable?

² <https://www.gov.uk/government/publications/farm-inspection-and-regulation-review>

129. In order to deliver its national commitments for nature recovery, including the upcoming legally binding targets, Defra must demonstrate the right combination of policies and investment. The proposals for policy-level reporting seem sufficient to do this, and this framework must align with and support similar reporting for other policies, such as environmental land management schemes.
130. The CLA believes there is a risk that this reporting may be unachievable. Planning authorities will require sufficient funding to enable them to undertake a 5-yearly Biodiversity Report.

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