

30 October 2018

Securing a Net Gain Legacy

Practicalities and Legal
Mechanisms

Net Gain Objectives

Biodiversity Net Gain

Good practice principles for development



Principle 3. Be inclusive and equitable

Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders.

Principle 8. Create a Net Gain legacy

Ensure Net Gain generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity²
 - Planning for adaptive management and securing dedicated funding for long-term management
 - Designing Net Gain for biodiversity to be resilient to external factors, especially climate change
 - Mitigating risks from other land uses
 - Avoiding displacing harmful activities from one location to another
 - Supporting local-level management of Net Gain activities
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Third-party Suppliers

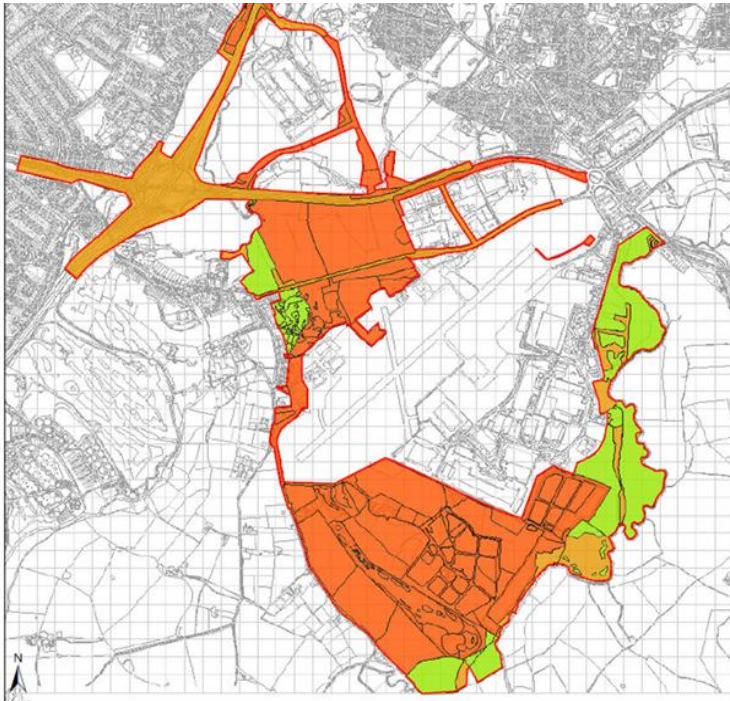
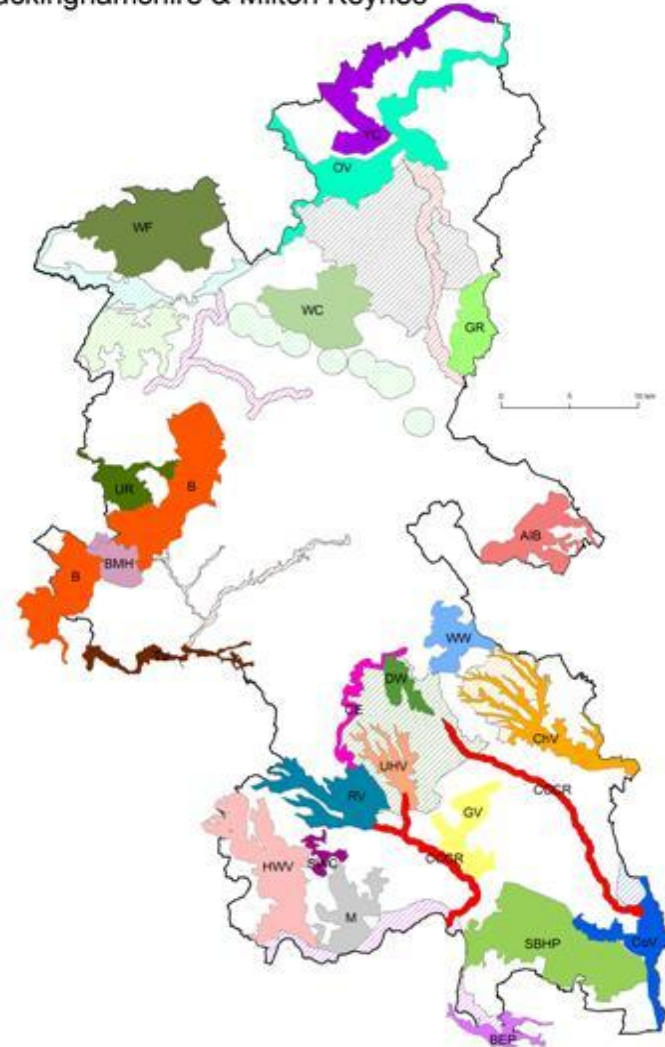


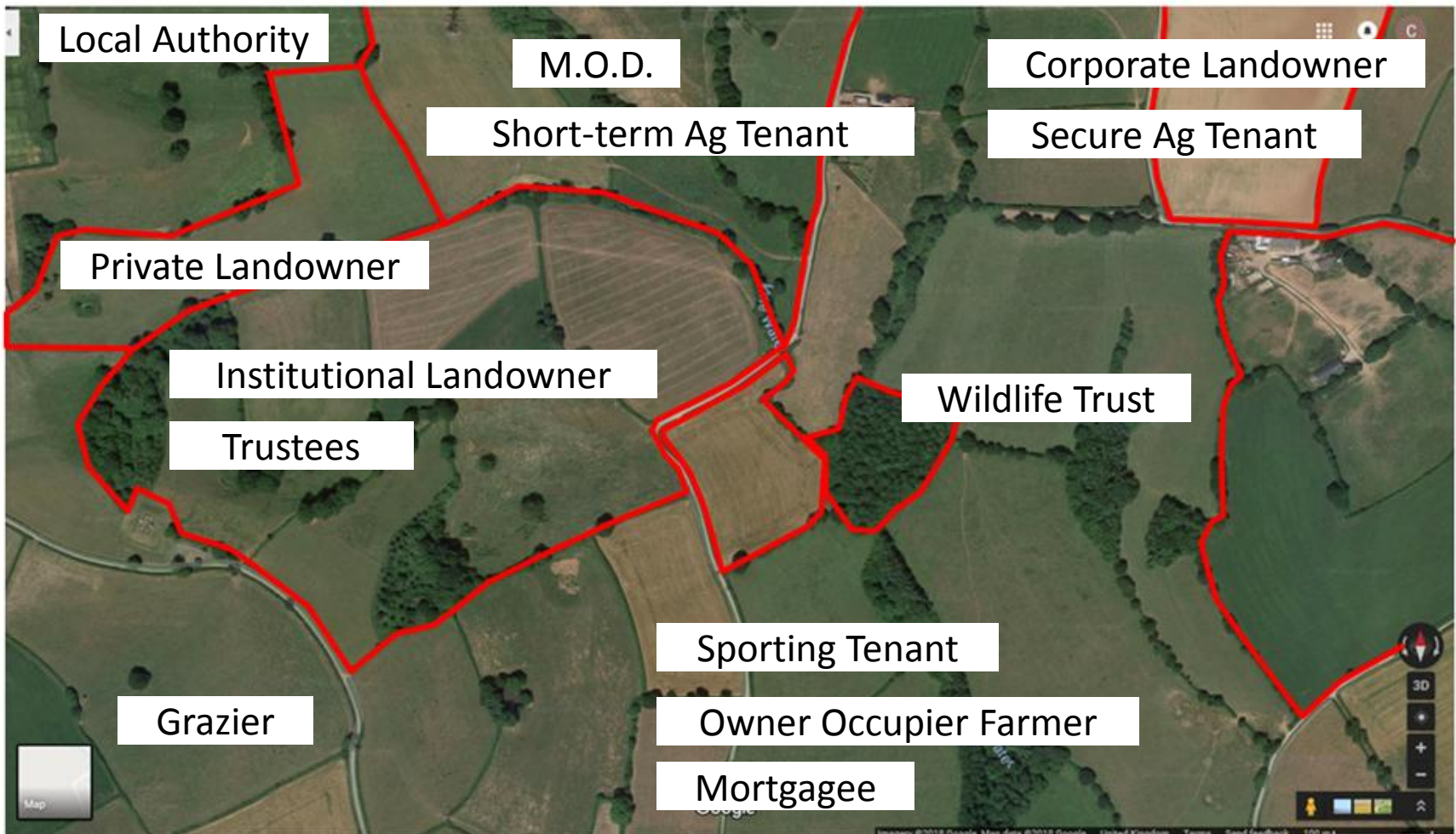
Figure 6: Proposed multipliers to deal with spatial risk

Location parameters	Multiplier
Offset is in a location identified in the offsetting strategy	No multiplier required
Offset is buffering, linking, restoring or expanding a habitat outside an area identified in the offsetting strategy	2
Offset is not making a contribution to the offsetting strategy	3

Biodiversity Opportunity Areas in Buckinghamshire & Milton Keynes



Third-party Suppliers



Safeguarding Land-use in the long term

- Freehold Purchase?
- Long leasehold purchase?
- Long term management agreement?
- More complex workarounds



Conservation Covenants



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Conservation covenants

Current project status



Making it easier for people to enter agreements which conserve the natural environment.

Documents and downloads

Project details

Area of law

Property, family and trust law

Commissioner

Professor Elizabeth Cooke

Actions we will take include:

- Following the Law Commission report into conservation covenants, assessing the demand and potential for these to secure long-term benefits from investment in nature conservation and other environmental outcomes, as well as the need for safeguards.
- Working with landowners, conservation groups and other stakeholders we will review and take forward the Law Commission's proposals for a statutory scheme of conservation covenants in England.



Considerations for Landowners

- The Term
- Management obligations
- Transaction costs
- Assessment and reporting
- Risk and uncertainties
- Taxation
- Succession Planning
- Impact on value
- Other environmental market opportunities
- Remuneration

Solutions & Recommendations

- Important to understand landowner's motivations, disposition, attitude and concerns.
- Role for specialist advisers who can unravel the complexities for landowners
- The solution to securing land use in the long term can be found in management agreements with on-title restrictions
- Assessment and reporting should not simply be compliance-driven
- Conservation covenants would be a welcome addition to the toolkit, but should be a commercial answer to mutual need
- Post-Brexit Environmental Land Management System presents opportunities

Thank you

Charlie Russ

30 October 2018

AECOM