

TAKE FIVE

Your guide to
biodiversity net gain
opportunities for
farmers.



THRINGS

SOLICITORS

TAKE FIVE | BIODIVERSITY NET GAIN OPPORTUNITIES IN FIVE STEPS.

Your guide to biodiversity net gain opportunities for farmers.

1. What is biodiversity net gain?

Legislation going through Parliament will require every new site of development to have a positive ecological impact. This is known as biodiversity net gain (BNG). The Environment Bill, expected to become law later this year, states BNG requirements must be met for planning permission to be granted for any development. This will have huge ramifications for developers who will now be required to deliver a 10% biodiversity net gain for at least 30 years.

2. What opportunities does BNG present for farmers?

Developers will be obliged to plan an uplift in biodiversity on the site they plan to build upon. If this cannot be achieved, they can mitigate the effect of their development by creating the required biodiversity uplift on other land they own locally.

If neither is possible, they can purchase “biodiversity credits”. This is where the opportunity lies for landowners and farmers near a proposed development site. As a landowner or farmer, you can agree to receive a payment from the developer in return for some of your land being used for a biodiversity scheme to offset the environmental impact of the development.

3. How can I get involved in exploring the opportunities?

You will need to carefully assess what level of biodiversity net gain can be achieved on your land so that you know what size of scheme it is suitable for. You may need to seek help from a specialist to gather this information.

Armed with this assessment, you will then be able to match the land you have available with suitable developers who may be looking to work in the local area and need biodiversity credits. You may then be in a position to instruct a lawyer to draw up a legal agreement for the use of the land.

TAKE FIVE | BIODIVERSITY NET GAIN OPPORTUNITIES IN FIVE STEPS.

4. What's in it for me as a farmer or landowner?

Firstly, and most obviously, BNG could be a new income stream - especially for farmers who are looking to diversify. Ensure you have good representation to agree the terms of the arrangement, including the amount to be paid and the length of the agreement, as negotiations can become complex.

The arrangement could be a one-off fee, smaller regular payments or a combination of the two. There is no fixed amount so as with all land deals a number of market factors will come into play when determining the amount payable. As well as the financial benefits of a deal there may be other positives - for example, the biodiversity scheme may improve the appearance of an estate, adding to its value. There is, of course, also the wider environmental benefit of using land in this way.

5. Any pitfalls I should know about?

As with any land deal of legal agreement, it is vital to have good advice from experts who can see the bigger picture.

It is important to look at any potential BNG arrangement in the context of your wider estate and with the future in mind. For example, what impact would a long-term agreement have on the value of your land, your ability to sell it, or on family members who will inherit it?



Would you like to know more?

Please contact one of our expert lawyers in this sector:

[Jonathan Thompson](#)