

Via email to individual Kent & Medway MPs



Kent Nature Partnership
c/o Kent County Council
Natural Environment & Coast
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County Hall
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30 November 2022

Dear (Kent & Medway MP)

You may recall widespread concern around the direction being indicated by the government on environmental policy around the time of the mini budget, as highlighted in my letter to you on the 13th of October. Since then, I am pleased to see the government recommitted to the 2019 manifesto in terms of environmental policy and we have a real sense of optimism about the prospects for nature recovery in our areas, as mandated by the 2021 Environment Act.

I am writing to you again, because we have identified a few specific issues where you could really help us achieve the ambition of the Environment Act, and myself and Vice Chair Gary Walters would be more than happy to meet with you and discuss these areas.

We think the opportunities for success are better now than ever before. New sources of public funding through ELMS, together with new private sector funding through Biodiversity Net Gain (BNG), carbon offsetting, water quality enhancement and flood alleviation, mean significantly more incentives to achieve nature recovery. The achievement of nature recovery networks is a realistic prospect, and we will do everything we can to encourage and support this. We also detect higher than ever interest among farmers, businesses, local authorities, and other key stakeholders in our areas to produce food AND nature AND net zero as they plan ahead. There will be challenges, of course, but this balanced vision for the future is very encouraging.

So, some specific areas where we need your assistance if possible: -

1. Publication of secondary legislation for the Environment Act.

Alongside Kent County Council and Medway Council, the Kent Nature Partnership has been preparing the way for implementing the Environment Act, particularly the forthcoming Local Nature Recovery Strategy (LNRS) and mandatory Biodiversity Net Gain. Kent County Council is the provisional responsible authority for LNRS, and the Kent Nature Partnership will be used as the initial partnership framework, however we are currently unable to take these vital areas forward because of a delay in secondary legislation which was due by the end of the year. This will now not be published until 2023. The secondary legislation is also required for the Secretary of State to appoint the responsible authority and to release burdens funding for the work. The timeframe for producing

LNRS is getting very short, and we want to have time for adequate local consultation with stakeholders. If there is anything you can do in terms of pushing for the publication of secondary legislation, this will get us out of the current deadlock which is holding back key action for nature recovery and achieving net zero.

2. Natural Climate Solutions – standards and regulations.

We would like to see DEFRA take a stronger role in enabling the government to deliver on its international commitments on Climate and Biodiversity, as per COP27 and the upcoming COP 15. One way of doing this is by ensuring that UK standards for voluntary carbon offsetting derived from Natural Climate Solutions explicitly address both supply and demand side integrity, taking full account of the co-benefits of restoring native habitat, and ensuring that carbon units are only sold to companies that are reducing their emissions. Delivered well, this work has huge potential to help tackle the joint climate and ecological crisis, while at the same time opening up new income streams for landowners and new business opportunities.

3. Environmental Land Management Scheme (ELMS) - rules.

Please prioritise the swift and ambitious implementation of the direction of travel set by you and your colleagues a few years ago in relation to ELMS. It is a key incentive, particularly in combination with the other forms of revenue from environmental services mentioned above. For example, the government has a crucial role to play in fostering private sector demand in high-integrity ecosystem service markets, using regulation and robust certification to give investors' confidence in a variety of nature-based solutions. In this way, public money will go further, with an increased incentive to embrace nature-friendly farming through additional private sector support.

4. Tax

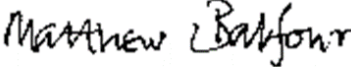
An important disincentive is lack of clarity in relation to tax. For example, land managed for agriculture is exempt from inheritance tax through agricultural property relief, but the inheritance tax consequences for land managed for nature are less clear, especially when there is a long-term commitment to manage it for nature. This uncertainty could be removed by re-defining "agriculture" to include land managed for environmental purposes. There are other tax uncertainties – for example, whether a Biodiversity Net Gain payment requiring a 30-year commitment should be treated as capital or income for tax purposes and, if capital, how should management costs over the 30 years be treated. It would be helpful for us if you could take these issues up with Government colleagues, so that clarification can be provided, because it would remove a significant obstacle to embracing nature recovery.

5. Biodiversity Net Gain (BNG).

The Defra consultation earlier this year suggests BNG should prioritise on-site gain first, and only go off-site when on-site gain is not possible. We support both options but think local issues should determine the overall priority. On-site has big advantages, especially in relation to people having appropriately managed access to nature close to where they live, as long as there are requirements for long term maintenance and monitoring to ensure the on-site gain is still there in 30 years. However, off-site also has advantages, especially if delivered locally, with public access, and in ways that contribute to local nature recovery networks. We think there should be flexibility in the system and that local needs and priorities should be reflected in the decision making.

Thank you for considering these matters, and we would of course be delighted to hear your views or to meet you to discuss these issues further. Please contact the Kent Nature Partnership coordinator at chris.drake@kent.gov.uk or on 03000 413360 if you wish to follow up in this way.

Yours faithfully, Matthew Balfour

A handwritten signature in black ink that reads "Matthew Balfour". The signature is written in a cursive style with a large, prominent 'M' and 'B'.

Chair of the Kent Nature Partnership