

# Freeths LLP's Natural Capital Legal Team: Our Expanding Portfolio Of Natural Capital Legal Work

Law firm Freeths LLP's **Natural Capital Legal Team** is continuing to build its impressive portfolio of legal work for clients operating within the Natural Capital Economy.

Freeths LLP is a leading law firm in this emerging area. Freeths LLP is able to draw on the expertise of its **multidisciplinary** Natural Capital Legal Team, covering:

- **Environmental lawyers** who are undisputed national leaders in natural environment law. We advise on all legal frameworks underpinning the Natural Capital Economy including Habitats Regulations Assessment, Nutrient Neutrality, Water Neutrality, Biodiversity Net Gain, strategic protected species licensing and Marine Net Gain
- **Section 106 agreement and conservation covenant specialists** who draft and carry out due diligence on the required legal documents to secure landowners' long-term obligations so as to create and sell nutrient credits or biodiversity units
- **Real estate lawyers** who advise on appropriate land acquisition strategies and vehicles for entrepreneurial companies or organisations looking to create habitat banks from which credits and units are derived
- **Commercial contract lawyers** who are experts at drafting and negotiating nutrient credit or biodiversity unit allocation agreements to include all provisions necessary to suit the vendor or purchaser (depending on the client)
- **Planning lawyers, consultants and advocates** who understand fully and provide expert advice on strategies to address the implications for planning applications, planning determinations and planning appeals of biodiversity net gain and other natural capital issues
- **Corporate lawyers** who advise on the corporate structuring and finance leveraging for new emerging companies in the natural capital arena

## Examples of Freeths LLP's Natural Capital Legal Team's work

In the last 18 months, Freeths LLP's Natural Capital Legal Team has undertaken the following examples of Natural Capital legal work for clients:

### **Nitrate / phosphate credits needed by housing developers:**

For housing developer clients, Freeths LLP negotiated the terms of nitrate / phosphate credit purchase agreements and conducted due diligence on the s106 agreements underpinning the relevant

nutrient mitigation schemes so as to ensure that the credits, once purchased, would be acceptable to Natural England and the local planning authority

### **Entrepreneurial companies and landowners creating and delivering nutrient credits and biodiversity units:**

Freeths LLP advised a large number of entrepreneurial companies and landowners on how to set up / create nutrient credits and biodiversity units to sell to developers, including advice on the future use of conservation covenants

**Biodiversity Net Gain planning policy:**

Freeths LLP advised housing developers on how to push back against some LPA's unreasonable demands relating to development plan-based Biodiversity Net Gain requirements

**LPAs creating their own habitat banks:**

Freeths LLP advised a local authority on the corporate and real estate aspects of setting up a new habitat bank for Biodiversity Net Gain purposes and is now assisting other local authorities on similar projects

**Creating a Biodiversity Net Gain mapping service:**

Freeths LLP advised an entrepreneurial company developing a biodiversity mapping tool to assist in Biodiversity Net Gain calculations of land

**Ecological Consultancy Biodiversity Net Gain Terms and Conditions:**

Freeths LLP prepared suitable contractual terms and conditions in addition to suitable standard ecological report wording for ecological consultancies, so as to protect them from potential customer complaints in the context of the ecological consultancy's services to deliver Biodiversity Net Gain calculations

**"Additionality" and creating biodiversity units from European protected species compensatory habitat:**

Freeths LLP advised a compensatory habitat provider on the potential for creating biodiversity units from European protected species compensatory habitat

**Financing natural capital projects:**

Freeths LLP collaborated with companies financing natural capital projects

**Biodiversity Net Gain and conservation covenant legal training courses:**

Freeths LLP has provided numerous legal training courses for developer companies and training courses for environmental professionals on the forthcoming Biodiversity Net Gain and Conservation Covenant legal regime

**Advice on land purchase contracts and Biodiversity Net Gain:**

Freeths LLP advised a leading retail client on the draft wording in its land purchase contracts to allow it to walk away from completion of the land purchase if the developer costs associated with Biodiversity Net Gain or nutrient / water neutrality are found to be prohibitive

**Advice to housing developers on scope for future development of land secured for delivery of biodiversity units:**

Freeths LLP has recently advised a housing developer on this issue

**Natural Capital Training:**

Freeths LLP will be running new training courses on Mandatory Biodiversity Net Gain for consultants and developers; Conservation Covenants and Responsible Bodies; and Mandatory Biodiversity Net Gain for LPAs (planning officers and local government ecologists)

**Habitat Regulations Assessments, protected species licences, non-licensable protected species method statements, natural environment compliance advice:**

Beyond Natural Capital schemes, Freeths LLP has continued to hold its market leading position in providing its core services in these natural environmental law areas. Freeths LLP continues to advise developers, local planning authorities, public bodies, and landowners on key natural environment legal frameworks for the protection of habitats and species including:

- Undertaking Habitats Regulations Assessment appropriate assessments
- Meeting the Habitats Regulations Assessment derogation tests
- Obtaining project-based protected species licences
- Undertaking works lawfully without protected species licences
- Water abstraction licensing
- Environmental Impact Assessment

We have also continued to provide training courses on all the above topics, both on a ticketed basis and in-house for clients.

**For any further information please speak to Penny Simpson or Richard Broadbent or any other member of the Freeths LLP Natural Capital Legal Team.**

## Your dedicated Natural Capital Legal Team

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## Awards and accreditations

