

Developing a Land Use Framework



Introduction

Making the most out of England's land is a report published by the Land Use Committee which was appointed by the House of Lords in January 2022. The committee was asked to consider land use in England given the varying pressures on what is ultimately a finite resource.

Nature, biodiversity restoration, carbon sequestration, housing, infrastructure, renewable energy, access, wellbeing and food security are all competing for space. Despite good intentions, currently the complexity of the demands is pulling the government in different directions. If we take the government targets for example, one aim is to build 300,000 new houses each year, whilst another is to increase new habitats for biodiversity recovery by one million acres. Biodiversity Net Gain (BNG) intends to address the latter, however in all likelihood it will subsequently inhibit the former.

The report makes recommendations to address these issues, but ultimately it will be the government that decides which to action.

What are the recommendations?

The overarching recommendation is the need for a land use commission alongside a land use framework, which Defra has previously committed to publish in 2023.

The commission would enable development and help decision makers, as a supporter and a facilitator but without powers of direction. It would be a statutory arms-length body under the cabinet office, with commissioners representing all relevant government departments, similar to the Scottish Land Commission. The initial goal of the commission would be to draft the land use framework which would aim to improve land use decision making across England.

The framework and commission would not replace or interfere with the existing planning system, although it could advise on strengthening it. In addition, the framework would identify and define areas where land should be optimised for priority uses, for example prime agriculture or carbon sequestration; it would also aim to improve multifunctional land use and encourage the publication and use of open source land use data. The aim is to assist landowners, managers and decision makers to make the most appropriate land use decisions.

The concept of multifunctionality is a core theme that runs throughout the Lord's report - the idea that multiple benefits can be achieved on the same piece of land, intertwining different functions. The report states that the current siloed approach to land use, is not functional for the future and this multifunctionality must be central to the new framework. With different areas suited for different benefits, the suggestion is that it will come down to local circumstances steered by Local Nature Recovery Strategies (LNRS) to make the best use of the opportunities available to the individual area, with input from local communities. The report also advises that LNRS should be a material consideration within planning policy, rather than the current guidance to "have regard" to them.

In order to achieve this it is emphasised that local authorities must be adequately staffed, not only to deliver LNRS, but also there must be resource and powers in place to support BNG and intervene where it may not be deliverable.

Food production and food security is still at the forefront of the report's priorities, with many references to agricultural innovation including plant-based meat substitutes, robotics, crop and livestock genetics and vertical farming.

Further recommendations include urgent clarification on plans for Environmental Land Management (ELM) as well as a review on access to land for the public and whether this could be incorporated into ELM. A review of support and incentives for tree planting has been suggested given the targets are being missed, as well as more support for existing woodland management. Defra has since announced improved payment rates for ELM and Countryside Stewardship, whilst the England Woodland Creation Offer and Tree Health Pilot will be addressed later this year. Finally, a change in planning rules is called for "green infrastructure" (or green open spaces) to ensure there is sufficient provision of it in new developments.

Analysis and conclusion

From the [report](#) the proposed commission's advisory role is clear, and how it could help. What is unclear however is how any framework would be set out and what it would ultimately look like.

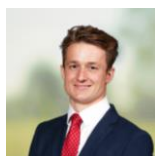
Since the release of the report, the CLA has been vocal in its stance that a land use commission and framework are not necessary. Whilst the format is unclear, if it were to go as far as identifying land parcels it could result in zoning and limitations on land use which would stifle both agricultural and environmental innovation.

From a renewable energy perspective, the report continues to back the government's stance on solar energy, making recommendations that stricter regulations should be put on the development of solar farms on Best and Most Versatile (BMV) land and more emphasis on rooftop solar. Presumably, this is a reference to Grade 3B land being utilised which has been a topic of debate in recent months, albeit Therese Coffey has since supported the existing rules of developing on Grade 3B. The slight contradiction in the report is that utility scale solar can be utilised in a multifunctional manner which is at the frameworks core, increasing biodiversity as well as sequestering carbon so the stance against it seems hypocritical.

The call for access to be included within ELM would be a welcome addition, with currently very few incentives for landowners to provide additional access and permissive footpaths. The benefits of green open space, tourism and access were highlighted by Covid-19, and action sooner rather than later will be beneficial to ensure these are not forgotten.

Finally, the concept of multifunctional land use is a solid one, however currently there is the barrier of additionality in place, meaning projects must provide services which would not be viable in the absence of support or the income from the service. Proving this is more challenging when numerous services are being delivered from the land. A current lack of clarity around what tests for additionality should be required is creating uncertainty in the marketplace, particularly where more valuable services (such as carbon sequestration) are not deemed to be additional to low value agricultural activity. If we are to progress with the multifunctional approach, then all services, whether it's meat, carbon sequestration, tree planting or biodiversity uplift must be recognised and valued.

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