



# Invitation to Tender:

## Provide the Legal Services to support the Landscape Recovery Pilot Project 'North Norfolk: Wilder, Wetter, Better for Nature'

<b>Contact:</b>	James Fisher
<b>Address:</b>	Norfolk Coast Partnership, Unit 7A Bayfield Brecks, Holt, NR25 7DZ.
<b>Reference:</b>	NNLR-Legal Services
<b>Tender issued:</b>	14 June 2024
<b>Deadline for questions</b>	19 July 2024
<b>Tender deadline for return:</b>	26 July 2024
<b>Tender interviews (if required):</b>	02 August 2024
<b>Anticipated award date*:</b>	09 August 2024
<b>Period of contract:</b>	August 2024 – June 2025

\*This date will be brought forward if interviews are not held.



Department  
for Environment  
Food & Rural Affairs



Environment  
Agency



Landscape Recovery



## **Project Partners**

### **Norfolk Coast Partnership**

The Norfolk Coast National Landscape (NL) is a protected landscape located along the coastline of Norfolk, England. The NL is comprised of 451 km<sup>2</sup> of intertidal, coastal and agricultural land and is characterised by remarkable natural landscapes. The Norfolk Coast Partnership (NCP) forms part of the Norfolk Coast Protected Landscape team, hosted by Norfolk County Council. It exists to oversee, manage and enhance the NL on behalf of the four local authorities within its boundaries.

### **Norfolk Rivers Trust**

Norfolk Rivers Trust (NRT) is a conservation charity whose mission is to restore, protect and enhance the water environments of Norfolk for people and wildlife. NRT have extensive experience of working with a wide range of organisations including farmers, landowners, water companies, government bodies and the third sector, as well as the general public.

### **Holkham Estate**

Set across 25,000 acres on the north Norfolk coast, Holkham aims to be the UK's most pioneering and sustainable rural estate. A team of experts in conservation, farming, forestry and gamekeeping come together to drive forwards exemplary land management supporting habitats and wildlife. Holkham have demonstrable success in visitor management, all abilities access to nature and landscape interpretation.

## **Project Stakeholders**

### **North Norfolk Coastal Group**

The North Norfolk Coastal Group (NNCG) is an umbrella organisation of farmers, landowners, and trusts working with government agencies and local authorities involved in land and waterway management across much of North Norfolk. NNCG was set up to aid collaboration between landowners and land managers so together they can work to improve the biodiversity of the managed environment while farming or managing the land profitably and sustainably.

### **Norfolk County Council**

Norfolk County Council (NCC) is the Responsible Authority for delivering Local Nature Recovery Schemes (LNRS) across Norfolk, in close collaboration with Suffolk. NCC also hosts the Norfolk Biodiversity Information Service (NBIS), the Norfolk Non-Native Species Initiative and the Norfolk Historic Environment Record.

### **University of East Anglia**

Professor Paul Dolman leads a team of experts in biodiversity conservation in human-modified landscapes, who delivered a Biodiversity Audit across the North Norfolk coast in collaboration with NNCG and the Norfolk Coast Protected Landscape team. The Audit worked to define priorities and ecological requirements across multiple taxa to define effective conservation action at a landscape scale.

### **Natural England**

Natural England (NE) work to conserve, enhance and manage the natural environment, providing expert advice to the government, partners and stakeholders on conservation and nature recovery. Local Area Advisors hold a key role in providing detailed knowledge of species, habitat and land managers within the area and providing technical advice on habitat creation and management, advice on environmental aims, outcomes, monitoring, and surveys, and on protected sites.

### **Environment Agency**

The Environment Agency (EA) works to create better places for people and wildlife and support sustainable development. The EA is an executive non-departmental public body which is part of the Department for Environment, Food and Rural Affairs (Defra). The Environment Programme Team in East Anglia manage and deliver Water Environment Improvement Fund projects (WEIF), for example: river restoration, habitat creation, tree planting, improving fish passage, natural flood management and coastal projects. The Environment Agency works in partnership with other organisations and supports the Catchment Based Approach.

### **Landscape Recovery - Pilot Project** **North Norfolk: Wilder, Wetter, Better for Nature**

Defra has developed three new Environmental Land Management Schemes (ELMS) that will reward environmental management and are designed to support the rural economy whilst achieving the goals set out within the [25 Year Environment Plan](#) and a commitment to net zero emissions by 2050.

- the Sustainable Farming Incentive (SFI) will pay farmers to adopt and maintain sustainable farming practices that can protect and enhance the natural environment alongside food production, and support farm productivity (including by improving animal health and welfare, optimising the use of inputs and making better use of natural resources).
- Countryside Stewardship (CS) will pay for more targeted actions relating to specific locations, features, and habitats. There will be an extra incentive through CS Plus for land managers to join up across local areas to deliver bigger and better results.
- Landscape Recovery will pay for bespoke, longer-term, larger scale projects to enhance the natural environment.

North Norfolk: wilder, wetter, better for nature is one of 22 First Round pilot projects approved by Defra under Landscape Recovery. The project is led by a partnership consisting of Norfolk Coast Protected Landscape, Norfolk Rivers Trust and the Holkham Estate. The project was approved under (and contributes to) the two themes within the Landscape Recovery Scheme:

- 1) Species Recovery (administered by Natural England)
- 2) River Restoration (administered by the Environment Agency)

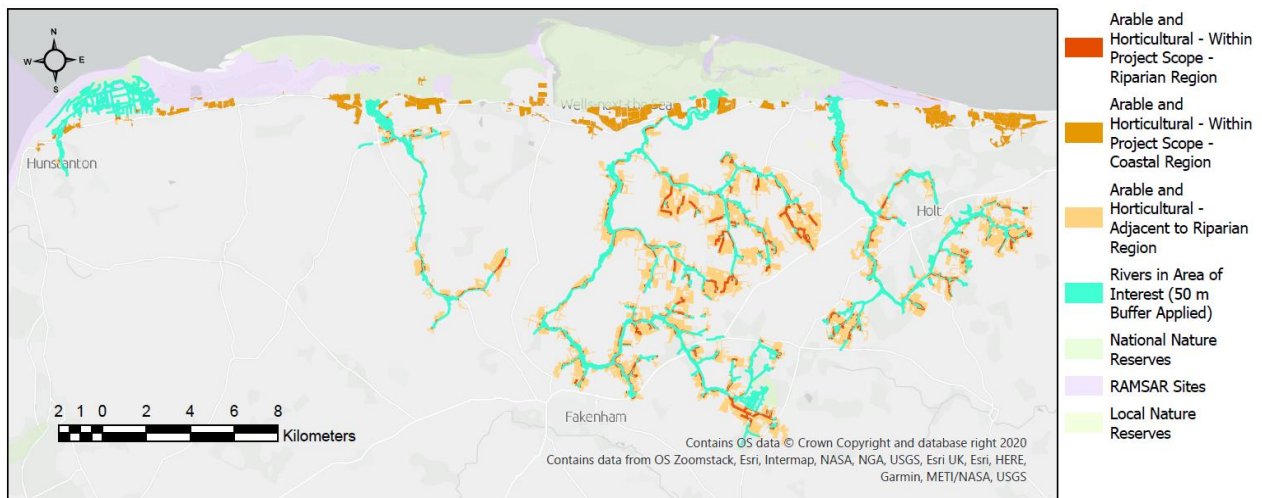
The Project Development Phase (PDP) commenced in January 2023 and is required to be completed by June 2025. On successful completion of the PDP and Defra approval, the project will advance to a 20+ year Implementation Phase.

This transformative, landscape scale project is designed to be land-manager led, supported by a cross-sector public-private partnership. It aims to work closely with 67 land managers to create 5,096 hectares of entirely new wildlife habitat within the Norfolk Coast AONB, from land currently managed for agriculture. The project extends along the North Norfolk coastal strip, from Hunstanton to Weybourne and along five chalk rivers/streams the Hun, Stiffkey, Glaven, Burn and Weybourne Beck.

The project is underpinned by a [Biodiversity Audit of the Norfolk Coast](#) conducted by researchers at the University of East Anglia, which takes an evidence-based approach to conservation and nature recovery. Through close working with site managers and expert taxonomists, a series of important actions for land managers were developed to support the full range of key species in the area.

The project is strategic, aiming to connect a pre-existing habitat mosaic of designated sites, reserves and land currently managed for nature across the project area, through informed land use change and management actions. In this way, the project will create/ link more than 23,000 hectares of space for nature i.e., creating habitat that is bigger, better, and more joined-up.

Through this innovative landscape scale approach, significant areas of habitat will be created to maximise opportunities to increase species diversity and allow threaten species to recover. This will provide essential ecosystem services including improvements to water quality and quantity, natural flood management, soil protection, carbon sequestration and climate resilience. This project will also deliver important social benefits including improvements to health and wellbeing, access to nature, education and employment opportunities and sustainable tourism opportunities.



**Image 1: Project location**

## Statement of Requirement

### What to include in your tender response

Please can you break down your tender response into the following work packages, setting out the estimated cost and time allocation for each:

#### Project structure options for the Implementation Phase of the Project

- We are seeking advice on the most appropriate governance structure (and rationale) to act as the single legal entity required for the Implementation Phase of the Project. The single legal entity will have several functions, including holding accountability for delivery, entering agreements with DEFRA and any private finance bodies, receiving and disbursing revenues and ensuring the monitoring and reporting of outcomes.
- We also require advice on the optimum governance structure and legal arrangements to secure the relationship between the single legal entity and the individual farm businesses, including how this will work in relation to other existing agri-environment schemes that may already be in place with those farm businesses.
- Potential options for the single legal entity to be explored as part of an options analysis including risks and constraints which may include, but are not limited to, the following: Community Interest

Company; Company Limited by Guarantee; Partnership, Trust, Charity, Farm Cluster Shareholder Group etc.

- Advice should include evaluating the tax implications of different corporate structures and contractual arrangements on the farmer participants. However, rather than providing individual tax advice, we would expect our legal advisor to adopt a generic approach, describing how these could affect varying land ownership structures such as a sole trader, partnership, or limited company.
- The legal consultant should also include in their tender response the cost and time allocation for setting up any new legal arrangements that may arise from the advice given under this section.

### **Land rights**

- DEFRA require us to provide confirmation that there are sufficient legal land rights across the project area to ensure there are no barriers to project delivery and success. This includes confirming there are no third-party interests, restrictions on use or any other legal rights which would constrain or prevent activities in the project area.
- The project partners will carry out the initial gathering of landholding information from Project participants, but the legal advisor could be needed to fill any gaps in the information.
- The legal advisor may have to provide a legal assurance that all necessary land rights are in place.

### **Long-term project agreement**

- Our legal advisor will work alongside DEFRA and our appointed Blended Finance consultant to draft a long-term project agreement between the single legal entity and DEFRA for the public funding element. This will incorporate standard clauses (to be confirmed by DEFRA later in 2024), as well as clauses bespoke to the Project.
- It is likely that the public funding agreement will be bound to the private funding contracts (see below) as the public contribution will need to adjust to take account of private funding flows.

### **Private funding arrangements (working alongside our appointed Blended Finance consultant)**

- Provide advice about the legislation and policy governing privately funded revenue streams, including suitable voluntary markets, that could be accessed by the project.
- Define the implementation route and legal arrangements needed to realise these privately funded revenue streams, to include drafting the legal agreements.
- Within their scope of works, our appointed Blended Finance consultant will set out some generic legal considerations for the single legal entity and individual landowners to be aware of as they plot a path to private investment. This will include any known issues to beware of, and some template heads-of-terms for different ecosystem services contracts. This report will serve as a strong foundation for the successful legal advisor to develop more detail around and apply to specific proposed agreements within the delivery phase of the project.
- Understand, identify and mitigate legal risks to the project which may arise from private finance arrangements, including meeting additionality tests and the rules on 'stacking' and 'bundling' of payments.

### **Project Longevity**

- Provide recommendations for suitable long-term legal safeguards over land in the project area that could be used to ensure the longevity of project outcomes, including the potential role of conservation covenants.
- Provide draft text to incorporate the selected long-term legal safeguards into legal agreements with Landscape Recovery participants.

### **Staffing and Resourcing**

Your tender response should also outline:

- Details of staff allocated to the project, along with details of their relevant experience in carrying out similar projects. The lead contact should be identified.
- A breakdown of each person who will be working on the project - what their day rate is and how many days each member of the team will be allocated to complete the work.
- An overall cost for the work, and broken down into the work packages defined above, including any assumptions on which your costs are based.
- If you plan to sub-contract any of the steps or tasks (please provide details).
- We recognise that this tender will involve several variables, e.g. around gathering landholding information, that will provide a challenge to providing a fixed cost and we would like your response to include suggestions as to how best to resolve issues that may arise from these uncertainties.
- A list of your accreditations and networks.

### **Case studies and references**

As part of your tender, please provide case studies to showcase your experience with similar projects, along with written references. We would also like you to highlight what you think the key factors and challenges in meeting the tender requirements will be.

### **Requirements of the legal advisor**

Please note, the project will be appointing a blended finance consultant to produce the blended finance plan and business model. The intention is that the successfully appointed legal advisor will work closely with the blended finance consultant and the project partners to ensure the appropriate legal frameworks for implementation are agreed, and to verify that the finance plan and business model are legally compliant.

### **Communication with project partners**

- Monthly meetings with the project partners and written progress updates are required as a minimum. More frequent check-in meetings may be scheduled as needed. Meetings may be face-to-face or online, however up to six in person meetings will be required throughout the contract period. This will include one start-up meeting, two mid-point meetings, two presentation workshop and a final presentation / workshop and closing meeting.

- The successful candidate will be expected to take on board feedback from project partners as part of an iterative process and implement the agreed actions of the project partners.

### Timeline for delivery

We will be seeking a final draft version of the Governance Structure Model to be prepared by December 2024, with a likely need for ongoing input into the Project until June 2025.

<b>August - September 2024</b>	<ul style="list-style-type: none"> <li>• Contract commences. Information gathering, planning and preliminary meetings with project team.</li> <li>• Project timeline and approach confirmed between supplier and project team.</li> <li>• Commence analysis of suitable governance structure options for the single legal entity.</li> </ul>
<b>October – November 2024</b>	<ul style="list-style-type: none"> <li>• Continue working with the project partners and relevant stakeholders to refine governance structure.</li> <li>• Assist project partners in confirming whether there are sufficient legal land rights across the project area.</li> <li>• Provide advice about the legislation and policy governing privately funded revenue streams, including suitable voluntary markets.</li> <li>• Provide recommendations for suitable long-term legal safeguards over land in the project area that could be used to ensure the longevity of project outcomes.</li> </ul>
<b>December 2024</b>	<ul style="list-style-type: none"> <li>• Draft governance structure model presented to all project partners.</li> </ul>
<b>January 2025 – March 2025</b>	<ul style="list-style-type: none"> <li>• Ongoing assistance to project partners to confirm whether there are sufficient legal land rights across the project area.</li> </ul>
<b>March 2025</b>	<ul style="list-style-type: none"> <li>• Final iteration of governance structure presented to all project partners.</li> </ul>
<b>April – June 2025</b>	<ul style="list-style-type: none"> <li>• Work with the project partners and appointed blended finance consultant to draft a long-term project agreement between the single legal entity and DEFRA.</li> <li>• Define the implementation route and legal arrangements needed to realise privately funded revenue streams, to include drafting of legal agreements.</li> <li>• Provide draft text to incorporate the selected long-term legal safeguards into legal agreements with Landscape Recovery participants.</li> <li>• All contracts in place and funding secured.</li> <li>• End of contract (with scope for extension if required).</li> </ul>





### **Invitation to Tender Management**

The contract will be awarded to the supplier which best meets the requirements of the project, whilst offering good value for money and demonstrating relevant experience. The budget must allow for all project-associated costs (e.g. travel and accommodation for meeting attendance if necessary).

We will score your proposal based on the following criteria:

- Meeting the project requirements as set out in the Invitation to Tender (50%)
- Value for money (25%)
- Demonstrable experience in the following areas (25%):
  - Developing successful governance models/ project structure options.
  - Developing and securing legal contracts in the context of landscape recovery.
  - Working with the private and public sector, including farmers and land managers.

Any questions must be supplied by email to James Fisher [james.fisher@norfolk.gov.uk](mailto:james.fisher@norfolk.gov.uk) by Friday 19<sup>th</sup> July 2024. Responses will be supplied within one working week.

### **Fees and Payment**

Upon award of this contract, a purchase order will be issued by Norfolk Rivers Trust. Staged payments will be made upon completion of each agreed stage, subject to satisfactory performance and completion of tasks. The details and format of payment can be agreed upon completion of the invitation to tender process.