

Response to Defra Environmental Land Management policy discussion document (July 2020)

https://consult.defra.gov.uk/elm/elmpolicyconsultation/supporting_documents/ELM%20Policy%20Discussion%20Document%20230620.pdf

Questions 1 to 5 are background information on the organisation submitting comments.

6. Do you have any comments on the design principles on page 14? Are they the right ones? Are there any missing?

The design principles seem appropriate to implement a successful scheme and encourage good uptake by farmers, foresters and land managers. It is welcomed that net zero is in the first principle and we would expect to see this reflected in all three tiers.

- 1) The introduction to this Document recognises the important contribution landscape makes to the nation. We welcome the ambition to 'ensure national and local environmental priorities are supported and balanced effectively'. Appropriate land management will affect and have an effect on climate change mitigation, recreational activity, the economy, the food supply, it will mitigate flood risk, impact local communities and can foster a sense of place. The importance of open space has only been highlighted in the recent pandemic. It is therefore vital that all aspects of the environment (natural and historic) and that the processes by which ELMs will be delivered, are enshrined in the Design Principles.
- 2) The Design Principles currently represent a sound basis, with a strong focus on environmental outcomes balanced with the need to provide maximum value for money. It is essential, therefore, that actions should deliver multiple benefits, for example, appropriate water management to mitigate flood risk has benefits for local communities, the natural and the historic environment. However, inappropriate water management can have a detrimental effect through the destruction of natural habitats and heritage assets as well as potentially effecting access to recreational space.
- 3) We fully support the ambition to minimise complexity and administration. Clear, concise advice at a local and national level is the platform by which land managers can deliver on these aspirations. Appropriate monitoring and evaluation is the process by which public benefit can be measured. Meaningful collaborative work cannot be delivered with appropriate funding, however, and a payments system that encapsulates this is essential for its delivery.
- 4) We fully support the ambition to seek to continuously improve the scheme through rigorous monitoring and evaluation and for the acknowledgement of the necessity to both improve current technology and systems as well as to seek developments should they no longer prove effective.
- 5) The importance of specialist advice, while acknowledged elsewhere, is not explicit in the Design Principles at this stage. Reference to specialist advice could be accommodated most effectively in parts D and/or H.
- 6) A further ambition of this Scheme should be to prioritise actions that could promote collaborative working through engagement with local Government agencies to ensure

national and local priorities achieve a balance between the environment and local growth agenda.

7. Do you think the ELM scheme as currently proposed will deliver each of the objectives on page 8?

The design of an entirely new environmental land management scheme represents a unique, once in a lifetime, opportunity to positively contribute to our environment, to see widespread change that will affect the natural and historic landscape in which we inhabit and provide for a future for our children through climate change mitigation by achieving net zero emissions. The ELMs scheme is intended to be the practical implementation of the ambitions set out in the 25 Year Environment Plan and enacted through the Environment and Agriculture Bills. The strategic objectives should be strengthened to reference the ambition and intent behind the 25 Year Environment Plan to reverse decline, deliver a generational improvement in nature and the environment and the statutory national commitment to net zero by 2050.

The three tier system proposed in the new ELM scheme will hopefully allow for an increased uptake by farmers, foresters and land managers, and give a better level of choice on how such schemes can fit into their business models. The range of options outlined in Tier 1 on pages 12 and 13 of the consultation document will address the second objective “To help tackle some of the environmental challenges associated with agriculture, focusing on how to address these in the shorter term.” More complex issues can be explored via Tiers 2 and 3.

The first objective “To secure a range of positive environmental benefits, prioritising between environmental outcomes where necessary” is deliverable via the three tiers, as they provide flexibility to encourage uptake of the ELM scheme at a localised level whilst also encouraging collaboration at a local level and landscape scale. The challenge will be how to foster those collaborations to determine which environmental benefits need to be prioritised locally, or to make sure that neighbouring schemes do not have conflicting environmental aspirations.

- 1) We wholly support the objectives proposed on page 8 of the Document. They are simple and could be easily addressed through a multi-tier approach as suggested in this Document. However, that multi-tier approach must adequately address all aspects of the environment, it must propose appropriate and proportionate actions that are achievable, and that will be achieved. This will necessitate all involved play an active, progressive role in achieving these objectives.
- 2) The Document conducted a series of early Tests and Trials that led to the development of a three tier system as follows:
 - a. Tier 1 – effectively encourages the adoption of more sustainable land management practices.
 - b. Tier 2 – delivery of locally targeted environmental outcomes.
 - c. Tier 2 is the only tier that includes direct payments for heritage asset management, however, it is clear that many of the example options provided on page 13 could also provide heritage benefits.
 - d. Tier 3 – delivery of high-level land use change projects critical in helping meeting environmental commitments such as net zero.
- 3) Tier 1 has limited active participation and will achieve limited, but potentially wide sweeping gains, it will focus on easy win situations and while should be seen as an entry level position for land managers looking to access the scheme, it should also been seen as the **first** step towards tiers 2 and potentially 3. Stakeholder engagement

and the Design Principle of continuously monitoring and improving systems to ensure maximum benefit will be essential to this tier.

- 4) While we welcome the ambition to produce a broad sweeping scheme that will maximise public benefit, we have concerns that tier 1 may be seen as an easy option for land managers, that it will become over-subscribed and will become the primary delivery model for the Scheme that will effectively be little different from the CAP.
- 5) We would recommend that early specialist advice be sought for the implications of the delivery of tier 1 as well as rigorous monitoring and evaluation to ensure it meets national and local priorities. Many of the example actions provided on page 13 could potentially impact the historic environment in particular or inadvertent effects on natural systems such as water flows and as such the inclusion of that advice could easily deliver on the ambition for maximising public benefit.
- 6) The actions in Tier 2 closely align with council roles including economic resilience, spatial planning, locality and place making objectives and recreation and tourism ambitions. It is essential, therefore, that local government is directly involved as a stakeholder in the delivery of scheme management.
- 7) Local government already work to deliver schemes that benefit the natural and historic environment, such as biodome schemes and local water management projects. Councils and their specialist advisors are well placed to provide the local knowledge essential to prioritise actions and to influence change.
- 8) Although heritage is not mentioned in Tier 3 the examples provided will have significant impact on the historic environment. The UK Forestry Standard (2017) already acknowledges the desire for woodland creation to consider heritage assets at an early stage; peatland restoration will potentially significantly alter the conditions in which they sit – perhaps irreversibly; while the erosion of coastal archaeology could easily be addressed through the creation and restoration of coastal habitats.
- 9) Records of known heritage assets (undesigned) within the environment are held at a local level within councils and are actively maintained by their specialist advisors. It is essential that early advice is sought from these advisors to ensure the most appropriate land management actions are put in place. Early involvement will enable land managers to proactively work with the advisors to ensure schemes will deliver maximum public benefit through both direct payments for heritage management and indirect benefits for heritage assets.
- 10) Finally, it is essential for the delivery of this Scheme that it is appropriately funded at every stage, from early design to ensure they are clear and concise so that land managers can see their benefits, to specialist advice provided to agents and land managers so that the most appropriate actions can be put in place to monitoring and evaluation to ensure maximum public benefit from public spending.

8. What is the best way to encourage participation in ELM? What are the key barriers to participation, and how do we tackle them?

Environmental land management schemes have been in place for decades, however they have met with mixed results. The Document outlines a series of lessons learned from previous schemes on pages 8-9. These must be addressed in order to encourage participation.

The current Countryside Stewardship scheme has favoured accessibility and standardisation in the early application process over one-on-one interaction and more flexible approaches. This is acknowledged in the lessons learned section with the clear desire to increase access to effective advisory services. Recent Countryside Stewardship

Schemes have been perceived and reported as bureaucratic by applicants. This has led to difficulties in the application process that reduced the number of agreed schemes, and live schemes being slow to compensate applicants, causing strain on farm and land manager' cash flow – a recent webinar highlighted one farmer awaiting £80,000 from the Rural Payments Agency). This is after costs incurred in the application process, e.g. advisory charges.

Liability and maintenance is a concern for potential applicants with regard to capital items installed as part of ELMS. This is most obvious with Natural Flood Management (NFM) measures, e.g. potential of leaky dams breaking up and either causing flooding or damage to property downstream, to which the owner of the leaky dam would be liable. These perceived risks or need for complex legal agreements will greatly reduce uptake of such ELM measures, which could be a great opportunity to install small-scale NFM measures across the country.

Adaptability - projects must be devised to fit the circumstances of the land manager, they must be supported by clear advice removed from excessive jargon.

Access through digital connectivity to provide land managers with early information easily and quickly. That information must be provided in a clear and concise manner. Actions and their outcomes need to be clearly laid out.

Access through one on one interaction with agents working on behalf of DEFRA/RPA/NE as well as with specialist advisors.

Access through connectivity and transparency with other projects so experiences can be shared and solutions found quickly.

Support must be maintained regardless of tier through access to advice and guidance.

Support from Government to ensure the Scheme is administered effectively and funded appropriately.

9. For each tier we have given a broad indication of what types of activities could be paid for. Are we focussing on the right types of activity in each tier?

Tier 1 covers a wide range of issues that will be of interest to land managers from a business perspective and covers a lot of items that are similar cross compliance rules within the existing Basic Payments Scheme.

The consultation queries whether a standard Tier 1 package should be offered as opposed to a pick and choose model found in previous stewardship schemes. A hybrid model may be suitable, so that all applicants are achieving an approved environmental standard once signed up to ELM but those land managers that are more interested can add on to these "basic" activities and be suitably rewarded. These systems would hopefully not deter applicants as the activities included within the standard would be based around cross-compliance activities currently undertaken or sensible business activities such as soil and nutrient management. Key Questions remain on: How environmental improvements are to be measured, monitored and related to the size of payments and how will learning from national pilots be incorporated into the new scheme.

Hedge planting is first offered as an option in Tier 2. It is recommended that it be offered in Tier 1 as part of environmentally sustainable farming. This is because hedges offer such a wide range of environment benefits on the farm holding, such as supporting flood

alleviation, water quality, biodiversity and carbon offsetting. The Tier 1 element could focus on gapping up existing hedgerows as well as hedgerow management options as outlined in previous schemes e.g. minimum height and width requirements.

The range of Tier 2 activities presented appear appropriate.

The Tier 3 activities appear sound and the focus on natural capital will maximise benefits at a landscape scale. Access to appropriate data therefore will be key for groups of land managers to determine what natural capital and associated ecosystem services they should focus on, and make sure they do not negatively impact on other services. Advice and support by relevant partnerships will be key to help the decision-making process, such as LNPs and catchment partnerships however it may need substantial input from National Government Organisations and Public Bodies to lead and coordinate this.

The Document, as with previous schemes, is currently too narrowly focussed on single action leads to single outcome. In order to maximise the benefits from public expenditure, future scheme designs need to acknowledge and consider that a single action can and will have multiple impacts. This is an essential factor in providing clear and concise advice to land managers – if they can see an action has multiple benefits then it becomes more attractive to them.

The recent Glover Review on National Parks and AONBs is just one example of how land management can also contribute in a multitude of ways to promote sustainable tourism, to ethnic diversity and a fostering of local and national character. The recommendations outlined in this Review highlight the need to strive for more, for better.

10. Delivering environmental outcomes across multiple land holdings will in some cases be critical. For example, for establishing wildlife corridors or improving water quality in a catchment. What support do land managers need to work together within ELM, especially in tiers 2 and 3?

It will be important that advisors are aware of strategic projects and partnerships in their local area that can help identify which priorities to explore in ELM applications. Where multiple land holdings are involved, facilitation roles will be key, and to achieve the best outcomes these roles need to be funded. For example, the Countryside Stewardship Facilitation Fund has been very successful in Yorkshire in recent years in fostering collaborative projects by farmers and land managers.

Support for land managers who choose to work together should be provided, and funded through the Scheme. Stakeholder communication is vital for co-operatives choosing this path. Major schemes should also consider including specialist advisors in their stakeholder organisation to provide clear and appropriate advice.

Access to local environmental data will also be essential to applicants and advisors. National data can be useful but is often not at a sufficient resolution or has gaps in knowledge, so applicants and advisors will need to be directed to Local Nature Recovery Strategies, catchment management plans or other local habitat mapping that may be available. Better and integrated data is a key issue that also relates to the proposed biodiversity net gain system and Government's wider ambition to review the planning system to make it more strategic and effective.

Farm clusters have shown to be effective locally and nationally so should be encouraged along with appropriate facilitation to provide or access suitable advice. For Tier 3 it could be minimum requirement that the applicants are part of a farm cluster or recognised

partnership with an agreed action plan (e.g. based on a target statement), where each applicant can then show what their application will be delivering towards the joint ambition. Tier 2 could have a similar concept where applicants who are part of an agreed network or cluster receive an additional payment as an incentive to increase collaboration and reduce isolated pockets of activity, thereby encouraging Lawton Principles.

11. While contributing to national environmental targets (such as climate change mitigation) is important, ELM should also help to deliver local environmental priorities, such as in relation to flooding or public access. How should local priorities be determined?

Integrated local Natural Capital considerations are key to delivery of a healthy and functioning environment which would include reference to flood alleviation and management planning. Local Nature Recovery Strategies will be established by the time the new ELM scheme is launched, and these should be the starting point for identifying any local environment priorities incorporating natural capital principles. Further details on local priorities can be found via local development plans and also local partnership plans such as catchment partnerships. Green/Blue Infrastructure strategies can also identify priorities with regard to public access and flooding. Improving public access to land is an important issue supporting health outcomes.

It may be challenging for land managers to determine which public benefits they should be delivering within their land holding or landscape. Easy access to advice and guidance is critical, including from strategic partnerships.

The Design Principles on page 8 outline the importance of national and local environment policies to the future of ELMs.

Local environment policies must, by definition, include local engagement. This should be from a government level through contact with local government including members of ADEPT to develop co design approach through to engagement with local communities to ensure local priorities are met.

For local engagement, devolution of the decision-making process should be at an appropriate sub regional level. There are already a range of schemes in place that deliver these goals that ELMs could model after and contribute to. We are aware that a framework is already being drafted to support local natural capital plans and it would seem clear that the two schemes should work in tandem rather than isolation.

12. What is the best method for calculating payments rates for each tier, taking into account the need to balance delivering value for money, providing a fair payment to land managers, and maximising environmental benefit?

If payments are not considered worthwhile, land managers will not engage with the process. With the removal of cross-compliance or minimum environmental standards, some land managers may remove existing environmental assets e.g. margins and hedgerows, to maximise crop productivity instead of signing up to an ELM scheme.

As proposed in the response to Question 10, Tier 2 could include additional incentives for applicants who are part of local network to increase collaboration and encourage Lawton Principles.

Funding for the ELMs schemes needs to be appropriate for both land managers as well as those involved in providing advice or support throughout the duration of the project and those tasked with monitoring and evaluating the outcomes.

An outcome-based payment scheme should be the best approach for maximising public spend. However, while some outcomes may be clearly assessed, some will be less so. Or may be less immediately recognisable, the scheme would need to consider both the short term and the long-term benefits when considering an outcome based payment scheme.

13. To what extent might there be opportunities to blend public with private finance for each of the 3 tiers?

Interest in private sector in nature-based interventions e.g. carbon offsetting, flood alleviation Biodiversity Net Gain, so there is a need for land managers not be penalised for exploring both. As long as there are no double payments, then both should be allowed on private land. The scheme could look to encourage green finance particularly at Tier 3. Tier 3 has the greatest opportunity to invite private finance. The opportunity for this tier to bring in private finance is likely essential for its delivery given the ambitions of the suggested projects. Particularly where schemes invite the set-up of a co-operative of stakeholders this may include landowners, utilities companies and charitable organisation. Schemes may also consider 'in-kind' involvement from local community groups providing assistance with maintenance and restoration of natural habitats and heritage assets as well as monitoring and evaluation.

14. As we talk to land managers, and look back on what has worked from previous schemes, it is clear that access to an adviser is highly important to successful environmental schemes. Is advice always needed? When is advice most likely to be needed by a scheme participant?

Appropriate professional advice is essential in some vulnerable areas such as historic environment advice, impact on sensitive eco systems or avoidance of indirect unintended impacts. Advice also needs to be cost effective and proportionate to the scheme involved. Some schemes, particularly tier 1, may only need a brief consultation with advisors to ensure the best and most up to date advice is provided on for example undesignated heritage assets while larger schemes, particularly tier 3 may require more involved, ongoing and adaptive advice more in line with advice provided under National Planning Policy Framework. However, if local authorities or public bodies such as Historic England, were expected to provide free advice this would also be unsustainable.

Advice for Tier 3 should be a requirement as part of the application process, as it will be essential that appropriate collaboration and prioritisation takes place. The level of advice required for this Tier will likely be considerably higher than the other two tiers, so compensation for this should be considered, e.g. a Facilitation Fund approach.

If it is decided that advice and guidance will not be reimbursed for Tiers 1 and 2, then a payment by results system would make more sense where land managers will get paid more for a better result, encouraging investment in advisory services during the process.

15. We do not want the monitoring of ELM agreements to feel burdensome to land managers, but we will need some information that shows what's being done in fulfilling the ELM agreement. This would build on any remote sensing, satellite imagery and site visits we deploy. How might self-assessment work? What methods or tools, for example photographs, might be used to enable an agreement holder to be able to demonstrate that they're doing what they signed up to do?

Use of remote sensing and satellite imagery could also be incorporated into other combined data sets to give an overall picture of environmental / natural capital improvement and

investment which would link to other evidence bases such as Local Nature Recovery areas. Current digital remote sensing would need an element of ground truthing.

One of the simplest methods of ensuring actions are undertaken is submitting photographic evidence using geotagging capabilities available in most modern smartphones and cameras.

Projects that choose to involve local community groups may also consider independent reporting through those community groups. This could involve social media – youtube vlogs, twitter, Facebook groups, written blogs as well as more formal submitted reports.

For the monitoring, evaluation or restoration of heritage assets is common practice to submit a short report to the local HER detailing work undertaken and condition of the heritage asset before and after.

16. Do you agree with the proposed approach to the National Pilot? What are the key elements of ELM that you think we should test during the Pilot?

Question of standards will be important to explore to determine effect of take up, i.e. are ‘off the shelf’ packages that encourage minimum standards for Tier 1 better than ‘pick and choose’ options.

We welcome the first steps outlined in this Document and the broad outline for the National Pilot provided at this stage. However, it is essential that delivery partners include nominated members from specialist advisory groups outside the core DEFRA family. This should include the ADEPT, Local Government Association and specialist representative bodies.

17. Do you have any other comments on the proposals set out in this document?

Co design of the ELMS scheme to address local priorities working with Government, ADEPT members and the community is essential to improve overall Natural Capital outcomes for regions. Public payment for public goods will be demonstrated if ELMS outcomes are shown to contribute to overall environment improvements as part of Local Natural capital plans including contribution to reversing the decline in bio diversity, soil health and also alleviating increases in flooding.

The end of the Basic Payments Scheme will mean the loss of minimum environmental standards via cross compliance. As ELM is a voluntary scheme it will be important to understand how there will be prevention of loss or degradation of environmental assets by land managers that do not enter into ELMs e.g. to increase crop productivity. There are a number of existing regulations that can assist in the prevention of this e.g. Hedgerow Regulation, Uncultivated Land Regulations, Farming Rules for Water, but it will be important to explore whether these are sufficient and being followed currently, or if awareness raising following the enacting of the Agriculture Bill (or introduction of new regulations) is required.

We are pleased that this Document has sought to include heritage asset management within its key outcomes. The Document and the webinars have made the first step towards ensuring that specialist heritage advice is sought.

Effecting change to the natural environment will have multiple impacts including potential change to the historic environment but that does not mean it will be detrimental to one or the other. Early consultation is sought from specialist advisors to ensure the appropriate methods for achieving optimum outputs are considered.