

[Environmental Land Management Scheme Policy Consultation \(click for consultation document\)](#)

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

In addition to the design principles listed at page 14, we suggest considering:

A principle of accessibility to ensure that the scheme is communicated and designed in a way that farmers, land managers and foresters of all stages of experience and expertise and regardless of the size of land or location can access. For the principle listed at d) we suggest that applying this principle would mean making it clear that each of the three funding tiers is available to any farmer, forester and land manager and not stipulating that applicants to Tier 2 must be able to already evidence outcomes expected in Tier 1. Tier 1 should be available to all land managers rather than restricted to just farmers.

A principle of increasing capacity and knowledge amongst farmers, land managers and foresters by designing the scheme in a way that links applicants (pre and post agreement) to expert advice, peer support and opportunities to share experiential learning, recognising that habitat restoration, ecological restoration and delivering educational services may require acquiring new knowledge. (This principle would support principle d) – ‘ensure that ELM includes actions that most farmers, foresters and other land managers could deliver’). Expert advice needs to be trusted so the scheme could be designed in a way that facilitates and strengthens local knowledge-sharing networks that include representation from local farmers, area-based conservation charities such as Wildlife Trusts, land-owning conservation charities, National Park Authorities and Areas of Outstanding Natural Beauty.

A principle of stewardship could be an overarching principle of the scheme that helps promote the scheme’s public goods ethos and encourages long-term sustainable change. As stewards of the land, it is within the power of farmers, land managers and foresters to leave the state of nature in a better condition for future generations. This principle could have long-term application if some environmental outcomes achieved through the scheme could be tied to conservation covenant provisions of the Environment Bill.

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

For the first objective

- The flexibility provided to land managers, farmers and foresters through the scheme’s three tiers will support and encourage a range of environmental outcomes. However, it will only deliver a full range of environmental benefits if support is provided where needed (e.g. we envisage farmers and land managers unaccustomed to offering people opportunities to connect and engage with nature will need support to do so).
- The range of outcomes is expected across a range of scales. The wording of the objective could be revised to reflect this.

A response from the John Muir Trust

- It is less clear how the ELM scheme as proposed will '*prioritise between environmental outcomes when necessary.*' It would be helpful to state guiding principles for prioritising outcomes and whose duty it would be to prioritise.
- The ELM scheme has the potential to deliver ambitious nature recovery and enhancement. Rather than define the objective narrowly as 'range of benefits', it should also capture the degree by which nature recovers and is enhanced as part of its objective.
- For environmental outcomes achieved under any of the three Tiers (but particularly Tiers 2 and 3) to be meaningful, they need to be secured for the longer-term. We suggest revising objective 1 to express the longer-term aspirations of the scheme (which would be compatible with wording at page 30 of the Consultation document on agreement lengths).

For the second objective

- To fully apply this objective, we need a recognition that the ELM scheme is to achieve holistic holding-wide approaches to land management practices that help nature to recover. Achieving environmental outcomes on one part of the holding must not be seen to balance out or mitigate poor land management on another part of the holding.
- This states the ELM scheme will address environmental challenges associated with agriculture. However, this seems overly restrictive as the ELM scheme has the potential to also address environmental challenges associated with poor and damaging land management practices (such as managing land for one species to pursue as sport).
- As currently written, the consultation document links activities with associated (positive) environmental outcomes rather than linking specific types of environmental challenges with activity that would address it. Clearer links could be made in future guidance between the environmental challenge, activity and the desired outcome with a focus on achieving the desired outcome. The correlation between challenge, activity and outcome could provide the basis for measuring success and could also ensure there was a shared understanding between the land manager, farmer or forester and the scheme's administrators as to what damaging land management practices are being addressed.
- The second objective states for the 'shorter term' but this is not compatible with the rate at which a land manager could expect to see outcomes under Tier 3. Ecological landscape scale restoration such as the regeneration of montane scrub or restoration of natural tree lines, will demonstrate results in the long rather than the short term.

Perhaps consider a third objective to capture the ELM scheme's ability to bring about health and educational benefits from improved access to nature that activities within Tiers 2, 3, and possibly also Tier 1 (on our submission), would accommodate.

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

The flexibility of the scheme, aided by the three Tiers for funding, is really important for encouraging participation. Farmers and land managers with a spectrum of interests and business models need to feel that all options are open to them at the outset and that it is for them to lead on creating their own land management plans with support and guidance. For example, a holding perceived as a traditional upland farm may well have the opportunity to deliver significant environmental

outcomes perhaps more normally associated with a different type of farming. They shouldn't be prevented from doing this.

Lack of knowledge and access to useful information are barriers to participation. Providing support, guidance and clear information at pre-application, application and delivery stages will encourage participation by answering questions and allaying doubts. Guidance will be especially helpful for farmers, land managers and foresters, who are preparing to manage land in new ways, to work collaboratively with new partners or to deliver public access or educational services.

Case studies and best practice with real-life examples could illustrate how land managers can successfully consult communities, statutory agencies, conservation groups and other landowners on local environment priorities. Examples of farmers, land managers and foresters who have already moved to Tier 1, 2 and 3 activity (with some transparency on the costs and income involved) could help to demonstrate what is possible, inspiring others to follow.

Contact details for trusted organisations with specialist knowledge to support the delivery of land management plans and/or education and access activities would also help overcome knowledge and information barriers to participation. Without the right support, farmers, foresters and land managers delivering education services may struggle to fully participate in the scheme and may not deliver the engagement needed to promote connection and pro-environmental behaviour in the public visiting the land in their care.

As an organisation that could provide specialist advice and support to farmers and land managers on engagement with nature activities as well as ecological restoration to farmers and land managers, we would welcome tailored guidance for advisors that sets out expectations and helps the land manager and the advisor to understand their respective roles.

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 could be bolder in emphasising the necessary link between the activity and nature recovery. Natural England's report on 'Grazing Regimes for Nature Recovery – Experience from 25 years of agri-environment agreements in the Lake District's high fells' would make a useful reference for what is possible for the uplands under Tier 1 as a result of lower grazing densities, low input, low output principles and varied management regimes.

We welcome the inclusion of access, public engagement and education activity within Tiers 2 and 3 with the caveat that care is taken by land managers, farmers and foresters to design an offer that is values as well as knowledge based and promotes connection and pro-environmental behaviour. Tier 1 could also include public engagement and education activity by incorporating existing programmes for nature connection and engagement activities with other Tier 1 activities. The links between access to nature and human wellbeing, health and education are well researched and documented. By facilitating access to nature across all three Tiers the scheme could increase its range of environmental benefits by expanding the number of people who can benefit.

A broad category of 'Education infrastructure, events and services' must be about more than teaching about farming and food production if it is to inspire positive environmental outcomes. Research ('The green care code: how nature connectedness and simple activities help explain pro-

conservation behaviours', 'People and Nature', published on behalf of the British Ecological Society, 8 July 2020) shows that building connection, rather than knowledge acquisition, is the best way to engender pro-environmental behaviour. The ELM scheme could achieve this with an emphasis on engagement activities that connect people with the natural world and aid a holistic understanding of the countryside and urban green space in terms of value across the whole range of public goods (e.g. food production, mental health, biodiversity, flood control).

Tier 3 should specifically mention ecological restoration at landscape scale as the desired land use change. There are numerous activities that could be included within this category, including reintroduction of keystone native species, improved connectivity between different habitats and wildlife corridors (increasingly important in enabling species to move to more suitable locations as our climate changes), riparian woodland planting and native woodland regeneration up to the natural tree line. We support Rewilding Britain's view in their response to this consultation that Tier 3 could support an ecosystems approach to land management whereby multiple interventions are carried out in the same large area over the same timeframe.

Proposal 3 in the Glover Review refers to letting nature take its course in some landscapes. This proposal could be implemented through Tier 2 interventions (right thing in the right place) and as part of Tier 3 interventions. For example, allowing an area to naturally regenerate as scrub or upland montane tree habitat may be the appropriate way to achieve the greatest biodiversity gain rather than intensive tree planting programmes. Although proposed in that review for designated landscapes, there is no reason why this recommendation shouldn't apply for non-designated landscapes.

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?

Support for landowners and managers and foresters participating in ELM scheme Tiers 2 and 3 activities, where collaboration across multiple landholdings is essential for achieving the intended results, will benefit from:

1. Partnership frameworks or templates for partnership agreements under ELM scheme that landowners can adapt to suit their circumstances. Example partnership frameworks should cover working with organisations specialised in education and engagement.
2. Clear guidance on funding that covers collaboration between landowners so at the point of applying it is understood how funding will be distributed fairly between landowners and managers when they are all responsible for achieving the end outcomes.
3. If two or more neighbouring landowners are applying for Tier 3 or 2 funding it makes sense that the ELM scheme should encourage cooperation for linking new habitat, creating wildlife corridors or sharing expertise. Facilitation is needed to support neighbouring landowners to work together. National Parks should be well placed to do this.
4. A mechanism for encouraging contiguous land holdings to join together on Tiers 2 or 3 activity. For example, applicants could be asked to demonstrate how their plans support a whole catchment approach (e.g. to the uplands).

5. An emphasis on linking payments to outcomes for both Tiers 2 and 3 coupled with clear communication (based on examples from pilots of evidence and best practice) that collaboration leads to more outcomes being achieved.
6. Information on and access to additional funding to help meet initial up-front costs.
7. Discretionary funding to be available for applicants whose statutory advisors can justify the benefit of access to best practice knowledge sharing (e.g. to cover expenses such as travel costs to visit another land holding to learn about best practice from the land manager).
8. Support to achieve results at landscape scale across borders. We are concerned that the application of artificial country borders could reduce the effectiveness of landscape-scale interventions including farm clusters. Natural England must have the freedom to work with colleagues in Scottish Natural Heritage and Natural Resources Wales to ensure that there is compatibility between the different countries' schemes where this makes sense.
9. Specialist support from organisations skilled in education and engagement services as many farmers, foresters and other land managers will not be trained in designing and delivering the most effective education services. They may therefore need to be signposted or supported to find partner organisations with suitable education services, or existing frameworks that can encourage a focus on values-based education, such as the John Muir Award*.

*The John Muir Award is an environmental award scheme that connects people to nature. It does not prescribe the experiences that individuals should have in nature nor the setting in which people should have an opportunity to connect with nature. Its flexibility lends itself to activity within Tier 1, 2 or 3 funding. Incorporating an outdoor learning programme using a framework such as the John Muir Award in the three Tiers would create more opportunities for individuals to understand the link between farming and nature; have the potential to widen participation in nature conservation activities and, at Tier 1, it could extend the 'Educational Visits to farms scheme' which at present doesn't make any demands on what engagement takes place other than getting paid for a school visit.

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?

Local Nature Recovery Strategies as outlined in the Environment Bill at clauses 95-99 could help to set local environmental priorities. The ELM scheme should be explicit and clear in how it will support the delivery of Local Nature Recovery Strategies and the Nature Recovery Network. Equally, Local Nature Recovery Strategies should be developed through consultation with land managers, landowners, farmers and conservation charities, to ensure that the strategies are realistic and achievable.

When landowners, managers or farmers review the three tiers and are deciding which activities they can achieve on their land they should also consult Local Nature Recovery Strategies as a reference point for the local environmental priorities that they could help to deliver. When completing their application they should reference which local environmental priorities their activities would help to deliver and the source of the local environmental priority (e.g. a Local Nature Recovery Strategy).

A response from the John Muir Trust

This is the crucial stage for advisors to be on hand to help applicants to understand local environmental priorities and decide which are relevant to their land management plans.

Local Place Plans also define local environmental priorities and applicants to the ELM scheme could be asked to consult the relevant Local Place Plans and reference these in their application if their activities will contribute towards measures within the Plan intended to conserve and enhance the natural and historic environment, mitigate and adapt to climate change, or more generally help to achieve well designed places or connect people to nature.

Local environmental priorities can also be determined through land management planning led by landowners, farmers and land managers in receipt of ELM scheme funding. As part of the application process for the ELM scheme, applicants should produce a land management plan outlining how the intended outcomes will be achieved. This plan could be put out to community consultation and adjusted to feedback received. Through the consultation, local environmental priorities that have not already been foreseen may emerge and the plan could be adapted before final approval.

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?

The best method for calculating payment rates will be compatible with the principle ‘public money for public goods’ and will not undermine this principle. The calculation of payments needs to be transparent and clear to those applying and all those who benefit. A transparent process that identifies the allocation of public funds (i.e. expenditure on advice, on raw materials, on contract work) could be achieved by setting payment ranges for each Tier and then awarding payments against an indicative expenditure and income budget for the activity in the land management plan. Indicative budgets at application stage should help to make it clear what public funds are being spent on and how land managers are leveraging public funds. As part of the evaluation, the applicant could be asked to submit evidence of expenditure. A review of actual expenditure by participants across Tiers 1, 2 and 3 should help to refine payment ranges for each Tier.

For Tier 2 the consultation document suggests that payments could move to being results-based but start off as payment for actions. To honour the design principle ‘public money for public goods’ it would need to be clear at the outset that initial payments under Tier 2 would be to cover costs incurred in transitioning to nature friendly land management. A land manager who uses initial Tier 2 payments to transition ought then to be in a position to benefit from results-based payments which could be fixed on the understanding that up-front costs have been covered.

For Tier 3 the consultation document suggests that the most appropriate approach to payment rates would be to determine them on an individual basis through a negotiated agreement. As costs associated with landscape scale nature recovery are less formulaic this makes sense. For this Tier we recommend the government considers the conclusions of Rewilding Britain’s 2019 report, ‘Rewilding and Climate Breakdown’. In their Report they provide a model of payments that values carbon sequestration and biodiversity enhancement in different restored ecosystems. This model could offer a start point for determining payments under Tier 3 where restoration of nature at landscape scale can be expected to contribute to multiple public goods and make a substantial contribution

towards reducing carbon dioxide emissions by creating and restoring carbon rich habitat (whilst also delivering strongly for biodiversity, water quality and flood mitigation).

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

Funding strategies for charitable projects, including landscape scale restoration, are often a blend of private and public funding out of necessity, as no one fund source is enough to cover total project costs and achieve the intended results. The funding approaches of these organisations offer a model that demonstrates the extent to which there are opportunities to blend public with private finance. However, sources of private finance should not relate to ecological damage elsewhere, for example through inappropriate development offsetting or unethical investment.

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?

The consultation paper suggests that advice is optional. We can think of some instances when advice should be highly recommended or even mandatory:

- Advice will be needed where delivery of the public good relies on specialist knowledge from subjects other than land management that are unfamiliar to the applicant (e.g. education or engagement activities).
- The document refers to a wish to not immediately punish landowners and managers for mistakes made. For this to be robust, the scheme could incorporate a compulsory advisory function where individual errors are identified (by the applicant and/or their Scheme advisor) and/or where outcomes have not been achieved. This would also be strengthened through the set of mandatory standards that the applicant signs up to at final scheme sign up stage (as described in question 17 below). One of these could be an acknowledgment of the requirement to accept advice at any stage of the scheme if deemed necessary.

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?

Staff or advisors trusted and known to applicants in an area are essential to support self-assessment. An advisor could provide suggestions or examples of evaluation methods that the landowner could employ for measuring progress towards the intended outcomes. The proposed evaluation method could be noted as part of the agreement with clear reporting timeframes as part of compliance.

The land manager should be involved with evaluation and an emphasis could be placed on simple observations/photos as these are methods for data collection that could be part of every-day activity, simple to replicate at future dates and would not deplete time or resources. To aid reliable and useful evaluation, the outcomes will need to be clearly defined at the outset and the methodology for measuring progress will need to be consistent (e.g. using same equipment, making a record at the same place, at the same time of year with the same method). Regular contact and

A response from the John Muir Trust

advice from a trusted and knowledgeable observer/advisor would support the land manager during evaluation, help to ensure reliable data was being collected and help to adjust evaluation methods where needed.

In some instances, evidence of a partnership could be evidence of successful delivery of activity and intended outcomes. For example, where a land manager has partnered with an engagement service provider using the John Muir Award, and there is evidence that individuals are achieving the Award as a result, this could be a way of evidencing delivery of educational services under Tier 2.

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?

We agree with the proposed approach to the National Pilot.

We would like to see the Pilot test a natural regeneration approach to restoring biodiversity. We would also like the Pilot to test how advice would be given at different stages of pre-application, during application and post-agreement that also recognises how different approaches are needed for different land holdings.

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

The operation of the ELM scheme could support compliance with regulatory requirements as part of entry (it is queried in the Consultation document only in relation to Tier 1 but surely all entrants should meet basic regulatory requirements before being allowed to apply). These could appear on a simple 'drop down' list as part of the application (e.g. "does your chemical storage meet the requirements set out in regulations..."). It might be a good way of prompting farmers and land managers to ensure that their processes are up to date.

Some additional comments in response to the lessons learned outlined in the Consultation Document at pages 8, 9 and 10:

9f) – we support the aspiration to devolve responsibility and allow local areas and their stakeholders to have a bigger role in deciding how local and national priorities can be best delivered. However, approaches are needed that enable diverse representation of stakeholder views.

9h) – an effective approach to non-compliance is needed to uphold the credibility of the scheme and honour the public money for public goods principle. Lessons learned on compliance should concede that inadequate resourcing of agencies responsible for overseeing compliance undermines their ability to enforce requirements. After the support phase, a known enforcement procedure is required for this new scheme.

About the John Muir Trust

The John Muir Trust is a membership conservation charity dedicated to the protection, experience and repair of wild places. We operate in Scotland, England and Wales and are guardians of some of the UK's finest wild places, including Ben Nevis, Helvellyn and Schiehallion. At each of our ten wild land properties we are working, with support from volunteers, to repair and rewild the land. This work includes monitoring rare and protected species, planting native trees and reintroducing rare plants to

A response from the John Muir Trust

appropriate sites, maintaining access routes, and recording the impacts of browsing deer and sheep on natural regeneration. We also work in formal partnership with five major community landowners on the Western Isles and West Highlands and in landscape partnerships with multiple community, government and private landowner partners around our properties at Quinag, Ben Nevis and Schiehallion.

Since 2014 we have invested nearly £1 million in visitor management infrastructure projects on Trust land, including footpath construction and restoration, installation and upgrading of toilets and car parking facilities. We organise volunteer days at our properties each year (2020 being an exception) during which volunteers carry out a vast range of conservation activities including clearing rubbish from beaches and footpaths; tree planting; path maintenance; removal of invasive species; and structural repairs to walls, fences and buildings. In 2019, 135 individual volunteers gave a total of 503 days to work party activities.

A team of staff run the John Muir Award (our engagement initiative to connect people to wild places in the UK). The Award connects tens of thousands of mainly young people with wild nature (with over a quarter of participants coming from socially excluded backgrounds) each year. To date over 375,000 people have achieved a John Muir Award in the UK and the conservation work carried out by John Muir Award participants in Scotland has been valued at almost £800,000 a year.