

Identifying longer term policy opportunities to address landowners' preferences, needs and conservation tools



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1. Introduction

1.1 Scope of this review

This review is developed following the objectives of the EU Biodiversity Strategy 2030 on engaging private landowners in nature conservation, to share the interest and concerns of the individual private landowner¹ on proposed new tools and to serve as a basis for discussion for concrete recommendations on EU level.

This review started from the following reports and research:

- ***Alternative Ways to Support Private Land Conservation***, 2015, Tilmann Disselhoff
- ***LIFE and Land Stewardship. Current status, challenges and opportunities***, 2015, Inga Racinska
- ***Qualitative Research among Private Landowners in 14 EU Countries, 2019, coordinated by the Life project « Land Is For Ever »***
- ***Quantitative Research (survey) among Private Landowners in EU, 2019, coordinated by the Life project « Land Is For Ever »***

1.2 Why private conservation

Considering that almost 95% of Europe's land is in private hands, landowners should be considered prime partners in ensuring the success of any biodiversity targets. The European Commission strives to more recognized engagement of private landowners, beyond the legal context, by contributing to the management of protected areas, by designating more land as a protected area, or by conservation initiatives in the wider countryside apart from the legally designated protection areas.

Voluntary engagement of private landowners in conservation efforts has shown a great opportunity in ensuring the success of targets. Most EU Member States created a range of voluntary programs whereby landowners and land managers can receive payments and other benefits for participation in land management contracts for conservation purposes. However, many of those conservation programs are relatively new or even unknown to European private landowners; some voluntary (non monetary) conservation programs are agreed between two partners but not further captured by a signed or recognized contractual agreement.

Implementing more conservation tools and incentives does not necessarily require inventing new methods. It is worth it to take what has worked elsewhere and apply it to the context of another country. The ability to align different mechanisms over time and offer a full suite of mechanisms is seen as an important contributor to achieving conservation outcomes. To achieve landscape- level benefits, conservation programs targeting private lands must attract a critical level of participation that leads to a desired mosaic of conservation benefits. Only

¹ 'Landowner' in this review refers to both landowners and land managers.

then will they be able to bring more land in a conservation-oriented land use complementing the conservation initiatives on public land.

1.3 Why incentives

To further encourage landowners to protect habitats and species on their land for the benefit of current and future generations, positive incentive mechanisms that enhance voluntary landowner engagement in habitat conservation for such species are needed². However, the owner's motivation to participate in a conservation program depends on the type of land use and is very heterogeneous over the different EU Member States³. The effect of the length of the period of an agreement varies in literature. Greater financial incentives are required to motivate the owner for longer-term periods and higher financial incentives often lead to a higher level of participation⁴. Stewardship and lifestyle goals are however often more important for participating in a conservation program than the financial/economic goals. If the owner is aware of the intrinsic value they derive from the presence of high value biodiversity and the impact of certain actions on it, they will be more willing and motivated to participate. Although financial incentives are necessary, payments alone are likely to be insufficient to incentivize high levels of participation in conservation agreement programs⁵. It's also important to recognize the impediments which are today countering the engagement of private landowners interested in conservation initiatives on their land. Examples include the lack of time to coordinate big interventions, the level of resources available if no financial support can be offered, lack of knowledge and capacity, lack of willingness and motivation if the landowner was not involved in the setup of the conservation plans, lack of integration with other private landowners, etc.

² Urs P. Kreuter, David W. Wolfe, Kenneth B. Hays, James R. Conner, Conservation Credits—Evolution of a Market-Oriented Approach to Recovery of Species of Concern on Private Land, *Rangeland Ecology & Management*, Volume 70, Issue 3, 2017, Pages 264-272, ISSN 1550-7424, <https://doi.org/10.1016/j.rama.2016.10.012>.

³ Greiner, Romy, 'Factors Influencing Farmers' Participation in Contractual Biodiversity Conservation: A Choice Experiment with Northern Australian Pastoralists', *Australian Journal of Agricultural and Resource Economics*, 60 (2016), 1–21 <https://doi.org/10.1111/1467-8489.12098>

⁴ Greiner, 2015

Matthew C., Germain R, and Stehman V, 'Family Forest Owner Preferences for Forest Conservation Programs: A New York Case Study', *Forest Science*, 61 (2015), 597–603 <<https://doi.org/10.5849/forsci.13-120>>

⁵ Sorice, M.G.; Oh, C.-O.; Gartner, T.; Snieckus, M.; Johnson, R.; Donlan, C.J. Increasing Participation in Incentive Programs for Biodiversity Conservation. *Ecol. Appl.* 2013, 23, 1146–1155.

(PDF) Is Hay for the Birds? Investigating Landowner Willingness to Time Hay Harvests for Grassland Bird Conservation. Available from:

https://www.researchgate.net/publication/350643909_Is_Hay_for_the_Birds_Investigating_Landowner_Willingness_to_Time_Hay_Harvests_for_Grassland_Bird_Conservation [accessed Jun 06 2021].

1.4 Important aspects to take into account

A. Recognition of landowner concerns

Climate change, regulations and high taxation are important challenges to solve for private landowners. Most private landowners see climate change as a more important problem than biodiversity loss. Not having enough income from agricultural or forestry products is also considered as an important issue by a large majority of landowners. In particular, landowners of smaller plots indicate this is often problematic to live from. Conservation programs on a small or non-productive area can therefore be more attractive for the landowner as the implementation of the agreement will imply only limited costs and would not cause too much profit loss⁶. Private landowners/managers prefer financial incentives on a service (annual payments) or on a product basis (carbon credits, payment for ecosystem services). Also, tax benefits for management and conservation expenses are a welcome support.

No public recognition is an issue for all private landowners. It should be recognised that private landowners can significantly contribute to biodiversity (habitat) recovery and protection. These activities could and should be accounted for both locally by the neighbourhood, nationally as well as internationally (reporting to UN-WCMC, art12/17 reporting of EU's Nature directives, CBD), as contribution through "Other Effective Conservation Measures) to the EU's and thus national 30X30 targets.

In general, expectations for public access are seen as problematic by private landowners when no fair support or compensation can be offered. Landowners involved in nature conservation as primary land use are less concerned than others. Private landowners already involved in nature conservation often do not have major problems with bureaucracy, limitations on how land can be managed, restrictions for future generations or restrictions after the programme period but indicate that these are important factors influencing their decision to participate in a program. The definition of "nature" can vary by country, entity and stakeholder. Communication on the aims and understanding of all stakeholders' concerns is of utmost importance.

B. Landowner trust in safeguarding their autonomy

Autonomy is a fundamental value of landowners that influences their willingness to engage in conservation agreements or programs⁷. One of the main reasons of opting out of conservation agreements is often based on social reasons like distrust and fear for government involvement more than an inadequate compensation⁸. Allowing the landowner (at least some) autonomy on the land and a share in the decision-making processes leads to

⁶ Also stated by Santangeli & Laaksonen, 2014

⁷ Sorice, et al., 2013

⁸ Sorice et al., 2013

increased participation over and above what payments can achieve and so leads to increased conservation outcomes⁹.

Most landowners like to see a vision and goal articulated giving landowners the flexibility to achieve those goals in the most appropriate manner for their area, rather than having the “how” strictly dictated to them. They have concerns about being “locked in” to specific actions, particularly if the government changes the rules or climate change affects their lands differently in the future, which demotivates them to engage in a conservation agreement.

Restrictions on certain land use because of the appearance of threatened or endangered species without the involvement of the landowners leads to perverse reactions including elimination of habitat for species of concern and refusal by landowners to cooperate with federal and state biologists to effectively protect the habitat of species of concern in other programs.

There is a concern that government authorities can change the rules at any time, even partway through an agreement. Often, these participants feel authorities and decision-makers begin in a confrontational position to the landowner. Therefore, even with voluntary, incentive-based approaches, landowners often still fear anything that speaks to a “permanent” agreement.

A solution to this is a system of Land Trust organizations, trusted by the landowners and with the primary aim to advise and assist landowners who are interested to shift management practices towards measurable conservation outcomes.

C. Knowledge and expertise exchange

Knowledge exchange between all parties is important for technical reasons, but also place-based knowledge is key to get a complete understanding of the local context. Landowners often have a strong knowledge of their land and nature (history). A two-way knowledge exchange is therefore critical to encourage trust and cooperation to build a good working relationship. Landowners’ concerns and knowledge input based on experiences must be recognized¹⁰. To solve the concerns that a specific land designation is due to a political or industrial influence the landowner is entitled to transparency on a scientific research basis or infield examples when engaging a conservation contract. Recognising private landowners’ efforts for nature conservation is critical and their traditional knowledge on their land is not to be underestimated. This could be done through various communication channels, information materials, site visits, reports, etc. However, in any case it needs to be built on facts and should not be a “one-off”.

⁹ Sorice et al., 2013,

Ma, Z., Butler, B.J., Kittredge, D.B., Catanzaro, P. 2012. Factors associated with landowner involvement in forest conservation programs in the U.S.: implications for policy design and outreach. *Land Use Policy* 29(1): 53-61.

¹⁰ Lute, Michelle L., Caitlyn R. Gillespie, Dustin R. Martin, and Joseph J. Fontaine, ‘Landowner and Practitioner Perspectives on Private Land Conservation Programs’, *Society and Natural Resources*, 31 (2018), 218–31 <<https://doi.org/10.1080/08941920.2017.1376139>>

D. Support in the program implementation

Landowners need a broad menu of private land conservation tools. The broader the menu the more likely a landowner will find an instrument fitting its individual need. In addition to that private landowners can best be encouraged by an organization or association they can trust e.g. land trust. These organizations should also make sure that equal opportunities are given to private landowners and conservation organizations for equal investments and to build bridges for trust and cooperation with conservation organizations. It always takes time to build trust, and should include all parties, identifying common issues, interests and opportunities of cooperation in order to build on them together. Finding common grounds is an essential step in this process. A cooperation between private landowners and nature conservation NGOs leads to a win-win situation. Owners who are already enrolled in a program are mostly satisfied with long-term contracts to overcome a recurring burden of paperwork¹¹. Contract/agreement flexibility may be important to overcome the mistrust of top-down government and the dislike of strict regulations/limitations of property rights¹².

E. Provide tools fitting in the business models

Integration of nature management in the overall estate management is key to guarantee the long-term engagement of the private landowner. Effective conservation tools have to fit in the ecologic, but also economic and social reality of the landowner. The combination of nature, forest and agriculture on one farm offers a unique possibility to develop a circular business model, creating a micro-climate on the estate and responding to the durable long-term management vision.

They should include the potential to challenge the landowner to go for an alternative management; to find the balance between nature, landscape, cultural and heritage management. A well-designed durable nature conservation project includes economic and social factors to enable the private landowner and engage them in the long term. Payment for ecosystem services is therefore a promising business model for private landowners as it is delivering services towards society (clean air, water, mental health besides direct revenues like wood and livestock) with an economic return towards the private landowner. Worldwide tourism has also shown to be able to contribute to sustainable business models for private landowners.

¹¹ Lute, Michelle L., Caitlyn R. Gillespie, Dustin R. Martin, and Joseph J. Fontaine, 'Landowner and Practitioner Perspectives on Private Land Conservation Programs', *Society and Natural Resources*, 31 (2018), 218–31 <<https://doi.org/10.1080/08941920.2017.1376139>>

¹² Lute et al., 2018, Greiner, 2016

2. Tools and methods for Private Land Conservation

Nature conservation NGOs and individual private landowners share a common concern regarding the durability of their land. Both networks would benefit from a more intensive collaboration, information exchange and trust building. While ecological durability, often combined with social durability, is the main concern of nature conservation NGOs, individual private landowners often have to focus on economic durability in combination with ecological and social durability. Offering the right tools to support and recognize their achievements and a systematic collaboration between them can bridge their priorities and significantly increase the impact of private landowners on their contribution towards the N2000 goals.

In the following overview we present institutions and tools with a promising future to support the optimization of private land conservation in Europe. When selecting a set of tools, it is important to take into account the barriers landowners experience today and how new tools can help to overcome them, as well as the success factors of existing tools.

Tools and methods are explained by definition, opportunities, barriers and examples¹³ from Member States.

¹³ Examples are based on input from experts and stakeholders. *Please send your updates or comment if any correction needed to anne-sophie.mulier@elo.org*

A. Land trust

A land trust organization owns property or land use rights of land managed for conservation purposes which they manage themselves or outsource the management for. It can be an existing organization, or a cooperation set up explicitly to support private landowners in conservation requirements. The conservation management can include protection of habitat and species, as well as ensuring that the land remains for (extensive) farming, forestry, certain ecosystem values or outdoor recreational use with respect for the nature values. Most land trusts are independent, private corporations with a focus on conservation activities or a department of a larger organization whose missions extend beyond conservation. A governmental agency can also function as a land trust.

A land manager who has showed his/her ability to manage land according to certain conservation criteria can agree with a land trust to take care of the management in exchange for a financial compensation or other benefits e.g., income generation, extension of own habitats, corridor creation, etc

Land Use	Forest - Nature – Agriculture
Landowner & Trust	Land trust agrees on the management plan and responsibilities with land manager or former owner, depending on situation
Permanence of protection	Permanent
Property right	Property right with the land trust
Management purpose	Conservation but production possible depending on agreement
Finance	Funded by government or private foundation

Innovative example

Belgium

Stichting Natuurbehoud en Leefmilieu (SBNL)

New Land Trust (NGO) set up, private foundation, making use of subsidies under the new Flemish Nature Legislation to purchase land for conservation purposes. The NGO buys land as nature reserves and agrees on contracts with conservation organizations or private landowners of neighbouring land to manage it according to the conservation/nature reserve requirements and add additional nature values. The trust keeps the ownership and responsibility to secure long-term nature conservation. The trust can apply for subsidies to purchase land for conservation purposes as a recognized owner and manager of nature reserves.

B. Land stewardship agreement

Under a land stewardship agreement, a conservation organization and individual landowner agree to a set of actions to be developed in the property. The landowner keeps the management of the land but both parties commit to the terms and conditions of the agreement as equal partners to a set of conservation-oriented actions e.g., detailed species monitoring, respect nesting area, habitat protection, ... Land stewardship can be seen as a means of understanding for landowners and stewardship organizations to jointly work to preserve natural, cultural or landscape values, most often in the form of agreed restrictions, joint monitoring or the agreement for the maintenance of a current management.

A stewardship agreement should be based on mutual trust between the landowner and the organization with a continuous possibility to exchange information and concerns. Stewardship goals are of public interest and have no profit goal. The agreement can be either set in a form regulated by law (i.e., lease, donation, purchase) or in a document only regulated by the autonomy of will. Therefore, anywhere in Europe, even the smallest non-profit organization interested in land stewardship can start to write its first agreement when a landowner is willing to sign it¹⁴.

Stewardship contracts can grow from verbal agreements for certain actions or mutual compromises, which are perfectly valid agreements; however, in case of a disagreement their existence may be hard to prove. A written or legally binding agreement is advised once the stewardship collaboration starts involving costs and efforts for the parties and interests worth protecting like a lesser profit for the landowner due to certain restrictions. Noting the land steward relationship more explicitly in the Bird and Habitat directives would be a good step forward for the institutional and social recognition of land stewardship in Europe.

Land Use	Forest - Nature – Agriculture
Landowner	Parties can freely choose whether to transfer rights of use to the stewardship organization, or simply to establish duties or restrictions for the landowner in exchange for management advice or financial support. They can also choose whether to establish an agreement strictly among themselves or to establish rights on the land enforceable against third parties
Permanence of protection	Temporarily
Property right	Depending on the agreement. Stays with the landowner but agreement on management
Management purpose	Conservation but production possible depending on agreement

¹⁴ Rodríguez, P.; Sabater, X.(Coord.). Land Stewardship toolkit. Basic tools for land stewardship organisations in Europe. LandLife documents. First Edition 2014

Opportunities

The stewardship organization can serve as a contact point for the landowner to provide information and advisory services if needed on financial or legal conservation issues e.g., CAP instruments, any grant or incentive opportunities that could benefit the property, but also management advice on specific issues or knowledge from project experience elsewhere. They engage the landowner and the land in a bigger conservation network and provide a 'face' to the program, particularly at regional level. The Stewardship organization can act as a broker for financial support to implement the conservation activities through funding, sponsorship or economic activities. Engaging in a stewardship agreement can, depending on the agreement and legal framework, also be encouraged by offering the landowner a public financial incentive e.g., subsidy or tax benefit. The stewardship organization can support the landowner to apply. The landowner opens the private land for a joint management plan (development) or monitoring, agrees on the implementation of actions and can often share very specific knowledge from the land and experienced manpower.

Bundling the forces under a stewardship agreement can lead to a better on-site interpretation, habitat improvement, technical assistance and (public) recognition for biodiversity's values through a trustworthy cooperation. Land Stewardship is a flexible tool which can be linked to different incentives and is easily adaptable to respond to local and regional contexts.

Barriers

Stewardship agreements are most likely to grow from long existing verbal agreements and need bilateral trust between the partners. There is still often a lack of formulas that encourage the use of stewardship agreements like tax incentives or direct economic aid. Not having a formal legal framework for land stewardship and a wide diversity in the different European regions makes it more difficult to enforce stewardship agreements in case of disagreement. Differences among legal systems throughout Europe are most important to bear in mind when setting up this tool e.g., Civil Law jurisdictions to Common Law ones (UK, Ireland)¹⁵.

Parties often lack the legal knowledge to set up a very concrete plan on the commitment of both parties to establish what they exactly must or must not do and the procedure in case of an early agreement termination. "The likeability of a stewardship agreement to be put in a form regulated by law generally runs with the non-profit aim of the agreement: private law is committed to private interests, and thus profit interests –i.e., to earn rent from a property versus occupying it for your own profit- whereas stewardship agreements are about protecting common interests on private goods"¹⁶.

¹⁵ Rodríguez, P.; Sabater, X.(Coord.). Land Stewardship toolkit. Basic tools for land stewardship organisations in Europe. LandLife documents. First Edition 2014

¹⁶ Rodríguez, P.; Sabater, 2014

Examples

In several member states the landowner can receive technical guidance and cost-share assistance to restore or improve the habitat. Land stewardship agreements may be recognized directly or indirectly in a national public law supporting the goals through legal recognition or tax incentives.

France: Biodiversity Law: Voluntary agreement between owner and qualified conservation organization.

Spain: The Spanish National Law 42/2007, on Natural Heritage and Biodiversity, is the basic framework for protected areas and nature conservation. It recognizes the concept of 'land stewardship' as a tool: 'a public or private organization, non-profit, that undertakes initiatives that include land stewardship agreements for the conservation of the natural heritage and biodiversity' (Art3) and develops incentives for positive externalities created by private landowners and managers. (Art 73). Article 77 gives an Autonomous Community the possibility to regulate the mechanisms with a land stewardship agreement between the owners and the stewardship entities¹⁷.

Since 2017, a new legal framework in Catalonia enables the application of tax credits to implement an official land stewardship registration¹⁸. **UK:** Very much experienced with Land Trusts

C. Management support agreement

Landowners enter a voluntary flexible contract for a limited period of time with a charitable organization or government agency to ensure that the property is used or managed for conservation purposes. The stewardship agency offers management support to the landowner. Landowners with a lack of knowledge or time can receive support to fill this gap.

Land Use	Forest - Nature – Agriculture
Landowner	Access to management support and guidance
Permanence of protection	NA
Property right	Property rights and management stays with the landowner
Management purpose	Conservation but production possible

¹⁷ De la Varga Pastor, J Pons-Solé, 2018, Innovative legal tools applied in land stewardship for the conservation of ecosystem services in Catalonia, Ecosystem Services 29 (B), 395-403

¹⁸ Article 623-34.1: Land stewardship agreements, which are temporary and whose objective is immovable property, the assignor cedes total or partial use or management of the property to the cessionary, who must be an entity one of whose objectives is land stewardship, in

D. Management transfer agreement

Landowners enter a voluntary contract for a limited period of time to ensure that the property is used or managed for a certain conservation purpose. The transfer can be carried out to a conservation organization, but also to a farmer or lease with an environmental clause. This is an effective method to ensure the definite use of the land for nature conservation purposes, while at the same time keeping it in economic use.

The parties agree that the stewardship agency takes over the management of (certain parts of) the land according to the agreement, and all property rights stay with the owner. The landowner and organization agree on which actions will be implemented in this case by the stewardship organization. Management transfer options exist under the transfer of land management rights, usufruct or land lease (see also easement). Management transfer through lease is a costly option that not every stewardship organization will have the capacity for. The landowner may however agree a rent lower than market or even a symbolic or no rent depending on the agreement.

Opportunities

Management transfers are an interesting option when a landowner is not interested in the use and management of the land himself/herself or if they prefer to increase the biodiversity value of the land through a specialized management by the organization. This is an attractive option for those landowners who cannot manage the land themselves, have no possibility to lease it to anyone else or take any other profit easily.

Barriers

Depending on the type of transfer the agreement might be independent of the owner and continue when the land changes owners. Both parties are bound to the agreement. A management transfer as a conservation tool should always be agreed on a voluntary basis for all parties.

Land Use	Forest - Nature
Landowner & trust	Compensation for the transfer of the management
Permanence of protection	Temporarily
Property right	Stays with the landowner but agreement on management
Management purpose	Conservation but production possible depending on agreement

Examples

Bulgaria: There is a legal framework that permits the conclusion of the agreements for management transfer (Article 115, para 9 of the Biodiversity Act (BA), as amended in State Gazette vol. 98 of 28/11/2014). The assignment of management functions to public entities and/or NGOs is one of the mechanisms foreseen. However, these legal instruments are not yet implemented. A conservation NGO was set up and governed by a voluntary Public Council,

formed by representatives of all stakeholder groups for private conservation. The ministry donated a Grant to support this organization but because of a lack of public funding, the current activity is very low (2019).

Czech Republic: Some NGOs, like Land trusts, rent land from a government agency, municipalities, or private landowners in order to undertake conservation management. The site management can be financed from national funds to the land tenant. It ensures the maintenance of usually fertile land in accordance with nature protection and legislation¹⁹.

Hungary: Agreements between tenant and landowner to manage the land according to the conservation objectives²⁰. The agreement contains the concrete prescriptions - like moving or grazing practices (timing, method, species and number of animals, placement of infrastructures, use of pesticides, fertilizers). This mostly occurs in protected areas or Natura 2000 sites, but also outside these areas.

Italy: Associazione fondiaria. An independent organization consisting of private landowners. The property remains in private ownership and the organization provides the management of the land (mainly grazing, farming). The organization does not hold the right of use. In case of profits, they are used by the organization for the achievement of the organisation's objectives. It is acknowledged as an association of social promotion, not by the Italian civil code²¹. **France:** Pacte Pastoral (2015). To allow farmers to use private land for non-injurious pastoral activity²².

E. Property transfer

See also Land Trust. The landowner transmits his or her property (or part of it) to an organization in exchange for fair financial compensation or another plot with a lower conservation value (see: land exchange). The organization commits itself to developing responsible management of the property. The owner can retain certain rights over the land, such as partial uses consistent in the use of buildings or special areas of the property, collecting fruit, crops or other.

Land Use	Forest - Nature – Agriculture
Landowner & trust	The landowner receives a fair compensation
Permanence of protection	Permanent
Property right	Landowner loses property right
Management purpose	Conservation

¹⁹ Nature conservation agency of the Czech republic (NCA CR)

www.nature.cz; Land trusts: <http://www.csop.cz/psfront/>, www.dotace.nature.cz

²⁰ Organized by national park directorates and NGOs, Available for grasslands, arable lands
<http://magyarnemzetiparkok.hu/>

²¹ Racinska, I., Barratt, L., Marouli, C. (2015). LIFE and Land Stewardship. Current status, challenges and opportunities. Report to the European Commission.

²² Račinska et al., 2015

Examples

Belgium (Flanders): A separate government agency (Vlaamse Grondenbank) has the ability to buy and exchange land as part of nature conservation goals.

Bulgaria: Property transfer is only legally possible as a form of ‘temporarily allowed right’, without buying the property forever (Račinska, et al., 2015).

Netherlands: Proplander (<https://www.proplander.nl>). The organization obtains the land, restores it and places the deed restriction on it, stipulating the use of the land for nature conservation purposes. Afterwards, the organisation rents, sells or leases the land to the farmers or other land users.

UK, Scotland: National Trust Voluntary conservation organization, Wildlife Trust Partner River Trust and River board: Bringing together different communities to work towards a common goal, using financing from different sources incl. private sector.

Voluntary Management Transfer: River owner agrees on management actions, carried out and funded by the River Trust. The proprietor benefits and makes a contribution to the Trust
Voluntary Management Support: Work is being carried out and financed by the project, but all subsequent management and maintenance are carried out by the owner secured by annual payments. Agreement for 10 years

Non-EU: Australia: The Victorian Trust for Nature administration buys up land from landowners voluntarily. The land is put under a covenant covered by the Australian law which specifies which activities may or may not be carried out on the site. Subsequently the land is sold to landowners again who are bound by the conservation agreement. This works well because the fund should be maintained without much capital input and the Trust does not have to pay for the long-term maintenance of the land²³.

²³ Bräuer, I., Müssner, R., Marsden, K., Oosterhuis, F., Rayment, M., Miller, C., & Dodoková, A. (2006). The use of market incentives to preserve biodiversity. Final report. A project under the framework contract for economic analysis. <http://ec.europa.eu/environment/enveco/biodiversity/pdf/mbi.pdf>. Accessed March 2014.

F. Conservation easements

Landowners enter into a legal agreement between a conservation organization, government agency or land users cooperation and voluntarily agree to (permanently) limit certain uses of the land to protect its conservation values. The landowner maintains the ownership and the use of land, but in ways that do not conflict with the terms of the easement. They retain the right to own and use the land, sell it and pass it on to their heirs.

The easement restrictions can however limit future development and can have an economic impact for the landowner. This economic loss is compensated under the easement agreement by any sort of payment or tax benefit. These financial incentives should make conservation easements more attractive (or at least not disadvantageous) and are of vital importance to engage private landowners.

Both parties have the possibility to request permission to make changes to the property and make amendments to the easement. A third party holds the overall coordination, the agreed management plan and can request for a monitoring check if needed.

Depending on the country, conservation easements can already be eligible for an income tax deduction if the land trust is considered a charitable donation²⁴.

Land Use	Forest – Nature
Landowner	Gives up certain rights on the land
Permanence of protection	Permanent
Property right	Certain rights stay by the landowner
Management purpose	Conservation with production possible depending on the agreement
Finance	Most preferred are annual payments (See: Payments and compensation), easements exist however most often with one-off-payments.

Opportunities

Conservation easements can cater for a variety of situations e.g. where landowners do not want to sell their land or cannot afford to donate it to a conservation organization, where the government or conservation organizations cannot afford to purchase the land at market price. By donating conservation rights, the owner can allow land to be retained in the family while securing priority areas for conservation. The agreement can be adapted to each case and include priority conditions for both parties. The transfer of rights is done at the notary providing clarity and transparency for all parties.

The sale of certain development rights on the property can come close to the value of the land itself if located in a protected region.

²⁴ Sristi Kamal, Małgorzata Grodzińska-Jurczak & Gregory Brown (2015), Conservation on private land: a review of global strategies with a proposed classification system, *Journal of Environmental Planning and Management*, 58:4, 576-597, DOI:10.1080/09640568.2013.875463

Conservation easements can be seen as a contractual way to work with payments for ecosystem services.

Barriers

Engaging in a land easement agreement can make the landowner feel like they are losing their ability to adapt to changing conditions and their land-use objectives, potentially reducing future income. It could generate intergenerational inequity or conflict if trust is lacking between the parties. Therefore, landowners are sometimes adverse to permanent agreements.

Although the landowner may expect a one-off compensation or continued financing benefit for entering a conservation easement, the agreement is likely to reduce the market value of land by reducing the uses in the future. However, a reduction in the land value often also leads to a reduction in property taxes indirectly. Following the definition of an easement the value of the easement, which should be financially compensated to the landowner, equals the economic loss for the landowner for transferring certain rights. Owners often would like to be compensated for the extra value they voluntarily offer to the public as an incentive to engage in the program.

Examples EU Member States

Sweden: The environmental protection agreements are civil contracts, included in the Swedish Land Law, which remains with the land even if the ownership changes. The owner and the state agree on a certain compensation (not always financial) and a term (typically a few decades). The property is bound to a specific action plan. An alternative to the more costly traditional protected areas. Since 2015, the NYA COMET program has offered²⁵ private landowners the option to voluntarily set-aside part of their property to preserve its environmental values. The program means that forest owners themselves select and propose forest areas with high natural values to preserve and receive compensation for it. In the meantime the program offers access to information, cooperation between authorities and landowners, and increases the use of nature conservation agreements. The program is not legally binding but has potential to become an easement type if an appropriate legal basis would be established.

²⁵ <https://www.atl.nu/skog/succe-for-norskt-komet-program/>

G. Conservation contracts and programs

The landowner enters a voluntary contract for a limited period with a charitable organization or government agency to ensure that the property is used or managed for conservation purposes. These contracts and programs exist in various formats, duration, and intensity and are most often linked with compensation or benefit for the landowner.

The Agri-Environment Scheme (AES) under the Common Agricultural Policy (CAP) of the EU is the most well-known and widely implemented program.

Land Use	All
Landowner	Engages in a management contract or program
Permanence of protection	Temporary, depending on the agreement
Property right	Stays with the owner
Management purpose	Conservation with production possible depending on the agreement

Opportunities

Contracts and programs can exist in various forms adapted to the situation of the land, manager, stakeholder and available resources.

Barriers

Land managers might be resistant to give an external force a foot in the door with the potential of restrictions or loss of ownership as a consequence. The administration requirements should be adapted to the knowledge and skills of the variety of applicants. The contract should include a clear and feasible agreement on the monitoring of the management plan as well as a description of the process in case of an early contract termination.

Examples

Estonia: A private forest owner can sign a contract with the state (Estonian Private Forest Centre) to compensate the costs of the forest use restrictions. These contracts are for a period of 20 years, the sum is fixed for 20 years and paid out yearly during the contract period. Forest owners get paid the price of the standing forest on the basis of the timber value.²⁶

Lithuania: Landowners and nature conservation organizations can also set up special voluntary nature conservation agreements. The concept of such agreements is described in the Governmental decree (No. 484). The agreement provides the opportunity to define certain management restrictions on agricultural land, forest land or water bodies that are found in protected areas. It can also be used to define land management terms between a land owner

²⁶ Estonian Private Forest Centre <https://www.eramets.ee>, Environmental Board <https://www.keskkonnaamet.ee/et>
<https://www.eramets.ee/toetusel/vaariselupaiga-kaitseks-lepingu-solmimine/>

and an organization which is implementing conservation management activities as part of the nature management plan of other conservation initiatives (e.g. initiated via a LIFE programme project). The decree does not specifically describe any terms of payments or compensations for the land owner, who commits to certain land management restrictions within the agreement. However, it also does not forbid these voluntary agreements being a basis to receive such payments for the conservation actions performed. So far, these agreements have not been very popular in practice; however, there are some cases where these agreements were used by NGO Baltic environmental forum to set up late-mowing and conservation of protected birds in the farmlands. Based on these agreements, farmers received appropriate payment for conservation activities that were carried out. In such cases, these agreements work as a satisfactory tool for both parties: the owner receives appropriate compensation for certain management restrictions that they commit to, while the conservation organization reaches its goal to preserve and maintain the good status of the nature that is under protection in that area. Take the example of the NGO: in the long run, such committed land owners also often start to take pride in being involved with conservation actions, which help preserve the nature in the land they manage.

Wales: Irfon River special area of conservation. Agreement with Forest Owners for no further planting of trees and restoration of natural hydrology. Benefits for owner: sale of wood, river status and quality.

Sweden: The Swedish Land Law describes the Nature Conservation Agreements. These are civil contracts which remain with the land, even if the ownership changes. The compensation varies depending on how long the contract is valid. The time can vary from one to fifty years²⁷. Under an environmental protection agreement, the owner and the state agree on an action plan, a certain compensation (not always financial) and a term (typically a few decades). This is an effective alternative to the more costly traditional protected areas. The NYA KOMET program, coordinated by the Swedish Forest Agency, allows private landowners to voluntarily set-aside part of their property to preserve its environmental values. The program offers access to information, cooperation between authorities and landowners, and increases the use of nature conservation agreements. The program is not legally binding but has potential to become an easement type if an appropriate legal basis would be established.

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https://www.lesprom.com/en/news/Swedish_Forest_Agency%3A_Area_covered_by_new_nature_conservation_agreements_down_74_in_2019_93537/

H. Natural Area Designation / Private Reserves / PPA

Private reserves are defined as land under private ownership that has been set aside for the protection of nature and its components through legal or other effective means for personal or public benefits. Reserves can be owned and managed by private organizations or individuals. Landowners who own land in areas designated as natural areas limit the use of their land under this legal or administrative framework. Protected areas must prevent, or eliminate where necessary, any exploitation or management practice that will be harmful to the conservation/management objectives of a private reserve. A reserve can include areas with other goals as well, but in the case of conflict, nature conservation should be the priority. An example are private wildlife reserves for the protection of biodiversity, which could still be used as private game reserves or ranches within the predefined, sustainable limits. Government entities may implement monitoring actions to ensure the protection of environmental values and long-term commitment for conservation following the designation agreement. Private reserves are (legally) bound to permanent protection. The level of application varies, however, between each country in Europe. In some countries this kind of protection is recognized, whilst in others it is largely unregulated and the management is dependent on the understanding and level of awareness of the landowner²⁸.

Land Use	Forest – Nature
Landowner	Designation of the land for conservation
Permanence of protection	Permanent
Property right	Stays with the owner
Management purpose	Conservation

Opportunities

If all reserves which meet certain criteria could be registered under one common network this would contribute to the connectivity of the conservation landscape in Europe. Private management of reserves can speed up the response to conservation challenges if the manager is experienced with land management and has a certain freedom to react. They can secure protection in the long term if the government fails or cannot buy the land. Private reserves can offer the possibility of allowing certain activities, within predefined limits, which are usually not permissible in governmental protected areas offering a significant potential to promote conservation on private land when the economic benefits are directly linked to conservation and maintenance of the habitats.

If the management is coordinated and implemented by a qualified individual this person has to be allowed to do so independently of organizations and governmental agencies to reduce influence and preserve objectivity. The recognition as a private reserve can also be used to

²⁸ Račinska et al., 2015

promote fundraising, support and donations²⁹. Private reserves and game reserves, whether owned individually or in partnership with investors, are most popular today in countries with rich mega-fauna which generates direct income through activities such as eco-tourism and safaris, wildlife viewing and game hunting³⁰.

Barriers

Need for an international definition and guidelines for the recognition and monitoring procedures. If PPAs are not legislated, owners are vulnerable to resource competition and changing priorities. Flexibility is needed for the land manager to interfere in the management when external influences have an impact e.g., climate changes. There is a need for sufficient guidance on the national and international level for land managers, which is easily reachable. PPA managers have to be aware of any rights of use which will not be in their control before agreeing to the land designation. Private reserve managers should be aware of any rights of use that impact the achievement of desired conservation objectives that are not under their control and should make every effort to ensure that use does not impact the area's conservation objectives of the area's ability to meet definition of a protected area³¹.

Examples

Only a few EU member states formally recognize private reserves as a distinct conservation category in their nature conservation legislation. In Finland, Belgium and in the UK protected areas can only be established on private properties with the consent of the landowner³²

Belgium: The region of Flanders manages nature through one type of plan - the nature management plan. The nature management plan is a constructive tool for the long term planning of a plot of nature and offers the same opportunities to governments, organizations and private owners. Four types of nature management plans exist, with a growing conservation ambition from 1 to 4. On a type 4 nature area the main management objective is to make the land a nature reserve or private protected area. The owner has a complete exemption from advance tax payments, inheritance tax and gift tax and receives subsidies to purchase the land, for accessibility of visitors, management subsidies etc. Which plot of nature falls under which type depends on the ambitions of the nature conservator or

²⁹ Mitchell, Brent, Sue Stolton, Juan Bezaury-Creel, Heather Bingham, Tracey Cumming, Nigel Dudley, and others, 'Guidelines for Privately Protected Areas', Guidelines for Privately Protected Areas, 2018 <<https://doi.org/10.2305/iucn.ch.2018.pag.29.en>>

³⁰ Kamal, Grodzińska-jurczak, et al., 2015

³¹ Penelope Figgis, http://www.alca.org.au/wp-content/uploads/Penelope-Figgis_A-Global-Overview-of-Private-Land-Conservation.pdf?x20930

³² Disselhoff, 2015

landowner. If the land is sold, the nature management plan transfers to the new owner. Each plan is valid for 24 years with an evaluation every six years.³³³⁴

Finland: Include the possibility for private owners to designate their property as a protected area but without calling it a PPA in their legislation. Landowners can rely here on a well-defined set of legal rules and institutional support from the authorities³⁵. In Finland most private nature reserves are established permanently, but through the METSO Program³⁶ agreements of 10-20 years it's also possible³⁷ to encourage small land holders. The management and use of privately owned nature reserves is planned through cooperation between the landowner, a Centre for Economic Development, Transport and the Environment, and Metsähallitus.

Germany: The German legal framework was designed for state governance and lacks specific provisions to accommodate PPA's, which have thus no official individual acknowledged type in the legislation.

Spain: The Spanish National Law 42/2007, on Natural Heritage and Biodiversity, is the basic framework for PAs and nature conservation, and contains several key points in respect of PPAs without mentioning the PPA concept. Most of the PPAs are established by a volunteering agreement between an NGO and private owner. There are a few exceptional cases of private individuals that manage their lands as PPAs but without any direct agreement or contact with local NGOs, these cases easily go unnoticed.³⁸

Some examples of private reserves are Cañada de los Pájaros including an agreed Natural Reserve in Andalusia, managed as an ecotourist resort, Monasterio de Piedra in Zaragoza and Sant Miquel del Fai in Barcelona, Fundacio Calatunya-La Pedrera: Conservation management and education with income from tourism in Barcelona (La Pedrera), El Castanar in Toledo.

UK: Protected areas in the UK are generally known as either 'statutory' sites, protected through European or domestic legislation, or 'non-statutory' sites, usually with a degree of protection in the UK's planning processes. Most of the protected areas are encompassed within the SSSI (Sites of Special Scientific Interest)- mostly privately owned³⁹. Land within the SSSI owned or managed in the long term by individuals or organizations explicitly as a protected area are equivalent to PPAs. SSSIs on private land where the owner is managing primarily for purposes other than conservation and where conservation management is

³³ https://www.natuurenbos.be/sites/default/files/inserted-files/anb_kompasnaald_natuurbeheer_eng.pdf

³⁴ [https://elcn.eu/sites/default/files/2018-](https://elcn.eu/sites/default/files/2018-06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf)

[06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf](https://elcn.eu/sites/default/files/2018-06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf)

³⁵ Basora, Xavier, Mitchell, Brent, O'Neill, Catherine, and Sabate, Xavier. 2013. Caring Together For Nature; Manual on Land Stewardship as a Tool to Promote Social Involvement with the Natural Environment in Europe. Landlife documents. Volume online. First Edition, 2013.

³⁶ <http://www.metsa.fi/web/en/numberandsizeofprotectedareas>, 2018

³⁷ S. Stolton, K.H. Redford, N. Dudley, The Futures of Privately Protected Areas, IUCN, Gland, Switzerland (2014)

³⁸ S. Stolton, K.H. Redford, N. Dudley, The Futures of Privately Protected Areas, IUCN, Gland, Switzerland (2014)

³⁹ Basora et al., 2013

imposed are equivalent to government-managed protected areas. 'Self-designated' protected areas also exist outside these formal identifications determined and protected by private (community) owners. The National Nature Reserves programme allows for private land to be declared protected with the approval from statutory conservation bodies, although these reserves are more common to larger private organisations than individuals⁴⁰.

Czech Republic: Widely used by land trust organisations but also by private owners⁴¹.

Greece: Bourazani⁴² is a private wildlife resort and environmental park open to visitors and self-sustained by entrance-fees⁴³.

Netherlands: Recognized national nature parks De Hoge Veluwe⁴⁴ and De Zoomkalmhoutse Heide⁴⁵.

Estonia: There is a need to foresee the right of initiative for the designation of private properties as protected areas.

Portugal: The Decree-Law No. 142/2008⁴⁶, 24th July (as altered by the Decree-Law No. 242/2015, 15th October⁴⁷) provides for the possibility of creating protected areas of private status (PPA). Applicants submit their request to the Institute for Nature Conservation and Forests (ICNF), the national authority on nature conservation and biodiversity. The application is regulated by the Ordinance No. 1181/2009, 7th October⁴⁸, and a form needs to be filled. A management protocol has to be agreed between the two parties and the implementation is reported in an annual report. A 50% property tax rate reduction can be benefited for rural buildings in classified zones that provide ecosystem services⁴⁹. The purchases of properties situated in less developed areas by companies (with agricultural or industrial activities considered of relevant economic and social interest) as well as the purchases of a property by young farmers can be exempted from the rural property transfer tax. PPAs are treated no other than for-profit land uses, without governmental support, meaning that in term of taxes the owner is considered a commercial user with a very low income⁵⁰. PPAs are automatically included in the National Network of Protected Areas.

⁴⁰ Kamal, Grodzińska-Jurczak, et al., 2015

⁴¹ Basora et al., 2013, Račinska et al., 2015

⁴² <https://mpourazani.eu/en/enviromental-park/>

⁴³ Basora et al., 2013, Račinska et al., 2015

⁴⁴ <https://www.hogeveluwe.nl/>

⁴⁵ <https://grensparkkalmthoutseheide.com/>

⁴⁶ <http://www.dre.pt/util/getpdf.asp?s=dip&serie=1&iddr=2008.142&iddip=20081848>

⁴⁷ <https://dre.pt/application/conteudo/70693924>

⁴⁸ <https://dre.pt/application/file/491346>

⁴⁹ Law 82-D/2014 of 31 December that reviews the Portuguese Tax Incentives Statute (Decree Law n. 215/89, 1st July)

⁵⁰ Disselhoff, 2015

Slovakia: PPA recognition has to be requested by the District Environment Office. If accepted, the District Environment Office signs an agreement with the landowner on the designation of the property and on the rights and duties necessary for its protection⁵¹.

Slovenia: Law includes the possibility for private owners to designate their property as a protected area but without calling it a PPA in their legislation. Landowners can rely on well-defined set of legal rules and institutional support from the authorities⁵².

Latvia: Currently compensations for restrictions on forestry activities in protected nature areas and micro-reserves are paid as an annual support payment. Landowners can receive annual payment of 160 euro/ha if forestry activities are prohibited totally, 120 euro/ha if final felling is prohibited, 45 euro/ha if clear-cut is prohibited. In 2019, 46,000 ha of forest territories were covered by this compensation scheme (4,2 million euro were spent in 2019). Payments are allocated mainly from the EU funds and administered by the Rural Support Service and the Nature Conservation Agency (NCA). Micro-reserves are established by the State Forest Service, NCA or the Ministry of Agriculture (depending on the target habitats or species and the location) by issuing administrative acts. In both cases landowners have the right to express their opinion towards the proposal for creation of a protected area or micro-reserve, however, the landowner's opinion is not binding and is not always taken into account, i.e., protected areas are primarily established on a basis of scientific criteria.

⁵¹ Disselhoff, 2015

⁵² Basora et al., 2013

I. Safe Harbour Agreement

Landowners receive formal 'no penalty' assurances from the government in exchange for the landowner fulfilling specific conditions of a land management agreement that contributes to the recovery of an endangered species.

Landowners voluntarily agree to the implementation of restorative and habitat management measures or restrictions to conserve/protect this species. In return the owner is provided with a guarantee ensuring no additional conservation measures will be required or imposed if the number of listed species is increasing and no additional land, water or resource restrictions will be imposed because of the action⁵³. At the conclusion of the agreement term, landowners can return the property to the baseline condition and still be covered by the assurances of the agreement.

Temporary nature agreements are similar as they give landowners of development sites the permission for the later removal of nature in order to protect the presence of pioneer species on the land for a certain time. Landowners often prevent natural succession or keep it quiet to avoid colonization by protected species because of permit difficulties and restrictions. A safe harbour agreement as a temporary nature agreement could protect the owner from permit restrictions or delays while giving a chance to protected pioneer species which benefit from temporary nature. If nature would further success, these species would disappear anyway.

Land Use	All
Landowner benefit	Land stays without restrictions The agreement can give the owner an exemption on the species directive under strict guidelines. The landowner can receive technical guidance or cost-share assistance to fulfil the required actions on the land.
Permanence of protection	Temporary
Property right	Property rights stay with the landowner, temporary management agreement or restriction
Management purpose	Temporary conservation purpose

Opportunities

It has become clear that owners who are not involved in conservation initiatives are often resistant out of fear of additional restrictions after successful results. Safe harbour agreements can in this way improve the relation among federal government agencies and private owners⁵⁴ and can be used as a tool to support voluntary nature conservation outside protected areas.

⁵³ Disselhoff, 2015, Račinska, Barratt & Marouli, 2015

⁵⁴ Trainor, A.M., Walters, J.R., Morris, W.F., Sexton, J. & Moody, A. (2013) Empirical estimation of dispersal resistance surfaces: a case study with red-cockaded woodpeckers. *Landscape Ecology*, 28, 755–767

Barriers

A safe harbour agreement can help to convince landowners to invest in nature conservation but does not always fit well within existing legislation or the commission of the Nature directives. Temporary nature must not degenerate into a PR tool for companies that make permanent nature disappear elsewhere. It is precisely for this reason that a clearer regulatory framework is crucial⁵⁵.

Examples

Relatively innovative, similar approaches in Belgium and the Netherlands exist but no cases are known with individual private landowners.

J. Right of the first purchase

Landowners give the government agency or the conservation organization the right to purchase the land first for permanent protection if the landowner puts the property on the market for sale. This is only efficient if a trusted relationship exists between both parties. In general, a strong dislike exists for most private landowners towards providing the first right to purchase to nature NGOs.

Land Use	All
Landowner	Gives first right of purchase
Permanence of protection	Permanent
Property right	Property rights by the landowner until they decide to sell
Management purpose	Conservation

Example

Latvia: In a protected area – a nature reserve or a zone of another protected area nature reserve, restricted mode or controlled mode – purchasing of land may be used as a type of compensation. The land purchase can be organised by the NCA or local government. This mechanism is not applied in practice due to financial and legal obstacles.

⁵⁵ <https://biblio.ugent.be/publication/8054242/file/8054246.pdf>

K. Land exchange for conservation

Landowners agree to an exchange of land that is ecologically valuable for one that is less ecologically valuable but retains other (production) values. In this way certain threats (e.g., nitrogen deposits) can be moved outside protected areas (Natura2000) without harming the economic viability of the farmer. Having unfettered use of other land is also often preferred over restricted use of own land permanently. However, scepticism often exists on the value of the land offered and received or whether owners have given emotional value to the land or prioritize the location. Land exchange for conservation has more potential in countries with tenant farmers.

Land Use	Forest - Nature
Landowner benefit	Land without any restriction elsewhere
Permanence of protection	Permanent
Property right	Loss of property right through exchange of land
Management purpose	Conservation only

L. Tax benefits

Landowners are given tax credits, tax exemptions or a reduction in tax rates, if they donate (part of) their land, restrict the potential development, or use the potential of their property for conservation initiatives. Relief can be given on income tax, property tax or inheritance tax. Tax reliefs can be calculated based on income or the revenues from lands that are managed for endangered species or habitats, the value foregone by the conservation restrictions, on expenses incurred in works on the land or on transfer costs of property if the land is (in perpetuity) managed for nature conservation. However, if a landowner restricts the potential development or use of their property for the benefit of nature conservation, this often also automatically results in a decreased inheritance tax because of the decrease in property value⁵⁶. These reductions often do not fully compensate the landowner. In case they were implemented without the agreement of the owner, they cannot be seen as a voluntary tax incentive.

Land Use	All
Landowner	Tax Benefit
Permanence of protection	Depending on agreement
Property right	Stays with the owner
Management purpose	Conservation but production possible

⁵⁶ Račinska et al., 2015

Opportunities

Landowners see high inheritance taxes, property or land taxes as more problematic when the size of the land and its economic value is increasing. Financial benefits through tax benefits may attract a different type of landowner than one interested in subsidies, with a different knowledge of biodiversity, skills, and enthusiasm to manage these lands. Because property tax incentives appeal to landowners facing high property taxes, these tax programs may enrol lands facing higher development pressure⁵⁷.

Especially in Nordic countries, inheritance taxes are often seen as a significant burden (beyond splitting of the land between heirs). Where a resulting tax burden is high, those who inherit the property may have to sell (part of) the land to be able to pay the tax demand. Such disposals may lead to land division or a change in land use. Reducing these taxes can be a positive way to overcome splitting of the land and keep it in agriculture or forestry continuing their conservation of biodiversity. In Eastern European countries, this is not nearly as significant a concern. However, inheritance taxes might be less favoured by landowners to increase the interest to engage in conservation programs. An example was seen in Finland where for many forest owners an inherited person often has to do clear cuts of the inherited land to pay the taxes with. A reduction of taxes would protect the land from these clear-cuts.

Barriers

Because the precise tax credit available to donors can vary by province and each donor's tax situation, calculating the value of tax revenues can become a complex procedure⁵⁸.

Management activities can be motivated by property taxes, but tax incentives alone do not discourage land conversion. Locke & Rissman (2012) introduced four primary challenges of a tax incentive framework for forest management: Spatial targeting of enrolments, temporal limits of enrolment, organizational capacity and political feasibility.

Examples EU Member States

Income tax reliefs are available in several European countries for built heritage, but only few measures seem to be available for natural heritage. Reductions in property tax are widespread⁵⁹.

Austria: No property tax for land sustainably used for agriculture or forestry

Belgium: In Flanders there are four types of nature management plans with different ambition levels regulating the nature quality of an area. The type of plan is based on the objectives of the land manager. Various tax benefits are provided to encourage managers of nature areas to opt for a higher ambition level (at least type two) and to quickly draw up a

⁵⁷ Locke, C. M., and A. R. Rissman. 2012. Unexpected co-benefits: forest connectivity and property tax incentives. *Landscape and Urban Planning* 104(3-4):418-425. <http://dx.doi.org/10.1016/j.landurbplan.2011.11.022>

⁵⁸ Example is the Canada's tax Act in 1996 to promote 'conservation donations'

⁵⁹ Račinska et al., 2015

nature management plan. These tax benefits exist for unbuilt real estate property for which a nature management plan type 2, 3 or 4 has been or will be drawn up. The tax exemption applies to both the land value and the stand value. These tax benefits take form of an exemption of inheritance taxes (50% for type 2; 75% for type 3; 100% for type 4), gift or donation taxes (75% for type 2; 100% for type 3 and 4), sales taxes and ownership taxes (100%; only for type 4 sites). If the land is sold, the nature management plan transfers to the new owner. Each plan is valid for 24 years with an evaluation every six years.⁶⁰⁶¹

A nature management plan for type 2, 3 and 4 is linked to subsidies. The higher the ecological ambition level of the nature management plan, the higher the subsidy from the Flemish government. In the Walloon area, no inheritance tax is to be paid for protected sites.

Croatia: No tax benefits related to nature conservation

Czech Republic: No tax benefits related to nature conservation

Denmark: No tax benefits related to nature conservation

Estonia: Depending on the municipality the Land Tax in Estonia amounts to between 0.1% and 2.5%. Strictly protected areas are exempt from land tax, land tax in the amount of 50% of the rate of land tax is paid on land in less restrictive protection zones and areas. For agriculture land under cultivation and for natural grasslands the rate is reduced to 0.1-2.0%⁶².

Finland: If selling land to a government(al institution) for conservation, the landowner can be exempted from profit tax on any income earned from selling the property. If agricultural land is transferred to nature, the real estate value for taxation is nil and the inheritance tax can be lowered. (Disselhoff, 2015) (Račinska et al., 2015). There is a possibility to sell land to the next generation at a lower price or for less tax if an agreement is made for 10 years without interest. Exchanges of real property in order to optimize the location of parcels of agricultural land or in accordance with the agricultural development fund act or the natural source of livelihoods structures act, are exempted from the transfer tax (Transfer Tax Act of 29 November 1996 (931/1996)).

France: Since 2001 a 75% reduction of death duties is available for the donation of forest land to the French State's public forest domain (Loi no 2001-602 du 9 juillet 2001 d'orientation sur la forêt). These donations in lieu of inheritance tax are conditional on the competent state agencies approving the land as suitable for donation. Full exemption of the property tax on undeveloped land in Natura2000 area (5years but renewable).

Germany: Real property or parts of real property that are made available to the general public for public welfare purposes without a legal obligation to use them, whose conservation is in the public interest, and if the management in general is not lucrative, the land can be exempted from inheritance/gift taxes. The tax exemption shall cease to apply with effect for

⁶⁰ https://www.natuurenbos.be/sites/default/files/inserted-files/anb_kompasnaald_natuurbeheer_eng.pdf

⁶¹ [https://elcn.eu/sites/default/files/2018-](https://elcn.eu/sites/default/files/2018-06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf)

[06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf](https://elcn.eu/sites/default/files/2018-06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf)

⁶² Land Tax Act, State Gazette I 1993, 24, 428

the past if the real estate or parts of real estate are sold within ten years of their acquisition or if the conditions for tax exemption cease to apply during that period.

Hungary: No transfer taxes apply for a transfer of ownership of arable land based on an agreement concluded in the framework of voluntary land exchange with the purpose of integration of lands, or the acquisition of land use provided for in the Act on Transactions in Agricultural and Forestry Land. This is based on Act 93 of 1990 on duties.

Ireland: There are no current direct tax benefits for nature conservation activities.

Latvia: Land which is covered by young forest stands can be eligible for a property tax benefit. Land in specially protected nature territories (conservation areas), in which all economic activity is prohibited by law, and upon the existing buildings and engineering structures used entirely for environmental protection in these territories are exempted from a property tax. There are also tax exemptions for landowners in protected areas with full or partial restriction of economic activities. There are however no voluntary mechanisms established for biodiversity conservation on private lands eligible for a tax benefit.

Lithuania: Forest land as well as land used for the purposes of nature protection are exempted from a land tax. Property used for agricultural activities as well as areas recognized for nature conservation are exempted. A game resources tax is calculated and paid for the actual amount of resources extracted during the tax period and the size of the hunting plot. Land users who utilize raw materials, water or game from the land for economic (not commercial) needs or scientific and educational research can be exempted from the tax on game and natural resources.

Luxembourg: No tax benefits.

The Netherlands: The 'Natuurschoonwet (NSW, Nature beauty law)⁶³ is a tax law and offers tax benefits (property, income, inheritance) to owners and leaseholders of an estate under certain conditions. The estate needs a minimum surface of 5 ha (deviations possible). To qualify for the fiscal benefit the land must be open for the public, managed by an approved management plan (in place or developed within 3 years), have at least 30% woodland and the ownership for at least 25 years. If this condition is not met, the entire claim will be recovered. The Nature beauty law keeps estates together by exempting succession right payments to the next generation when land under conservation is inherited.

Landowners can also receive a reduction of up to 80% of the property tax if the parcel is located in a protected area (cadastral value is also lowered).

When the area is open to the public, they can receive an exemption for income tax, if not they can also request a reduction (50% exemption).

Reduction in transfer or property tax is however often also caused by the lower cadastral value which is not always implemented in agreement with the owner. In that case this is not seen as a voluntary tool for nature conservation.

Income tax on land is estimated as 30% of fictitious yield, depending on the total asset value.

⁶³ More information: <https://www.rvo.nl/onderwerpen/agrarisch-ondernemen/beschermde-planten-dieren-en-natuur/natuur-en-landschap/natuurschoonwet>

Poland: In Poland tax reductions are linked to changes in the land use.

The Agricultural Tax (Agricultural Tax Act, 1984) is calculated on the surface area of agricultural land. Exemptions from this tax include agricultural areas of the least fertile classes, field borders, wooded lands, arable land, grassland, and grazing land under melioration.

The Forest Tax is calculated based on the value of 0.22 cubic meters of wood per hectare. Forests with trees no older than 40 are exempted from this tax. Exemptions from the forest tax are offered for some categories of protected areas and to land of low value like wasteland or ecological areas (Act of 12 January 1991 on local taxes and charges).

Portugal: A 50% property tax rate reduction can be applied since 2014 for rural buildings in classified zones that provide ecosystem services not accountable by market and recognized as such by national authority on biodiversity. The purchases of properties situated in less developed areas by companies (with agricultural or industrial activities considered of relevant economic and social interest) as well as the purchases of a property by young farmers can be exempted from the rural property transfer tax. PPAs are treated no other than for-profit land uses, without governmental support, meaning that in terms of taxes the owner is considered a commercial user with a very low income (Disselhoff, 2015). Besides this, the perspective of very low tax reductions and the lack of subsidiary regulation have prevented the effectiveness of this measure.

Romania: Dependent on the municipality and the size of the land, any land occupied by uses for defence against floods, water management, land that contributes to the exploitation of water resources, land used as zones of protection defined by law, as well as land used for subsoil exploitation can be exempted from land tax.

Slovakia: Tax exemptions are possible if the property is used for non-business purposes for longer than five years. Land can be exempted from land taxes if it is used for agricultural or forestry production.

Spain: Both the inheritance⁶⁴ and transfer tax⁶⁵ can be exempted for land which constitutes as an agricultural holding or rural property of a starting farmer or reduced for forestry land. For wood and forestry areas, this tax is reduced with 75% for forests with a forest management plan and 50 % for forests with the obligation that it remains forest and to keep the property minimum for 5 years. These taxes have to be paid on the day of death of the deceased (Inheritances) and on the day the transmission is concluded (gifts). For forest areas the property tax can also be exempted when the area is growing slow-growing species as defined in the regulations (Royal Legislative Decree Nº 2 of 5 March 2004), from which the main use is wood or cork (plus extra requirements). This tax has to be paid yearly.

⁶⁴ 7,65% (0-7,9k) - 34% (above 797k), based on the net value of the estate [2020]

⁶⁵ Between 6% and 8%, depending on the region and based on the price of the purchase [2020]

In Catalonia a basic legal framework exists for environmental taxation. Since this legal framework already exists all that is needed are specific instruments to implement tax incentives, credits and measures (De la Varga Pastor & Pons Solé, 2018)⁶⁶.

Sweden: There is no real estate tax on land, forest or water if they are regarded as for agricultural purposes. The inheritance tax as well as wealth tax (tax on net assets) does not exist anymore. For the moment there are no tax benefits for conservation efforts.

Farmland and forestland are exempt from property tax⁶⁷.

UK: Inheritance tax: The landowner can avoid paying inheritance tax if the land is managed for conservation purposes.⁶⁸

Non-EU examples

US, Oregon, Riparian Lands Tax Credit Programme: income tax credit equal to 75% of the market value of crops foregone when riparian land is voluntarily taken out of farm production to minimize habitat degradation. **Forestland Tax Credit Programme** which offers a tax credit equal to 50% of the cost of reforestation on unproductive forestlands.

US, New Mexico, New Mexico Land Conservation Incentives Act 2003: tax credit that allows the deduction of half of the value of an easement donation from state income tax. Tax refunds are not allowed if the deduction exceeds the annual tax, but the credit can be spread over 20 years.

Canada, 'Ecogiftinitiative'⁶⁹: offers significant tax benefits to landowners who donate land or a partial interest in land to a qualified NGO or Government agency. Recipients ensure that the land's biodiversity and environmental heritage are conserved in perpetuity. **Managed Forest Tax Incentive Program (MFTIP)**⁷⁰ landowners who get their property classified as 'Managed Forest' pay 25% of the municipal tax rate set for residential properties. To participate they must prepare and follow a 10-year Managed Forest Plan that details how you will manage your forest property responsibly and a 5-year progress report and update the management plan every 10 years to stay in the program.

⁶⁶ At the moment of this study a bill was still under discussion

⁶⁷ Real Estate Tax Act (1984:1052) and Real Estate Fee Act (2007:1398)

⁶⁸ Disselhoff, 2015, Račinska et al., 2015

⁶⁹ <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html>

⁷⁰ <https://www.ontario.ca/page/managed-forest-tax-incentive-program>

M. Direct payments from government entities (subsidies)

Direct payments to landowners who develop and follow a nature conservation/restoration-oriented management plan, overseen and monitored by a governmental organization.

Land Use	All
Landowner	Receives subsidy
Permanence of protection	Depending on agreement
Property right	Stays with the owner
Management purpose	Conservation but production possible

Opportunities

Financial support is often needed for private landowners to make conservation management sustainable and compensate for income losses because of conservation requirements limiting the production activities. Management payments may attract a different type of landowner with a different knowledge of biodiversity, skills, and enthusiasm to manage these lands⁷¹.

Barriers

Governmental payments do not necessarily assure a long-term security for biodiversity gains as payments may not change attitudes. When payments stop actors may well return to their previously (damaging) practices and long-term funding and monitoring may be problematic. Landowners often dislike agreements where the entire profit payments are delivered at once. On the other hand, these agreements are often politically dependent and political stability is needed to secure a long-term contract. Subsidized programs with long-term contracts can become a problem when no inflation is included. Moreover, applying for financial support often comes with an administrative burden for which a small active farmer or landowner does not always have the time and skills.

Examples EU Member States

Austria: Natural Forests Fund since 2020⁷²

Belgium: In Flanders there are four types of nature management plans with different ambition levels regulating the nature quality of an area. The type of plan is based on the objectives of the land manager. Various subsidies are provided to encourage managers of nature areas to opt for a higher ambition level (at least type two) and to quickly draw up a nature management plan. In type 1 areas, preservation of the present quality of habitats and

⁷¹ Fitzsimons, James A., and C. Ben Carr, 'Conservation Covenants on Private Land: Issues with Measuring and Achieving Biodiversity Outcomes in Australia', *Environmental Management*, 54 (2014), 606–16
<<https://doi.org/10.1007/s00267-014-0329-4>>

⁷² <https://www.waldfonds.at/>

species is expected. In type 2, 3 and 4 areas, a higher quality of nature is aimed for. With type 2, at least one specific nature target must be maintained or achieved on at least 25 percent of the land. For types 3 and 4, this applies to the area's entire surface area. Type 4 is synonymous with 'nature reserve'. The landowner has to develop a nature management plan which is approved for 24 years and is evaluated every 6 years. A nature management plan for types 2, 3 and 4 is linked to subsidies. The higher the ecological ambition level of the nature management plan, the higher the subsidy from the Flemish government.

Croatia: In accordance with the Law on Agriculture and the Ordinance on the implementation of direct support to agriculture and IACS rural development measures for 2020, agricultural land users can apply for payments for agricultural practices useful for climate and environment if they meet the prescribed criteria. Any farmer can apply for subsidies / payments in support of their activities if they meet the prescribed conditions.

Czech Republic: Landowners or tenants can conduct investment actions favorable to nature, e.g. creation of wetlands, ponds, revitalizations in river basin, tree plantations, etc. with financial support from the following programmes: Programme to support the natural landscape functions, Operational programme Environment, National programme Environment. The other and less common method is governmental sponsoring when a landowner provides his land or products to carry out educational activities for the public or to improve the comfort of visitors.

Estonia: Governmental subsidies are available under the Voluntary Key Habitat Protection⁷³: Annual payments during 20 years for high value habitats (national), based on a volunteer contract between landowner and state (fixed rate, no inflation and no income taxes)⁷⁴. A Forest owner can voluntarily conclude a notarized contract for the protection of a key habitat provided that the habitat complies with certain criteria. The state has the right to restrict economic activities in a key habitat. Private landowner can apply several subsidies from Estonian Rural Development Plan⁷⁵, e.g., subsidies on Natura 2000 private forest owners. The subsidies are managed by Estonian Private Forest Centre⁷⁶.

Finland: The Finnish forest biodiversity program METSO is based on compensations paid for voluntary conservation efforts of private forest owners⁷⁷.

Germany: Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes" (GAK): A landowner gets a certain percentage of public funding to implement a structural project which is also good for the environment. For example, if a landowner plants a mix of trees with leaves instead of a monoculture of pines, he/she can get 70% of public funding, hence the plantation is less expensive but you also make less money in the long term with

⁷³ https://www.keskkonnaagentuur.ee/sites/default/files/elk2015_eng.pdf

⁷⁴ https://www.keskkonnaagentuur.ee/sites/default/files/elk2015_eng.pdf

⁷⁵ <https://www.agri.ee/sites/default/files/content/arengukavad/mak-2014/mak-2014-arengukava-v71-2020-10-05.pdf>

⁷⁶ <https://www.eramets.ee/en/forestry-subsidies/>

⁷⁷ https://metsonpolku.fi/en-US/METSO_Programme

these trees. No provisions on tax related or other incentives for purchase or management are available⁷⁸.

Hungary: Hungarian State Treasury - Agriculture and Rural Development (Hungarian Paying Agency) (yearly), Forest-environmental schemes (one-off or yearly for 10 years) and Natura 2000 compensations (one-off) are available.

Ireland: The success of the Burren Programme has led to considerable interest in the locally-led approach to design and implementation of results-based payments schemes RBPS⁷⁹. RBPS pay directly for the achievement of results linked to the provision of a biodiversity target or provision of ecosystem services. The application of the RBPS in Ireland to date has been highly targeted to specific ecosystems and local areas. There are forestry grants administered by the Forest service of DAFM, which have had mixed results in the context of management for biodiversity. The Native Woodland Scheme enhances the protection of Ireland's native woodlands and biodiversity. It supports the restoration of existing native woodlands and the conversion of existing non-native forests to native woodland⁸⁰.

Latvia: The Law on Specially Protected Nature Territories (SPNT) establishes the right of the private landowner to compensation for the restriction of the economic activities if the property is situated within protected areas. The main instrument is compensation to private owners for restrictions on economic activities in SPNTs, which can be considered a form of payment for ecosystem services (PES). Established in 2006, it has had a positive impact in fostering nature conservation. At the time, landowners could choose between one-off compensation or annual payments, the latter becoming the standard system after the 2008–2009 economic crisis. Landowners can receive agri-environmental payments for management of EU protected grassland habitat types and important bird habitats (grasslands). Payments are allocated from EU funds and administered by the Rural Support Service. In addition to the Fund for Rural Development (EAFRD) (Compensation for Restriction on Economic Activities in Protected Areas), compensation in areas outside Natura 2000 is supported through the national budget and managed by the Nature Conservation Agency.

The Netherlands: SNV- subsidies⁸¹: This subsidy for nature landscape management focuses on nature land in the Nature Network of the Netherlands. The provinces determine the possibilities and conditions and indicate in the provincial Nature Management Plan which subsidies are possible for the type of management. With the subsidy for nature management, the manager must open his site to the public. Only managers with a nature management certificate are eligible for the subsidy. The application applies for a six-year subsidy period. The rates and fees set by the provinces are based on 75% of the standard cost price for the nature type, which are published annually. ANLb - Agricultural Nature and

⁷⁸ Stolton et al., 2014

⁷⁹ <https://www.npws.ie/sites/default/files/publications/pdf/ffn-ebook-complete.pdf>

⁸⁰ <https://www.gov.ie/en/service/803ef3-native-woodland-conservation-scheme/>

⁸¹ [https://www.bij12.nl/onderwerpen/natuur-en-landschap/subsidiestelsel-natuur-en-landschap/](https://www.bij12.nl/onderwerpen/natuur-en-landschap/subsidiestelsel-natuur-en-landschap/subsidiestelsel-natuur-en-landschap/)

Landscape Management. This subsidy focuses on agricultural land and is co-financed by the CAP. The core of it is a habitat approach for (animal) species of international importance based on a collective, area-oriented approach. Because of this approach, farmers cannot apply individually; this is done by agricultural collectives. These are recognized through a mandatory certification system. The application applies for a six-year subsidy period.

Portugal: There is support available for private landowners (farmers, and forest and hunt managers) under the framework of Rural Development Programme⁸² (Common Agricultural Policy) to ensure compliance and the achievement of nature conservation objectives, mostly agro- and forest-environment schemes, Natura 2000 payments and also investments related to the enhancement of environmental value and resilience of forests and agro-forest estates (montado). Public governmental funds (Fundo Ambiental) have been supporting investments on forest ecosystem restoration - also in private land - in protected areas and Natura 2000 sites, including with the leverage of the Cohesion Fund (POSEUR).

Slovenia: Subsidies are available to compensate for the maintenance of forest roads at 14,70% of the cadastral income and for afforestation land. Private landowners in Slovenia can mainly get support for nature conservation activities by applying for the RDP funds through so-called Agri-environment-climate measures (RDP 2014-2020: Measure 10). RDP also has other measures supporting achievement of nature conservation measures, especially Cooperation, CLLD, Knowledge transfer and Advisory services. As well as funds from EARDF, private owners can also benefit from different projects financed through LIFE or the Cohesion fund.

Romania: Compensations are possible for example for the loss of production in the protected areas under certain conditions, but do not exist in voluntary programs.

⁸² <http://www.pdr-2020.pt/>

N. Direct payments from NGO (grants / funds)

Grants and funds differ from subsidies in that they are normally a set amount of money often distributed and administered by an NGO. Grants can be offered for technical assistance or to support capacity building and knowledge sharing.

Land Use	All
Landowner	Receives grant
Permanence of protection	Depending on agreement
Property right	Stays with the owner
Management purpose	Conservation but production possible

Opportunities

Financial support is often needed for private landowners to compensate for conservation investments or income losses because of conservation requirements limiting the production activities. If the agreements are settled in a good relationship with the NGO, private grants can be more long-term than governmental agreements which are dependent on political changes. Also, settlements with a conservation organization can be negotiated with less administrative requirements than governmental agencies might need. Conservation grants and funds also may attract a different type of landowner with different knowledge of biodiversity, skills, and enthusiasm to manage these lands. Agreements can be discussed to perfectly fit the expectations and abilities of both parties.

Barriers

Not always a long-term security for biodiversity gains. Payments may not change attitudes but might be more likely to do so than governmental payments if more personal contact between the landowner and the paying organization.

Examples EU Member States

Belgium (Flanders): Landowners planting trees on agricultural lands are partly compensated for the loss in value due to the transition of agricultural land into forest.

Ireland: Irish Sovereign Green Bonds (ISGBs) are a means of encouraging investors to provide funds that can be channelled into environmental action. Total investments may be split across the six categories of the fund, though the “Environmentally Sustainable Management of Living Natural Resources and Land Use” is likely the most relevant to the protection of Irish biodiversity. It was estimated in 2018 that €270 million will be made available annually across the bonds’ lifespan for this investment category (circa. 15% of fund total), focusing on afforestation, programmes aimed at reducing agri-environmental impacts and the operation of the EPA. The “return on investment” of the ISGB is reported as an environmental impact indicator; for example, the number of hectares of forest planted. I have attached a report that gives more information on ISGBs.

O. Strategic partnerships between companies and private landowners

Companies can form partnerships with landowners' associations when they have an interest or requirement of supporting a positive biodiversity impact or own land under conservation restrictions. Many cases exist of partnerships between companies and conservation organizations from which only a limited number are landowners' associations. The landowner receives funding to take care of the management or to implement certain conservation efforts on his/her land through the association.

Land Use	All
Landowner	Receives funding
Permanence of protection	Temporary
Property right	Stays with the owner
Management purpose	Conservation but production possible depending on agreement

Examples

Spain: Bondalti. Financial cooperation between company and landowners ('association')⁸³.

P. Biodiversity mitigation and offset

Conservation actions by private landowners to compensate biodiversity losses elsewhere following the 'Polluter-pays principle'. This would involve private landowners in a created market for the trade of biodiversity. Private landowners show a clear interest in providing ecosystem services (soil health, restore water quality, ...) as a marketable service/product if a recognized platform would exist.

Land Use	Forest – Nature
Landowner	Compensating biodiversity losses elsewhere for financial compensation
Permanence of protection	Permanent
Property right	Stays with the owner
Management purpose	Conservation but production possible

Opportunities

Landowners can answer to the demand while also developing more public awareness on the role of a private landowner in conservation efforts.

⁸³ <https://www.bondalti.com/contents/ficheiros/bondalti-biodiversidade-brochura-web.pdf>

Barriers

The amount of mitigation paid to an owner should be transparently ensured for conservation outcomes. If not, the proportion of covenants signed on a purely altruistic basis may decrease as potential covenanters see other landholders being financially rewarded and subsequently hold off signing until they are similarly paid⁸⁴. Complex follow-up both nationally and internationally if no common platform or procedure.

⁸⁴ Fitzsimons & Carr, 2014

Q. Funding land acquisition for conservation purposes

Financial support for land purchase by individuals for conservation purposes (in perpetuity). Traditionally this is an eligible action in several EU funding programs for conservation organizations buying land linked to Natura2000 areas, but innovative for individual land managers. Land acquisition of sites not linked to Natura2000 is usually considered as 'ineligible' because of the scarce public funds⁸⁵. However, funding could also be encouraged from private sources, lottery funds, sponsoring, supporting corporate partnerships, etc.

Land Use	Forest – Nature
Landowner	Receives support for land purchase
Permanence of protection	Permanent
Property right	Buying land
Management purpose	Conservation purposes only

Opportunities

An innovative tool giving individuals a chance to be involved in nature conservation with their own responsibility and providing them with an opportunity to contribute directly to conservation. This tool can also lower the barrier to buy land as a corridor between bigger plots.

Barriers

The buyer has to qualify his/her ability to manage land for conservation purposes over the long term.

Examples

Belgium: The region of Flanders manages nature through one type of plan - The nature management plan. The nature management plan is a constructive tool for the long term planning of a plot of nature and offers the same opportunities to governments, organizations and private owners. Four types of nature management plans exist, with a growing conservation ambition from 1 to 4. On a type 4 nature area the main management objective is to make the land a nature reserve or private protected area. The owner has a complete exemption from advance tax payments, inheritance tax and gift tax and receives subsidies to purchase the land.⁸⁶⁸⁷

⁸⁵ Disselhoff, 2015

⁸⁶ https://www.natuurenbos.be/sites/default/files/inserted-files/anb_kompasnaald_natuurbeheer_eng.pdf

⁸⁷ <https://elcn.eu/sites/default/files/2018->

06/0203_vanheuverbeke_ppa_as_a_management_category_in_belgium_-_natuurpunt.pdf

R. Conservation labelling and/or certification processes to enable market access

Labels on products or estate certificates certifying nature-friendly production processes or produced in a conservation area (Natura2000?) are important for public recognition for the estate owner and can make conservation actions more profitable. Landowners are provided with greater market access and/or higher selling prices. Even when labels are not providing any market benefit, they are still seen as an effective way to motivate private landowners/managers by giving them recognition for their conservation investments and putting them in a positive public light.

FSC and PEFC for example are valued labels indicating a private landowner/manager's commitment to durability. The well-known FSC Forest certification label is also an incentive programme in that it provides an opportunity for private foresters to undergo formal assessment according to predefined sustainable standards in return for better market prices for harvested forest products such as timber. Nature conservation based on growing awareness of the benefits such as increasing the 'attractiveness' of their land also supports activities like eco/ or agro-tourism. Participation in these programs is not binding, allowing participants to disengage at any time.

Land Use	Forest – Nature
Landowner	Market Access for products
Permanence of protection	Depending on agreement
Property right	Stays with the owner
Management purpose	Conservation with production

Opportunities

Eco-labelling can make conservation actions profitable, raises awareness and strengthens public recognition for the conservation efforts of a landowner. National and local governments play a major part in the success of eco-labels through promotion and recognition.

Barriers

The cost of certification may discourage owners, especially small owners as well as bureaucracy and ineffectiveness of labelling/certification programs to the degree that they do not participate. Efforts are needed to standardize the certification schemes and practices, make them transparent and to give customers a proper education on the criteria linked to this label. This tool is of no value when products are sold to an agent selling the products in bulk.

Examples

Worldwide: Forestry labels: FSC, PEFC

Europe: Biodiversity labels: Wildlife Estate Label⁸⁸,...

Germany: Bio-Siegel. A nationwide association-independent “umbrella label” for certified organic farming products

Portugal: Natural.PT brand for products and services from protected areas⁸⁹

S. Conservation labelling and awards for public recognition

Public recognition, understanding and awareness of a landowner’s conservation effort are often an important incentive for landowners to get convinced to engage in a conservation agreement. Once a land manager has started then other elements take over. It can create a healthy competition among a peer group of owners to have prestigious species or habitat values. A network can be the basis for effective information dissemination between private landowners, implementing agencies and the broader public. It can facilitate the sharing of experiences and serve as a contact forum for questions and concerns. National governments may play a part in the success or failure of labels.

Land Use	Forest - Nature
Landowner	Public recognition
Permanence of protection	Once or renewal necessary
Property right	No impact on property right
Management purpose	Conservation but production possible depending on agreement

Opportunities

Public understanding leads to less public opposition due to ignorance of certain management methods and more recognition of conservation efforts.

Barriers

If a cost is incurred for certification this may discourage owners, especially small owners. Promotion campaigns needed to raise public awareness and understanding on the label as well as a clear standardization of the certification scheme and practices. The application process should be adapted to the skills and knowledge of the variety of landowners.

Network

A network can bridge the gap between private landowners and implementing agencies. It can give individual owners the opportunity to react on a higher decision-making level and to have easy information access. A network is needed to implement a bottom-up approach for high level decisions.

⁸⁸ <https://www.wildlife-estates.eu/>

⁸⁹ <https://natural.pt/adhere-to-natural?locale=en>

T. Information sharing and support

Land managers are provided with open-source information on best land management practices. This can be provided through direct services, online, through specific publications or training sessions. Landowners should all have access to a (local) contact point for information and support in their land conservation. Having a trusted contact point can lower the sceptics against conservation programs with strict regulations. Private landowner organisations are the most trusted partners, but also governments are doing well.

Land Use	All
Landowner	Access to information
Permanence of protection	Temporary
Property right	Stays with the owner
Management purpose	Conservation but production possible depending on agreement

Examples

The Netherlands: The ministry financially supports research and land managers are asked to test the outcomes on their land. They receive financial compensation, but in the meantime also updates on the latest innovative land management research outcomes. Interested landowners are regularly invited to training and networking events. This cooperation benefits both the landowners, biodiversity values, as the research institutes.

Estonia: Landowners who want to engage in nature conservation, can contact the Estonian Environmental Board. The Environmental Board cooperates closely with those who are required to coordinate their activities with us and who need professional support for operations in the natural environment including voluntary nature conservation actions on private land.

Ireland: There are a variety of potential sources of information and support, namely within Government (DHLHG, DAFM etc), from eNGOs (eg BirdWatch, An Taisce, IPCC etc) and via the farming organisation (IFA, INHFA, ICMSA, ICSA, Macra na Ferime – although these organisation don't typically have a direct focus on nature conservation). DHLGH (NPWS) and DAFM provide support to BurrenBeo Trust to manage Farming for Nature (<https://www.farmingfornature.ie/>), which seeks to acknowledge and support farmers who farm in a way that will improve the natural health of the countryside.

Portugal: No contact point for landowners who want to invest in nature conservation

Sweden: At the Forest Agency there are forest officers with high competence concerning these land conservation issues and the existing programs.

Slovenia: Contact points are either the Ministry, the Chamber of Agriculture and Forestry of Slovenia or the Institute of the Republic of Slovenia for Nature Conservation.

U. Support in Insurance and public access maintenance

Private conservation can be supported by public policies that facilitate the management of the protected property for e.g., flood prevention, wildfires, pest control, ...

In general, expectations for public access are seen as problematic by private landowners/managers when no fair support or compensation can be offered. Owners of publicly accessible land can be protected from being held liable for injuries stemming from “forest-typical” hazards and visitors of private areas enter these at their own risk. Protection for damage and habitat disturbance from public recreation.

Land Use	Nature – Forest
Landowner	Exemption from responsibility/liability
Permanence of protection	Depending on agreement
Property right	Stays with the owner
Management purpose	Conservation but production possible depending on agreement

Examples

The Netherlands: Contribution available for landowners opening their land for recreation if a management plan is in place⁹⁰.

Portugal: In 2020 a Landscape Change Programme was adopted by the government to frame integrated interventions and investments in vulnerable land to boost resilience of rural ecosystems and tackle forest fires risk. Forest risk management, carbon sequestration and restoration/protection of degraded ecosystems in sensitive areas are the major objectives, together with promotion of local economies in low density areas, of the social dimension of those areas and the boost of the fair recognition and innovative payment options for healthy ecosystem services supplied by private estates.

⁹⁰ <https://www.bij12.nl/onderwerpen/natuur-en-landschap/subsidiestelsel-natuur-en-landschap/natuurbeheer/>

V. Volunteer involvement

The involvement of volunteers in conservation, monitoring or data collection activities does not require a special legislative framework and is assumed to be used in nearly all EU countries by conservation organizations. Individual private land managers can however also benefit from the engagement of private citizens in various tasks linked to the (legally required) management of high value biodiversity but are often limited in technical and organization capacity and by concerns on additional restrictions when opening the land to the public. However, volunteer engagement can lead to better public understanding and appreciation of conservation investments in a private area. The lack of a platform for contacts is identified as one of the main shortcomings in current conservation volunteering. Volunteer involvement with private areas would be most efficient under a stewardship agreement. As the use of volunteers (by cooperating with organisations who have volunteers) do not offer financial incentives to the landowner, minimal financial resources are required from the government, while this could certainly be an added value for the private landowners.

Land Use	All
Landowner	Get support
Permanence of protection	Temporary, depending on agreement
Property right	Stays with the owner
Management purpose	Conservation but production possible

“Landowners cannot systematically be obliged to invest in nature conservation, give them the liberty and the motivation to do so by providing the right tools”

3. Recommendations

3.1 Tools and instruments to be considered for engaging and empowering European private landowners in nature conservation activities contributing to the 30X30 goals⁹¹

Land Trusts

Typically, land trusts are independent, charitable corporations with a focus on nature conservation purposes and activities. Land trusts are funded by gifts from individuals, corporations and private foundations and/or by governmental grants and subsidies. A land trust can also be a department or unit of a larger organization whose missions extend beyond conservation with a budget available for health, heritage or environmental projects, for example.

Land trusts can acquire and manage land and provide stewardship for conservation objectives. Land trusts can also acquire partial interests in land in cooperation with the landowner; these partial interests are typically in the form of conservation easements. In Europe the legal ownership, the stewardship and control over the property is often combined within a single organisation. By providing financial incentives and compensations to private landowners which could enable land trusts to offer collaborative services to landowners, the government can encourage more cooperation between land trusts and landowners to accomplish more and better conservation outcomes.

These alternative models might include:

- Land trusts acquiring title to land while offering private landowners the opportunity to undertake conservation management.
- Land trusts assuming responsibility for land stewardship while the legal ownership remains with the private landowner.

⁹¹ 30x30 goals: at the 15th Conference of Parties of the UN Convention on Biological Diversity (CBD CoP 15) world leaders were asked to adopt and implement a target to fully and highly protect at least 30 percent of the global ocean and 30 percent of land areas and inland waters by 2030 through effectively and equitably managed, ecologically representative, and well-connected systems of protected areas. Within the European Biodiversity Strategy 2030 the European Commission proposed to establish protected areas for at least 30% of land in Europe and at least 30% of sea in Europe by 2030.

When the above alternative models are proposed by organisations in which individual landowners already have a trusting relationship, an increasing number of other private landowners could be persuaded to collaborate with land trusts.

For those conservation organizations with no experience of building relationships with individual private landowners, it will be important to cooperate with successful peer land trust organizations to foster models of such collaboration. These peer land trust organizations can be the most important link to bridge the gap between the individual owners and the conservation organizations.

Land trusts could be an easily accessible contact point for landowners to contact if they are interested in conservation on their land. Alternatively, landowners may want to engage a land trust on land they may want to sell under certain conditions or a land they may want to purchase for conservation purposes. Building a collaborative working relationship between landowners and land trusts could avoid past negative feelings by private landowners where there was a perception that land trusts were competing with private owners.

Financing land trust activities should be made possible within normal market conditions. To realise this the payment for ecosystem services should further be developed. Such a market would be an alternative for existing subsidies towards nature organisations and individual private landowners resulting in a payment for actually realised nature related services. However, being “charitable” these organizations could also receive tax-deductible donations, legacies, grants, etc.

In the US, land trusts are organized as charitable organizations. That means that donors who make contributions to such organizations are entitled to an income and/or an inheritance tax deduction (if the gift is made by a decedent’s estate.) Property given to a land trust is also eligible for such deductions. Once the land trust owns the property it may use the property (forestland or ag land) in ways that advance the organization’s charitable purposes, including generating income from such activities as long as it can be shown that those activities are furthering the organization’s charitable conservation purposes and are not simply for the purpose of generating income. In some cases. land trusts are permitted to charge for the services that they offer (e.g. an entrance fee to a preserve to cover the costs of maintenance or an inventory of the significant conservation features on a property) In the event the organization conducts commercial or business activities that are unrelated to the group’s charitable conservation purpose, the organization would have to pay a tax on such income and if the amount of income and the extent of the activities becomes very substantial, it could cause a risk the organization’s continued charitable tax status under US law.

Easements

A voluntary but legally binding agreement between a landowner and an entity (often called a land trust). The landowner relinquishes certain rights over the land for nature protection purposes [conservation outcomes], while maintaining the ownership and the use of the land in ways that do not conflict with the terms of the easement. Although they can be altered and revoked under certain conditions, they are normally designed to remain effective in perpetuity. For this the landowner gets compensation (tax relief, direct payment, etc.) for the lost development or production value of the land. The landowner retains the rights to use the land, produce on the land, sell it and pass it on to their heirs. Easement contracts are binding for present and future owners of the land, permanently or for the term agreed on in the contract. The easement contract also describes the compensation for the landowner if a significant economic loss is expected.

The research undertaken by the project shows a preference of individual landowners for 'conservation contracts': binding contracts signed with the government or a land trust to implement conservation investments on a land in their property.

Easements could be an excellent instrument to realise the payment for ecosystem services and / or for conservation outcomes by compensating the private landowner for forfeiting their right on their land. It has been shown that easements are already legally possible in many EU Member States⁹².

The future will most likely involve a blended system of nature conservation objectives (subsidised by nature policy) and agriculture (ecoschemes - 2nd pillar subsidies). Land exploitations are not always compatible with nature conservation objectives (e.g., arable land) but can be financed with other financial instruments (e.g., harrier protection in arable fields, hamster measures etc.). Financing conservation programmes with climate adaptation and mitigation funds are another interesting option: e.g., carbon storage, LULUCF, etc. Especially in restoration of sites, green bonds might be an interesting option (see green bonds in Île-de-France and Germany). For a constant flow of income, providing CO2 stockage is also very promising (restoring wetland, preserving grasslands, forests...)

In most EU Member States easements are legally possible; in some EU Member States instruments are available which are related to easements. However, it would be good to actively inform EU Member States about the opportunities asking for (small) adaptations in their nature conservation laws to fully implement the use of easements.

⁹² Račinska, I., Vahtrus, S. (2018). The Use of Conservation Easements in the European Union. Report to NABU Federal Association.

Conservation programs

The landowner enters a voluntary contract (for a limited period of time) with an organization or governmental agency to ensure that the property is used or managed for conservation purposes. Through the program agreements the landowner can receive support or a financial compensation for his conservation investments. This contract has a clear end and clearly states no further obligations for the landowner after this date. The owner is permitted to make changes to the property by submitting an amendment to the contract if needed to cover for internal or external threats. E.g., Agri-Environmental schemes (CAP), Forest certification contracts.

Conservation programs are often not known by the wider public. Broader information campaigns could ensure a higher appreciation of the efforts taken by private landowners to conserve biodiversity. This would result in a broader, more intensive and more active participation of private landowners.

Species conservation programmes are interesting for private landowners. Often these measures have a low impact on the estate (no or very limited restrictions regarding land use) but with some minor measures they can make the difference for the survival of certain species.

Land designation / OECMs

Private reserves are defined as land under private ownership that has been set aside for the protection of nature and its components through legal or other effective means for personal or public benefits e.g., natural water filter, game management, ... The landowner voluntarily submits (part of) the land as a private reserve and agrees on a long-term commitment to manage the land in a way to maintain the nature values and benefits under this legal or administrative framework. This tool has a significant potential to promote conservation on private land when landowners' benefits are directly linked to conservation or maintenance of wildlife habitats (conservation objectives should be formulated in a SMART and verifiable way). Ex. Private wildlife reserves for the protection of biodiversity as well as private game reserves or ranches, where game or trophy hunting, wildlife viewing, eco-tourism... , within predefined sustainable limits, can generate extra income.

Government entities must be able to guarantee the long-term recognition and support and allow flexibility to the land manager if needed due to external factors. They may implement monitoring actions to ensure the protection of environmental values and long-term commitment for conservation. On the other hand, it is important to maintain a certain independence of the land manager to reduce influence and preserve objectivity from NGO's and governmental agencies.

An 'other effective area-based conservation measure' is defined by the CBD as: A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values (CBD, 2018).

By giving a larger independence to the private land managers of private reserves combining conservation, economic and social challenges more private landowners would participate in conservation programs.

Labels

Labels are important instruments for private landowners as it gives them the possibility to show their commitment to nature conservation. Labels also give the possibility to reward private landowners for nature conservation. Labels can provide a benefit or incentive at local, regional and international level.

In Europe the best-known label in the field of private land conservation is the Wildlife Estates Label.

Wildlife Estates Label is a network of exemplary estates that voluntarily agreed to adhere to the philosophy of wildlife management and sustainable land use.

Appreciation of the importance of biodiversity preservation is the fundamental reason for establishing the WE Label.

3.2 Payments and compensation of new tools for biodiversity conservation

Many of the individual private landowners tend towards payments for ecosystem services, with a preference for annual payments and tax benefits. Annual payments are easily includable in existing business models. The IUCN⁹³ came to the same conclusion that private landowners increasingly tend to step in conservation programs when there is an annual fee related to it, even if the annual fee is on the long-term not higher than the one-off payment.

Long-term annual payments are however not common at all for conservation agreements yet. To make sure the necessary budget remains available for the annual payment of ecosystem services, separate markets should be developed. At the moment such markets are under development for carbon farming, water purification and storage, pollination, ... Markets are based on certificates assessing the economic value of natural investments.

Most probable the future is in a blended system of nature conservation objectives (subsidised by nature policy) and agriculture (ecoschemes - 2nd pillar subsidies). Land exploitations are not always compatible with nature conservation objectives (e.g., arable land) but can be financed with other financial instruments (e.g., harrier protection in arable fields, hamster measures etc.). Financing conservation programmes with climate adaptation and mitigation funds are another interesting option: e.g., carbon storage, etc. Especially in restoration of sites, green bonds might be an interesting option (see green bonds in Île-de-France and Germany). For constant revenues, providing CO₂ stockage is also very promising (restoring wetland, preserving grasslands, forests...)

⁹³ Greiber, Thomas (Ed) (2009). Payments for ecosystem services. Legal and Institutional Frameworks. IUCN, Gland, Switzerland. Xvi + 296 pp.

3.3 The long-term perspective of conservation tools

The EU Biodiversity Strategy has a long-term commitment. Conservation tools and incentives need to contribute to this perspective, which is beneficial for nature, for the landowners, for the trust in partnerships and to justify the use of public money for these conservation investments. Significant investments cannot be made without insurance or an action plan aiming long-term durability. However, to reach long-term durability, flexibility is important. Climate change will put pressure on traditional nature conservation schemes and will ask for innovative, adaptable approaches to restore biodiversity.

Legal frameworks are key to ensure long term perspectives. Not only the obvious nature conservation laws and subsequent subsidy schemes of the competent authorities are important. Also, other legal frameworks are applicable related to climate change (climate adaptation & mitigation), forestry and agriculture. Last but not least also tax exemptions should be a more common policy throughout the EU. The EUs ambition is to spend 7.5 % of the total EU budget on biodiversity by 2024 and this should increase to 10%. This means that Member states will have the opportunity to spend more money on nature conservation

3.4 Nature of the conservation commitments

The new tools need to be efficient in terms of nature conservation and attractiveness for a private landowner. The new tools should support partnership, mutual enrichment, and trustful, transparent collaboration. For private landowners, durability includes ecologic, economic as well as social sustainability. In the long term this is the only way to assure a durable nature conservation. Within such a framework private landowners have been working for centuries. It results in true stewardship which should be communicated to the public: the landowners' role and what they (can) do with regards to nature conservation and biodiversity and in which conditions they are managing the land. The vital role private landowners could or should play in nature conservation must be recognised from local up to the EU level, by clearly communicating on opportunities and challenges with the view on offering options on what decision makers can do to empower landowners for nature conservation measures beyond their usual practices. Besides this recognition, one needs to take note and acknowledge that natural processes are slow, and the results of conservation measures could take time following vegetation and reproductive cycles as well as natural succession. It is important to monitor processes towards well-defined conservation outcomes, which could take a long time.

3.5 Implementing new tools

Implementing the above-mentioned tools is only possible with the commitment of European Institutions, governmental agencies, nature conservation organisations and private landowners. Only in an environment of mutual trust all of those partners will be able to make most of land conservation in Europe. When implementing and promoting private land conservation tools EU Member States should take into account the following criteria.

1. The set of tools offered should respect the variety of private landowners, they should be offered on a voluntary basis
2. Application and monitoring requirements should be equal and feasible for individual landowners, land trusts, and NGO's
3. Tools and their compensation mechanisms should be organized in a framework which the landowner can trust on the long term.
4. Two-way knowledge exchange in agreeing on a contract is critical to encourage trust and cooperation
5. Tools should offer a flexibility in case of threats undermining the values of the land e.g. climate extremity or diseases or aspects that are not under the control of the landowner. Most private landowners/managers see climate change as a more important problem than biodiversity loss while in reality they are linked.
6. Engagement in conservation programs should result in public recognition.
7. Clear and transparent communication on the available tools is crucial. Each landowner should be aware of at least one contact point where they can ask for information on nature conservation themes and their possibilities.
8. Private landowner organisations are the most trusted partners. Also, governments and conservation organizations are doing well if in a clear and transparent framework. Landowners, however, see room for improvement in relations with environmental, non-governmental organizations in most countries.
9. The "permanent" nature of conservation programs is in many cases a concern for landowners if only a one-off compensation can be offered.
10. Preference should be given to voluntary programmes initiated by private landowners and to programmes in which private landowners have had an input.
11. Public access remains problematic for a very large group of private landowners/managers if no support or compensation can be provided for this service. Support in insurance and liability of the private owner when opening the land for the public is required.
12. The tool should help to make conservation an economically feasible land use
13. Annual fees should be offered, even if the annual fee is on the long-term not higher than a one-off payment.

Conclusion

Although the great variety amongst active individual landowners, their management goals are most often long-term, as sustainable nature conservation should be. With a clear and transparent structure, they can act as most efficient stakeholders in conservation initiatives and complement the conservation organizations' and public land conservation approach, which often depends on a short-term political system.