



**Adapting new conservation tools to engage private landowners in national and regional conservation efforts in EU Member States**

# Private Land Conservation

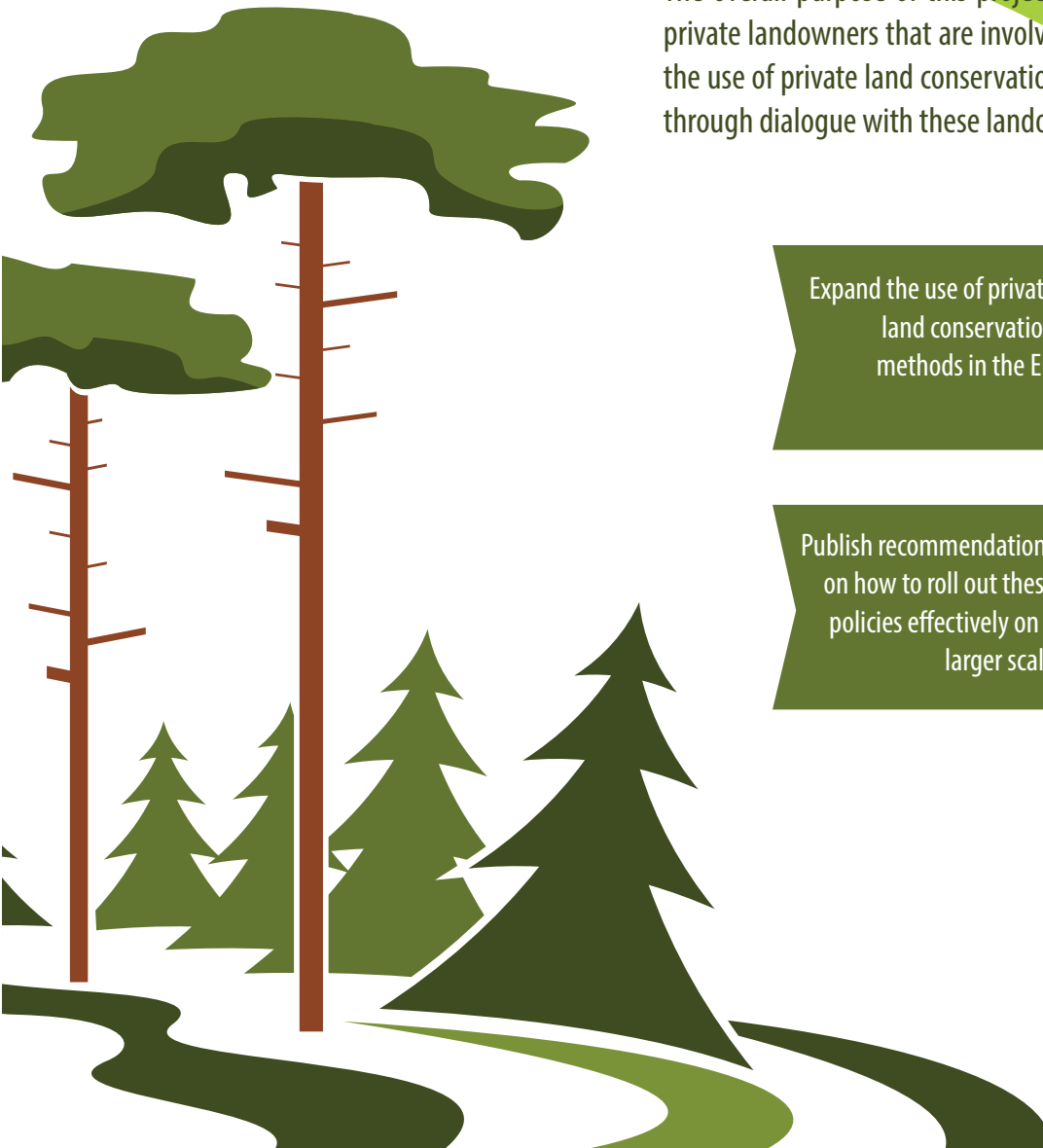
The overall purpose of this project is to create a network of European private landowners that are involved in nature conservation, to expand the use of private land conservation methods and approaches in the EU through dialogue with these landowners and their representatives.

Expand the use of private land conservation methods in the EU

Develop recommendations for more effective private land conservation policies

Publish recommendations on how to roll out these policies effectively on a larger scale

Promote nature conservation as a valuable type of land management



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## Landownership in Europe

- Respondents of the survey most often own/manage larger estates with a large majority owning/managing more than 51 ha and a minority not owning/managing more than 10 ha.
- Especially Western Europe and the Mediterranean/South has a significant larger number of respondents owning/managing smaller plots under 50 ha. This can be explained by the influence of the Code Napoléon which introduced inheritance laws distributing land among all of the children.
- Most of the land owned or managed by the respondents is inherited and is already for many generations in the family. Not even a fourth of the properties in this study is owned by the first generation. This is a strong indication of the importance of family ownership in Europe.
- The involvement of the next generation is often problematic and should be tackled.
- In the last decades more female landowners/managers are owning/managing private land. They are often more successful in involving the next generation in the management of the private land.
- The "Every man's right" policy of access to private lands is often seen as burdensome for the landowner/manager.

## Private land use

- The definition of "nature conservation" is one that is important to private landowners in the discussion on private nature conservation. One out of three respondents indicate they use their land (partly) for nature conservation. This makes private landowners/managers an important target group to realise biodiversity related objectives. In less than 20% of the cases the private owned/managed land is also used for hunting.
- 5% of the total land surface of the respondents is used for nature conservation.
- Those landowners/managers conserving nature

on their land do so on average on 15% of their land. The percentage of private land for nature conservation is the highest in Scandinavia.

- Private landowners/managers active in nature conservation and owning less than 10 ha of land have a tendency to manage a larger percentage (up to 100%) of their land for nature conservation.
- Female landowners/managers are more involved in nature conservation than their male counterparts.
- The size of nature conservation plots tends to be bigger for landowners/managers not having assured the involvement of the next generation.

## Inheritance barriers

- Larger estates active in agriculture and forestry have a more negative economic view compared with others. They also see high inheritance taxes, property or land taxes as more problematic when the size of their land and its economic value is increasing.

## Issues of importance to private landowners/managers

- Climate change, regulations and a high taxation are seen as important problems to solve for private landowners/managers.
- Most private landowners/managers see climate change as a more important problem than biodiversity loss.
- Not having enough income from agricultural or forestry products is considered as an important issue by a large majority of landowners/managers. Especially landowners/managers of smaller plots indicate this is problematic.
- No public recognition is an issue for all private landowners/managers.
- In general, expectations for public access is seen as problematic by private landowners/managers. Landowners/managers involved in nature conservation as primary land use are less concerned than others.

## How to engage private landowners/managers?

- Even when labels are not always seen as the best way to motivate private landowners/managers FSC and PEFC are valued labels indicating a private landowner/manager's commitment to durability. Especially landowners/managers having forestry as primary land use have an interest. This is logic as those labels are forestry labels.
- Landowners in a number of countries feel that the requirements being placed on them feel punitive. Eastern European landowners' views of the current Natura 2000 regulations often bear the additional burden that they perceive private property rights as more fragile and vulnerable and feel further away from the EU and Brussels' decisions. Flexibility and trust are therefore desired attributes in any conservation program.
- The trade-offs inherent in most conservation agreements or programs are still often seen as "foreign concepts" to landowners/managers.

## Financial incentives to engage in conservation programmes

- 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 very welcome.

## Management practices

- Private landowners show a clear interest in providing ecosystem services (soil health, restore water quality, ...) as a marketable service/product.
- Most of the landowners would be prepared to conserve a part of the land as wildlife habitat or as natural area.
- A strong dislike exists towards providing the right to purchase nature to NGOs.

## Non-financial assistance

- Private landowners/managers are demanding for the certification of products. Getting public recognition for their conservation investments and actions is an important goal for them.

## Tax measures for private land conservation

- Private landowners/managers are in favour of tax benefits for income taxes, for property or land taxes or for taxes on the transfer or sale of land.
- Inheritance taxes are less favoured to increase the interest in private land conservation. However, inheritance taxes are a concern in many countries given the impact it can have on keeping the land in the family.

## Who is a trusted partner for the private landowner/manager?

- Private landowner organisations are the most trusted partners. But also governments are doing well: the European Commission is in general seen as a more trusted partner than national or local governments. Landowners also see room for improvement in relations with environmental, non-governmental organizations in most countries. Distrust of the two major players in many countries – governments and NGOs – can cause a sceptical view by landowners on the information they receive about conservation methods.

## Voluntary programmes

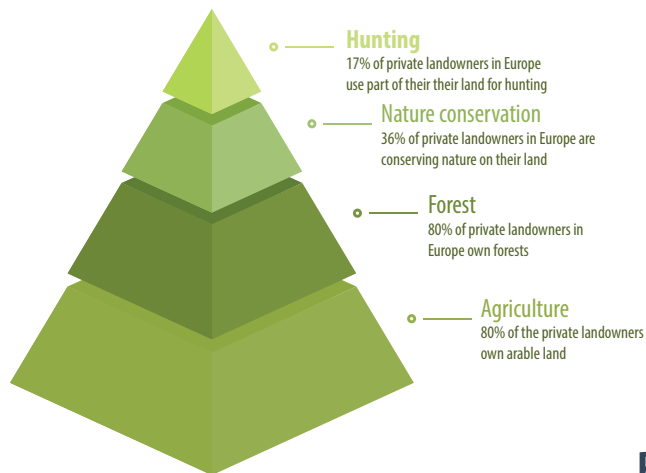
- To engage in voluntary programmes private landowners/managers like to have an economic benefit.
- The "permanent" nature of conservation programs is in many cases a concern for landowners
- Private landowners/managers involved in nature conservation do not have major problems with bureaucracy, limitations on how land can be managed, restrictions for future generations or restrictions after the programme period.
- Preference is given to voluntary programmes initiated by private landowners and to programmes in which private landowners have had an input.
- Public access remains problematic for a very large group of private landowners/managers.
- Doing the right thing is a major trigger to get involved in nature conservation.

# PRIVATE LANDOWNERSHIP

## in Europe



### Land use



### Ownership

A large majority of private landowners in Europe manages the land they own themselves.



### PEFC/FSC Forestry label

Forestry labels are quite common among forest owners. The label is directly linked to the product.



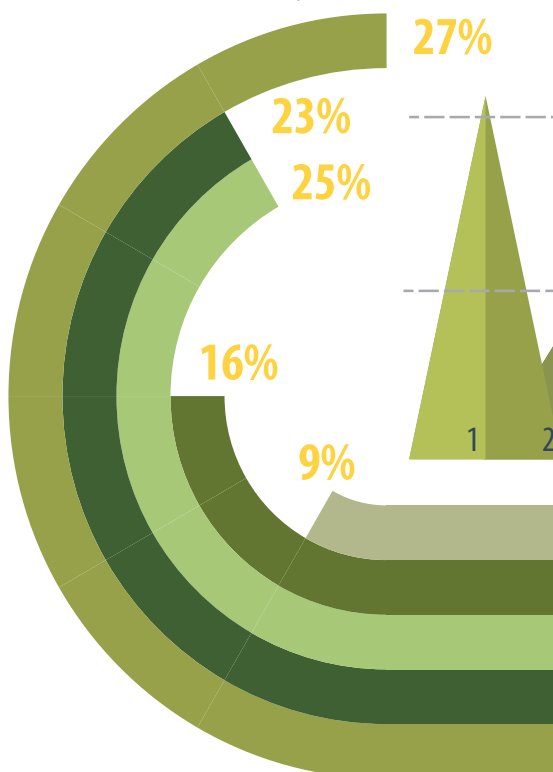
### Wildlife Estates Label

The Wildlife Estates Label is a management label well known among owners with an interest in nature conservation and/or hunting.



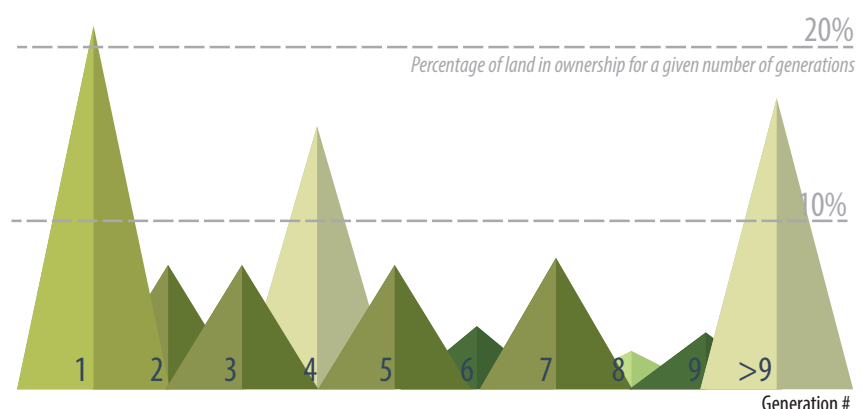
### Size of the land

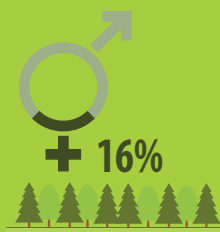
Respondents often own/manage larger estates with a large majority owning more than 51 ha. Western Europe and the Mediterranean/South area has a significant larger number of respondents owning smaller plots under 50 ha. Here we see a clear influence of the Code Napoleon



### Family property

Private land is often in the family for several generations. The involvement of the next generation is an important aspect of the durable management of the property.



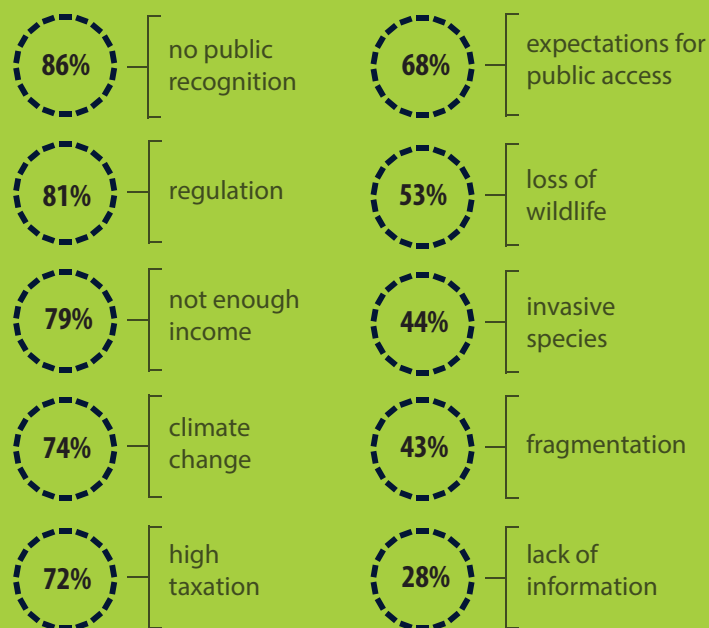


## Female landowners

An increasing number of landowners and landmanagers are female. Their approaches to land management are often different from their male counterparts

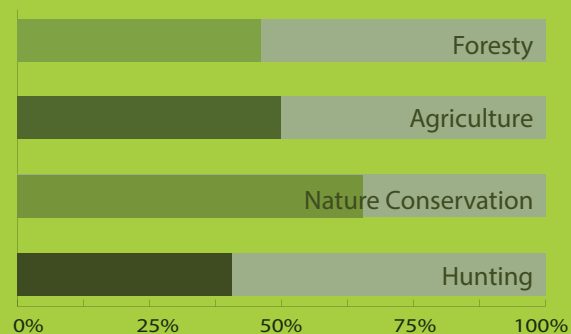
## Nature conservation: issues related to private landownership

The following issues are seen as very important to private landowners (percentage of total of respondents)



## Female landowners and land management

Female landowners show a much larger interest in nature conservation compared with their male counterparts. The opposite is the case for hunting.



# Tools for private land conservation

The following core issues should be taken care of when further developing private land conservation tools:

- The set of tools offered should respect the variety of private landowners
- Application and monitoring requirements should be equal and feasible for individual owners and NGO's
- Tools should respect the economic value of the land
- Tools and their compensation mechanisms should be organized in a framework which the landowner can trust on the long term
- Two-way knowledge exchange in agreeing on a contract is critical to encourage trust and cooperation
- 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
- Support in insurance and liability of the private owner when opening the land for public is required

## Conservation easement

A voluntary but legally binding agreement between a landowner and an organisation (NGO or Government agency). The landowner (temporary) relinquishes certain rights over the land to protect the natural landscape while maintaining the ownership and the use of the land in ways that do not conflict with the terms of the easement. The landowner retains the rights to use the land, produce on the land, sell it, and pass it on to their heirs. By donating conservation rights, the owner can allow land to be retained in the family while securing priority areas for conservation. 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. E.g. Agreement on maintaining a certain habitat type, with or without specifying the management activities; Agreement on not developing the land.

## Land Stewardship

The landowner keeps the management of the land but commits to a set of conservation-oriented actions with a recognized NGO or governmental agency. Both parties agree and commit, on equal level, to the terms and conditions of the agreement. The agreement can be either set in a form regulated by law (i.e. lease) or in a document only regulated by the autonomy of will. Doing so, anywhere in Europe, even the smallest non-profit organisation can write



an agreement when a landowner is willing to sign. Agreements are flexible to fit the land and management situation. The stewardship organization must recognize the economic value and activities of the land or (support to) provide a financial compensation. A legally binding agreement is advised when the agreement involves costs and efforts for the parties and interests worth to be protected, e.g. a lesser profit for the landowner due to certain restrictions. Not having a formal legal framework for land stewardship makes it difficult to enforce stewardship agreements in case of disagreement. However, this is a flexible strategy that offers different tools which can be adapted easily to respond to local and economical contexts. E.g. Support to reach habitat requirements, financial support or grant guidance, monitoring support, corridor creation, nest area protection.

## Private reserves designation

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. 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 independency of the land manager to reduce influence and preserve objectivity from NGO's and governmental agencies. The significant advantage of private reserves is the potential speed of response to conservation challenges, compared to governmental agencies or bigger NGO's, if the manager has sufficient management freedom.

## Conservation contracts

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. This contract has a clear end and clearly state no further consequences for the landowner after this date. The owner is permitted to make changes to the property and the management plan 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.

## Safe Harbor Agreement

Landowners receive a formal 'no penalty' assurance from the government in exchange for fulfilling the specific conditions of a biodiversity value agreement that contributes to the recovery of endangered species. Landowners voluntarily propose the implementation of restorative and habitat management measures to conserve/protect a threatened species. In return the owner is provided with a guarantee ensuring no additional conservation measures will be imposed if the number of listed species is increasing because of the actions. This agreement can also protect the landowner against a penalty when the goal could not be reached despite the implementation of the agreed management strategy. Under safe harbor agreements, participants are guaranteed a reduction in liability and are ensured that they will be exempt from any future regulations not included in their agreement. E.g. Today landowners often prevent natural succession to avoid colonization by protected species because of fear for restrictions. The conservation law is creating here the perverse effect. E.g. Temporary Nature (NL).

Strategic partnerships between companies and private landowners / Biodiversity mitigation and offset Conservation actions by private landowners to compensate for biodiversity losses elsewhere (Polluter-pays principle). This would involve private landowners in a created market for the trade of biodiversity. Polluter-pays principle has been implemented by a number of Community legislations and various additional laws in EU Member States, but currently only focuses on conservation organizations. In general, under liability regimes, organisations have to pay when they cause environmental damage. In this example of a financial scheme, the impacting entity might be able to purchase offset credits from a mitigation bank operated by a third party that has already carried out advance miti-

gation by e.g. private land managers. These land managers are then financially compensated by the impacting entity, through the mitigation bank. E.g. actions to restore, enhance, create, or protect biodiversity values prior to any negative impacts from development.

## **Land Exchange for conservation**

The landowner agrees to an exchange of land that is ecologically valuable for one that is less ecologically valuable but may retain other values (economic). Both parties agree the exchange. The deal is decided between a landowner and a conservation or governmental organization.

## **Funding land acquisition for conservation purposes**

Financial support for land purchase for conservation purpose (in perpetuity). Both individual landowners and conservation organizations are subject to equal requirements to guarantee their experience and knowledge in managing highly valuable nature. E.g. Flanders Nature Conservation Legislation.

## **Incentives and compensation mechanisms for private landowner**

Each tool should offer the possibility to cover for potential financial or land value loss by financial support or economic opportunities. Financial compensation mechanisms;

- Direct payments from government (based on result/based on implemented measures, cost compensation/economic loss compensation)
- Direct payment from NGO (grant, funds)
- Tax benefits (income tax, property tax, inheritance tax)
- Label or certification for market access

## **Institutions supporting private land conservation**

From this research, private landowner organisations seem to be the most trusted partners. But also governments are doing well. Landowners also see room for improvement in relations with environmental, non-governmental organizations in most countries if this cooperation can be organized in a clear and transparent framework. A recognized land trust or stewardship organization was found to be an effective institution to support this. A land trust secures the conservation value of a land in the long-term, with respects to the reality of the individual private landowner. Land trust organizations own property or land use rights of land managed for conservation purposes. They manage the land themselves or outsource the management to an organization or individual manager who has showed his/her ability to manage land according to certain conservation criteria. 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. Land Stewardship organizations support private landowners in implementing a conservation management, without taking over the ownership rights.



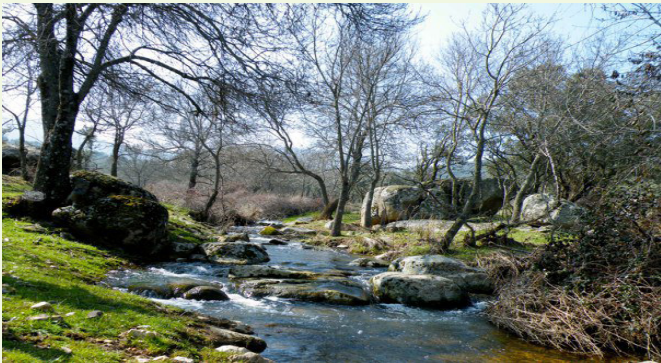
# CASE STUDIES



## **Domain Vuyle Plas, Kontich (Belgium)**

The management of the Vrijshof is a long-term project of organic, land-based and circular agriculture. This organic farm starts from the principles of the circular economy. They don't produce waste, but reuse everything or process it into raw materials. For example, they make their own compost to feed the soil, they harvest the seeds of their plants to sow them the next season and they work with animals that play a role in the system, without manure surpluses, to become as self-sufficient as possible. The principles of circular production are possible because of the combined management of agriculture, nature and forest land. A large part of the land is managed in function of biodiversity goals.

More info: <https://www.dezuidrand.be/het-vrijshof-0>



## **El Castañar (Spain)**

El Castañar consists of high and rugged mountains combined with broad pastures, a mosaic landscape of farmland with centuries-old oaks and low mountains dotted with several streams. The Castañar manages a cattle ranch, an Iberian pig and sheep farm, olive groves, vineyards, hunting grounds, etc. They received the Wildlife Estate label as an award for their successful conservation practices. Iberian lynxes were reintroduced in the estate and they participated in the LIFE project for the recuperation of the imperial eagles.

More info: <https://elcastanar.com/>



## **National Park De Hoge Veluwe (The Netherlands)**

The Hoge Veluwe National Park is the largest interconnected, actively managed, privately owned nature reserve in the Netherlands. It is almost entirely dependent of its 600,000 yearly paying visitors for its survival. The Park is a unique combination of nature, art and architecture. Within the Natura 2000 area of the Veluwe, the Park is an important source of biodiversity. The management targets a sustainable Nature management with public access while keeping a decision making and financial independence.

More info: <https://www.hogeveluwe.nl/en>



## **Association Syndicale des Plaines de Mazerolles (France)**

The ASPM brings together the owners of the 750 ha of the dammed marsh of Mazerolles. 70 owners and users agreed to bundle forces to establish a water level management protocol to allow agricultural activities necessary for the maintenance of the marsh, insure professional fishing, recreation and hunting activities. Over the last 60 years, they have developed a strong expertise in water management, habitats and species management rankings. The hydraulic management of the Mazerolles marshes is key to the conservation of nature and biodiversity in this area.

More info: <http://www.domaine-de-mazerolles.fr/>



# CASE STUDIES



## **The NATO airfield in Malle (Belgium)**

For more than a half century the airfield in Malle has been in use by NATO for military activities. Today its use is multifunctional including a private flying club, sport manifestations, scouting, air shows, vehicle testing, photo shoots, walking and nature conservation. The Land Is For Ever LIFE+ project was able to bring together the surrounding private owners who were expropriated for the realization of the airport together with Natuurpunt, Flanders' largest nature organization and PIDPA, a drinking water company that pumps water in the area for the drinking water supply of Flanders. Under the mediation of the LIFE + project, a first cooperation agreement has been signed and the partners are jointly working towards a common vision on and management of the area's nature.

More info: <http://www.ebzt.be/vliegveld-malle/>



## **Slangenbeekbron (Belgium)**

Slangenbeekbron, a nature reserve formerly owned by the family Sagehonne-Leynen was purchased by the Stichting Behoud Natuur en Leefmilieu Vlaanderen (SBNL), a non-profit organization supporting private landowners in the management of nature reserves with the financial support of the Fund Baillet Latour. Under the guidance of the Land Is For Ever LIFE+ project SBNL has been transformed into the first land trust in Flanders, a new instrument to be used for private land conservation. The land trust will support private land conservation by supporting private landowners in the purchase and the management of nature on private land.

More info: <https://limburgs-landschap.be/slangebeekbron/>



## **The Tullstorp Stream Project (Sweden)**

The Tullstorp Stream is located in one of the most intensive agricultural areas of Sweden where 85% of the land is arable and. Since 2009, over 40 wetlands and 15 km of the stream have already been restored. The main objectives of the project are to reduce the outflow of nutrients into the Baltic Sea, tackle the erosion and flooding, maintain the stream and promote biodiversity by recreating a valuable fish community. The TSP is operated by an association of landowners working all along the stream. The project is unique in a way that the farmers themselves are in control of the project.

More info: <https://tullstorpsan.se/rapporter/The-Tullstorp-Stream-Project.pdf>

# PARTNERS



The European Landowners' Organization (ELO) is committed to promoting a sustainable and prosperous countryside through private owners' activities and family businesses and to increasing awareness relating to environmental and agricultural issues. While pursuing its goals ELO takes into account the climate change and the biodiversity loss challenges which we are facing today. ELO promotes a balanced approach between strong economic performance and a sustainable use of natural resources that considers economic, social and environmental dimensions. Engaging various stakeholders and a network covering 28 EU Member States, ELO develops policy recommendations and programs of action.  
<https://www.europeanlandowners.org/>



The Nature Conservancy (TNC) is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. The Conservancy works with landowners, communities, cooperatives and businesses to establish local groups that can protect land. Over its 65-year history, TNC has protected more than 119 million acres of land and has pioneered the use of numerous private lands tools and approaches. Some of the main tools used to achieve these goals include land trusts, conservation easements, private reserves and incentives. Outside the U.S., the Conservancy does not generally acquire land for protection but instead works with local communities and national governments to encourage the protection of ecologically-sensitive land.  
<https://www.nature.org/en-us/>

## AGENCY FOR NATURE & FORESTS

ANB (Agency for Nature and Forest) is an agency of the Flemish Government (Belgium) and is part of the Ministry of Environment, Nature and Agriculture. ANB provides for the realization of the nature and forestry policy throughout the Flemish region. The agency is responsible for the implementation of the Habitat and Bird Directives and the EU Biodiversity Strategy, and as such is assigned with the management of Natura 2000 in Flanders.  
<https://www.natuurenbos.be/>



The LIFE programme is the EU's funding instrument for the environment and climate action created in 1992.

### About the methodology

The outcomes are based on moderated discussions among private landowners and land managers in 14 European Member States (February - March 2019) and an online survey (May - June 2019) among landowners and managers in 28 EU European Member States. The research was conducted by The Nature Conservancy (TNC) and The European Landowners' Organization (ELO), granted by the European Commission LIFE program. The countries in which discussions were held are: Belgium, France, Poland, Romania, Estonia, Scotland, The Netherlands, Denmark, Spain, Finland, Sweden, Germany, Bulgaria, and Czech Republic. The online survey was available in eleven languages. Participants were invited by e-mail, newsletters, websites, and social media. For the data analysis, only complete surveys filled in by respondent currently owning or managing land were used. This resulted in 747 respondents.

The graphs in this brochure are based on a report prepared by K&DM International analysing the results of the above mentioned online survey.

# POLICY RECOMMENDATIONS

60% of the Natura 2000 network is owned by private landowners. So private land conservation is an important tool to halt biodiversity loss in Europe. One out of three respondents indicate they already use their private land for nature conservation. This makes private landowners an important target group to realise biodiversity related objectives within Europe.

02

The certification of products (FSC and PEFC are the most used labels for forestry products) and estate management (the Wildlife Estates Label is the most important wildlife management label among individual private landowners) are major incentives for private landowners in Europe to participate in private land conservation. Getting public recognition is extremely important for individual private landowners.

01

Private landowners have a strong preference for voluntary programmes. Due to the diversity of habitats, species, landscapes, cultural and economic use of private land and the diversity of landowners, private landowners and managers need to have a choice between different tools to implement private land conservation.

03

Private landowners and managers prefer financial incentives for a service (annual payments) or on a product basis (carbon credits, payments for ecosystem services, ...).

04

Tax benefits for income, property or land taxes or taxes related to the transfer or sale of land are welcome incentives to individual private landowners actively involved in nature conservation.

05

Most landowners are prepared to conserve a part of their land as wildlife habitat or as natural area.

06

For many private landowners public access remains a major concern and a reason not to participate in private land conservation programmes. There is a need to develop a specific set of tools to tackle this problem.



The project 'Land Is For Ever' has received funding from the LIFE Programme of the European Union under the grant agreement LIFE17PREBE001.

