

# Recommendations to promote private land conservation to support the EU agenda



June, 2021



This project has received funding from the European Union's LIFE programme under grant agreement LIFE17PREBE001

Coordinating Beneficiary



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## *Life+ Project Land Is For Ever*



### **PROJECT HISTORY**

On 16/12/2016 the Commission published the 'Fitness Check' evaluation of the EU Birds and Habitats Directives (the 'Nature Directives') and concluded that, within the framework of broader EU biodiversity policy, they remain highly relevant and are fit for purpose. However, full achievement of the objectives of the Nature Directives depends on substantial improvement in their implementation in close partnership with local authorities and different stakeholders in the Member States to deliver practical results on the ground for nature, people and the economy in the EU.

Due to the further loss of biodiversity additional measures have to be taken to halt this loss and to restore biodiversity within the European Union. At the start of the project, it was clear that this would not be realisable without the support of private landowners. Private landowners are a very diverse group ranging from nature conservation NGOs to companies, farmers and private individuals. This project focussed on individual private landowners including farmers and family-owned companies.

Properly managed private nature areas can function as important steppingstones for a biological continuum and buffer zone between recognized protected areas' national and international networks. Private landowners are therefore needed to be more engaged and their conservation investments more recognized, which was exactly the aim of the project 'Land Is For Ever'.

Working with individual private landowners is a well-established practice in the USA and elsewhere in the world with many tools and instruments available to support private landowners. The objective of the 'Land Is For Ever' project is to get a better knowledge on those tools and instruments and study if they can be used within a European context (legally and socially).

## PROJECT CONSORTIUM



The Project is being led by the **European Landowners' Organization (ELO.)** ELO is committed to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues. Engaging various stakeholders, ELO develops policy recommendations and programs of action. ELO has a large membership in the 28 EU Member States. <https://www.europeanlandowners.org/>



**The Nature Conservancy (TNC)** is a partner in the project. TNC is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. 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. <https://www.nature.org/en-us/>



**AGENCY FOR NATURE & FORESTS**

**ANB (Agency for Nature and Forest)** is a partner in the project. ANB is an agency of the Flemish Government and is part of the Ministry of Environment, Nature and Agriculture. ANB is the competent governmental agency regarding nature protection and forestry in Flanders, Belgium. The agency is responsible for the implementation of the Habitat and Bird Directives and as such is assigned with the implementation of Natura 2000 in Flanders. <https://www.natuurenbos.be/>

## RATIONALE OF THE PROJECT

Considering that more than 50% of Natura 2000 is in private hands (<https://www.natura2000branding.eu/about-natura-2000/>), 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. It has become clear that under the broad definition of 'private land conservation tools' many different governance arrangements emerge depending on contingents' settings, property laws, the role of environmental NGOs and the implementation (or lack) of public policies and incentive mechanisms for the promotion of the tools.

However, many of those existing 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. Conservation programs are also often not known by the wider public. Broader information campaigns could ensure a higher appreciation and recognition of the efforts taken by private landowners to conserve biodiversity. This would motivate landowners and result in a broader, more intensive involvement of them in voluntary measures. 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. Besides this, landowners often also need a trusted partner to be introduced to or get engaged in one of these mechanisms. 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. This support network will, as examples show globally, further empower the engagement of landowners in nature conservation. As this trust can only be earned and not proclaimed, this network needs to take a bottom-up approach involving landowners directly and grow gradually.

The project Land Is For Ever was set up in this respect and was able to start expanding this network in Europe complementary to the existing networks of conservation NGOs and public bodies. Good relationships and partnerships were built with competent authorities, (local) nature conservation organisations and many landowners, who are ready and very willing to get more engaged in conservation practices on their land.

## AIM OF THE PROJECT

The Life+ project '**Land Is For Ever**' aims for the expansion and introduction of voluntary conservation tools in Europe from which private landowners can benefit for their conservation efforts.

EU Member States and its regions 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. In some cases they may not even exist in regional or national laws and policies. The overall purpose of the « Land Is For Ever » project is to investigate existing and innovative tools and structures and expand their use in the EU. Through dialogue with landowners and field tests in different EU member states, the project identifies ways for landowners to increase conservation practices on their lands, to investigate perceived challenges, to evaluate trust in key actors and existing policies, and to determine which incentives they need to engage in a conservation program. These findings are translated into recommendations for new and more effective private land conservation policies and how those policies can be rolled out effectively at a larger scale. The bottom-up approach to policy development gives the recommendations that emerge a great chance of success in the future to achieve landscape- level benefits that leads to a desired mosaic of conservation benefits.

**In this report Private Land Conservation (PLC) is defined as follows<sup>1</sup>:**

“Private land conservation is an activity carried out by individuals, groups of individuals, corporations or non-governmental organisations with the aim to protect or to restore habitats or species on a property under their governance. The opposite of private land conservation is mandatory land conservation through regulatory tools, such as public designation of protected areas or other administrative acts of public authorities. Private land conservation includes the protection of nature and biodiversity on a property which is already in private ownership as well as the private acquisition of a property or of use rights for conservation purposes. As it excludes properties under public governance, it does not refer to lobbying campaigns by private individuals or organisations to conserve public land. It however can refer to various activities along the entire “conservation process”, from producing baseline data on a property’s natural values to proposing and negotiating its designation as protected area with the competent authorities, planning and implementing conservation measures, and carrying out oversight, monitoring and evaluation of the privately protected area.”

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<sup>1</sup> Disselhoff 2015 Alternative Ways to Support Private Land Conservation  
Report to the European Commission, Ref. No: E.3-PO/07.020300/2015/ENV, page 10



# 1. Private land conservation policy landscape

## 1.1 EU strategies and landscape

### Green Deal

The President of the European Commission Ursula von der Leyen, when taking the helm of the EU, committed to a bold vision: the “Green Deal”. In her statement, President von der Leyen stated that the European Green Deal would be Europe's "man on the Moon moment", as the plan would make Europe the first climate-neutral continent and nothing similar has been attempted before at such a scale.

The European Green Deal aims to transform the 27-country bloc from a high- to a low-carbon economy, without reducing prosperity and while improving people's quality of life, through cleaner air and water, better health and a thriving natural world. In order to operationalise the development and oversee the implementation of the Green Deal, she appointed Frans Timmermans as Executive Vice President of the European Commission for “being in charge” of the European Green Deal. The European Parliament voted to support the deal as well, with requests for higher ambition. The European Parliament also gave its support and endorsement, with a vote on the 13<sup>th</sup> of December 2019. The European Council has also endorsed the presented Green Deal and committed the Commission to move ahead with the GD by its Council Conclusion on 15 January 2020.

The overarching objective of the EU Green Deal, as stated above, is for the EU to become the first climate neutral continent by 2050, resulting in a cleaner environment, more affordable energy, smarter transport, new jobs and an overall better quality of life.

The European Green Deal effectively outlines an action plan which will boost the efficient use of resources by moving to a clean, circular economy, restore biodiversity and cut pollution. The plan suggests that investments are needed, and financing tools will be available. It also explains how to ensure a just and inclusive transition towards a resilient, environmentally conscious society.

The main elements of the EU Green Deal are:

- |                             |                         |
|-----------------------------|-------------------------|
| - Climate action            | - Biodiversity Strategy |
| - Clean energy              | - Preventing unfair     |
| - Sustainable industry      | competition from carbon |
| - Buildings and renovations | leakage                 |
| - Sustainable mobility      | - Research and          |
| - Eliminating pollution     | development supporting  |
| - Farm to Fork Strategy     | all the above           |

As such, the European Union's Green Deal is the EU's main new growth strategy to transition the EU' (27 Member States) economy to a sustainable economic model, while also considering the EU's global footprint. There are a number of funding mechanisms in place to facilitate the EU Green Deal, totalling over €1 trillion – and enshrined in the Multiannual Financial Framework. This investment will fund the delivery of the policy reform needed for the EU's economic growth and climate neutrality.

In order to reach the Green Deal's objectives, it will require actions by all economic sectors, including:

- Investing in environmentally friendly technologies
- Supporting industry to innovate
- Rolling out cleaner, cheaper and healthier forms of private and public transport
- Decarbonising the energy sector
- Ensuring buildings are more energy efficient
- Working with international partners to improve global environmental standards

This massive transition comes with significant costs. In order to provide financial support and technical assistance to help those that are most affected by the move towards the green economy, a so-called "Just Transition Mechanism" is in place. It will help mobilise at least €100 billion over the period 2021-2027 in the most affected regions. In order to provide financial means, and also showing the way forward to public banks, the European Investment Bank will also need to transition to become the "climate bank" of the EU. However, being the world's largest development bank, it will surely also set a standard and example.

The EU Green Deal offers an unprecedented attempt to address the ecological crisis in a fundamental and coordinated way, across all policies. For the project, two key strategies emanating from the Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, are critical.

### **The EU Biodiversity Strategy 2030**

On 16 January 2020, the European Parliament adopted a resolution calling on the Commission to move away from voluntary commitments and design a biodiversity strategy for 2030 that sets legally binding targets for the EU and its Member States, including specific ones to protect natural areas and restore degraded ecosystems by 2030. It also stressed the need for the international biodiversity framework to take the form of a legally binding agreement.

The EU Biodiversity Strategy 2030 was presented by the European Commission on 20 May 2020 as a commitment taken under the Green Deal. The strategy recognizes the need and urgency to reconnect with nature and biodiversity. This version builds on the EU Biodiversity

Strategy 2020 but goes a step further by proposing ambitious actions and commitments to protect and restore biodiversity in Europe and worldwide.

The EU Biodiversity Strategy 2030 is a key element of the European Green Deal and is closely linked to the Farm to Fork strategy. The combination of those strategies should position Europe as a driving force in the fight against the global biodiversity and climate crisis.

### Bringing biodiversity back into our lives

The EU Biodiversity Strategy 2030's fundamental ambition is to halt the loss of biodiversity throughout Europe by protecting, conserving and restoring it. The EU also intends to raise the level of international ambition by establishing a new global framework aiming to restore, build resilience and protect all ecosystems. The EU Biodiversity Strategy refers to five main causes of biodiversity loss establishing a strengthened governance framework and ensuring full implementation of EU legislation.

The EU Biodiversity Strategy 2030 develops 4 priorities for restoring biodiversity:

#### 1. Creating a coherent network of protected areas

To ensure a healthy and resilient environment, at least 30% of the EU's land area (including primary and old-growth forests) and 30% of its marine area should be legally protected, with 10% of it under strict protection. The definition of strict protection remains under discussion.

#### 2. Restoring degraded land and marine ecosystems throughout Europe

##### **Key commitments by 2030:**

1. Legally binding EU nature restoration targets to be proposed in 2021, subject to an impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.
2. The decline in pollinators is reversed.
3. The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.
4. At least 10% of agricultural area is under high-diversity landscape features.
5. At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.
6. Three billion new trees are planted in the EU, in full respect of ecological principles.
7. Significant progress has been made in the remediation of contaminated soil sites.
8. At least 25,000 km of free-flowing rivers are restored.
9. There is a 50% reduction in the number of Red List species threatened by invasive alien species.

10. The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.
11. Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.
12. No chemical pesticides are used in sensitive areas such as EU urban green areas.
13. The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.
14. The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.

### 3. Enabling transformative change

To implement its ambitious targets and given the positive role of biodiversity in climate mitigation and adaptation, the EU decided to allocate a significant part of its climate change spending to biodiversity and nature-based solutions. According to the EU Biodiversity Strategy 2030 the EU should at least release €20 billion a year using a variety of sources, including EU funds and national and private financing. <sup>2</sup>

### 4. Ensuring that the EU becomes a global leader in managing the global biodiversity crisis

The European Commission wants to take the lead in pushing for the adoption of a new global framework for biodiversity under the auspices of the United Nations.

## **Farm 2 Fork Strategy**

The Farm to Fork Strategy is at the heart of the European Green Deal, aiming to make food systems fair, healthy and environmentally friendly. Implementing the Strategy should help the EU's 27 Member States to transition to an environmentally-sound food system that safeguards food security, as well as ensures access to healthy diets based on and supporting a healthy planet. The Farm to Fork strategy is unique as it is the first time for the EU to have such a "food policy" which embraces all stages of the food system / production and places producers and consumers in the centre of those systems.

As EU agriculture currently represents about 10.3% of EU's GreenHouse Gases emission, the F2F Strategy is crucial to the EU's ability to deliver on the Green Deal's objectives. European producers will play a key role in the EU's transition to a more environmentally responsible system.

In order to support the Strategy implementation, new streams of funding and eco-schemes to adopt more nature-friendly practices through the CAP and the Common Fisheries Policy will be needed.

The strategy has 27 concrete actions to transform the EU's food system by 2030, including:

- reduction by 50% of the use and risk of pesticides
- Reduction by at least 20% of the use of fertilizers – including animal manure
- Reduction by 50% in sales of antimicrobials used for farmed animals and aquaculture
- Reaching 25% of agricultural land under organic farming, current level is 8%

In essence, the Strategy outlines the main features of the EU's biodiversity and agriculture / food-related policies and strategies for the decade and is one of the key pillars of the European Green Deal. As Covid-19 pandemic was in full swing during the final preparation and adaptation period, the strategy should also be a critical element of the EU's "recovery plan".

The Farm to Fork Strategy aims to accelerate the EU's transition to a sustainable food system that should:

- Have a neutral or positive environmental impact
- Help to mitigate climate change and adapt to its impacts
- Reverse the loss of biodiversity
- Ensure food security, nutrition and public health, making sure that everyone has access to sufficient, safe, nutritious, sustainable food
- Preserve affordability of food while generating fairer economic returns, fostering competitiveness of the EU supply sector and promoting fair trade

The Strategy as endorsed sets out both regulatory and non-regulatory initiatives, with two key policies as critical delivery tools - the Common Agricultural Policy and the Fisheries Policies ---both important instruments to support the anticipated transition.

Besides domestic – EU matters, the Strategy will also support the global transition to sustainable agri-food systems globally, through its trade policies and international cooperation instruments – all underpinning the objectives of the Green Deal.

The joint release of the Biodiversity Strategy and the F2F Strategy can be seen as an important milestone, linking agriculture and nature conservation together, while inappropriate agriculture practices are among the key drivers for biodiversity loss. Bringing them together and under the overarching umbrella of the Green Deal could herald a new area of the EU, recognising that the current agriculture practices, including subsidies harmful for biodiversity can't be the norm any longer and serious policy shift is needed, how Europe further ensures food quality and quantity while also safeguarding its biological diversity. The strategies indicate that the Commission has also applied key lessons from the COVID-19 pandemic - a healthy planet is a precondition for a healthy human society, science must guide political choices, and a crisis must be acted on before it gets out of control.

The Commission, in drafting the Strategy, has taken a number of critical steps and outlined goals which could in fact improve the state of nature in Europe:

- Reduce chemical pesticide use by 50% both in terms of quantity and toxicity
- Minimise the practice of burning biomass such as trees to produce energy

In summary, the European Union's newly endorsed Farm to Fork Strategy will initiate several well-defined actions and thus become a game-changer, but its potential to induce genuine change of European Union's food systems will greatly depend on the political will of the Member States during implementation. The Farm to Fork Strategy, complemented by the Biodiversity Strategy, when fully implemented could truly change how Europe addresses nature conservation and effectively contributes to bend the curve of habitats and species decline.

## 1.2 US strategies and landscape

Engagement with private landowners in conservation has been an innovative conservation strategy that has leveraged the growing interest of the private sector in the US to take part in conservation since the 1970's and 1980's. Today, some 1200 land trusts, charitable organizations whose mission is devoted land conservation, work throughout the US with landowners, communities, and businesses to implement conservation approaches that respect private property rights while achieving goals for biodiversity and nature protection. Some of the main tools used to achieve these goals include land acquisition, land management, conservation easements, private reserves and enacting public policies for tax and other financial incentives for private landowners. For the last seventy years, The Nature Conservancy has worked in the US to develop and apply these tools and has worked to establish and or coordinate with local conservation groups and land trusts that implement private land conservation strategies and projects. The Land Trust Alliance (LTA), founded in 1981 in the US, has helped to spread the growth of land trusts in the US and elsewhere. LTA acts as a clearinghouse and umbrella organization to help develop the conservation community in the US and ensure that land trusts achieve high standards of conservation practice, uniting separate local land trusts into a national land conservation community.

For more than five decades, US land trusts and conservation organizations have been using conservation easements as the primary conservation 'tool of choice' to protect landscapes in the US from development and other inappropriate uses which may conflict with conservation goals — affording the landowner and the land better protection than could be accomplished through outright purchase. A conservation easement is a legally binding voluntary agreement to achieve certain conservation objectives by limiting certain types of land uses or preventing development from taking place on the land while the land remains in a private landowner's hands. In a conservation easement, a landowner voluntarily agrees to sell or donate certain rights associated with his or her property — often the right to subdivide or develop — and a private organization or public agency agrees to hold the right to enforce the landowner's promise not to exercise those rights. A landowner is compensated for those rights through generous Federal, state, and local tax incentives as well as easement purchase programs

established throughout the US. Nearly, 33 million acres of land have been protected in the US using conservation easements, according to the National Conservation Easement Database. In 2018 alone, the fair market value of conservation easement donations in the US that year alone increased to over \$9 billion.

As conservation organizations and land trusts have grown, they have undertaken increasingly more complex conservation transactions, combining philanthropy with funding from government and private investment sources to accomplish landscape-scale conservation projects. In addition, the scope of conservation efforts has broadened such that land trusts now address not only land protection but habitat restoration and climate change projects and efforts. Finally, today, conservation organizations have become more attuned to issues of environmental justice and respect for indigenous rights both of which have become integral to the ability of land conservations to achieve lasting successes.

The experience of the land conservation community in the US has been used to inform the framework used and the research undertaken during this Life+ project “Land Is For Ever.”

### 1.3 Global strategies and landscape

Increasingly, the private land conservation initiatives developed and used in the United States are being applied elsewhere in the world. The experience in the United States in developing land conservation tools and to assist private landowners is beginning to be applied in several other countries to protect and manage their lands in ways that foster conservation goals. Outside the U.S., there is a growing community of conservation organizations and land trusts that work collaboratively with private landowners as well as with local communities and national governments to encourage the protection of ecologically sensitive land.

However, securing increased private land conservation activity in other parts of the world is complicated by the nature of land ownership, legal frameworks and the complex social and economic contexts that exist in many countries. Nevertheless, strategies to advance nature conservation on private land are increasing and being explored globally, ranging from creating new legal tools and prescriptions to tax and financial incentives and participatory site selection, conservation planning and innovative land management approaches.

There are several interesting examples of private lands conservation efforts going on throughout the world. Some countries have recently adopted formal mechanisms to advance conservation on private lands and are improving their systems of legal and government support to promote private land conservation. Chile is a good example here: the country recently enacted a new law establishing the validity of conservation easements. Efforts by civil society in China represent yet another example. There, individuals have been working to protect land in China since the mid-1990s. In 2011 the first land trust in China’s Sichuan Province was established. More recently in China, the China Civic Land Conservation Alliance

(CCLCA) was launched to protect 1% of China's total land area through civic land conservation by 2030. As China prepares to host in October, 2021, the Convention on Biological Diversity Conference of the Parties ("CBD COP 15") where the endorsement and global commitment to the "30X30" concept will be in the forefront and part of the negotiation for the new Global Biodiversity Framework, China's land conservation initiatives will be even more visible and important in achieving global land and biodiversity conservation targets.

Today, land trust NGOs and private individuals are an increasing force for land conservation and biodiversity protection around the world. The establishment of International Land Conservation Networks bringing together conservation practitioners and organizations in other parts of the world is a reflection of the growing efforts to spread the practice of private land conservation around the world.

## 2. Private Land Conservation networks

Networks can help bridge the gap between the different stakeholder groups, regions, countries and continents. A network can give individual owners the opportunity to react on a higher decision-making level and to have easy information access. Networks are of utmost importance for the effective positive evolution of private land conservation in Europe, to implement the bottom-up approach for high level decisions.

### 2.1 ILCN

The International Land Conservation Network connects civic and private organizations and people, across boundaries and around the world, to accelerate the protection and strengthen the management of land and natural resources. The ILCN focuses its work on:

- Convening a conservation community of practice, both virtually and in person.
- Disseminating conservation ideas, cases, and tools.
- Promoting conservation partnerships, collaborations, and peer learning.
- Raising global awareness of the critical role of private and civic land conservation in safeguarding natural resources.

The mission of the International Land Conservation Network is to connect organizations and people around the world that are accelerating voluntary private and civic sector action that protects and stewards land and water resources. Building capacity and empowering voluntary private and civic land conservation will strengthen the global land conservation movement and lead to more durable and effective resource protection. ILCN does this for the intrinsic value of the world's natural and cultural resources, and for their importance to the prosperity and wellbeing of humankind, today and for generations to come.



## 2.2. ELCN

The European Land Conservation Network is an initiative of conservation organisations and land user groups to advance private land conservation in Europe. The network was set up in parallel and with strong overlap of members to the 'International Land Conservation Network 'ILCN'. It was founded in 2017 by NABU and EUROSITE with the financial support of the EU LIFE programme. The ELCN has now been fully integrated into Eurosite. ([www.elcn.eu](http://www.elcn.eu)).

The objective of the network is to test a number of private land conservation tools with an eye to promoting their replication at a wider level wherever feasible, proposing policy actions to support them, and to develop a robust, well-informed European network on private land conservation with a clear long-term strategy (after LIFE and follow-up project) and strong international allies. The network is also active in assessing innovative private land conservation tools and models, exchanging knowledge and experience about these tools, identifying legal and political obstacles to up-scaling them, and promoting private land conservation among relevant stakeholders.

## 2.3. LIFE

The 'Land Is For Ever' network was founded as part of a Life funded project in 2018 and ran in parallel with the ELCN network. The LIFE network groups individual landowners willing to be, or being engaged in nature conservation activities, as well as landowners' associations and other stakeholders. The aim of the network is to guide and support landowners in their conservation activities, to offer them a structure of trusted partners and to build bridges in a trusted environment for cooperation with the ELCN network (NGOs) and EUROPARC (governmental agencies).

### 3. Methodology

#### List conservation tools in EU and US

Based on a literature review and knowledge from all beneficiaries, a list (matrix) was created capturing the wide set of existing and conservation tools and incentives, with a description and concrete examples from Europe and/or US. The gathered information included existing land conservation legislation, private land conservation tools, legal and financial instruments, social and ethical incentives.

A survey was shared with agencies and organizations to gather information on the existing tools and legislation in the different EU countries and regions to feed a gap analysis. The survey was sent to agency representatives of member states and, if necessary, also of regional institutes. This was the case for Belgium, Germany and Austria. When the governmental agency was not in the position of providing the information, they were asked to provide a contact of a local organization who would have this information.

#### Assess landowner understanding and preferences of conservation tools

The Nature Conservancy in collaboration with the European Landowners Organization moderated discussions among private landowners and land managers in 14 European Union countries during February and March 2019. The countries in which discussions were held are (in the order in which the discussions were held): Belgium, France, Poland, Romania, Estonia, Scotland, The Netherlands, Denmark, Spain, Finland, Sweden, Germany, Bulgaria, and Czech Republic.<sup>1</sup> Funding was granted by the European Commission LIFE program and project support provided by research consultant Lori Weigel, Principal, New Bridge Strategy. The groups consisted primarily of private landowners who were invited due to membership in ELO, with a conscious effort to include a variety of different types of landowners who represent various areas within that country<sup>1</sup>. The number of discussion participants varied per location, but generally averaged about ten per location. Most were actively involved in the cultivation of their lands, but the type varied by location (for example, forests versus crops). These discussions were considered qualitative research.

The discussions were followed by a quantitative survey of landowners, to better provide statistical certainty to any conclusions. This survey was conducted by The Nature Conservancy (TNC), in consultation with Lori Weigel (Principal, New Bridge Strategy) in the period 27 May 2019 – 29 June 2019. The online survey was conducted among landowners and managers in the 28 EU European Member States and was available in eleven languages. Participants were invited by email, newsletters, websites and social media and were directed to the survey using a web link. For the data analysis, only complete surveys filled in by respondents currently owning or managing land were used. This resulted in 747 respondents.

The goal of the research was to identify ways for landowners to increase conservation practices on their lands, to investigate perceived challenges, to evaluate trust in key actors and existing policies, and to determine which incentives they need to engage in a conservation program. Respondents were assured of anonymity in their responses

### **Field testing of innovative tools**

This project also had the aim to demonstrate the implementation of certain conservation solutions using instruments and tools that fit the stakeholder needs and to understand the external and internal context for better planning and decision-making. To fine-tune implementation possibilities in a real-world environment, it is important to learn from in-field situations. Seven cases of different instruments for private land management and conservation were therefore selected to test certain instruments in the field and to assess the applicability of these instruments in other regions and EU Member States. For this assessment the SWOT and PESTEL tools were used through stakeholder workshops.

### **Policy recommendations**

The outcomes of the listing, assessment and field testing were the basis for a set of policy recommendations for the European Commission and the individual EU Member States. The recommendations identify acceptable private land conservation tools from the EU level to the national level. The recommendations are further to be discussed among government authorities, nature conservation organisations, NGOs, and private landowners.

## 4. Outcomes

### 4.1 European Instruments

New tools today aim to target a solution for the barriers landowners experience, and learn from the success factors of existing tools. The motivation of the owner to participate in a conservation program strongly depends on the type of land use and is quite heterogeneous over the different EU Member States. The same applies for effective conservation incentives.

Conservation incentives are defined in this report as:

*“A payment, or public subsidy, tax benefit, public recognition, access to markets or information, or the relief from an otherwise obligated action that serves to stimulate a positive conservation outcome by rewarding private landowners who manage, donate, or sell land or rights in land for conservation purposes or which discourages the undertaking of activities which have an adverse conservation impact.”*

The EU's nature directives (EU Birds and Habitats Directives/Natura 2000) have shaped biodiversity provisions in the EU member states by initiating new or fuelling existing biodiversity strategies and concepts that are relevant in and beyond the Natura 2000 network sites. While these important impulses were given at the EU-level, many EU Member States have a history themselves of national and regional concepts for nature conservation resulting in a wide variety of concepts in Europe today as these measures strongly depend on local policy structure, ecological conditions, policy priorities, socio-economic developments, land ownership structures, and management traditions<sup>2</sup>.

**Table 1** presents tools and incentives available in (at least in one country) in Europe, to support the optimization of private land conservation. As most terms are used differently in various contexts, we aim to outline key characteristics and criteria for them rather than fixed definitions. The descriptions have been agreed on by representatives of the PLC Secretariat<sup>3</sup>. **Annex 2** presents an overview of the legislation and available instruments per EU Member State. More information, barriers, opportunities and examples per EU Member State on these tools are presented in a report also developed by this project dedicated to existing tools and incentives for private land conservation in Europe (Report: *Identifying longer term policy opportunities to address landowners' preferences, needs and conservation tools*<sup>4</sup>).

Higher financial incentives and/or results-oriented compensation schemes often lead to a higher level of recognized participation<sup>5</sup>. Financially motivated private landowners are more

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<sup>2</sup> Policy and legal framework for integrating production and biodiversity conservation in European forests M. Sotirov, T. Schulz, G. Winkel

<sup>3</sup>ENPLC Grant agreement LIFE19 PRE/NL/000003

<sup>4</sup> Available on : [www.landisforever.eu](http://www.landisforever.eu)

<sup>5</sup> 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>

likely to participate in a conservation program if, on the one hand, the duration of the contract is not too long and thus allowing for periodic adaptations and if, on the other hand, the contracts can be expected to be extended in a possibly amended form. The commitment to fund the general programme in the long term is an important criteria<sup>6</sup>. Particularly longer time-horizon approaches need however more legal protection securing management restrictions also beyond owner changes. Financial support under Natura 2000 is often largely dependent on the availability and use of EU financial resources. If a strong framework for conservation is missing, this dependence can create competition and conflict between agricultural, biodiversity, and forestry objectives resulting in a lack of, or non-use of funding opportunities for biodiversity<sup>7</sup>.

Although financial incentives are necessary, payments alone are likely to be insufficient however to incentivize high levels of participation in conservation agreement programs<sup>8</sup>. Stewardship and lifestyle goals are often more important to stay engaged in a conservation program than the financial/economic benefits. 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. It has also been proven that conservation programs on only a small area can be more attractive for a landowner to engage in in case of non-monetary agreements than the bigger areas because of lower costs and less profit loss<sup>9</sup>.

It is 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.

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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>>

<sup>6,8</sup> Sotirov, M., Schulz, T., & Winkel, G. (2020). Policy and legal framework for integrating production and biodiversity conservation in European forests. In F. Krumm, A. Schuck, & A. Rigling (Eds.), *How to balance forestry and biodiversity conservation. A view across Europe* (pp. 62-75). European Forest Institute (EFI); Swiss Federal Institute for Forest, Snow and Landscape Research (WSL).

<sup>9</sup> 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](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].

<sup>10</sup> Santangeli, A., Laaksonen, T. Voluntary Nonmonetary Conservation Approaches on Private Land: A Review of Constraints, Risks, and Benefits for Raptor Nest Protection. *Environmental Management* 55, 321–329 (2015). <https://doi.org/10.1007/s00267-014-0385-9>

Nature conservation NGOs and individual private landowners share a common concern towards 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

Table 1: Methods to support private Land Conservation

Term	Key Characteristics
Land trust	<p>A land Trust is a non-profit organisation that, as all or part of its mission, actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements. Land Trusts work with landowners and the community to conserve land by accepting donations of land, purchasing land, negotiating private, voluntary conservation agreements on land, and stewarding conserved land through the generations to come. (Land Trust Alliance 2016)</p> <p>The land trust "function" of an organisation is about acting as a custodian of a property or use rights (e.g. through easements or contracts) while the stewardship "function" (see land stewardship) is about the active management/maintenance/monitoring of a property, providing technical assistance to a landowner. Both parties agree that the organization can carry out some of these tasks on private property.</p>
Land stewardship	<p>Land stewardship is a strategy to involve landowners and land users in the conservation of their properties. It usually comes in the form of a contractual or informal voluntary agreement between the landowner and the land stewardship organisation to take care of the target habitats and species on the property.</p> <p>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.</p> <p>They can also choose whether to establish an agreement strictly among themselves or to establish rights on the land enforceable against third parties</p>
Conservation Easement	<p>Conservation easements (also called conservation covenants, conservation servitudes, or conservation restrictions) are a tool of real property law. They grant a right to a public authority or a qualified conservation organisation (often called land trust) to restrict land use on properties not in their ownership. These land use rights are otherwise held by the landowner. Conservation easements thus function similarly to regulatory restrictions on land use, but result from direct contractual agreements between two private parties. Conservation easements are usually in gross (they "run with the land"), meaning that they are binding for the present and all future owners of the respective property. Although they can be altered and revoked under certain conditions, they are normally designed to remain effective in perpetuity. A conservation easement on a property is recorded in its title, which means that it has to be registered by a notary at the land registry office.</p>

Conservation contracts and programs	Conservation agreements are voluntary contractual tools that can either transfer land use rights/competencies relevant for conservation from a landowner to an NGO or agency (e.g. in the form of a stewardship agreement) or restrict uses of land owned for conservation purposes when it is leased to an external party (conservation lease contracts). These contracts and programs exist in various formats, duration, and intensity and are most often linked with compensation or benefit for the landowner.
Privately Protected Area	<p>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. Private governance of a protected area can include governance by individuals and groups of individuals, non-governmental organisations, corporations, including existing commercial companies and small companies established to manage groups of PPAs, for-profit owners such as ecotourism companies, research entities such as universities and field stations, or religious entities. 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.</p> <p>The IUCN Guidelines for Privately Protected Areas define a privately protected area (PPA) as a “protected area, i.e. a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values, under private governance (Mitchell et al. 2018)</p>
Safe Harbour Agreement or Temporary Nature	<p>The basic concept of temporary nature is to allow derogations from the requirements of species conservation law before endangered species emerge on the property. It can be used as a tool to incentivise voluntary conservation/restoration of species or habitats on private property for a limited time period by freeing landowners from possible legal consequences of the establishment of protected habitats/species on the property. The idea behind temporary nature is that some species/habitats of conservation interest are pioneers who quickly occupy ecological niches when they become available. These habitats/species benefit from dynamic short-term protection measures that can be accommodated on many otherwise commercially used properties, e.g. quarries, harbours, off-road race tracks etc.</p> <p>One form of codifying the concept is the “safe harbour agreement”, in which landowners voluntarily propose to implement habitat restoration or management measures aimed at species of conservation interest. In return, the landowner is provided with a ‘safe harbour’ guarantee ensuring that the competent authorities will not impose additional</p>



	conservation measures or land use restrictions if the population/habitat size of the targeted species increases as a result of the landowner's actions.
Right of the first purchase	Landowners give a government agency or a conservation organization the right to purchase the land first for permanent protection if the landowner puts the property on the market for sale.
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 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. Scepticism often exists on the value of the land offered and received or owners do have an emotional value with the land or prioritize the location. Land exchange for conservation has more potential in countries with tenant farmers.
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. Reliefs 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 value. 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.
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.
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.
Funding land acquisition for	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

conservation purposes	'ineligible' because of the scarce public funds. However, funding could also be encouraged from private sources, lottery funds, sponsoring, supporting corporate partnerships, etc.
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.
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.
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.
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.
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.
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.
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 for the public. Volunteer engagement can however lead to better public understanding and appreciation of conservation investments on 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.

Carter, E., Adams, W. M. & Hutton, J. M. Private protected areas: management regimes, tenure arrangements and protected area categorization in East Africa. *Oryx* 42, 177–186 (2008).

Disselhoff, T. (2015). Alternative Ways to Support Private Land Conservation. Report to the European Commission, Ref. No: E.3-PO/07.020300/2015/ENV 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>>

## 4.2 Understanding the current situation of the sector

### Private land use in Europe

Respondents of the survey own or manage larger estates with a large majority with more than 51 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 about the importance of family ownership in Europe. The involvement of the next generation is however often problematic and should be tackled. The size of nature conservation plots tends to be bigger for landowners/managers not having assured the involvement of the next generation. In the last decades more female landowners/managers are owning/managing private land. They seem to often be more successful in involving the next generation in the management of the private land.

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% 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. From the data female landowners/managers seemed more involved in nature conservation than their male counterparts. Private landowners in general 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.

### Issues of importance to land managers and inheritance barriers

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. Larger estates active in agriculture and forestry see high inheritance taxes,

property or land taxes as more problematic when the size of their land and its economic value is increasing. In general, expectations for public access are seen as problematic by private landowners/managers. Landowners/managers involved in nature conservation as primary land use are less concerned than others. A strong dislike exists towards providing the right to first purchase nature to NGOs.

### **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. 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.

### **Non-financial incentives to engage in conservation programmes**

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. 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.

### **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.

### **Voluntary programmes**

To engage in voluntary programmes private landowners/managers like to have an economic benefit. Private landowners/managers involved in nature conservation do not significantly indicate to have major problems with bureaucracy, limitations on how land can be managed, restrictions for future generations or restrictions after the programme period, but these are important factors influencing their decision to participate in a program. 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", seen by the general public, is a major trigger to get involved in nature conservation.

## Statements from the field

### STAKEHOLDER ORGANISATIONS

- Application and monitoring requirements should be equal and feasible for individual owners and NGO's, additional requirements and restrictions being placed on landowners feel punitive.
- Government programs are perceived as too strict/bureaucratic, inconsistently applied, and often unaware of efforts happening in the field
- Landowners are concerned that government authorities can change the rules at any time, even partway through an agreement
- The European Commission is in general seen as a more trusted partner than national or local governments.
- 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
- There can be a mistrust relation with government authorities, landowners are afraid that if the government is aware of the positive results of their actions it could result in negative repercussions for them as landowners.
- Currently, landowners view environmental non-profits as competitors for government funding for conservation, and often at odds with the agricultural property owners. Landowners would like to see NGO's work in a more transparent way and they are open to work with them

### TOOLS

- Two-way knowledge exchange in agreeing on a contract is critical to encourage trust and cooperation
- The "permanent" nature of conservation programs is in many cases a concern for landowners
- Carbon credits are one option that private landowners propose as a way to reward their efforts tangibly.
- "Every man's right" policy of access to private lands is seen as burdensome in several countries.
- There is a desire to emphasis science and knowledge-sharing
- It is necessary that the programs take into account the income decrease if restrictions are put on the land. Tools should respect the economic value of the land.
- Climate change is one of the most important issues for the landowners. 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
- Programs available for individual landowners should be adapted to their language. A point of contact in their language will be a great support.

### COMPENSATION MECHANISMS & TAX

- Tools and their compensation mechanisms should be organized in a framework which the landowner can trust on the long term
- Landowners are concerned about further fragmentation of agricultural land due to inheritance laws and feel like conservation programs would be more successful if scaled up.
- As in several countries, compensation is seen as so minimal as to be worthless.
- Landowners in a number of countries feel that the requirements being placed on them feel punitive
- There is acute concern about the ability to earn income on land that is very expensive and in a high tax state. This affects landowners core focus on being compensated for the natural value of the land and the benefits they are providing.

### 4.3 Pilot Testing for scalable solutions

The following seven cases present good practice examples of the implementation of innovative instruments for nature conservation. Four Swedish, Dutch, French and Spanish case studies were studied as illustrative examples of different tools and instruments and described to learn from by the preparatory LIFE+ project Land Is For Ever. Three Belgian case studies were developed and implemented under the preparatory LIFE+ project Land Is For Ever. More information and the evaluation of the implementation is described in a dedicated report on scalable solutions for private land conservation in Europe (Report: *Implementation of conservation solutions*<sup>10</sup>)

Each of the seven case studies is based on a combination of tools and instruments for private land conservation. Most of those tools already exist in most of the EU Member States. Other instruments have lookalikes or can be imitated combining some of the available instruments.

It was not the intention to look at scalable solutions at the level of the individual cases but more for the conditions EU Member States have to create to enable individual private landowners to create, initiate and manage similar initiatives. Throughout the preparatory LIFE+ project 'Land Is For Ever' we have gathered opinions, facts, results on the basic needs to develop successful private land conservation. Four elements systematically popped up during discussions, SWOT analysis, documents, and case studies. Four elements that are essential to develop successful solutions to enable private land conservation to take place:

1. Offer a menu of different tools and instruments enabling the private landowner to make a choice in such a way that the tools are best fitting his/her individual situation.
2. Develop (or modify) legislation and tools which are equal for private landowners and nature conservation NGOs.
3. Stimulate cooperation between private landowners and nature conservation NGOs.
4. Enable private landowners to develop a sustainable business model at the level of their estate or at the level of the totality of their land.

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<sup>10</sup> Available on [www.landisforever.eu](http://www.landisforever.eu)



### TULLSTORP STREAM PROJECT (SWEDEN)

#### CONSERVATION EASEMENT



Figure 1 Sediment catchment trap © Johnny Carlsson

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-TullstorpStream-Project.pdf>

### EL CASTAÑAR (SPAIN)

#### CONSERVATION LABEL



EL CASTAÑAR

Figure 2 Iberian Lynx, Conservation project in El Castanar

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)**  
**PRIVATE RESERVE**



Figure 3 Tourists in National Park De Hoge Veluwe © JDP



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)**  
**PRIVATE LANDOWNERS' ASSOCIATION**



Figure 4 Boat tour Plaines de Mazerolles



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/>

### THE NATO AIRFIELD IN MALLE (BELGIUM) CONSERVATION EASEMENT



Figure 5 NATO Airfield Malle

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)

LAND TRUST, SUBSIDIES, PRIVATE (RESTORATION) MANAGEMENT OF PUBLIC LAND



Figure 6 Reserve, Stichting Behoud Natuur en Leefmilieu Vlaanderen

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/>

### DOMAIN VUYLE PLAS, KONTICH (BELGIUM)

#### LAND STEWARDSHIP



Figure 7 Vrijshof, © Joe Dieryck

The Vrijshof is located against the backdrop of the hiking and nature reserve "De Vuile Plas" in Kontich. On the land and in the buildings, the family tries to work out a permaculture project in harmony with their environment, complemented by principles from the circular economy and in compliance with the legislation for organic production. The principles of circular production are possible because of the management combination of agriculture, nature and forest land. Through a management agreement with the competent authority the family uses parts of public land in their system. They restore the biodiversity values of the land while using the land's outcomes for free. In return the Vrijshof has to develop an approved conservation plan and manage the land according to this. They must (if possible) use all outputs of the forest management in their circular business.

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

## 5. Recommendations

### 5.1 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

### 5.2 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.

## **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 loss<sup>11</sup>. 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.

## **Landowner trust in safeguarding their autonomy**

Autonomy is a fundamental value of landowners that influences their willingness to engage in conservation agreements or programs<sup>12</sup>. 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 compensation<sup>13</sup>. Allowing the landowner (at least some) autonomy on the land and a share in the decision-making processes leads to

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<sup>11</sup> Also stated by Santangeli & Laaksonen, 2014

<sup>12</sup> Sorice, et al., 2013

<sup>13</sup> Sorice et al., 2013

increased participation over and above what payments can achieve and so leads to increased conservation outcomes<sup>14</sup>.

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.

## **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 recognized<sup>15</sup>. 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,

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<sup>14</sup> 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.

<sup>15</sup> 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>rrr

information materials, site visits, reports, etc. However, in any case it needs to be built on facts and should not be a “one-off”.

### **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 paperwork<sup>16</sup>. Contract/agreement flexibility may be important to overcome the mistrust of top-down government and the dislike of strict regulations/limitations of property rights<sup>17</sup>.

### **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.

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<sup>16</sup> Lute et al., 2018

<sup>17</sup> Lute et al., 2018, Greiner, 2016



## 5.3 Menu of recommended innovative tools and methods

### 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.

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.

## **Conservation 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 States<sup>18</sup>.

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.

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<sup>18</sup> 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 for nature conservation**

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.

## **5.4 Payments and compensation for private nature 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 IUCN<sup>19</sup> 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

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<sup>19</sup> Greiber, Thomas (Ed) (2009). Payments for ecosystem services. Legal and Institutional Frameworks. IUCN, Gland, Switzerland. Xvi + 296 pp.

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...)

## **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.

## 5.5. Action plan and responsibilities

It is an old slogan that “nature does not know borders.” This makes engaging private landowners in nature conservation a particularly challenging matter. While much of the private lands are within national boundaries and they don’t cross governmental borders, it is critical that conservation activities are treated in a holistic way. For example, conservation measures on private land can have reduced impact if the adjoining areas (private or non-private alike) are implementing practices which are harmful for nature conservation (intensive use of pesticides, fertiliser, noise, light pollution, etc.). By the same token, if two privately-owned parcels are managed with an overall conservation objective in mind, greater results can be achieved for nature than if only one parcel was managed well for nature.

Thus, it is important that conservation measures are deployed in such a way as to respect habitat areas, watersheds, and other similar natural phenomena and are not limited strictly within the borders of the privately owned land. The EU’s Habitats Directive system of biogeographical regions could be one of the guiding principles when considering the complementarity of the private efforts.

The EU Biodiversity Strategy provides the overall principles and frameworks for private landowner participation in nature conservation measures. It hinges on two main elements:

- OECMs (Other Effective area-based Conservation Measures) – contributing to the 30X30 protection target
- Various elements of the restoration target of the Strategy

Both objectives should contribute to a truly coherent and resilient Trans-European Nature Network, in which privately owned lands will play a critical, complementary role. It should also contribute to the creation of ecological corridors to prevent genetic isolation, allow for species migration, and maintain and enhance healthy ecosystems.

To achieve this goal, the “tools” identified by this Life is For Ever project should be promoted and supported by many governments at many levels, fostering cooperation across borders among Member States including through the European Territorial Cooperation.

The EU Commission, in consultation with Member States and Stakeholder groups should codify the definition of OECMs, to provide some consistency for the application of the OECM concept across Member States.

Also, the Commission should provide guidance as to where, how and which suggested protected measures can be applied by private landowners (voluntarily) to ensure that efforts contribute in a complementary manner to all existing relevant directives, strategies and policies. Lastly, the Commission should set up technical support mechanisms which can be accessed by Member States [as well as by private landowners] to compensate for possible

loss of income resulting by implementing protective measures. Financial support should primarily come from the CAP budget, but elements of LIFE can be also dedicated / earmarked for this effort. Please see more under the finance and tools section of the report.

Member States should set up individual technical and financial support schemes for private lands conservation which could also include fiscal reforms ( such as tax related incentives for private land conservation) as well as national measures for conservation, integrating landowner's efforts into national nature conservation plans (Habitats, Birds and Water Framework Directive implementation) and further building up the National Ecological Network systems. These all could fall under national agri-environmental measures.

The new Global Biodiversity Framework of the CBD will also provide guidance for national measures for activities towards the CBD 2020 goals, which, to an extent, rely on active involvement of private landowners.

National governments should work with UN-WCMC on reporting systems demonstrating how OECMs could be reported and accounted for under the national protected area databases.

Lastly, nation governments should also set up a monitoring system specifically targeted to measuring the impact of conservation practices on private lands. Besides measuring concrete biodiversity outcomes, such a system could also reinforce the national support measures, indicating that the efforts are truly providing "value for the money spent".

Regional / local governments should also play a role in private lands conservation by using the existing communication channels and advisory institutions to inform landowners about the opportunities and obligations and to provide help in interpreting the available tools and mechanisms for those landowners who would be interested to partake in protection efforts.

Finally, local governments could also support conservation efforts by the private landowners through promoting the activities and results of private lands examples and to reinforce / build a local or regional identity associated with conservation outcomes as well as for tourism and other marketing purposes.

Local governments – in absence of other bodies – can also take up a coordinating role between private landowner groups (farmers, NGOs, private sector) to harmonise efforts and facilitate information exchange.

## Implementing new tools and methods

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. **ANNEX 1** continues on these with key actions for successful conservation on private land.

1. The set of tools offered should respect the variety of private landowners and 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 in the long term.
4. Two-way knowledge exchange in agreeing on a contract is critical to encourage trust and cooperation
5. Tools should offer flexibility in case of threats and dynamics due to climate change 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 but respecting the agreement on data security.
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 see however 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, mainly 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.



## 5.6 Financial implications

Encouraging private landowners to take an active role in protection measures will always have fiscal implications. To provide means of financial support for private land conservation initiatives there are various methods.

When considering funding one should differentiate between [EU] public funding, national / regional / local funding schemes, and in some cases the Corporate Social Responsibility (CSR). Usually, funding comes with necessary own contributions, which, in cases, could pose a challenge for the landowner in question. Also, the administrative burden usually associated with funding is comparatively higher as compared with private philanthropy. Yet, funding plays a significant role in guiding, stimulating and supporting private landowners in conservation activities. What is critical, however, is that the institution which has the jurisdiction over the particular fund (on the EU level DG ENV, DG Agriculture, DG Regio, etc.) specifies the intended conservation outcome in the European setting so that the activities supported by the funding instrument(s) will have a well-defined, direct contribution to the Green Deal overall, and to the Biodiversity Strategy in particular. For this objective, a well-established governance mechanism between the various DGs and Member States agencies would need to be created. As such, it could be incorporated into the governance – delivery mechanism of the Biodiversity Strategy, with clear links to the Farm to Fork Strategy and other relevant EU policy instruments.

On Member States level countries should be encouraged to set up specific funding instruments in support of private landowner's conservation activities, which are beyond the already existing instruments (agri-environmental schemes, Nature 2000 measures, etc.). Such instruments could be set up as complementary measures for areas which are identified as critical for nature conservation, which do not yet fall under any existing categories.

For any new funding instruments or programs it is imperative to focus on conservation outcomes. Governments should be encouraged to identify areas which are of key importance for nature conservation in complementary manner to the already existing national or regional / global obligations. Ecological corridors, steppingstones, and habitats with a key role in mitigating climate change impacts (wetlands, forests, etc.) should enjoy priorities when allocating grants, with the view of contributing to an European-scale ecological main structure.

### **Repayable sources**

Landowners who engage in nature conservation (both protection and restoration) could be provided with up-front investment capital, which will eventually yield positive financial revenue streams. For this, repayable financial instruments could be considered on national levels, as the scale of loans (with favourable terms) will most likely be below the threshold of international public banks (like EIB, EBRD). However, for this national governments could act

as intermediaries or guarantors between the international banks and the landowners. Many Member States already have dedicated “agriculture banks”; these could be instrumental in making resources available on regional / local scale.

Investing in protection measures – being natural processes – are high-risk investments in most cases. Thus, in addition to making repayable finance available, national governments (as well as the EU) could step up a “guarantee mechanism”, which could kick in when the anticipated positive revenues are not generated for reasons beyond control of the landowners in order to minimise risk and increase willingness of uptake as well as helping banks to lower their risk-thresholds for borrowing.

### **Fee for conservation related services**

Private landowners could perform many kinds of “fee for services” types of ‘nature-based’ activities, like providing space for environmental education, recreation, etc. Governments could consider reducing the tax for such activities which could directly contribute to protection outcomes in order to encourage private landowners to plan and engage in such activities.

### **Private philanthropy**

Funding for conservation investments through private philanthropy is a common concept in the US. It can be seen as either transactional or continuous. Transactional philanthropic services are a “one-off” usually used for a single intervention. It can take various forms, like changing of ownership (a private landowner receives philanthropic support for purchase of land (or land easement) for shifting management practices from production to well-defined conservation outcomes. In other instances, such grants can also support a private landowner to make specific investments which will create better enabling conditions for engaging in protection activities (land purchase for extension, communication, purchase of specific equipment, engaging professional services for management planning and activities (including restoration), monitoring providing public access. Public and governmental encouragement and recognition for gifts from private foundations, corporations and individuals for private land conservation related activities would do a lot to stimulate funding support for private conservation.

### **Fiscal reforms**

Fiscal reforms can take various forms, depending on national and regional circumstances. There are many interesting, proven and working examples, like the ones in the US – which could be studied and transposed.

## **Phasing out harmful subsidies**

Environmentally harmful subsidies are one of the greatest impediments for nature protection and ecological recovery. There have been several attempts on the EU and subsequently on Member States level to phase out such subsidies. Now, as the world is heading towards endorsing a new Global Biodiversity Framework – which will also include guidance for subsidy reform, this effort might bring fruits. There are also elements of subsidy reforms where the EU and Member States could build on in the Biodiversity Strategy [and F2F?]. Resources freed up by phasing out subsidies could be redirected to private landowners for supporting their engagement in protection and restoration activities.

## **Incorporating benefits into products / payment for ecosystem services**

Although there may be design challenges, another proposal involves payments to private landowners for the ecosystem services which are provided by their conservation land management. This would require some changes to account for ecosystem services in national accounting. There have been several studies carried out outlining how such proposals might be accomplished (see: The valuation of ecosystem services and assets for SEEA, National Accounting and the Valuation of Ecosystem Assets and Their Services), also supported by the EU (Valuation for Natural Capital and Ecosystem Accounting, Practical Experiences-Payment for Ecosystem Services, Implementing an EU system accounting for ecosystems and their services ecosystem accounting, etc.) as well as the Mapping and Assessment of Ecosystems and their Services – MAES project.

All these proposals are paving the way for Member States to shift their financial account models and techniques. Once established, it could provide additional support to those who are the caretakers of ecosystem services – private landowners -for their services.

## **Tax reforms**

Tax incentives have proven to be one of the most effective sources of financial support for private land conservation in many places around the world. There are particularly good examples in the US, in Australia, in Costa Rica and South Africa to name a few, of the use of the tax system to encourage private land conservation. One reason one tax incentives have been so attractive for private land conservation is that the tax incentive provided through government policy often is able to leverage investment by the private sector in conservation activities. Tax incentives have been used to support or incentivise many kinds of private land conservation activities; some examples are listed below:

- To encourage gifts of conservation easements by giving an income tax deduction for such gifts to encourage the sale of land or easements for conservation by reducing or eliminating the tax on the sale of such properties or by giving a tax credit for transaction costs incurred in such sales

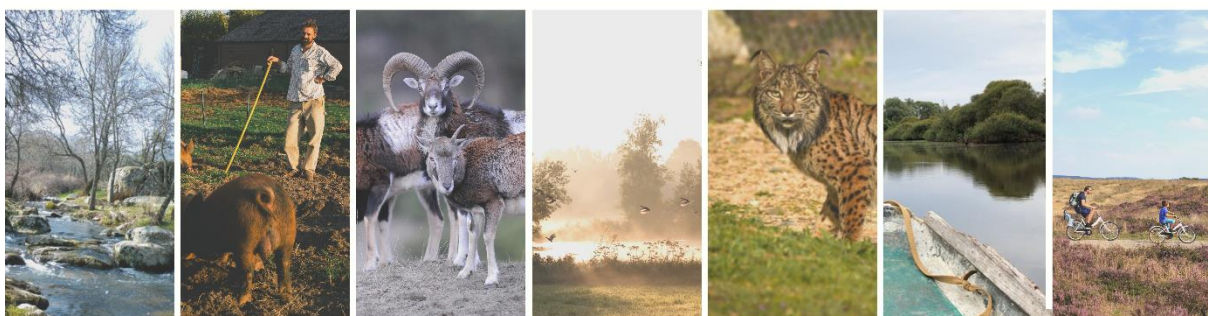
- To attract private capital to invest in conservation related projects, a tax credit could be provided to investors who invest in private land conservation projects; alternatively, the income earned from a conservation related activity (e.g. sustainable forestry or agriculture) could be made exempt from income tax.
- To encourage land to be managed for conservation by giving a tax credit for expenses incurred in habitat management or restoration for conservation
- To encourage land to be protected from one generation to the next, the tax on such property transfers have been reduced substantially or eliminated
- To make it more economical to continue to own and manage land for conservation, municipalities have agreed to reduce or eliminate property taxes where such properties are used for conservation purposes.
- ...

## 6. Next Steps

The further engagement of private landowners remains essential in realising the objectives of the EU Biodiversity Strategy. To realise these objectives, especially the target of reaching 30% of protected areas on land, will remain vital to continue to convince private landowners to fully cooperate in land conservation efforts with the right tools. It has become clear that under the broad definition of 'private land conservation tools', many governance arrangements emerge depending on contingents' settings, property laws, the role of environmental NGOs and the implementation (or lack) of public policies and incentive mechanisms for the promotion of the tools. These factors should be taken further into consideration within a multi-level governance perspective when discussing the potential role of voluntary mechanisms for nature conservation.

A follow-up project, Life ENPLC (European Networks for Private Land Conservation), has started streamlining the efforts regarding PLC of the existing networks of landowners (ELO) and conservation organisations (Eurositer) by creating a joint PLC platform/secretariat of the two networks (the "Conservation Landowners Coalition"). By bringing together the two most important communities in private land conservation in Europe within a common structure it will contribute directly to developing the framework for recognising and increasing the contribution of PLC to the EU Biodiversity target and will enable the transfer of knowledge between nature NGO and private landowners in both directions. The knowledge and network gained in the projects life Land Is For Ever and Life ELCN will be the basis to start from.

The after-Life plan of the Land Is For Ever project will focus on further expanding and implementing the use of private land conservation tools determined in the project in the European Union, with emphasis on conservation easements and land trusts, but keeping the variety of available tools to cover different ecological, social and economic realities of the European landowner. It will continue to share and imitate good practices with the focus on the legal framework for the implementation of innovative instruments and engage in the reform of supportive fiscal and other systems for incentivising. It will keep improving the availability and knowledge of financial incentives and funding for private land conservation and help with development of organisations and their networks dealing with PLC. It will also continue the existing networking among organisations and individuals engaged in private land conservation.





## ANNEX 1: Key actions for successful conservation on private land

Throughout the project and especially during the development of the case studies a number of key actions have been identified to be taken into account by either the landowner or the policy makers (or both), which are absolutely necessary to build successful cases. Those key actions should be seen as essential to contribute to the success of nature conservation on private land.

### Inform

- The case studies identified in the preparatory LIFE+ project Land Is For Ever should be promoted as successful examples to inspire and motivate others to take similar actions / approaches
- Develop annual (scientific) cost and time effective reports on the measurable outcomes of the nature conservation practices (biodiversity monitoring reports) and publish them.
- While it is a challenge to collect data from private landowners it is a necessity to make the right management choices
- Be transparent about goals, instruments, actions taken and results
- Create awareness campaigns focusing on the contribution of private landowners to nature conservation outcomes
- Increase, where appropriate, the visibility of the Natura 2000 label among individual private landowners and the broader public
- Promote labels at local, regional and international levels

### Educate

- Interpret scientific results (nature conservation outcomes) into layman terms, for the consumption of the general public, to show how the particular property has multiple benefits (for people and nature).
- Educate farmers and individual private landowners on the benefits of biodiversity towards farming practices and rural business models, as well as how biodiversity underpins livelihood
- Offer a toolbox with practical tools to improve biodiversity management for farmers
- Invest in technical improvements and machinery for biodiversity friendly harvesting
- Invest in technical improvements to better control the hydrology
- Capacity building: nature management and restoring ecosystems requires specific skills and knowledge. A good (certified) training programme might be of added value and also helps bring private landowners and nature conservation NGOs closer together by speaking a similar language and using the same facts & figures (finding common grounds).

- Promote the more active involvement of landowners/farmers in the nature conservation tasks to be developed in their lands

### **Resource mobilisation**

- Create an annual payment for ecosystem services, including the creation of a market for ecosystem services. Most private landowners prefer an annual payment compared with a one-off payment.
- Communicate on innovative funding
- Identify funding mechanisms from local / regional / national / EU / international sources which are available for private landowners who are interested to change practices for nature conservation benefits
- Private landowners should invest time in dialogue with municipalities and other governmental agencies to secure funding possibilities
- Develop new partnerships between private landowners, nature conservation organisations and public authorities
- Entrance fee for visitors can be a solution on certain estates
- Visitors pay-back systems in which private landowners are paid to maintain nature based on the benefits they create, e.g., increase in tourism (local economy: lodging and restaurants). If well monitored / assessed, nature areas could ask for a return or ask municipalities to co-invest in nature areas (e.g. observation hides, walking trail; etc.)
- Good project management is essential

### **Innovate**

- Share innovative solutions with other stakeholders including nature conservation organisations and scientific organisation
- Further develop technological improvements for automated nature monitoring and data collection



## ANNEX 2: Private Land Conservation instruments in EU Member States<sup>20</sup>

The following gives an overview of available tools for private land conservation per country. The content is based on information collected from experts and stakeholders during the implementation of the project 'Land Is For Ever'.

**Austria:** In order to increase biodiversity regional added value and to make the forests fit for the future, the federal government decided to set up the forest fund in 2020 and endowed it with 350 million euros.<sup>21</sup> The amount of funding as well as the funding upper and lower limits depend on the respective measures and are specified in the special guideline. Measures are generally only funded from 500 euros. There are no upper limits for area-related measures.

**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. In type 1 areas, preservation of the present quality of habitats and 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'. In this last case 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. The tax benefits also 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 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). Which plot of nature falls under which type depends on the ambitions of the nature conservator or landowner and the habitat goals. 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.<sup>2223</sup> A nature management

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<sup>20</sup> Available to individual Land managers, including UK

<sup>21</sup> <https://www.waldfonds.at/>

<sup>22</sup> [https://www.natuurenbos.be/sites/default/files/inserted-files/anb\\_kompasnaald\\_natuurbeheer\\_eng.pdf](https://www.natuurenbos.be/sites/default/files/inserted-files/anb_kompasnaald_natuurbeheer_eng.pdf)

<sup>23</sup> [https://elcn.eu/sites/default/files/2018-06/0203\\_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)

plan for type 2, 3 and 4 is also linked to subsidies. The higher the ecological ambition level of the nature management plan, the higher the subsidy from the Flemish government. A separate government agency (Vlaamse Grondenbank) has the ability to buy and exchange land as part of nature conservation goals.

In the Walloon area, no inheritance tax is to be paid for protected sites.

**Bulgaria:** In Bulgaria there is a legal framework that allows the conclusion of the agreements for a land management transfer (Article 115, para 9 of the Biodiversity Act (BA), as amended in State Gazette vol. 98 of 28/11/2014). The assignment for management functions to public entities and/or NGOs, for conservation purposes for example, 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 different stakeholder groups for private land conservation. The ministry donated a grant to support this organization. However, the current activity of this organization is still very low (2019).

**Croatia:** In accordance with the Law on Agriculture and the Ordinance on the implementation of direct support to agriculture and rural development measures for 2020, agricultural land users have the opportunity to apply for payments for agricultural practices useful for climate and environment if they meet the prescribed criteria. No tax benefits are available related to nature conservation.

**Czech Republic:** Cases exist where a conservation NGO acts as a land trust, taking over the management or renting the land from a government agency, municipality, or private landowner in order to undertake conservation actions. It can ensure the maintenance of usually fertile land in accordance with nature protection and legislation<sup>24</sup>. The site management can be financed from national funds to the land tenant.

Land managers 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 for support the natural landscape functions, Operational programme Environment, National programme Environment. The other and less common way 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. PPAs are

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<sup>24</sup> Nature conservation agency of the Czech republic (NCA CR)  
[www.nature.cz/](http://www.nature.cz/); Land trusts: <http://www.csop.cz/psfront/>, [www.dotace.nature.cz](http://www.dotace.nature.cz)

widely used by land trust organisations but also by private owners<sup>25</sup>. No tax benefits are available related to nature conservation.

**Denmark:** Denmark has a plethora of existing conservation programs and requirements, everything from those promoting hunting to discouraging pesticide use, but only few voluntary. The Environmental Protection Act (EPA) (Consolidated Act no. 879, 26 June 2010) is the main environmental law. Subsidies exist for forestry and nature areas to offer a reimbursement of the management costs e.g. fencing, forest grazing,.. No tax benefits exist related to nature conservation. The nature protection includes the right of public access.

**Estonia:** A Forest owner can voluntarily conclude a notarized contract for the protection of a key habitat provided that the habitat complies with certain criteria. Private landowner can apply several subsidies from Estonian Rural Development Plan<sup>26</sup>, e.g., subsidies on Natura 2000 private forest owners. The subsidies are managed by Estonian Private Forest Centre<sup>27</sup>. Governmental subsidies are also available under the Voluntary Key Habitat Protection when they restrict economic activities in a key habitat<sup>28</sup>. A private forest owner can sign a contract with the state (Estonian Private Forest Centre) to compensate for 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.<sup>29</sup> There is a need however to foresee the right of initiative for the designation of private properties as protected areas. Depending on the municipality the Land Tax in Estonia amounts to between 0.1% and 2.5%. Strictly protected areas are exempt from this land tax, and a reduction is possible for less restrictive protection zones and areas. Landowners who want to engage in nature conservation can contact the

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<sup>25</sup> 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.

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

<sup>26</sup> <https://www.agri.ee/sites/default/files/content/arengukavad/mak-2014/mak-2014-arengukava-v71-2020-10-05.pdf>

<sup>27</sup> <https://www.eramets.ee/en/forestry-subsidies/>

<sup>28</sup> [https://www.keskkonnaagentuur.ee/sites/default/files/elk2015\\_eng.pdf](https://www.keskkonnaagentuur.ee/sites/default/files/elk2015_eng.pdf)

<sup>29</sup> Estonian Private Forest Centre <https://www.eramets.ee>, Environmental Board <https://www.keskkonnaamet.ee/et> <https://www.eramets.ee/toetuselupaiga-kaitseks-lepingu-solimine/>

Estonian Environmental Board. The Environmental Board cooperates closely with those who are required to coordinate their activities and those who need professional support for operations in the natural environment including voluntary nature conservation actions on private land.

**Finland:** The Forest Biodiversity Program for Southern Finland (METSO) was launched in 2010 as an instrument for voluntary forest conservation, based on compensations paid for voluntary conservation efforts of private forest owners<sup>30</sup>. Landowners can rely on a well-defined set of legal rules and institutional support from authorities<sup>31</sup>. It establishes private nature reserves permanently<sup>32</sup>, or for 10-20 years<sup>33</sup> to encourage small land holders. The management and use of these privately owned nature reserves is planned through cooperation between the landowner, a Centre for Economic Development, Transport and the Environment, and Metsähallitus. 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<sup>34</sup>. 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:** The Biodiversity Law covers for voluntary agreements between an owner and a qualified conservation organization. The Pacte Pastoral (2015) allows farmers to use private land for non-injurious pastoral activity<sup>35</sup>. Since 2001 a 75% reduction of death duties is available for the donation of forest land to the French State's public forest domain<sup>36</sup>. These donations are however conditional on the competent state agencies approving the land as suitable for donation. Full exemption of the property tax is possible on undeveloped land in Natura2000 area (5years but renewable).

**Germany:** The German legal framework was designed for state governance and lacks specific provisions to accommodate private reserves, which have thus no official individual

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<sup>30</sup> [https://metsonpolku.fi/en-US/METSO\\_Programme](https://metsonpolku.fi/en-US/METSO_Programme)

<sup>31</sup> Basora et al. 2013

<sup>32</sup> <http://www.metsa.fi/web/en/numberandsizeofprotectedareas>, 2018

<sup>33</sup> S. Stolton, K.H. Redford, N. Dudley, The Futures of Privately Protected Areas, IUCN, Gland, Switzerland (2014)

<sup>34</sup> Disselhoff, 2015, Račinska et al., 2015

<sup>35</sup> Račinska et al., 2015

<sup>36</sup> Loi no 2001-602 du 9 juillet 2001 d'orientation sur la forêt

acknowledged type in the legislation. 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 or gift taxes. The tax exemption shall cease to apply with effect for 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.

A landowner can get a certain percentage of public funding to implement a structural project which is also good for the environment though the Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes" (GAK). 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 these trees. No provisions on tax related or other incentives for purchase or management for conservation are available<sup>37</sup>.

**Hungary:** The Hungarian law covers several tools for nature conservation, but only few are regularly implemented in practice. Some of them are not on a voluntary basis or are not available for individual private landowners (e.g. land exchange and right of first purchase). Most of these tools also focus on protected and Natura 2000 areas only.

A private reserve or strategic conservation agreement has no tradition in Hungary. Mostly in protected areas or Natura 2000 sites, but also outside of these, land leasing agreements occur on grasslands and arable land.<sup>38</sup> The agreement contains the concrete prescriptions - like mowing or grazing practice (timing, method, species and number of animals, placement of infrastructures, use of pesticides, fertilizers). The coordination most often lies with a national park directorate or an NGO. The tenant manages the land according to the conservation objectives. For grasslands and forest land a longer term conservation agreement is possible, but mainly supported by European project funds<sup>39</sup> Product based conservation labels exist for products produced by a landowner or local enterprise in an environmentally friendly way,

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<sup>37</sup> Stolton et al., 2014

<sup>38</sup> <http://magyarnemzetiparkok.hu/>

<sup>39</sup> <http://www.pusztaitolgyesek.hu/index.php?page=home> - Conservation of Euro-siberian steppic woods and Pannonic sand steppes in 'Nagykőrösi pusztai tölgyesek' pSCI (LIFE06NAT/HU/000098)  
<https://rollerproject.eu/en/content/project-actions#farmers> - Conservation of the European Roller (*Coracias garrulus*) in the Carpathian Basin (LIFE13/NAT/HU/000081)  
LIFE IP GRASSLAND-HU (LIFE17 IPE/HU/000018)

mostly related to a given area, park or cultural heritage site.<sup>40</sup> Subsidies with nature conservation prescriptions are paid from the Hungarian State Treasury under the Agriculture and Rural Development schemes including High Nature Value Areas schemes (for 5 years period), forest-environmental schemes (depending on the supported activity - from one-off to 10 years), Natura 2000 compensations (yearly), subsidies for agro-forestry systems (one-off payment for the establishment of the new stands, and 5 years for nursing), for non-productive investments (with the aim of habitat development) or for the actions to restore and improve the appropriate level of ecosystem services, to preserve and improve the conservation status of species and habitats, to enhance the social welfare function of the farming in the Natura 2000 sites and High Nature Value Areas (one-off payments).<sup>41</sup>

**Italy:** Associazione fondiaria acts as an independent organization of, and for, private landowners. There are cases where the organization acts as a land trust where 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 objectives of the organization. It is acknowledged as an association of social promotion, not by the Italian civil code<sup>42</sup>.

**Ireland:** There are no current direct tax benefits for nature conservation activities. 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 RBPS<sup>43</sup>.

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. 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 life of the bonds for this category of investment (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. The National Parks and Wildlife Service also runs a Farm Plan Scheme ([www.npws.ie/farmers-and-landowners/schemes/npws-farm-planscheme](http://www.npws.ie/farmers-and-landowners/schemes/npws-farm-planscheme)) to work with

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<sup>40</sup> <http://nemzetiparkitermek.hu/vedjegy/>

<sup>41</sup> [https://www.mvh.allamkincstar.gov.hu/hu\\_HU/tamogatasok](https://www.mvh.allamkincstar.gov.hu/hu_HU/tamogatasok)

<sup>42</sup> Račinska et al., 2015

<sup>43</sup> <https://www.npws.ie/sites/default/files/publications/pdf/ffn-ebook-complete.pdf>

farmers to develop and deliver plans to create, maintain and enhance conditions for some of Ireland's most important habitats and species. Lessons learned, at what is a relatively small scale, can inform approaches to deliver on Ireland's biodiversity commitments. The NPWS Farm Plan Scheme provides an important learning opportunity to test measures prior to national application, where appropriate, by the Department of Agriculture, Food and the Marine (DAFM). In some cases, at certain scales and for more specific interventions, the NPWS Farm Plan Scheme may be the most suitable and responsive mechanism for incentivising conservation.

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 woodland<sup>44</sup>

**Latvia:** Compensations for restrictions on forestry activities in protected nature areas and micro-reserves are paid as an annual support payment. Landowners can receive annual payments of 160 euro/ha if forestry activities are fully prohibited, 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. 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. The Law on Specially Protected Nature Territories (SPNT) establishes the right of the private landowner on 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

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<sup>44</sup> <https://www.gov.ie/en/service/803ef3-native-woodland-conservation-scheme/>



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.

**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. Private landowners can apply for several voluntary measures under the Rural Development Programme 2014-2020 and get financial support via subsidies/payments for taking up and complying with special requirements for land management bringing the benefit to biodiversity. There are no specific tax benefits while applying for these measures.

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 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 for these voluntary agreements to be a basis to receive such payments for the conservation actions performed. So far, these agreements were not very popular in practice, however, there are some cases when these agreements were used by NGO Baltic environmental forum to setup late-mowing and conservation of protected birds in the farmlands. Based on these agreements, farmers received appropriate payment for performed conservation activities. In such case, these agreements work as a satisfactory tool for both parties: the owner receives appropriate compensations for certain management restrictions that he commits to, while the conservation organization reaches its goal to preserve and maintain the good status of a nature value that is under protection in that area. In the example of the NGO, in the long run, such committed land owners also often start to take pride for being involved into conservation actions, which help preserve the nature values in the land they manage.



**Netherlands:** The ‘Natuurschoonwet (NSW, Nature beauty law)<sup>45</sup>, 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. Succession right payments exemption is possible to the next generation when land under conservation is inherited. Landowners can receive a reduction of up to 80% of the property tax if the parcel is located in a recognized protected area. When the area is open to the public, they can receive an exemption for income tax, or request a reduction of 50%. 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.

Different subsidies are available for voluntary conservation: NV- subsidies<sup>46</sup>: 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 for which management type subsidy is possible. 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 Landscape Management subsidies focuses on agricultural land and is co-financed by the CAP and farmers can only apply collectively, as part of an agricultural collective.

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. Proplander<sup>47</sup> is an organization which obtains high value land, restores it and places a deed restriction on it, stipulating the use of the land for nature conservation purposes. Afterwards, the organisation rents, sells or leases the land

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<sup>45</sup> More information: <https://www.rvo.nl/onderwerpen/agrarisch-ondernemen/beschermde-planten-dieren-en-natuur/natuur-en-landschap/natuurschoonwet>

<sup>46</sup> <https://www.bij12.nl/onderwerpen/natuur-en-landschap/subsidiestelsel-natuur-en-landschap/subsidiestelsel-natuur-en-landschap/>

<sup>47</sup> <https://www.prolander.nl>

to the farmers or other land users as a land trust or stewardship organization. Recognized national but private nature parks are De Hoge Veluwe<sup>48</sup> and De Zoomkalmhoutse Heide<sup>49</sup>.

**Poland:** The Polish Forest Tax is calculated based on the value of 0.22 cubic meters of wood per hectare. Forests with trees no older than 40 years 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:** The Decree-Law No. 142/2008<sup>50</sup> 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 October<sup>51</sup>, 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. 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 income<sup>52</sup>. PPAs are automatically included in the National Network of Protected Areas (Disselhoff, 2015). Besides this, the perspective of very low tax reductions and the lack of subsidiary regulation have prevented the effectiveness of this measure. There is support available for private landowners (farmers, and forest and hunt managers) under the framework of Rural Development Programme<sup>53</sup> (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 Cohesion Fund (POSEUR). Natural.PT is a brand used for products and services from protected areas<sup>54</sup>. No contact point for landowners who want to invest in nature conservation. In 2020 a Landscape Change Programme has been adopted by the government to frame the integrated interventions and investments in vulnerable land to boost resilience of rural ecosystems and tackle forest fires risk. Forest risk management, carbon sequestration and

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<sup>48</sup> <https://www.hogeveluwe.nl/>

<sup>49</sup> <https://grensparkkalmthoutseheide.com/>

<sup>50</sup> <http://www.dre.pt/util/getpdf.asp?s=dip&serie=1&iddr=2008.142&iddip=20081848>

<sup>51</sup> <https://dre.pt/application/file/491346>

<sup>52</sup> Disselhoff, 2015

<sup>53</sup> <http://www.pdr-2020.pt/>

<sup>54</sup> <https://natural.pt/adhere-to-natural?locale=en>

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.

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

**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 protection<sup>55</sup>. 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.

**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 a well-defined set of legal rules and institutional support from the authorities<sup>56</sup>. Subsidies are available for the compensation of the maintenance of forest roads at a rate of 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 funds of the 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. Additionally to funds from EARDF private owners can also benefit from different projects financed through LIFE or the Cohesion fund. 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.

**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 done by private landowners and managers. (Art 73). Article 77 gives an Autonomous Community the

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<sup>55</sup> Disselhoff, 2015

<sup>56</sup> Basora et al., 2013

possibility to regulate the mechanisms with a land stewardship agreement between the owners and the stewardship entities<sup>57</sup>.

Since 2017, a new legal framework in Catalonia enables the application of tax credits to implement an official land stewardship registration<sup>58</sup>. Both the inheritance<sup>59</sup> and transfer tax<sup>60</sup> 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 area 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.

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<sup>61</sup>. 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<sup>62</sup>

Some examples of private reserves are Cañada de los Pájaros include an agreed Natural Reserve in Andalusia, managed as an ecotourist resort, Fundacio Calatunya-La Pedrera:

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<sup>57</sup> 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

<sup>58</sup> 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 exchange for conducting activities such as assessment, dissemination, planning, management and improvement with the aim of conserving, De la Varga Pastor & Pons Solé, 2018

<sup>59</sup> 7,65% (0-7,9k) - 34% (above 797k), based on the net value of the estate [2020]

<sup>60</sup> Between 6% and 8%, depending on the region and based on the price of the purchase [2020]

<sup>61</sup> De la Varga Pastor & Pons Solé, 2018. At the moment of this study a bill was still under discussion

<sup>62</sup> Stolton et al., 2014

Conservation management and education with income from tourism in Barcelona (La Pedrera), El Castanar in Toledo: Conservation management with agriculture and tourism. An example of a strategic partnership between private landowners and a company is the Bondalti project, where the company fund good conservation practices of individual landowners<sup>63</sup>.

**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 years<sup>64</sup>. 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.

Since 2015, the NYA COMET program has offered<sup>65</sup> 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 nature 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.

There is no real estate tax on land, forest or water if they are regarded as for agricultural or forestry purposes<sup>66</sup>. 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.

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

**UK:** The UK is very much experienced with Land Trusts. 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 owned<sup>67</sup>. 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 imposed are equivalent to government-managed

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<sup>63</sup> <https://www.bondalti.com/contents/ficheiros/bondalti-biodiversidade-brochura-web.pdf>

<sup>64</sup>

[https://www.lesprom.com/en/news/Swedish\\_Forest\\_Agency%3A\\_Area\\_covered\\_by\\_new\\_nature\\_conservation\\_agreements\\_down\\_74\\_in\\_2019\\_93537/](https://www.lesprom.com/en/news/Swedish_Forest_Agency%3A_Area_covered_by_new_nature_conservation_agreements_down_74_in_2019_93537/)

<sup>65</sup> <https://www.atl.nu/skog/succe-for-norskt-komet-program/>

<sup>66</sup> Real Estate Tax Act (1984:1052) and Real Estate Fee Act (2007:1398)

<sup>67</sup> Basora et al., 2013

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 individuals<sup>68</sup>. A landowner can avoid paying inheritance tax if the land is managed for conservation purposes<sup>69</sup>.

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<sup>68</sup> 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

<sup>69</sup> Disselhoff, 2015, Račinska et al., 2015