

## Defra

### Environmental Land Management policy discussion document

#### Background to CIWEM

CIWEM is the leading independent Chartered professional body for water and environmental professionals, promoting excellence within the sector. The Institution provides independent commentary on a wide range of issues related to water and environmental management, environmental resilience and sustainable development.

CIWEM welcomes the opportunity to respond to Defra on its consultation on the developing Environmental Land Management scheme. The scheme is an essential delivery mechanism for the 25 Year Environment Plan and addressing the climate and nature emergencies. We were pleased to see the NFU set a more ambitious net zero target than government and would like to see farmers supported in delivering against this. CIWEM is keen to be involved with the further development of ELMs and can bring extensive water and environment practitioner expertise to the table.

In drafting this response, we received input from our Natural Capital specialist panel.

#### Response to consultation questions

1. Do you want your responses to be confidential? If yes, please give your reason.

No, CIWEM is happy for this response to be published.

2. What is your name?

Alastair Chisholm, Director of Policy at CIWEM. This response is made on behalf of the Chartered Institution of Water and Environmental Management (CIWEM).

3. What is your email address?

[alastair.chisholm@ciwem.org](mailto:alastair.chisholm@ciwem.org)

4. Where are you located? North East/North West/Yorkshire and The Humber/East Midlands/West Midlands/East of England/London/South East/South West/Remote.

CIWEM is a charity and international membership organisation for water and environmental professionals. The majority of our members are located in the UK, we cover all regions of England both in the work done centrally and through our branches.

5. Who are you? Internal to Defra/Defra arm's length body (ALB)/Lobby group/Other government department/Parliamentary group/Land manager/Other (please specify)

CIWEM is an environmental charity and Royal Chartered professional membership organisation.

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

We are pleased to see that principle 'a' addresses achieving environmental outcomes; we see this scheme as a great opportunity to support farmers, foresters and other land managers in delivering nature-based solutions to climate change adaptation and mitigation and allowing nature recovery. Some environmental benefits may be most effectively delivered using as yet untested management practices. It is good to see that land managers should have greater flexibility to determine how they deliver improvements under principle 'e'.

Principle 'h' could be extended to specifically mention ensuring that the latest research is taken into account in any updates of the scheme. In writing this we recognise and appreciate the separate scheme strand on research and development.

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

This is difficult to assess because the final set of priorities and details of how appropriate management and delivery will be secured are still being developed. The split of funding between schemes, priorities and ELMs tiers will also have a significant impact on the benefits delivered.

Alongside incentivisation, regulation (and its effective enforcement) may need to play a significant role in meeting objective 2, "To help tackle some of the environmental challenges associated with agriculture, focusing on how to address these in the shorter term". It is important that the regulatory baseline and where to find information on how to comply is clearly communicated to all land managers.

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

There have been several barriers to participation in the past; lack of appropriate options, 5 Ha rule, lack of access to advice, onerous reporting requirements and poor payment rates/ late payments.

Making tier one accessible will help ensure a basic level of environmental delivery across large areas as long as there are suitable options available for different farm types and sizes. Participation in ELMs should not be restricted by farm size as it was under CAP. We know that small areas have the capacity to deliver good environmental benefit. Removing the size limit may allow support for more peri-urban operations which can provide significant community benefits alongside environmental improvements.

Access to advice is one way to ensure that land managers are managing their land in a way that meets its potential. Many farmers already access high quality advice under private arrangements with land agents and other consultants. However not all land managers are in a financial position to pay for private advice, and in not doing so they struggle to improve their business and environmental performance. Careful thought should be given as to what a programme of advice to support ELMs uptake and delivery might look like and how to ensure

it is available to those who need it most. Farmer to farmer knowledge exchange has been shown to be particularly effective, support for this could form an important part of the overall advice package.

There is a difficult balance to be struck on reporting requirements. The need for evidence closely links to verification of actions or benefits to allow payment and the ability to demonstrate value for taxpayer money. There may be ways to simplify reporting requirements whilst still gaining the necessary information.

Payment levels will be dependent on the payment method used, which we understand is being further considered as part of the tests and trials. Whatever method is chosen, improvements must be made in the timeliness of payments. If payments continue to be late at a time when farmers' cash flows seem likely to face pressure there is a risk that the scheme will face poor uptake or high dropout rates and environmental benefits will either not be delivered or will be undone in favour of uses that provide a more satisfactory payment arrangement.

Flexibility in duration and structure of scheme, within a broad framework, would render the scheme much more attractive to farmers. Nature is always adapting to circumstances and changing as a result. Inflexible scheme criteria make this inherent variability much harder for farmers to work with.

One of the biggest barriers is complexity and excessive bureaucracy. It must be simple enough to instigate, process and monitor to ensure uptake, and confidence in the scheme. Questions over liability and long-term maintenance must be addressed.

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

We are pleased to see water-related measures within tier one. We believe a catchment approach to water management is the best way to improve water quality and deliver against the aims of the 25 Year Environment Plan. Support for Natural Flood Management under tier two is very welcome, as is reforestation. We are keen that any reforestation efforts focus on planting trees in the right places for the delivery of [multiple environmental benefits](#). Hedgerows can provide public goods on a large scale, deliver environmental benefits through habitat creation and should be included within tier one.

It is also encouraging to see soil management recognised as a way of providing public good across large areas under tier 1, following its inclusion in the new Agriculture Bill. This is essential for future food security, supporting biodiversity and storing carbon for mitigating climate change. Our further thoughts on soils are set out in our [Soils Policy Position Statement](#).

We are pleased that pest management is included under tier 1 to incentivise environmentally sustainable farming, as encouragement for an end to unnecessarily widespread pesticide use in order to reverse biodiversity decline is essential. It is good to see habitat improvements and restoration covered in tier three. However wider rewilding approaches could provide even greater biodiversity and climate benefits. Rewilding is an approach that we are keen to see promoted and supported, particularly in areas with limited capacity to produce food.

It is important in that, under tier one in particular, all types of activity paid for clearly go beyond regulations and good business practices and that funding focuses on the delivery of environmental gains that it may not otherwise be profitable for land managers to provide.

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

In encouraging collaboration between groups of neighbouring farmers it will be important to take on board any lessons learnt from application of the facilitation fund under BPS.

We see the main requirements for supporting collaboration as: an independent, impartial facilitator; an effective disputes service; appropriate agreement structures; availability of initial capital funding, and the development of farmer support groups.

In order to ensure that ELMs is as effective as it can be in contributing to the 25 YEP, it is important that activities and prioritisation are linked to other initiatives and plans that already exist or are being developed. For example, the Catchment Based Approach (which has an agriculture working group), the development of the national Nature Recovery Network and delivery of biodiversity net gain.

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

Local priorities should be determined using a combination of natural capital mapping (which may be best carried out across an environmentally defined scale such as a catchment), community consultation and collaboration with Local Planning Authorities.

Further clarity is needed on how flood risk and drought will be included in the scheme, as well as how decarbonisation and net zero aims will be incorporated and furthered.

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

Payment by results would be our preferred basis. However, we recognise there are currently a number of issues that would prevent this approach being taken:

- Not all benefits that need delivering to meet 25 YEP aims, and which the three tiers of ELMs might look to address, currently have sufficient metrics;
- Results can take more than a year to materialise, which does not fit with the annual payment cycle, and
- Determining the value of public goods provided is currently difficult due to the lack of a comparable base.

As a result, development of this payment method requires more time to develop and test.

In the meantime, we understand that it will be necessary to use other bases such as income forgone or cost as a base with an uplift element based on value provided.

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

Bringing in private funding would be beneficial in increasing the overall budget for delivering environmental improvements. However, mechanisms to do this would likely complicate the system of accessing support. It would be prudent therefore for methods of introducing private funding to be trialled and phased in, perhaps following the initial establishment of the government funded scheme.

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

There will be cases where land managers already have, either themselves or within their team, the required knowledge and skills to apply for and deliver against schemes. However professional advice is sought by a large proportion of scheme claimants.

Access to advice is most necessary for those who are currently non-compliant with applicable regulations and/or are financially struggling.

15. We do not want the monitoring of ELM agreements to feel burdensome to land managers, but we will need some information that shows what's being done in fulfilling the ELM agreement. This would build on any remote sensing, satellite 35 imagery and site visits we deploy. How might self-assessment work? What methods or tools, for example photographs, might be used to enable an agreement holder to be able to demonstrate that they're doing what they signed up to do?

We agree that verifying activity and delivery are important in justifying payment of public money and assessing scheme performance for consideration in future reviews.

Photographs with a short description may be the easiest way of enabling participants with good digital skills to demonstrate delivery of agreed actions. One barrier in this being completed is remembering to do so, regular reminders as part of communications with scheme participants may help. The ability to submit photos and descriptions directly from mobile phones would also be helpful in removing complexity and allowing timely submission of evidence. It should be straightforward for applicants to prove some management changes such as sowing cover crops or moving from cultivation to no-till but it may be much more complex to prove, for example, that soil carbon levels are effectively increasing.

In combining claimant evidence submissions with remote sensing data we understand from previous experience that there will sometimes be clashes. In these cases inspectors or ELMs advisors could be required to verify the data and resolve differences.

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

We recognise the potential benefits of running a national pilot and support this approach. We would be interested to know how many participants it is envisaged would take place in

the pilot for each tier. If anticipated participation rates are relatively low we would be interested to receive further information on how remaining land managers will be sufficiently supported during the period in which their BPS payments have been cut but they do not yet have access to ELMs. We see environmental degradation as a potential risk in these circumstances.

Good levels of participation will be essential in achieving delivery against the 25 YEP aims. It is therefore very important that the customer experience, including evidence submission, and ability to make timely payments are thoroughly tested, as we know problems in these areas have previously acted to discourage participation in agri-environment schemes.

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

Ideally ELMS would be structured as a partnership between farmers, government and the professional environmental industry. CIWEM is keen to be more involved in the further development of ELMs and can bring extensive water and environment practitioner expertise to the table.

We will continue to take and show a strong interest in the development of the scheme in all ways available to us because we recognise that it is an excellent route to support delivery for the environment which addresses the 25 Year Environment Plan aims as well as the wider climate and nature emergencies.