



31 July 2020

ELM Stakeholder Engagement
DEFRA

By email only to: elmfeedback@defra.gov.uk

Dear Sirs

**ENVIRONMENTAL LAND MANAGEMENT
POLICY DISCUSSION DOCUMENT**

RESPONSE BY THE AGRICULTURAL LAW ASSOCIATION

We thank you for the opportunity to consider and respond to the Policy Discussion Document on the proposed Environmental Land Management Scheme.

We welcome the engagement with industry stakeholders in shaping the new Scheme as being fit for purpose to assist in delivering a new opportunity for the agricultural sector to play its part in meeting the needs of the environment and meeting the Government's aims and objectives of the 25 Year Environment Plan.

We agree with the strategic objectives of ELM as set out on page 8.

The membership of the Agricultural Law Association comprises principally professionals advising the rural and agricultural sector and our comments submitted focus on the non-practical elements of the proposals i.e. other organisations will be better suited to dealing with the questions that arise in relation to say, targeting outcomes and the options for payment methodologies.

However, there are a number of observations that we consider would assist the sector in understanding the way in which the Scheme will be delivered, at this stage and prior to the next formal consultation, as follows:

Agricultural Law Association, Office 1, The Stackyard, Bulwick, Northamptonshire, NN17 3DY
Chair: Alex Carson-Taylor FRGS Vice Chair: Dr Nerys Llewelyn Jones

Secretary & Adviser: Mike Holland – mike.holland@ala.org.uk – 07885 643341

Definition of 'land manager'

There are numerous references to the term 'land manager' throughout the document. This general term does require definition at an early stage to establish who may be eligible to apply to the Scheme and what management control and/or occupation of the land they are required to demonstrate to meet these requirements.

It would greatly assist those planning for the future post-BPS and under ELMs to be clear on those that will be included in the 'land manager' category (as opposed to those who meet the definition of a farmer and/or forester).

Furthermore, the document lacks consistency in the use of 'farmer' and 'land manager'. Forthcoming detailed Scheme proposal documents must ensure that these references are used consistently in order to avoid any ambiguity or confusion.

Local prioritisation

Whilst the concept of local responsibility for say setting targets is of course possible, in reality, we do not consider that devolving responsibility for priorities and planning these schemes to local stakeholders would assist in delivering the Scheme, particular at scale or in a timely manner.

Who would be considered as the local decision makers? Would they have the necessary skill sets or knowledge?

Proportionate compliance requirements and approach

We agree with the principles set out on page 9. Where issues arise, a policy of allowing reasonable time and conditions to remedy an issue or agree amendments to the scheme approach should be included in the scheme rules.

Heritage assets

The possible actions that could be paid for under Tier 2 (page 22) includes reference to heritage asset management.

We seek clarification as to whether heritage assets will include built property and if so, what management measures would be prescribed in the scheme options.

We trust our above comments will be taken into account and are helpful as the Scheme is further developed and look forward to continuing to engage in future stakeholder consultation.

If you require any further clarification or if the Association can be of assistance to DEFRA in preparing the detail of proposed Scheme agreements and the legal framework, please contact the writer.

Agricultural Law Association, Office 1, The Stackyard, Bulwick, Northamptonshire, NN17 3DY

Chair: Alex Carson-Taylor FRGS

Vice Chair: Dr Nerys Llewelyn Jones

Secretary & Adviser: Mike Holland – mike.holland@ala.org.uk – 07885 643341

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Holland', followed by a long horizontal stroke.

M R Holland MRICS
Secretary & Adviser
AGRICULTURAL LAW ASSOCIATION
Email: mike.holland@ala.org.uk
Tel: 07885 643341

Agricultural Law Association, Office 1, The Stackyard, Bulwick, Northamptonshire, NN17 3DY
Chair: Alex Carson-Taylor FRGS Vice Chair: Dr Nerys Llewelyn Jones

Secretary & Adviser: Mike Holland – mike.holland@ala.org.uk – 07885 643341