



BIOGOV uses multi-stakeholder partnerships and participatory governance to improve regional policies for natural heritage and biodiversity conservation

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An interregional cooperation project for improving natural and cultural heritage policies.

**Project Partners**

**Province of Fryslân (NL)**  
Flemish Land Agency (BE)  
Bulgarian Management Association (BG)  
Territorial Studies Institute (Environment and Territorial Planning Ministry) (ES)  
Lodzkie Region (PL)  
ADEPT Transylvania Foundation (RO)  
Mures Environmental Protection Agency (RO)  
County Administrative Board of Västra Götaland (SE)  
Slovenian Forestry Institute (SI)

Action plan  
BIOGOV 2020-2022

# **BIODIVERSITY GOVERNANCE**

Improving regional policies for natural  
heritage and biodiversity conservation  
through MultiStakeholder Partnerships  
and participatory governance

Flanders

VLAAMSE  
LAND  
MAATSCHAPPIJ



**Vlaanderen**  
is open ruimte

## Project: BIOGOV

Partner organisation: Flemish Land Agency

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NUTS2region: Flanders

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## Part II – Policy context

The Action Plan aims to impact:

- ☐ Investment for Growth and Jobs programme
- ☐ European Territorial Cooperation programme
- ☒ Other regional development policy instrument

Decree on Land Development – Instruments Compensation for Services & Land  
Development Stewardship Scheme



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the European Union through Interreg Project BIOGOV 2018-2020.

# Biodiversity Governance

## **Improving regional policies for natural heritage and biodiversity conservation through Multistakeholder Partnerships and participatory governance**

The new instruments 'Compensation for Services' and 'Land Development Stewardship Schemes' are tested in two different areas with different policy conditions. Participatory governance through Multistakeholder partnerships proves to be a valuable approach to guarantee the coordination of different policy visions, combining public financing for common goals and receiving crucial input and endured support from local land managers.

Status of the action plan:

- has been adopted and accepted by the regional stakeholder groups;
- has been adopted and accepted by Chief Executive Officer of the Flemish Land Agency Toon Denys.

# Executive summary

## Natural heritage and biodiversity conservation

In the Decree on Land Development of March 2014, the Flemish Land Agency has foreseen two instruments to compensate land users for management measures, namely the Compensation for Services and the Land Development Stewardship Scheme. The Compensation for Services is a yearly compensation for compulsory measures to realise a goal set by a government, mostly (but not exclusively) in the field of landscape management and biodiversity conservation. The Land Development Stewardship Scheme is a voluntary contract for a limited time period between a government and a land user to perform specific management measures. This is similar to the more known agri-environment-climate measures of the Common Agricultural Policy, but offers more flexibility. To implement these instruments, a Land Development Note or Management Vision, approved by the minister, provincial council or communal council is needed.

To operationalise these new instruments, the implementation was tested in two case studies. In both study area's a regional stakeholder group was formed. Through an open participative approach, a good foundation for the realisation of a jointly developed vision was created. In this process, the sometimes different or even opposite visions of Flemish administrations were streamlined. The Flemish government thus became a trustworthy and sincere partner, creating large support for the implementation of biodiversity and natural heritage management measures through the Compensation for Services and the Land Development Stewardship Schemes. In the development and implementation of the measures some possibilities for improvements of the legislation (Decree on Land Development and subsequent Decision of the Flemish Government) were identified. These changes will result in a better and wider application of the instruments, and thus in more biodiversity conservation and natural heritage.

Due to the expansion of the Antwerp harbour large areas with high nature value were destroyed. Nature conservation goals were designed to reduce this and to compensate the losses. Especially the Marsh Harrier needed more attention. The Species Protection Plan stipulated that an extra high value foraging area of app. 1500 ha was needed. The regional stakeholder group developed different measures, that can be fitted in the regular farming practice. For example, the combination of grain strips with lucerne strips, favourable for the proliferation of small rodents, the preferred food for Marsh Harrier.

In the Gulp valley (Voeren) biodiversity loss occurs in a less obvious way. Due to intensification of farming, lots of small landscape elements have disappeared. As a result of this, dormouse populations are threatened and became isolated. Due to the increasing cultivation of mais the permanent pastures are disappearing too. Jointly with all Flemish administrations (Heritage Agency, Agency for Nature and Forests, Agriculture and Fisheries Department), province of Limburg, community Voeren and local farmers, measures were developed to halt this and to ensure proper management, restoring the natural working of the valley and increasing the general biodiversity and climate resilience. The Compensation for Services and Land Development Stewardship are very suitable for this purpose.

Running thread in the BioGov interregional exchanges is that farmers are essential for realising biodiversity conservation. They are the most cost-effective land managers if you guide them and support them to do so in a way that fits both their farming practices as the goals set by government or public. But proper compensations and instruments are needed to achieve this.

# Action plan BIOGOV 2020-2022

The following actions are planned for 2020-2022 to improve regional policies for Natural Heritage and biodiversity conservation in Flanders:

## Strategic level

1

### **Action 1: Changing the legislation**

Changing the Decree on Land Development and consequent law, aimed to optimise the instruments Compensation for Services and Land Development Stewardship Scheme and to enhance the applicability and uptake of these new instruments. This will result in achieving more biodiversity goals.

2

### **Action 2: Adoption of the Land Development Note for the left bank of the river Scheldt**

The formal adoption of the Land Development Note, necessary for the implementation of the Compensation for Services and Land Development Stewardship Schemes on the left bank of the river Scheldt to compensate and conserve the nature goals and thus effectively improve biodiversity in this region as foreseen in the BioGov application (case 1).

3

### Action 3: Adoption of the Management Vision for the Gulp Valley

The formal adoption of the Management Vision and/or Land Development Note, meaning that the Compensation for Services and Land Development Stewardship Scheme can be implemented in the Gulp valley to make the valley climate resilient and effectively improve biodiversity and landscape values (natural heritage) in this region as foreseen in the BioGov application (case 2).

Best Practices level – from interregional learning

4

### Action 4: Compensation for Services as a result-based payment scheme

Creating the possibility of implementing the Compensation for Services and Land Development Stewardship Scheme as a result-based payment scheme, inspired by the partners in Romania and The Netherlands. This approach encourages local knowledge, enhances commitment and responsibility and generates a feeling of pride and appreciation with land managers. To make this approach successful, good guidance is crucial. At the peer review in Fryslan, we learned about the coaches that the province wants to deploy to help farmers in making good choices and guide them to a more nature-inclusive way of farming.

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Signature & Date:.....

29.09.2020



Stamp of the organisation:.....



### Part III – Details of actions envisaged

<b>Action 1</b>	<p><b><i>Making changes to the current legislation (Decree on Land development and consequent law) on Compensation for Services and Land Development Stewardship Schemes and improving applicability of the instruments.</i></b></p> <p><i>By testing the implementation of these instruments some deficiencies in the legislation came at light, that might limit the full potential of the instruments. The legislation will be changed to improve the instruments.</i></p>
<b>1. Background</b>	<p>When the actual measures for the Compensation for Services in the two testcases were developed and confronted with the legal framework in place, some limitations came at light. The legislation refers to the Compensation for Services as an instrument to compensate additional management measures, required by imposed management or imposed developments, enforced by a regulation. The Land Development Note or Management Vision, documents needed to implement this instruments, can not impose measures by itself. The two test cases illustrate that within a multi-stakeholder partnership (MSP) approach the instrument can be much more efficient when interpreted as 'desired' or 'necessary' management, that has been agreed by all partners involved and linked to their respective financial commitments.</p> <p>On a more practical aspect for example, the legislation refers to 'users' as beneficiaries. When looked at this in detail, this means that land managers using government land for free or at annual rent are not eligible, while this is in reality a big potential group. Further, the Land Development Stewardship Schemes are considered to be in regulation with the European State Aid Regulation through the <i>de minimis</i> Regulation. This is considered far to limiting and places responsibility to comply with the manager, while they are performing management operations envisaged by the government. The law also stipulates that payment is calculated according to cost incurred, income forgone and transaction costs. The regional stakeholder group reasons that it should be possible to take a cost for ecosystem services delivered into account too, or to allow alternative calculation methods (opportunity cost, ...).</p>
<b>2. Activities</b>	<p>In the Decree on Land Development it is prescribed that an evaluation must be made every 5 years. This process is ongoing. In June 2020 an evaluation report and proposals for improvement were due. The evaluation report and proposed changes were discussed with the cabinet this summer and the minister has submitted <a href="#">this</a> document to the Flemish Parliament on July 3, 2020. In Oktober, this will be presented by the minister to the Commission on Environment, Nature, Spatial Planning and Energy of the Flemish Parliament (responsible: VLM)</p> <p>An action plan for improving the Decree on Land Development and following legislation is being discussed with the cabinet of the responsible minister. This will lead to the desired legislative change.</p> <p>The process of changing the legislation (Decree and Decision of the Flemish Government) will follow these steps;</p>

	<ul style="list-style-type: none"> <li>- Decree: first approval in principal (March 2021), second approval in principal (June 2021), final approval (September 2021), parliamentary scrutiny (Oktober 2021), final adoption of the decree (December 2021).</li> <li>- Decision of the Flemish Government: first approval in principal (December 2021), second approval in principal (February 2022), final adoption (April 2022).</li> </ul> <p>Parallel to this, the same signals for improvement are being put forward by other regional stakeholders such as the Regional Landscape Haspengouw &amp; Voeren, the Provincial Council and the mayor of Voeren. A field visit to the Gulp Valley to illustrate this is planned for October 2020. The minister responsible for Heritage, the minister responsible for Agriculture and the minister responsible for Environment, Energy and Tourism are invited to this trip, along with the chief executives of the according administrations. (Responsible: Regional Landscape Haspengouw &amp; Voeren together with the mayor of Voeren)</p>
<b>3. Players involved</b>	Flemish Land Agency, cabinet of the minister, Regional Landscape Haspengouw & Voeren
<b>4. Timeframe</b>	To be implemented in the process of adjusting the legislation, foreseen 2021-2022.
<b>5. Cost</b>	No specific costs foreseen.
<b>6. Funding sources</b>	To be covered by the regular budgets of the parties involved.
<b>7. Lessons learned from BIOGOV</b>	<p>All partners in the BIOGOV project agree that farmers are the most crucial actors in supporting or enhancing biodiversity and thus that payments for biodiversity measures should include an amount for ecosystem services delivered by the managers too. If you want farmers or other land managers to produce public services (e.g. pollination, water purification and oxygenation, flood protection, soil carbon sequestration by plants, esthetic and spiritual landscapes,... ) or public goods as biodiversity as such, a proper compensation is necessary. We had very interesting discussions with the Waadrane collective at the Peer review in Fryslan that confirmed us in our belief that our approach is beneficial for the region, the biodiversity and the local farmers.</p>

### Part III – Details of actions envisaged

<b>Action 2</b>	<b><i>Formal adoption of the Land Development Note for the Left Bank of the River Scheldt</i></b> <i>This is needed for the implementation of the Compensation for Services and Land Development Stewardship Schemes to compensate and conserve the nature goals and thus effectively improve biodiversity in this area as foreseen in the BioGov application.</i>
<b>1. Background</b>	<p>Due to the annulment of part of the legislation that was the basis of the Land Bank for the expansion of the Antwerp harbour, a Land Development Note is needed to reape this. This created the opportunity to also fit in the Compensation for Services and the Land Development Stewardship Schemes as instruments to compensate the loss of biotope and to reach conservation goals for the Marsh Harrier. This project will be the first trial of these new instruments; and that's exactly why it was selected as testcase for the BioGov project. The exact content of the Land development Note is still under discussion. Once it will be agreed by all partners, this note must go through public scrutiny first and must be approved by the minister.</p> <p>Due to recent (spring 2020) legal issues, a more general agreement regarding the Land Bank will be drafted first and signed by all partners. Consequently, different Land Development Notes will be written for each process and instruments required. Meanwhile a study was commissioned to determine the most suitable areas for measures to help the conservation of the Marsh Harrier. In spring 2021 a new follow up study will make sure that this proposal is in agreement with the Dyke and Creek vision that was previously adopted. Parallel and in adjustment to this, a new Land Development Note for the conservation goals of the Marsh Harrier will be written.</p>
<b>2. Activities</b>	At first, we will cooperate to finalise a high-quality Development Note regarding the proposed Compensation for Services and Land Development Stewardship Schemes. This will start in March 2021 and will have to be adjusted to the results of the commissioned study. The note will be ready early 2022, but the formal adoption, after public scrutiny will be likely for early 2023. (responsible: VLM)
<b>3. Players involved</b>	Flemish Land Agency, Department of Mobility and Public Works, Agency for Nature and Forests, Harbour Company.
<b>4. Timeframe</b>	To be implemented in 2022/23.
<b>5. Cost</b>	The Land Development note is being made as a result of an order of the Flemish Government; no costs are linked to this.

<b>6. Funding sources</b>	No costs related to the writing of the Land Development Note.
<b>7. Lessons learned from BIOGOV</b>	The multistakeholder partnership approach, that was demonstrated by the Frysian Lead Partner, proved very valuable in establishing a solid basis for a sincere participative process. As a result we succeeded in making all Flemish administrations and nature conservation groups think alike and have a consequent vision on a specific region with particular conditions. This is largely due to this methodology. This also resulted in much support on all levels, from the local to the regional and even at the highest policy levels.

### Part III – Details of actions envisaged

<b>Action 3</b>	<b>Formal adoption of the Management Vision and/or Land Development Note for the Gulp valley</b> <i>This will mean that the Compensation for Services and Land Development Stewardship Schemes can be applied in the Gulp valley to make the valley more climate resilient and to effectively improve biodiversity and landscape values in this area as foreseen in the BioGov application.</i>
<b>1. Background</b>	In designing a development plan to deal with the challenges in the Gulp valley, the Compensation for Services and the Land Development Stewardship Scheme emerged as ideal instruments to combine goals and funding to realise this. However, to apply these instruments a formally adopted Management Vision is needed. Some other complementary actions will probably be slipped into the Land Development Note that is currently being written for the community of Voeren to realise a preservation land policy (to try to maintain grasslands and support local dairy farming). And the good practises of the Gulp valley project can then be rolled out for the entire community of Voeren and serve as good practise for other areas in Flanders with a strong local coalition or stakeholdergroup.
<b>2. Activities</b>	The governmental partners of the regional stakeholder group have to write the Management Vision and coordinate the financial plan that goes with it. This will be mainly coordinated by the Flemish Land Agency. The Management Vision has to be formally adopted by the minister, province or community. (responsible: VLM & RSG)
<b>3. Players involved</b>	All Flemish administrations taking part in the regional stakeholder group (Nature, Heritage, Agriculture, Environment), Regional Landscape, the community of Voeren, Flemish Land Agency.
<b>4. Timeframe</b>	To be implemented in 2021-22

<b>5. Cost</b>	Costs related to the development and approval of the Management Vision are staff costs, covered by regular budget of the Flemish Land Agency and regular working costs of the other regional governmental stakeholders.
<b>6. Funding sources</b>	Working budget of administrations involved. Working budget Flemish Land Agency. Working budget Regional Landscape partly covered by ARK project Grenzeloos Gulpdal. Extra budget requested at the responsible ministers (in framework of the Flemish Blue Deal).
<b>7. Lessons learned from BIOGOV</b>	The multistakeholder partnership approach, that was demonstrated by the Frysian Lead Partner, proved very valuable in establishing a solid basis for a sincere participative process. As a result we succeeded in making all Flemish administrations and nature conservation groups think alike and have a consequent vision on a specific region with particular conditions. This is largely due to this methodology. This also resulted in much support on all levels, from the local to the regional and even at the highest policy levels.

### Part III – Details of actions envisaged

<b>Action 4</b>	<p><b>The Compensation for Services and Land Development Stewardship Schemes can be applied as a Result Based Payment Scheme.</b></p> <p><i>Turning the Compensation for Services and Land Development Stewardship Scheme into a result-based payment scheme gives managers ownership of their actions and incentivises them to improve and do more.</i></p>
<b>1. Background</b>	<p>Inspired by the Romanian pilot project presented at the interregional meeting in Transylvania, we started to explore the possibilities of this methodology for our Flemish instruments. After visiting a workshop organised by Flemish colleagues in framework of the Horizon 2020 project Contracts2.0 and an inspiring presentation of the Irish Pearl Mussel Project, we proposed this RBPS (Result Based Payment scheme) to the stakeholder group of the Gulpdal. This was received very enthusiastically. We presented some examples to the local farmers and they also liked this approach. Thus, we want to test this further and consider to role this out. In the Peer review visit to Fryslan we had the chance to discuss this with board members of the collective and a policy maker, presenting us with useful insights in successfully implementing this. We also like the idea that managers can be rewarded if they perform well</p>

	on related parameters with an impact on environment and ecosystem services. Good guidance is crucial in this process. Supporting actions and small investments can also help to achieve more and better goals.
<b>2. Activities</b>	<p>We will make sure that the legislation regarding Compensation for Services and Land Development Stewardship Scheme contains no obstacles to implement this. Therefore, we build political support and ask the responsible ministers for a mandate to develop this further. This is already written down in the evaluation report of the Decree on Land Development (see action 1).</p> <p>We will test this approach with selected local stakeholders in the Gulp valley, in collaboration with Boerennatuur Vlaanderen and INBO, the Flemish partners of the H2020 project Contracts 2.0. We will investigate further how we can organise the guidance for farmers on agro-ecology with respect for the viability of their farm holding and aim to streamline this with eco-schemes and/or Farming Advise Services of the new Common Agricultural Policy. We are also developing an approach to make better use of the large budget for non-productive investments foreseen in the future CAP.</p>
<b>3. Players involved</b>	Flemish Land Agency, the collaborating governmental stakeholders (Flemish administrations: Nature, Agriculture, Heritage, Environment), Cabinet and minister responsible for Environment, Energy and Tourism. Supported by Boerennatuur Vlaanderen and INBO.
<b>4. Timeframe</b>	To be implemented in the process of adjusting the legislation, foreseen 2021-2022 (see action 1)
<b>5. Cost</b>	This requires no specific funding.
<b>6. Funding sources</b>	-
<b>7. Lessons learned from BIOGOV</b>	<p>All partners in the BIOGOV project agree that a result-based approach works better. This was a.o. clearly shown by our Romanian partner ADEPT in a pilot project for the European Commission and in the front door- back door approach for the agri-environmental measures with Collectives in Fryslan.</p> <p>To make this approach successful, good guidance is crucial. At the peer review in Fryslan, we learned about the coaches that the province wants to deploy to help farmers in making good choices and guide them to a more nature-inclusive way of farming. In Spain and Sweden, they also are working on streamlining the green infrastructure with the new CAP.</p>