

To the Trustees of my Will dated the

day of

20

LETTER OF WISHES

In my Will I have left [Farm/Land and the sum of £] to you to administer. In the hope that this may be of help to you in exercising your powers, but without trying to impose any binding obligation or to deter you from acting, as you think best in the light of changing circumstances, I express the following observations.

In drawing up my Will, I have tried to balance the need to provide for [name(s) of family member] and my desire to safeguard the biodiversity of the land for future generations. I have set out below my Conservation Principles and the requirements which I believe ought to be imposed on any occupier of [Farm/Land] in order to manage and maintain [Farm/Land] in accordance with those principles. I am aware that regulation and best practice guidelines change over time and that is why the suggested requirements outlined below are a guide rather than a set of conditions.

I would urge you to ensure [name of family member], or if [he/she/they] have no wish to occupy the land personally then such other person who is farming the land on a day to day basis, utilises or farms the land in line with my Conservation Principles (as set out below) and you, my trustees, follow my suggested requirements in relation to their use or occupation of the land in order to ensure those principles are maintained.

In the event that [name(s) of family member] does not abide by the Conservation Principles laid out below then I would encourage you to use the professional reports and guidance as outlined in my suggested requirements (as set out below), to work with [name of beneficiary] or any other occupier of the land to draw up a plan to be followed in order to bring the use and occupation of [farm/land] back into line with my Conservation Principles.

The trust being held for [name(s) of family member] has been made subject to various powers which override the provisions of a life interest. If you do not believe, after giving [name of family member] adequate time and opportunity to take any remedial action in order to use, occupy and maintain [land/farm] in line with my Conservation Principles, then I urge you to consider using your powers to bring the trust in favour of [name of family member] to an end or alternatively enter into an arrangement for another to occupy [Farm/Land] and the net income generated be given to [name of family member].

The cash sum has been included as part of the trust fund so that trust expenses may be met from this until the income from [Farm/Land] is sufficient to meet those expenses and the fees of any professional employed by you or, if appropriate, [name of family member] in fulfilling the Conservation Principles.

I suggest that any ecologist employed by you should have experience in the field of farmland ecology and have a minimum of [5] years practical experience. I further suggest that you request examples of their previous projects and an appropriate reference. The advice from an ecologist who is not employed by my trustees may be accepted at their discretion but I would recommend obtaining a second opinion from the ecologist employed by you. If it assists you and if suitable, I have previously employed the services of [name of ecologist].

By way of guidance, as referenced above, I suggest that the permitted use of this land should be agreed with you in line with the following Conservation Principles.

Conservation Principles

1. The land should be managed primarily for the conservation of native wildlife and to assist with nature recovery.
2. Crops grown for human consumption should be considerate to the conservation of native wildlife habitats and species.
3. Regenerative farming techniques should be employed in a manner recommended by an ecologist.
4. The buildings on any land forming part of the trust fund should also be managed with the conservation of nature at its heart. Any repairs, renovation, new buildings should follow the contemporaneous guidelines relating to nature enhancement and mitigation of synanthropic habitat loss.
5. Domestic animals on or used as part of the farming practices on the trust land must be cared for in line with the suggestions put forward by any veterinary surgeon employed by you. The veterinarian employed shall employ the highest standards of welfare and be members of the RCVS Practice Standards Scheme. I also suggest that the appointed veterinarian liaise with an animal ethics professional (such as the Oxford Centre for Animal Ethics).

Below is a list of what I believe is required in order for the occupation of [Farm/Land] to be in line with the principles I have set out above. It is important to ensure the occupier of the land understands what is required of them at the outset.

Suggested Requirements to Fulfil Conservation Principles

1. Commission an ecology report at least every 4 years (or earlier if any issues are identified which requires more regular supervision) and apply the advice offered therein, as far as you feel appropriate in all the circumstances. Instructions for the preparation of the report may include (but not be limited to) the matters referred to below.
2. Ecological conditions and restrictions to be established and imposed on the occupier of the trust land from time to time as felt necessary under the guidance of the ecologist or such other relevant body you think appropriate.
3. The land should be managed in line with contemporaneous environmental regulations set out by the Welsh Government in conjunction with the recommendations from the ecologist who will provide site specific advice to implement those regulations.
4. Regard should be given to the Local Biodiversity Action Plan, or such other plan(s) or report(s) of equivalence, outlining species and habitats of conservation concern that occur on the land, or any part of the land, or in the local proximity of [Farm/Land]. The ecology report should provide additional and ongoing guidance in this regard.
5. There should be wild, unmanaged areas of land.
6. The drainage of the land should be restricted to what is necessary or recommended by an ecologist to provide an environmental benefit.

7. A policy should be established relating to the growth and cutting of hedgerows to safeguard and encourage nesting habitats for birds.
8. The planting of non-native species of any kind should be prohibited.
9. The use of chemical pesticides and herbicides should be discouraged or even prohibited, unless their use is recommended by an ecologist or veterinary surgeon for a sound reason, such as the control of an invasive specie or to maintain the high welfare standards of any animals living on or within the land making up the trust fund.
10. Where pest control is required, the most ethical and humane methods should be employed.
11. Prior to any trust buildings on the trust land being repaired, renovated, extended or built, you should have regard to the advice of the ecologist employed by the trust, in conjunction with any other relevant bodies such as the Bat Conservation Trust, the RSPB, Action for Swifts/Swift Conservation, the Barn Owl Trust and the Royal Entomological Society.
12. An animal management plan should be drawn up from time to time by a qualified veterinarian employing the highest welfare standards for the domestic animals living on the land making up part of the trust fund. It is suggested that the veterinarian practice employed should be members of the RCVS Practice Standards Scheme. Such plan should be reviewed by that or another so qualified veterinarian on an annual basis with a report of his/her/their findings being given to my trustees, and to the occupier at the discretion of my trustees, to implement or act on as they see fit and proper.

At the end of the trust period, whether that is brought to an early end by the use of your powers or the death of [name of family member] if there are domestic animals on the land forming part of the trust, arrangements should be made, where possible, for those animals to remain on the land to live out the rest of their natural life. If however that should not be possible for any reason, then you should seek out a suitable home for these animals where they may comfortably live out the rest of their lives. This request may have any impact on the application of inheritance tax reliefs and you should seek professional advice on this and any other matters on a regular basis to ensure the trust is compliant and as tax efficient as possible whilst maintaining the principles set herein.

My Expectations of you as Trustees

1. Should you wish to retire as a trustee or should one of you die during the trust period, in accordance with any provisions in my will concerning such an appointment, a replacement trustee should be appointed but I wish you to appoint as trustee a person who you believe will respect and enforce the Conservation Principles I have set out above.
2. That you [jointly] agree and arrange [with the [name of family member]] the following reports on a regular basis to better enable you ensure as best you can the fulfilment of the Conservation Principles as set out above:
 - a. Annual accounts and business reports prepared by a qualified accountant, including a financial review of current investments and their sustainability
 - b. Annual review by a qualified accountant or other appropriate business advisor to consider the ongoing viability of the trust fund as a business/income producing asset

