

Agriculture (Wales) White Paper

Welsh Government Consultation Document

The Game & Wildlife Conservation Trust (GWCT) is a research and education charity committed to increasing biodiversity across Wales within productive farming systems. On the basis of our scientific expertise and credibility, we regularly provide advice to statutory bodies and we provide practical advice to farmers, landowners and other conservation organisations on how to manage their land with a view to improving biodiversity. Our Advisory team have, for many years, run industry-leading best practice training courses. These courses are based on practical experience backed up by GWCT science.

Section 1 National Minimum Standards: Keeping, clarifying and applying our regulations

Regulatory Reform

Good regulation makes it easier for people to do the right thing. We welcome the proposed simplification of regulation and the intention to maintain standards.

We welcome the intention to reduce regulatory complexity and consolidating legislation into one set of National Minimum Standards, supported by a range of advice and guidance to encourage compliance.

Having clear and concise standards as the regulatory baseline above which the proposed scheme will operate is sensible and again we are in support.

We believe that it is important that our landscape is seen in the context of farming. As farmers own and manage most of our environment any activity which occurs on the land will be done mainly through them. To deliver sustainable landscape management farmers need to be profitable in their business. Should the baseline regulation created be over and above that of their competitors it will put Welsh Farmers at a financial disadvantage and that will impact on their ability and willingness to comply with regulation and make them more likely to look for shortcuts and potentially flout regulation. We therefore would like to see WG providing effective baseline regulation that is comparable with other countries and providing incentives to farmer for delivering all other public goods. Earned recognition through membership of the likes of LEAF or industry led initiatives should play its part in promoting best practice.

The fact that the Bill will provide a framework of high-level, enabling powers for Welsh Ministers to provide flexibility to adapt and respond quickly and effectively to changing circumstances is potentially a good thing however, Ministers actions need to be taken under advice using the wight of scientific evidence available. Adaptability to take on board further evidence and information which comes to light is essential.

We advocate science-based evidence being at the forefront of the creation of regulation and therefore, having seen Ministers ignoring the science, not taking advice from their advisors or steering groups in making new regulation we have great concerns about new powers for Ministers to be able to make quick decisions without adequate further scrutiny.

Effective scrutiny and accountability of Ministers for action taken under these additional powers is essential. Appeals and review procedures also need to be put in place to ensure that any perverse

outcomes created by these changes can be adapted or reversed if necessary. We would also like to see a test applied to ensure that what is being proposed meets with the objectives of this Agriculture Bill/Act to ensure that situations such as the Minister ignoring advice based on evidence as in the case with the introduction of NVZ's across the whole of Wales would not be possible in the future.

GWCT very much welcomes WG's aspiration for: *“the proposals in this White Paper will result in some visible changes at a landscape scale in Wales. These changes will include increased woodland cover, an increase in arable and horticultural production together with increased farm and landscape-scale habitat resilience. They will also result in changes to the way agriculture will operate, with shorter supply chains, a new emphasis on localism and better data management. Farms will have a sustainable, long term business model, taking advantage of market demand to produce the food desired by consumers but in a way that maintains delivery of the other outcomes for which the Welsh Government will provide financial support. Less visibly, farms will significantly reduce their carbon footprint as well as contributing to improved public health through the delivery of better air and water quality.”*

However, we have concerns that there is no indication in current creation of regulation to demonstrate any real intention for a simpler, fairer, more effective regulatory system. Again, with the example of the recent introduction of NVZ's across the whole of Wales. We do not believe this will be effective in delivering the outcomes intended nor will it simplify current regulation and goes against the advice of NRW who recommended 8% coverage of Wales by NVZ's.

In order for National Minimum Standard to be effective and applied by farmers they need to be fair and transparent. For any regulation to succeed it needs to be easier for farmers to do the right thing rather than the alternative. That means that not only do you need to set up working groups with stakeholders but that the regulation produced, and policy created needs to be done taking these recommendations onboard alongside consideration of the science.

Section 2 Civil Sanctions: An effective and proportionate approach to enforcement

We welcome the intention to improve the way agricultural regulation is enforced by introducing new measures particularly in applying enforcement action which is proportionate to the severity and magnitude of the offence;

There are farming practices which cause negative environmental impacts, and we welcome your approach to enforcing regulatory compliance to deter activities detrimental to the environment which are proportionate to the scale of the offence. We would like to see an advisory approach as the first level of regulation. In other words, if there is a failure on a farm that WG work with the farmer in the first instance to rectify it.

We welcome the intention to build in flexibility to be able to amend/change regulation and further consolidation of other existing agricultural legislation under the National Minimum Standards.

We welcome the move towards an improved and more effective monitoring system (with the National Minimum Standards) applied consistently across claimants and non-claimants in Wales. We would like a future monitoring process to focus on farms where there are likely breaches occurring.

We agree with your approach to enforcement which would vary depending on the offence, severity and magnitude of non-compliance and we would also like repeat offences to carry heavier fines so that those who continue to flout the regulation are deterred from further offences.

Section 3 Sustainable Land Management: Future Policy and Support

GWCT continually demonstrate that biodiversity (and therefore the wider environment) can thrive within a productive farming environment. Farmers are waiting eagerly to see where Welsh Government intend to place incentives and regulation.

We believe that incentives are particularly needed for farmers who have already produced improved habitats where biodiversity could thrive with help in provision of additional actions such as food over winter and protection during nesting. It is important that the farmers who have already done much to enhance the environment are able to make a living delivering public benefits. We would like to see good practice already in place rewarded such as with a maintenance grant which will ensure that farmers value good habitats and do not feel that they are a burden to the farming business. Mature habitats are also more 'productive' than new ones.

We welcome your recognising of the need for more "understanding of the broader societal demands and expectations placed upon farmers and land managers by the nation" along-side which we would like to see commitment from WG for funding to deliver all those elements which are a public benefit over and above what other countries (that we compete with and trade with) recognise as a minimum standard.

We welcome the fact that there is collaboration and working together between departments within Welsh Government and NRW. Farmers often produce multiple benefits from their activities which have not been rewarded in the past due to issues of benefits being delivered across many departments and State Aid. For example, we are working with farmers who would like assistance in reducing tick burden which would significantly benefit red and amber listed ground nesting birds, reduce the risk to public health from Lyme disease as well as improve animal welfare. In the past no funding has been possible as there were multiple benefits crossing different areas of Government. We look forward to future schemes incentivising farmers to take a new approach to their farming, to create great habitat and conditions for biodiversity, carbon, water and also continue to produce food. This complexity must be recognised and encouraged in future legislation and within schemes in order to deliver on your objectives.

We very much agree with this statement "*The proposed scheme would address climate change, public health and environmental issues associated with agriculture by implementing SLM. This integrated, whole farm approach would enable the production of sustainable food alongside the delivery of improvements to those social issues; We must therefore continue to support farmers to produce food sustainably, recognising that the competitiveness of farming, food production and improved environmental resilience are complementary agendas.*"

GWCT recognise the importance of soils and we have carried out numerous research projects on soil management to deliver benefits to both cropping and the environment eg. looking at how deep-rooting grass cultivars could contribute to flood risk management <https://www.gwct.org.uk/blogs/allerton-project-research-blog/2021/march/deep-rooting-grass-cultivars-could-contribute-to-flood-risk-management/>. The effect of diffuse pollution and acute pollution on our watercourses is of great concern. We therefore welcome inclusion with the Sustainable Farming Scheme to offer farmers an incentive to do more to address soil related issues and to understand their soils better and the management of nutrients.

We have concerns about the statement made on Biodiversity Loss in 1.28 referring to "the conversion of habitat to arable use" reducing farmland biodiversity. In Wales one of the reasons for biodiversity loss such as hares and lapwing has actually been the loss of arable in the landscape. Our Allerton demonstration farm which is mainly arable can demonstrate the thriving biodiversity which is possible. We would like to see more diverse cropping in Wales to support biodiversity. There are measures which can be introduced into the proposed SFS which GWCT have tried and tested over

many years such as planting of cover crops and over winter feeding of birds which has the potential to reverse the decline in bird numbers on farms in just 3 to 5 years. Predation control is another tool which could help reverse the potential extinction of ground nesting bird species as well as increase numbers of hares and other species.

We welcome your comments that “We must continue to produce food and other products from Welsh land, but the nature of the climate emergency and the rate of biodiversity decline mean that we must act more swiftly and with greater effort than has been the case previously” and again ask for clarification on how this will be done in the interim before the new SFS scheme is introduced? We have demonstrated through Sustainable Management Scheme, EIP and other projects how working with farmers in collaboration we can increase biodiversity on farms. Will there be opportunities for farmers to work on reversing biodiversity on their farms within the next five years?

We very much welcome your proposal to ask Welsh farmers to focus on sustainable food production with a very low carbon footprint, increased biodiversity and minimised nutrient losses to air and water rewarding farmers for achieving these goals through the proposed Sustainable Farming Scheme. Again, our question of what funding will be available for farmers to deliver these outcomes in the next five years? We have demonstrated through our projects that farmers are eager to work towards delivering more biodiversity and other public benefits on their farms but they will only be able to do so with a profitable business. They are awaiting funds to be made available to enable them to do this and will directly respond to those funds but cannot act before then.

Advice and Guidance

We welcome WG’s commitment to developing user friendly advice and guidance in consultation with stakeholders within the report.

Alongside WG commitment to build on best practice from existing advisory services we would also ask that you develop new and proactive approach in the provision of advice to farmers. We would like to see farmers being able to choose their advisers from outside a small approved list.

We welcome your commitment to work with academia and other stakeholders to drive innovation in all agricultural sectors which we believe is necessary to be progressive and for Welsh farmers to be given the opportunity to lead the way. We would like to see funding made available to support the delivery of an innovative and adaptive approach to SLM employing methods not previously included in schemes to increase biodiversity on farm. For example, introduction of predation control with training for farmers wanting to deliver the outcomes themselves or enabling partnership with local contractors to stop the potential loss of ground nesting species in Wales.

There is a generation of young farmers who have only received formal training on increasing production and know little about ways in which biodiversity can be increased alongside their productive farming system. We have been working with farmers to win hearts and minds demonstrating how biodiversity can be increased alongside their current farming practices so that they don’t need to choose between production or conservation.

Farmers are unlikely to read guidance notes and regulation. Demonstration farms provide a great showcase and discussion forum to engage farmers. They do respond well to online video for information dissemination and training particularly because they have complete flexibility as to when they can engage. Presented as video news format similar to Ffermio weekly news program would work well in engaging farmers and in that way regular updates can be provided and targeted responses

to mounting problems can be addressed. Podcasts are another avenue as again farmers have complete flexibility on when they listen.

It is important that farmers should be able to get advice from those that they trust and chose to deliver the advice and not be limited in who they can appoint. Support for Demonstration farms provided by academic institutes and others with expertise would also increase the potential for innovation and progressive agriculture.

We welcome that *“The SFS will be a business improvement programme, increasing long-term farm business resilience by rewarding farmers for the delivery of societal outcomes alongside, and as a consequence of, food production.”*

With regards to the Farm Sustainability Review we would like farmers to be given the option to write the review themselves or choose a consultant to write it with them. GWCT have always highlighted the importance of farmers identifying and designing the solutions and potential opportunities for delivering public benefits on their farms. The design of the proposed “initial review” must not be a case of WG dictating to farmers what must be done on their farms but focus on working with them to produce a plan for improving the delivery of public benefits within their farming system. There are many ways that this can be done, and it is important that farmer are given the freedom to propose their own potentially more innovative solutions and goals. A process which is too constrained and narrow will merely hinder and reduce the potential delivery of public goods within Wales whilst frustrating farmers. An example from previous agri environment schemes is the lack of support and acceptance for reedbed or waste stabilisation systems due to the lack of understanding by project officers.

We very much welcome WG intentions of moving away from traditional agrienvironment schemes which paid farmers on the basis of compensation for income foregone and additional costs incurred. And we agree strongly that an element of incentive should be provided to encourage farmers to produce the most valued public benefits and would like to encourage collaborative working through means such as Farmer Cluster approach to achieve maximum benefit on a landscape scale.

We welcome WG intention to continuously refine and develop policies during implementation.

Section 4 Industry and Supply Chain

Assuring we have a profitable farming industry in Wales is key to delivering more public goods across Wales therefore we support WG commitment to improving the markets available to Welsh farmers particularly where that shortens supply chains, gets local people involved in where their food comes from and decreases carbon and pressures on the environment.

Section 5 Collection and sharing of data

We welcome the intention to improve monitoring through the effective use of data and remote technology; and would like this information particularly mapping to be available for use by the farmer and their agents.

We welcome WG commitment to *reduce administrative burden for farmers and improve the efficiency of the monitoring of regulations and financial support schemes with a streamlined data collection and minimising the need to collect data multiple times.* Reducing administrative burden not only reduces the stress on farmers but also on WG staffing.

We agree that there should be the ability to share information however, this goes further in saying that information will be demanded where currently no information is currently held. Peoples right to

privacy should be respected and must be taken into account when deciding what baseline information should be held.

Freedom of Information requests are of concern particularly with regards to certain activities where pressure groups could request information from one of the holders of this information. Ownership of the information needs to be agreed alongside its availability to third parties.

The photographing and downloading information on work completed within a scheme has worked well for GWCT in projects where we have been using this approach. We believe that it will be of great benefit to both farmers and the outcomes delivered to enable the data collected on a farm to be used by farmers to track progress over time.

We would like to see an effective appeals procedure in case of inaccurate or misinterpretation of data.

We are particularly keen to see improvements in the administration of data collection and communication with farmers particularly with Rural Payments Wales who currently seem to be very poor at communicating, have appalling tone in the way they deal with customers and are generally obstructive.

Section 6 Forestry and woodland

We welcome improved regulation and support for forestry and woodland management particularly in ensuring that it delivers better biodiversity outcomes.

We welcome WG ambition for an approval system for woodland plans which is simple, predictable and proportionate.

We again would like to reiterate how important it is to biodiversity that tree planting is done in the right places and highlight the opportunities for small scale planting on farms which can provide great benefit to biodiversity as well as carbon. Also, we would like more recognition given to the role that hedgerows and hedgerow trees play in carbon capture as well as offering great benefit to biodiversity and bio security etc.

Along with a linked Welsh forest large scale corridors of boundary hedges across the whole of Wales would increase carbon sequestration, biodiversity and bio security.

The way that carbon is measured on farms is important to ensure that the full benefit is recognised.

The online opportunities for planting woodland maps are very limited. There are some areas where there could be multiple gains from planting of small copses which are currently not identified. There must be an effective and simple process so that farmers can make applications successfully for planting trees in area where there is currently no provision made to do so on the maps where it can be demonstrated that a suitably designed tree planting proposal would provide multiple benefits. We would like to see the encouragement of small scale plantings such as shelterbelts and hedgerow trees for the benefit of biodiversity as well as carbon.

Trees capture carbon during their growth period and then retain that carbon while they remain standing. Therefore, it is during the main growth period of a tree that it captures carbon. We believe that the value of hedgerows in carbon capture and multiple benefits are undervalued. One potential tool for carbon capture is to increase the carbon storage capacity of the nation's extensive inventory of hedgerows. We know that hedgerows can sequester carbon at twice the rate of woodland as they capture more sunlight due to their three-dimensional structure.

It is not just quantity that matters, but quality too. Many of the nation's hedges are flailed down low and gappy. Allowing hedgerows to expand both upwards and outwards, and filling in the gaps and hedge laying would greatly increase their sequestration potential. It may seem a simple solution, but practical, achievable management advice can make a national difference.

Hedges aren't just offering a hassle-free solution to carbon storage, they also improve water quality, reduce soil loss and provide vital habitat corridor for birds and butterflies. Crucially, hedgerows can deliver climate and ecological benefits in urban and rural areas, making them a universal force for good.

Because hedges grow on land which is not producing food, they also lend themselves to incorporating tree planting. A tree every 20 metres in existing hedge-lines would add 40 million trees with no loss of productive land, even allowing for planting strategies that omit open landscapes and consider other biodiversity requirements. The impact could be considerable.

GWCT do not like to see the felling of trees which have an irreplaceable valuable to biodiversity. However, in reviewing legislation around the felling of trees it is important to consider that this could be a disincentive to the planting of trees by farmers if in future they could fall foul of the ability to be able to fell those trees. The fact that any farmer planting trees now will have to leave that land as woodland ad infinitum is already a deterrent to planting trees.

The planting of trees should not be seen as the only method to sequester carbon on farm and grass covered organic soils should be measured for their contribution to carbon sequestration on farm.

Policy and regulation based on best Scientific Evidence

It is crucial that policy and regulation is based on the latest and best scientific evidence which is constantly changing as research continues to increase our understanding. For example, when looking at tree planting for the sequestration of carbon here are two recent scientific documents which highlight how tree planting may not be the best option to increase carbon sequestration.

[Friggens et al 2020 Glob Change Biol Tree Planting In Organic Soils Does Not Improve Carbon Sequestration.pdf](#) concludes that planting trees on heather covered peaty soils did not lead to an increase in net ecosystem carbon stock 12 or 39 years after planting.

The second new piece of research published March 24 in *Nature*, however, goes a step further highlighting how grassy ecosystems with very few trees are also important for storing carbon in soil. This is because tree planting in organic soils does not result in net carbon sequestration on decadal timescales. It suggests that when elevated carbon dioxide levels drive increased plant growth, it takes a surprisingly steep toll on another big carbon sink: the soil. [https://phys.org/news/2021-03-soils-
absorb-co2-carbon-risebut.html](https://phys.org/news/2021-03-soils-absorb-co2-carbon-risebut.html) - <https://www.nature.com/articles/d41586-021-00737-1>

One likely explanation, the authors say, is that plants effectively mine the soil for nutrients they need to keep up with carbon-fueled growth. Extracting the extra nutrients requires revving up microbial activity, which then releases CO₂ into the atmosphere that might otherwise remain locked in soil.

The research suggests grasslands may absorb unexpectedly large amounts of carbon in the coming decades. Under a scenario where atmospheric CO₂ doubles pre-industrial levels the researchers estimate carbon uptake in grassland soils will increase 8 percent, while carbon uptake by forest soils will remain roughly flat. That's in spite of CO₂ enrichment giving a greater boost to biomass in forests (23 percent) than in grasslands (9 percent), partly because trees allocate belowground a relatively small portion of the carbon they absorb

"From a biodiversity point of view, it would be a mistake to plant trees in natural grassland and savanna ecosystems," Terror said. "Our results suggest these grassy ecosystems with very few trees are also important for storing carbon in soil."

Future policy and regulation should be adaptable to be able to take into account the change necessary as identified through our scientific understanding.

Animal Health and Welfare

It is always essential to ensure good animal health and welfare in a way which is pragmatic, science based and workable. There are areas where environmental solutions can assist with Animal Health such as shelterbelts reducing stress on animals in the winter and boundary hedgerows to stop nose to nose contact and help biosecurity. We would like to see more multiple benefits being delivered across all areas.

Snares

The Game and Wildlife Conservation Trust supports a change that only code compliant fox snares should be manufactured and sold in Wales. However, the Game and Wildlife Conservation Trust opposes the proposal for a power to enable increased controls covering the use of snares, as there is no evidence to justify any changes relating to use.

The Game and Wildlife Conservation Trust fully supports the Welsh Code of best practice on the use of snares in fox control and we would like to see the manufacture and sale of only code compliant snares. It was the Game and Wildlife Conservation Trust who designed, and field trialed the current code compliant snare, publishing results in a peer-reviewed journal in 2012. Note that the GWCT has no financial interest in the manufacture, promotion, and sale of the product. Importantly, the code compliant snare substantially reduces the risk of retaining non-target animals and meets the conditions of the international standard for humane restraining traps (AIHTS).

The Game and Wildlife Conservation Trust does not think a power to enable increased controls covering the use of snares is necessary, and as such opposes this part of the proposal. There is no evidence to justify any changes to the use of snares in Wales. Liaison with the Police suggests that the number of incidents investigated is low and are most often associated with deliberate illegal activity which is already an offence under existing legislation.

The Game and Wildlife Conservation Trust strongly encourages, and advocate users follow the Welsh Code of best practice on the use of snares in fox control and only use code compliant snares. We strongly encourage all users to operate to the highest standards and we continue to provide best practice snaring training.

GWCT had several training courses organised to be delivered in 2020 which were unfortunately cancelled due to Covid restrictions. There is a culture within Welsh Agriculture that training courses are provided by Farming Connect at 80% funding. If best practice training in snare use was financially supported, we believe that many more farmers would undertake the best practice training.

Welsh Language

The farming community has the Welsh language at its heart and Welsh is spoken more widely within the farming community than more urban areas of Wales. This is another reason why it is important to maintain a profitable farming community in Wales.

Collaboration

In order to be able to deliver landscape scale outcomes collaboration between farmers and the wider community is essential. GWCT have worked on the Farmer Cluster approach and with the Nature Fund and Sustainable Management Schemes for many years and have seen great results where farmers and the community come together to deliver a common goal. We would like to see collaborative working being facilitated and funded within any new scheme.

On a more local basis it is important that farmers are able to expand their program of works to be able to incorporate farm boundaries which will require collaboration with neighbours. Where there is a poor relationship between neighbours it is even more important to have dense and secure boundaries. This could be facilitated and a contractor carry out hedge, tree planting and fencing work.

For any further information please contact Sue Evans on sevans@gwct.org.uk or call on 07767 019305