

PROPOSED CHANGES TO STANDARDS IN CROSS COMPLIANCE GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION (GAEC) AND RELATED MEASURES IN ENGLAND

Response from Wildlife and Countryside Link to Defra Consultation

May 2009

Wildlife and Countryside Link (Link) brings together 38 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practice and advocate environmentally sensitive land management, and encourage respect for, and enjoyment of, natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link welcomes the opportunity to express our views on the issues raised in the consultation and to explain the concerns we have with the farming industry's proposal for a voluntary approach (Option B). Although we welcome in principle any industry-led initiative for delivering environmental policy objectives, we do not believe Option B provides adequate guarantees that it will be able to secure the wide range of environmental benefits that were previously provided by set aside. Of particular concern is the 'failsafe' mechanism which requires Option A to be implemented after two years of Option B failing to deliver. This poses unacceptable risks and suggests a lack of confidence in the voluntary approach. In our view, Option B fails to meet the selection criteria set out in the consultation and will not be an adequate substitute for Option A which we believe reflects more closely the recommendations of Sir Don Curry's High Level Group. We believe a wider range of more imaginative measures could be developed for land in Option A that could bring greater environmental benefits.

Ultimately, we believe a more integrated approach to sustainable land-use policy is needed to improve the delivery of a wide range of ecosystem services that also include cultural values. While this cannot be achieved solely through a replacement for set aside, it is important that the Government makes the most of any opportunity that will help to integrate the delivery of environmental policy objectives.

This response is supported by the following 17 organisations;

- The Badger Trust
- Bat Conservation Trust
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign for National Parks
- Campaign to Protect Rural England
- Council for British Archaeology
- Froglife
- The Grasslands Trust
- The Herpetological Conservation Trust
- Plantlife International
- Pond Conservation
- Royal Society for the Protection of Birds (RSPB)
- The Salmon & Trout Association
- The Wildfowl & Wetlands Trust
- The Wildlife Trusts
- The Woodland Trust

Recapturing the environmental benefits of set-aside (Option A - mandatory approach plus ELS 'top-ups'; Option B - voluntary approach)

1. *Do you have any further evidence (preferably quantified) on the environmental benefits of set-aside/uncropped land?*

Link does not have any further evidence on the environmental benefits that were delivered through set aside. As the Defra Information note on the evidence base states four studies were commissioned to inform the work of the High Level Set-Aside Group (HLSAG). We believe the research that has been conducted so far clearly demonstrates how important set aside was in providing habitat for bird, mammal and plant species and protecting water resources. We are disappointed with the extent of the research that has been undertaken on the benefits for set aside for invertebrates. Given the importance of invertebrates in maintaining sustainable agricultural systems we believe this area of research could have been further explored. Link notes the contents of Table 1 on page 8 of the consultation that describes the benefits of longer term set aside and the strong focus in the consultation proposals on retaining the benefits provided by rotational set aside. We would like to emphasise that longer term set aside land also plays an important role in protecting archaeological features and can also provide valuable semi-natural species-rich grassland habitat. Long term set aside land helped to add to the diversity of land cover in areas of intensive arable cultivation contributing to enhancing landscape character. Link believes it is important that these benefits should be equally valued and retained through the implementation of measures in Option A.

In relation to this point Link also believes it is important that the proposed changes to GAEC 12 (agricultural land not in agricultural production) should not result in former long term set aside land losing the environmental benefits it has acquired.

2. *Do you think other or additional selection criteria should be considered in selecting which option to implement?*

Link believes that the selection criteria identify the essential actions needed to retain most of the key environmental benefits previously provided by set aside. We believe Option B fails to fully meet a number of these criteria.

3. *Do you think other or additional criteria should be considered in measuring the success of any measures adopted?*

Link would only wish to reiterate that the definition of environmental benefits should include delivering those that have arisen both from rotational and long term set aside. These include not only benefits for biodiversity and water resources, but also those delivered by longer term set aside for historic environment features and landscape character. The success of the measures that are introduced should be judged against targets that are based on clearly quantifiable for all environmental outcomes.

4. *Do you agree that the short term outcomes (for example, area, distribution, management of uncropped land) and longer term potential of any measure adopted should be assessed at the end of the first year of implementation?*

Link agrees that such an assessment should be made at the end of the first year of implementation. We are particularly concerned that it will be difficult to accurately monitor short term outcomes for Option B given how long these will take to emerge.

This also highlights the weakness of the proposed failsafe mechanism which proposes only taking action after two years of failure.

5. For Option A which alternative would you prefer to see implemented, A1 or A2, and why?

Link would prefer to see Alternative A2 implemented as the consultation states (3.11.5 (ii) and Table 6) that this has the potential to provide a wider range of environmental benefits for different animal and plant species. It also provides a wider choice of management options for farmers, including options related to production.

Link would be interested in discussing how the range of measures listed in the consultation could be further developed. We believe there is scope for consideration to be given to introducing more imaginative measures, particularly those that include trees. For example, please see our response to question 18 on improving performance of buffer strips through tree planting.

6a. Bearing in mind the costs to farmers and environmental objectives, what percentage area do you think should be set for Option A– as alternative A1; or as alternative A2? (For example under 4%, 4%, 5%, 6%, or over 6% of liable land)

Link has previously recommended that a thorough assessment should be carried out to identify what percentage area of land should be set. We note that Natural England has made a recommendation that a percentage of approximately 4% will be necessary (based on the area of arable land for Single Payment claims) to retain the environmental benefits of set aside. However, this figure relies on an idealised scenario of farmers taking up the right mix of options. Link believes it is important to bear in mind the point made in the consultation (3.11.2) that because the definition of arable land will be narrower, setting a requirement for 4-6% under Option A is in practice closer to 3-5% when compared to the previous definition of arable land.

Therefore, given our support for Alternative A2 (with the four production options generating a lower density of environmental benefits per hectare), Link believes that 6% should be the minimum starting point to deliver the benefits previously provided by set-aside. Additionally, 8% was the average percentage of arable land in set aside under the previous definition and a significant time gap has been created between the set aside rate being set at zero and mitigation measures being implemented.

6b. Do you agree that the Option A requirement should only apply to farms with more than 20ha of cultivated land?

Link notes that this area is very close to that which existed under set aside, although areas of temporary grass will now be exempt. It is not clear to Link from the consultation why this limitation should remain. The purpose of Option A is to provide environmental benefits whereas set aside was designed primarily as a production control mechanism. Continuing with a similar percentage of cultivated land does not appear to have been justified on an environmental basis.

7. Do you have suggestions for minimising any potential negative impact on ELS uptake should Option A be implemented?

Link is unconvinced by arguments that there will be substantial negative impacts on ELS uptake if Option A is implemented. The argument put forward by farming organisations seems paradoxical to Link. We question why if Option A were to be implemented farmers would not enter or renew ELS agreements but if Option B were

to be implemented they would then undertake a very similar range of ELS type options even though they would receive no payment for carrying these out.

Additionally, as is currently the case, farmer decisions on entering ELS will be affected by a wide range of factors. We are concerned by the somewhat alarmist suggestion from the farming industry that there may be an exodus from ELS if Option A is implemented which in our view does not appear to have been properly substantiated.

Link continues to believe that if the burden of mitigating for the loss of the environmental benefits of set aside was placed on Environmental Stewardship as it effectively would be under Option B, then there would be an urgent need for the additional transfer of ring-fenced funding to avoid placing additional demands on the existing agri-environment budget that is required to deliver all of the objectives for Environmental Stewardship.

8. Do you have suggestions for changing the existing GAEC 12 (agricultural land which is not in agricultural production) as part of Option B?

As Link does not support the introduction of Option B we do not have any suggestions to make. Our comments on changes to GAEC 12 (set out in responses to questions 22 and 23) are based on the introduction of Option A.

9. Do you have any suggestions for developing Option B so that it could deliver against the proposed success criteria (para 3.7.1)? Please give reasons.

Link does not believe Option B will be effective in delivering against the success criteria. Link believes Option B requires at the very least more detail on the scale, distribution and range of environmental benefits that will be delivered. There is also a need for further explanation of the extent of the administrative cost savings along with more detail on how the monitoring mechanisms and targeting methods will be undertaken. Option B also requires a far more robust failsafe mechanism tied to a far shorter timetable for introduction and delivery. It is not clear to us who will provide the budget for carrying out the campaign, in particular how the campaign will be funded or the extent to which it will need to rely on public funding.

10. What would be the best form of cost-effective guidance and advice to help you understand the proposals for either Option A or B? (Examples include – hard copy, electronic form, workshops, farm demonstrations, farm walks, a telephone help-line, published articles, training of advisors etc.)

Link would reiterate a point it has made about the best forms of guidance in previous consultations. There is unlikely to be one form of guidance that is both cost effective and suitable for all those who will need to use it. A range of guidance formats will be necessary including all of those listed above as a starting point.

11. Is Option A an appropriate mechanism to act as a fallback should Option B (a voluntary approach) fail to deliver?

Link believes that changes may be necessary to Option A to make it more stringent, if a voluntary approach is adopted, and this subsequently fails to deliver the environmental outcomes that are needed. This could include increasing the percentage area of land required, strengthening the requirements of any environmental management measures and increasing the degree of targeting and the level of monitoring.

12. Which option would you prefer to see implemented, Option A or B? Please state why.

As indicated by the research that has been commissioned and as the consultation document states, the environmental benefits of set aside have already been eroded as land has been brought back into production and therefore there is an urgency to introduce an option that can be quickly implemented and which rapidly effectively delivers the required outcomes.

Link has carefully considered the proposals for Option B published by the farming industry in late April. However, it is clear that the industry's proposal does not come close to what we believe is required to meet the environmental challenges posed by the loss of set aside and Link cannot support it. In our view it clearly fails to meet the criteria for recapturing the environmental benefits of set aside set out in the consultation. Link does not think it is an adequate alternative to Option A, which we believe reflects more closely the recommendations of Sir Don Curry's HLSAG and is the only proposal that can deliver the environmental benefits that are required.

Link cannot support the implementation of Option B for the following reasons:

- The proposal fails to provide adequate guarantees that it will be able to secure and deliver the wide range of environmental benefits previously provided by set-aside;
- The area of land set aside will be highly susceptible to variations in prices for cereals;
- We question the proposal's lengthy timescale for full implementation;
- We are seriously concerned at the lack of detail on targets and budgets;
- We are particularly concerned at the weakness of the 'failsafe' mechanism which requires Option A to be implemented. The 'failsafe' will be triggered if the area of uncropped arable land falls below 50% of the minimum area identified as being necessary by Natural England *for two years running*. This poses unacceptable risks and suggests a lack of confidence from the industry that the scheme can come close to delivering what is needed within an acceptable timescale. Any failsafe needs to include stringent trigger mechanisms so that it can be implemented as soon as it is clear that the actions required are not being taken up;
- We believe that the suggestion that 2010 should be seen as a transitional year under Option B risks the further loss of environmental benefits from the remaining areas of set aside.
- We are also unconvinced that the inspection and monitoring regime will have '*substantially*' lower costs than Option A. Both options will require the Rural Payments Agency (RPA) to accurately check, record and centrally collate how and where measures have been implemented.

13. Do you have any further information and/or views on the costs, benefits and risks of the proposals?

At this stage in the consultation process Link does not have any further views or information beyond those set out above.

Introduction of new GAEC standard on buffer strips next to watercourses

Link welcomes the proposal to introduce a new GAEC standard on buffer strips next to watercourses. We believe this standard can assist in delivering the objectives of the Water Framework Directive (WFD) and that Defra should base its decision on the urgent need to implement these objectives. These measures can also deliver beyond WFD objectives by improving river bank and adjacent habitat for a range of species and the wildlife benefits and potential should be fully explored.

Buffer strips should be placed alongside watercourses where they will be most effective in reducing run-off and diffuse pollution. Therefore, Link believes a mandatory, targeted approach is most appropriate which should be included in cross compliance requirements.

We recommend that Defra introduce Option 4 for the following reasons:

- Defra's preferred Option 3, using an advisory approach to targeting using guidance, is unlikely to prevent further deteriorations of water quality. The seriousness of the challenge to achieve WFD targets by 2015 and the lag-times for water quality improvement means that effective measures must be adopted now by all sectors that impact on water quality, including the farming sector. Immediate implementation of targeted compulsory buffers strips is a more appropriate response to this challenge rather than waiting until 2012 for results of voluntary uptake.
- We believe that Option 4 will provide the best value based on cost benefit analysis for the following reason. To achieve Defra's predicted maximum benefits under Option 3 it is assumed that voluntary approaches will be adopted fully by all farmers. We believe that full uptake of a voluntary approach is unlikely and unrealistic and therefore it is inappropriate to include a figure for maximum benefits. There is a greater guarantee of gaining benefits from a well-enforced compulsory approach.
- Voluntary mechanisms are inequitable and unfair to those who pay the cost of implementing measures or who have good management practices because those who choose not to adopt voluntary measures receive a competitive advantage. We therefore believe that a voluntary approach (Option 3) is not appropriate in this case.
- Defra have the responsibility to deliver WFD targets and should be willing to fund the adaptation of the existing cross compliance inspection regime to include the inspection of buffers that will be required under Option 4. Inspections will be essential to ensure cross compliance and correct placement of buffers. However, we believe providing clear information on the purposes and management of buffers to accompany advice on targeting, will result in the costs of inspection being smaller than predicted. The risk assessment indicates that costs to the RPA would be substantially higher if measures had to be made compulsory at later date.

14. Do you have further information, preferably quantified, that would improve the analysis presented in the impact assessment associated with the buffer strip options?

Link does not have quantified information to provide.

15a. What guidance and advice will be necessary to assist farmers in deciding where to locate buffer strips next to watercourses?

Farmers should be supported with the same information to help them understand where buffers will be effective whether targeting is made advisory or mandatory.

To improve understanding of why buffer strips need to be located in particular areas we recommend that Defra provides information to farmers, for example maps that show where soil type and degree of slope indicate that buffers will be most effective. We also recommend that on sites of high biodiversity value particularly for rare arable plants, specific management needs to be put in place to include periodic cultivation. We are concerned that lack of guidance for land managers could lead to poor outcomes, such as buffers being placed where they are ineffective.

15b. What is the most effective way of providing guidance and advice to farmers on locating buffer strips?

As previously stated in our response to Question 10 a range of different forms of guidance is necessary to meet a range of needs. Face to face advice can often be the most effective form of advice but this is unlikely to be available to every farmer. Alternatively simple map-based or checklist type guidance on placement and effectiveness of buffers may be required.

16a. Do you agree that the success of policy option 3 (advisory targeting of buffer strips) is likely to be reduced if Option B for recapturing the benefits of set-aside is undertaken?

If a voluntary approach (Option B) is implemented we believe that the success of Option 3 for buffer strips will be reduced. Option B contains no guarantees that farmers will implement any management to mitigate for the loss of set aside or that they will place buffer strips where they are most effective. The industry proposes to focus on the top 15 arable counties as this is where set aside was most prevalent. However, these areas may not be the same areas that need to be prioritised for improving water quality for WFD objectives. Using a dual voluntary approach may also risk a focus on using buffer strips in a way that means there is a reduction in the amount of environmental management land that is placed adjacent to other habitats, where it could provide other environmental benefits.

Option 3 objectives could benefit from Option A as farmers could decide to use the buffer management option to acquire the percentage of land needed under Option A requirements.

Under Option B, there will be a requirement to use additional ELS options to mitigate for the loss of set aside and to meet the requirements for buffer strips. This will require an extra cost to ELS and the public that has not been calculated in the risk assessment. To mitigate for the other benefits that set-aside provided, including those to farmland birds, there will need to be a change in the uptake of options to include a greater number of in-field options. It will therefore be difficult for farmers to also obtain points to meet the requirements for buffer strips.

16b. How would you mitigate this risk?

This risk could be mitigated if policy option 4 was chosen. This would ensure that all farmers would be required to place buffer strips where they are needed to improve water quality and where they can be most effective. The main reason for

implementation of this measure is to achieve WFD targets. Based on current evidence that only 21% of water bodies are achieving good ecological status Link believes it is unlikely that a voluntary approach will guarantee the delivery of the actions that will be necessary. For example, some of the most damaging crops to water quality, such as potato farming, are also the most profitable and therefore it will be very difficult to ensure farmers voluntarily take land out of production in order to implement buffer strips requirements.

17. If monitoring showed that the advisory/incentive approach under Policy Option 3 had not been successful in delivering sufficient buffer strips in appropriate locations, would you prefer to adopt Policy Option 2 (a blanket mandatory approach) or Policy Option 4 (a targeted mandatory approach)?

Link does not support voluntary implementation as we believe that it is more cost effective in the long run to identify and target measures where they can deliver the actions that are required. It is inefficient to identify where action is needed but then be unable to implement the necessary delivery measures. Link's preferred choice is for a targeted approach to placing buffer strips in the locations where they will be most effective.

If Defra selects Option 3 Link believes it is essential that a strong and effective monitoring system is implemented. There must be monitoring of uptake, location of buffer strips and changes to water quality, with time limited targets and a regulatory failsafe set to ensure water quality does not deteriorate further and thereby compromise success in meeting WFD targets.

The immediate implementation of Option 4 would remove doubt that remains about the level of uptake under Option 3. Furthermore, if compulsory buffer strips are delayed until 2012, there is a greater risk that water quality will continue to deteriorate and make it more difficult to reach WFD targets for 2015.

18. Can you advise on modifications to the options outlined that would effectively address water quality issues through the use of buffer strips next to watercourses as part of the GAEC standards?

Many farmers will already have created buffers next to watercourses. This may be for voluntary reasons, as part of agri-environment schemes, where they would otherwise have to conform with LERAP requirements, or a combination of these.

Link recommends providing guidance to farmers on sowing, establishing and maintaining 6m buffers with vegetation that are most effective in reducing run-off of sediments and nutrients into watercourses as well providing benefits for wildlife. Defra should apply the findings from research that has been commissioned in this area on which mixes can be most effective in both stopping run-off and providing wildlife benefits.

Research has highlighted that trees are particularly effective in reducing nutrients and sediment in water courses. One study showed how a 5m poplar buffer reduced nitrate concentrations draining from arable fields in southern England by 99%¹. Other studies corroborate this type of benefit and demonstrate the effectiveness of woodland in reducing sediment and other chemicals in water courses.

¹ Haycock, N. E. and Pinay, G. (1993) *Groundwater nitrate dynamics in grass and poplar vegetated riparian buffer strips during the winter*. Journal of environmental quality, 22 issue 2; 273-278

Link welcomes the baseline requirement for all four options to implement the Nitrates Action Programme no-spread zones. We especially welcome the proposal to keep the existing exemptions, where necessary, to allow fertilisation of land near watercourses for the purpose of breeding wading birds or as a species-rich semi-natural grassland.

Soil management: helping farmers manage their soils

19. Do you agree that the approach outlined above will improve the cross compliance GAEC standards on soils?

Link has some concerns that the proposals risk weakening the cross compliance requirements for soil management which could compromise natural resource protection objectives. The draft of the proposed Soil Protection Review (SPR) no longer clearly states what farmers may or may not do. Consequently, we are not convinced that the *'guidance will provide greater clarity'* or will necessarily improve farmer understanding of the baseline for good practice (paragraph 4.4 of the impact assessment).

Link's understanding was that there was to be a simple amalgamation of the requirements. Instead these have been removed and replaced. Although the SPR will provide a planning tool with suggested management options it has removed the clear rules previously set out in GAEC 2 to 4. Although planning tools can help farmers to sustainably manage soil resources, we believe it should be clear what the regulatory baseline requires and that these requirements should be maintained in order to make these management tools effective.

We understand the reasoning behind the proposed changes to the GAEC 3 requirement that will allow farmers to use machinery on waterlogged soil, without the need for a derogation so that farmers can harvest crops. However, we are concerned that this change should not compromise the protection of soil when it is in a vulnerable waterlogged state. We recommend that Defra retains the wording of GAEC 3 as strong advice within the SPR (with Table E) and as advisory wording within our recommended GAEC 1-4 amalgamated rules (see response to question 20). We also recommend that Defra makes clear that consistent and widespread abuse of waterlogged soils will result in GAEC 3 rules being reintroduced.

20. Have you any additional ideas for how the proposals might be further improved?

If Defra is seeking to reduce the number of GAEC requirements within cross compliance, Link recommends amalgamating GAEC 1-4 but clearly maintaining the requirements set out within these as a regulatory baseline for good practice.

Abstraction Licences (for irrigation)

21. Do you have any evidence that suggests we should consider a different approach to implementing the new cross compliance standard on abstraction licences?

Link supports the introduction of this cross compliance measure. Link does not have any evidence to suggest a different approach to implementation.

Agricultural land which is not in agricultural production (GAEC 12)

22. Is the list of proposed activities that would be permissible on agricultural land that is not in agricultural production appropriate?

Link believes that the current list of Category A activities permissible on other land not in production (that will not be permitted on land established under Option A) are appropriate. As is currently the case any permitted activity should be compatible with the aim of avoiding negative environmental impacts.

23. Are there any activities you would wish to see included / excluded, if so provide an explanation of the impact on agriculture and the environment?

Link may wish to provide further views on this question when it is clear which additional permitted activities are being considered by Defra. With the exception of motor sports, which can have damaging effects on soil and which can reduce areas of tranquillity, Link does not wish to see any activities excluded from the existing list of Category B activities providing a 28 day limit is retained.

Protection of hedgerows and watercourses (GAEC 14), clarification of the rules to allow hedgebank maintenance

24. Does the proposed exemption for hedgebank maintenance and restoration provide sufficient flexibility without decreasing the level of protection given to conventional hedgerows?

In principle Link does not object to the introduction of this exemption as it should apply 'solely' to traditional hedgebanks and therefore should make an important positive contribution to their maintenance and restoration. One advantage to using soil that has eroded from the bank is that it may contain seeds from the plant species that grow on the bank, helping to maintain the botanical diversity of the hedgebank. However, it is essential that monitoring is undertaken to make sure that any unintended consequences of introducing this measure can be addressed. For example, substantial amounts of soil, possibly containing residues of fertilisers, herbicides and pesticides, being cast into hedges in other parts of the country which could have on negative effects on some plant and insect species.

25. Can you provide any advice or referenced material that will help further inform clear definitions of casting up and hedgebanks?

Link does not have any material to submit but would identify members of Hedgeline, (the partnership of organisations and individuals engaged with hedgerow conservation in the UK) as being a potential source of authoritative advice or reference material to help with providing clear definitions of casting up and hedgebanks.

Information and Guidance

26. Which aspects of the activities undertaken as part of cross compliance are unclear in terms of their added value?

Link agrees that it important that farmers clearly understand the purpose of cross compliance conditions and their value in ensuring there is a base line of regulation to ensure environmental objectives are delivered.

27. Is the proposed grouping a useful clarification around which further material could be developed?

Link agrees that the grouping framework should help with developing material so that farmers understand how cross compliance requirements contribute to making farming more sustainable.

28. What is the most useful way for you (farmers) to receive such information? (e.g. in written format, face-to-face, site visits & farm walks, or any other suggestions you may have)

Link has no additional response to make to this question beyond the points we have made in our responses to Questions 10 and 15b.

**Wildlife and Countryside Link
May 2009**