

## **Informal cross compliance consultation: soil GAECs Wildlife and Countryside Link response**

Wildlife and Countryside Link (Link) brings together 43 voluntary organisations concerned with the conservation and protection of wildlife, countryside and the marine environment. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over eight million people in the UK and manage over 750,000 hectares of land.

This response is supported by the following 9 organisations:

- Amphibian and Reptile Conservation
- Buglife – The Invertebrate Conservation Trust
- Bumblebee Conservation Trust
- Butterfly Conservation
- Plantlife
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Wildfowl & Wetlands Trust
- Woodland Trust

### **1. Overarching comments**

Link believes that the CAP has a key role to help secure long-term EU food security through protecting the natural resources upon which food production depends. Productive agriculture depends on healthy soil, yet in many parts of England soil is being lost and degraded because of unsustainable farming practices. Around 2.2 million tonnes of topsoil is eroded annually in the UK as a whole<sup>1</sup>. Loss of organic matter and other problems such as compaction also affect large areas. As well as reducing productivity, soil loss and degradation is associated with problems of water pollution, flooding and release of greenhouse gases into the atmosphere. Damage to our soils is already affecting people's lives and livelihoods. Following the winter floods, RSPB supporters from at least 27 flood-affected constituencies wrote to their MPs asking for stronger CAP rules and better use of CAP money to improve the management of agricultural soils.

Rigorous and well-enforced cross compliance requirements have an important role to play in securing more sustainable soil management across England. We urge Defra to make the most of this opportunity to introduce a fit-for-purpose set of GAEC soil standards. Link commented in detail on the previous draft of the soil GAECs as part of our response to the March 2014 stakeholder consultation<sup>2</sup>. Our overarching comments remain that the new GAECs must be enforceable and provide a strong level of environmental protection.

We do not feel that our concerns over the proposed approach to inspection and recording of non-compliance have been addressed and we remain concerned that there is not a clear distinction between guidance and verifiable standards. There are some important points raised in the guidance attached to GAECs 4 and 5 which are not reflected in the GAEC text itself.

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<sup>1</sup> Environment Agency (2004), The State of Soils in England and Wales

<sup>2</sup> [http://www.wcl.org.uk/docs/Informal\\_cross\\_compliance\\_consultation\\_Link\\_response\\_Mar14.pdf](http://www.wcl.org.uk/docs/Informal_cross_compliance_consultation_Link_response_Mar14.pdf)

Finally, we continue to feel that there is a need for specific requirements pertaining to maize production in terms both of post harvest management and the need to site such crops away from vulnerable areas. Link disagrees strongly with the inclusion of maize stubble in the list of acceptable types of ‘minimum cover’ and asks Defra to restrict this list to cover types that genuinely offer sufficient protection to soils.

## **2. GAEC 4 – minimum soil cover**

Link welcomes the inclusion of a list of specific permitted types of soil cover, in line with our previous advice that the GAECs should include verifiable rules. We assume that if one of these types of cover was present but erosion occurred then non-compliance would be recorded under GAEC 5.

We are however extremely concerned that this list includes land cover types that are known to leave soils vulnerable to erosion. Maize stubble and sugar beet are examples: the late harvesting of these crops means that sufficient green cover is unlikely to establish if the field is to be left fallow over winter, leaving the soil vulnerable to erosion. Ploughing to create a rough surface can reduce erosion after harvesting but this may not be sufficient in all situations. The March 2014 draft of this GAEC only listed cereal stubbles, which according to our understanding would specifically exclude maize and beet stubbles, and it is not clear why maize and beet stubbles have been added back in. The updating of these GAEC standards is an opportunity to learn from experience and to correct problems that have become apparent over the lifetime of the current standards. Inappropriate farming practices contributed to the floods of winter 2013/14<sup>3</sup> and it is unacceptable that public money should continue to be paid in support of such practices.

Link therefore suggests strongly that maize and sugar beet stubbles should not be included in the list of generally acceptable minimum cover; that specific management requirements for stubbles of these crops should be included in the verifiable standards; and that GAEC 5 should rule out growing high risks crops such as these in high risk situations.

Link welcomes the inclusion of ‘areas created for agri-environment schemes’ as an acceptable justification for not having one of the listed types of cover. Bare ground provides vital habitat for a range of invertebrates, birds and other species and it is important that cross compliance rules do not work against the creation and maintenance of such habitats at appropriate locations.

Link does however feel that in general the current list is rather broad and risks creating loopholes in the requirements of this GAEC. We suggest that wording should be tightened up, particularly for the pest management and field drain points, to make it clear that the derogation is only for the length of time strictly necessary to achieve these objectives.

## **3. GAEC 5 – minimum land management to limit erosion**

Link feels that the wording of this GAEC is too weak to ensure adequate standards of soil management or to provide a clear baseline for Pillar 2 payments.

The new draft of this GAEC fails to make clear that farming practices which inevitably cause erosion are not acceptable. In particular, the requirement to “put in place measures to limit... erosion caused by livestock management” represents a significant weakening of the existing

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<sup>3</sup> Palmer, R.C. and Smith, R.P. (2013) [Soil structural degradation in SW England and its impact on surface-water runoff generation](#). Soil Use and Management 29: 567–575

GAEC 9 on overgrazing<sup>4</sup> or indeed the previous draft of this GAEC which read “do not allow stock to overgraze, trample and poach the soil where this causes soil erosion...”. As covered in Link’s previous response, overgrazing can damage semi-natural habitats and vegetation. We ask Defra to redraft the new GAEC so as to avoid weakening protection for habitats from overgrazing and associated trampling.

Compliance with this GAEC is effectively determined by whether an inspector observes signs of soil erosion. As Link has previously stated, a one-off visual inspection may not be sufficient to detect problems, especially as it could take place at any time of year. Inspectors must be trained to assess management practices and identify where risks are not being addressed (even if erosion is not currently occurring), and this should count as a non-compliance.

Link is concerned by the statement “grant aid is available through agri-environment schemes for specific soil and water protection issues.” The new 'outcome focused' approach to this GAEC means that the standard is not based on a set of specific prescriptions. However the requirements of the GAEC should in theory form the baseline above which Pillar 2 money can be paid. The draft text seems to imply that farmers could be paid Pillar 2 money to meet the requirements of cross compliance, which is not permitted according to the CAP regulations [add reference] and contravenes the polluter pays principle. Link asks Defra to clearly define the baseline and to clarify that Pillar 2 money will only be paid for activities above and beyond this. Link strongly supports Defra’s objective of ascribing 75% of the agri-environment budget to biodiversity objectives.

Link feels that the following requirement is overly general and would not be appropriate in all circumstances: “In order to limit soil compaction, you must cultivate post-harvest land and late harvested crops using primary cultivation methods, including ploughing where appropriate.” Interpreted strictly, this would prevent crop establishment by direct drilling or auto-casting. Cultivation is not the only available tool to combat compaction. For example soil compaction issues on permanent pasture can be alleviated by extensification of grazing and allowing soil invertebrates to build up to restore the soil structure. We therefore suggest alternative wording along the lines of ‘You must take appropriate action to address any soil compaction issues’.

#### **4. GAEC 6 – maintenance of soil organic matter**

As stated in our previous response, Link welcomes the continued inclusion of the Environmental Impact Assessment (EIA) regulations and the Heather and Grass Burning Code within the scope of cross compliance, but is concerned that putting these rules under the soil GAECs will weaken the protection afforded to habitats. We ask Defra to clarify in the GAEC text whether non-compliance would be recorded if these rules were breached in a way that did not immediately affect soil organic matter.

It is not clear to Link why an exception is made for burning residues of linseed and we ask Defra to clarify this.

#### **5. Guidance section**

Link strongly agrees that farmers must be provided with guidance to help them understand how to apply the GAEC standards, and importantly the reasons so they know *why* they are being asked to carry out these practices. We therefore welcome the guidance section but,

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<sup>4</sup> [The Guide to Cross Compliance in England 2014](#). Accessed August 2014.

as stated above, there is a need for clarification as to what extent this section forms part of the verifiable GAEC standards.

There are some important points in the guidance section which are not reflected in the GAEC standards themselves. The following statements are welcome but are too weak to influence practices on the ground: “Wherever possible relatively flat fields should be chosen for growing [row] crops”; “Not all sites within the UK are suitable for outdoor pigs”; “Where possible, it is best to avoid high risk practices on land at high risk of compaction, runoff and soil erosion” and “With slow draining, heavy soils on slopes it may be better not to grow high risk crops that will be harvested late in the year.” Such statements should be phrased as definite requirements and should form part of the verifiable standards. Carrying out high-risk practices on high-risk soils should be considered as an automatic breach of GAEC 5.

Link is concerned by some of the statements in the section on *How to recognise soil erosion*. We disagree that soil erosion should only be considered ‘significant’ if it covers more than 1ha in-field or a continuous 20m stretch of watercourse to a depth of 2m. The cumulative run off from fields not exhibiting large scale gullies can still be very great, especially for row crops such as maize. Similarly we feel the description of erosion around gateways etc as “not of concern” is inappropriate and would represent a retrograde step compared to the existing rules. There will be situations, for example where soil erosion threatens a valuable terrestrial or aquatic habitat, where small areas of erosion may be highly significant.

The statement “Watercourses must be fenced to avoid excessive bankside erosion” (under *Compaction caused by poaching*) seems inappropriate as a blanket requirement. Fencing of waterways is important, and in many situations fencing of a whole waterway is vital to protect water quality. However in some areas, breeding waders are dependent on foraging grazed fringes to shallow channels in wet grasslands and a number of invertebrates require a degree of poaching and grazed banksides with structural variety. Fencing should only be used where it is appropriate to address known problems in a specific area, as fencing of every watercourse will mean numerous wildlife benefits will be lost.

Link does not support the statement (under *Preventing erosion in the uplands*) that “farmers and landowners will only be expected to put in measures to limit new soil and riverbank erosion where this is occurring due to current practices and not where this is occurring due to historic reasons.” While we agree it would be unfair to penalise farmers for the impacts of historical damage it is essential that farmers are required take action to repair and restore such areas. Erosion caused by features such as old drainage grips, as well as damaging the land itself, creates ongoing costs for water companies (and ultimately their customers) in managing water quality. It is entirely reasonable to expect farmers to bring their land into good condition in return for the large sums of public money paid in the form of direct subsidies. Link also believes that it is critical that land managers seek to stabilise and/or restore eroded areas such as areas of bare peat. These areas should not be burnt or grazed and expert advice should be sought on how to restore them. We would suggest a further requirement that livestock should not be overwintered in upland areas where erosion is a known problem.

**Wildlife and Countryside Link**  
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