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Welsh Government

# Agriculture (Wales) White Paper

Summary of Responses

July 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## Wavehill: Social and Economic Research

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# Contents

Executive Summary.....	2
1 Introduction .....	7
2 National Minimum Standards.....	11
3 Advice and Guidance .....	18
4 Civil Sanctions .....	24
5 SLM Future Support .....	30
6 Industry and Supply Chain .....	35
7 Collection and Sharing of Data .....	38
8 Forestry and Woodlands.....	51
9 Tenancies .....	57
10 Animal Health and Welfare.....	64
11 Snares.....	68
12 Integrated Impact Assessments.....	72
13 Welsh Language .....	74
14 Additional Themes .....	78
15 Conclusions .....	85
Appendix 1: Consultation Questions .....	86
Appendix 2: Response Numbers.....	90
Appendix 3: Organisational Responses.....	91

# Executive Summary

This report provides an independent analysis of responses to the Agriculture (Wales) White Paper consultation. It sets out a summary of the views and perspectives offered by respondents with regard to the proposed legislation.

## Responses

The respondents to the consultation represent a broad range of stakeholders with an interest in agriculture and forestry, the vibrancy of rural communities, and in maintaining and improving the natural environment. In total, 1,119 responses were received over the course of the consultation. This included 232 responses from individuals and organisations, and a further 887 submitted through a campaign organised by the League Against Cruel Sports.

## National Minimum Standards

Overall, most respondents expressed positive sentiments towards the proposals surrounding the National Minimum Standards. This reflected, both explicitly and implicitly, the importance placed by many respondents on rationalising and simplifying the current regulatory landscape surrounding farming and land management. It also reflected, for some, agreement with the overall sentiment and direction of the proposals.

The key themes expressed by respondents included the importance of simplicity, flexibility and stability contained within the proposals. Respondents expressed the importance of maintaining high standards, or indicated that the standards needed to go further, in working towards more environmentally sustainable land management. There were also respondents who felt it important that the National Minimum Standards should align with key markets and ensure the competitiveness of Welsh produce. Concerns were also raised around the speed of transition to new arrangements. From these perspectives, clarity and preparation in the transition to new arrangements were considered important.

Respondents also felt that greater clarity on the substantive content and extent of the National Minimum Standards would be valuable. Within responses, it was clear that there were diverse interpretations of the proposals surrounding the National Minimum Standards. This included the precise impact of the proposals on the regulatory baseline, which some felt would be raised and increase the costs of compliance.

## Advice and Guidance

Overall, the general sentiments expressed by respondents towards provisions surrounding the White Paper and advice and guidance tended to be positive. There were, however, greater levels of conditional support, where respondents highlighted specific areas in the approach that could be strengthened. Respondents offering views and reflections sometimes understood the proposals as including advice and guidance on both the National Minimum Standards and the Sustainable Farming Scheme.

Many recognised the importance of clear and effective advice and guidance in supporting the transition to the National Minimum Standards. From this perspective, advice and guidance would be essential for supporting interpretation and compliance with the new regulatory framework. Respondents also highlighted the importance of ensuring that all advice and guidance is accessible in both Welsh and English, and many also felt that this would benefit from pivoting existing advisory services and support. There were concerns, however, that the provision of advisory services and support should not diminish other forms of support, including through the Sustainable Farming Scheme.

## Civil Sanctions

In terms of the general sentiments expressed by respondents towards the proposals surrounding compliance and the use of civil sanctions, on the whole they were positive. This included the general orientation of the proposals, including in seeking to embed greater proportionality within compliance frameworks. Some offered conditional support, where they agreed with the overall thrust of the proposals but would like greater clarity or offered specific suggestions on how the proposals could be improved.

Respondents felt that the broad approach to include an enforcement regime that included civil sanctions was valuable. Some felt that greater proportionality would be valuable in building trust and serve to create a non-confrontational regulatory environment. Linked to effective, clear, and bilingual advice and guidance many felt was valuable, some restated the importance of helping farmers and land managers to navigate the requirements set out in the National Minimum Standards. Others also felt that to support and engage those who may have made potential breaches was important.

## SLM Future Support

Whilst general sentiments expressed in the responses were broadly positive, there was relatively greater conditional support for the proposals surrounding the Sustainable Land Management framework as with other areas of the White Paper. This tended to centre on the importance of greater clarity surrounding the proposals, including information on the types of public goods and payment rates the scheme would support.

Where support for the proposals was greatest, this tended to centre on the general thrust of the proposals including the pivot away from subsidising production towards the provision of public goods. There were also concerns that future support should be accessible to all, especially for smaller farms. Respondents also highlighted additional factors that should be supported through the scheme, including additional public goods, such as cultural, social and economic objectives, as well as continuing to support food production.

## Industry and Supply Chain

Relatively fewer respondents offered their views on this aspect of the proposals. Of those that did, the majority were supportive of the greater focus on industry and supply chains. There was a general perception of the importance of supply chains to the economic health of farming in Wales. From these perspectives, supporting broader industry and supply chains

was welcomed, including in stimulating local economic growth and innovation. Conversely, there were concerns that the proposals would dilute available resources too thinly, including from the Sustainable Farming Scheme.

## Collecting and Sharing Data

The general sentiments for the proposals surrounding the collection and sharing of data were positive. For some, it was felt that agricultural policy and practice should be driven by accurate data and evidence. It was felt that data collection and sharing would be an important element in ensuring the effectiveness of the proposals in achieving their stated aims. Others felt that, whilst data collection is important, it should not be onerous. Respondents generally supported the commitment to streamline processes in order to make it easier for farmers and land managers to collect and disseminate information. Furthermore, there was broad support for using data for compliance and regulation monitoring, and the greater use of emerging technology such as Earth Observation data.

## Forestry and Woodlands

In terms of general sentiments towards the proposals surrounding forestry legislation, there were no clear trends. This is due, in part, to the low number of responses explicitly citing views on the proposals surrounding forestry and woodlands. Of those who did respond, there was support for the general sentiment of the proposals, namely, to support and encourage greater woodland cover. However, some felt that the scale of the ambition could have negative impacts on other activities and sectors, specifically in reducing productive land for other purposes. More broadly, the majority of respondents were supportive of the proposals to promote and leverage investment in tree planting through carbon markets.

## Tenancies

In terms of general sentiments towards the proposals surrounding tenancies, again there were no clear trends. The importance of protecting tenants was raised by respondents, including in accessing support and in ensuring that they are adequately rewarded for stewardship of the land. A more peripheral theme included landlords, who expressed the importance of aligning support and making it compatible with the specific requirements of the landlord. There was broad support, however, regarding the importance and value of dispute resolution frameworks contained within the proposals.

Responses were also mostly positive surrounding the proposals and Sustainable Land Management Scheme agreements, particularly when framing joint schemes agreements as a new option available to tenants rather than a replacement of existing agreements. Views on the potential benefits centred around long-term environmental schemes such as woodland creation, which would be more viable under joint scheme agreements. However, concerns emerged around the need to ensure that payment for tenants and landlords appropriately reflect risk and workload, and respondents called for more support from Farming Connect to assist the adoption of these joint agreements.

## Animal Health and Welfare

Of those who commented on the proposals surrounding additional powers and Movement Control Zones, the majority were in favour of the approach. A key feature of respondent's views included the importance of rapid deployment of responses to disease outbreaks. This suggested support for additional powers to respond in certain circumstances, with respondents often highlighting the experiences of foot and mouth as a rationale for the proposals. This was felt to be important in mitigating existing and emergent risks. There was also recognition of the importance of dialogue and consultation when situations arose where powers needed to be exercised. This view was shared by many respondents, who called for greater public engagement.

## Snares

Overall, the majority of respondents felt that the use of snares should be banned outright. Strong opinions emerged regarding animal welfare, with some respondents calling for increased control/regulation and others calling for complete bans, including responses from a campaign organised by the League Against Cruel Sports. This was often centred on the understanding that snares could harm non-target species, as well as impact the welfare of target species. Conversely, others felt that the proposals should not impinge on the ability of farmers to use snares as a means of protecting livestock, as snares are seen as an important tool for pest control.

## Integrated Impact Assessments

There was considerable diversity apparent in the focus and nature of responses to evaluating the impact of the proposals. There were a significant range of issues and impacts that respondent considered would be valuable to consider in the refinement of the proposals. These included:

- The Welsh language
- Culture and heritage
- Public access to rural land
- Health and wellbeing of farmers
- Economic consequences for rural communities
- Environmental concerns and climate change
- Succession and opportunities for young people
- Organic farming and food production
- Definition of 'active farmer'

## Welsh Language

Asked to consider the impact of the proposals on the Welsh language, a key theme running through responses was the connection between rural communities and the Welsh language. From these perspectives, support for agriculture was important in ensuring vibrant rural communities, and subsequently for the protection and promotion of the Welsh language. Some offered suggestions on how the proposals could support Welsh language usage,

including through encouraging greater bilingualism and the importance of using Welsh more routinely in Welsh Government and across departments.

## Additional Themes

A number of additional themes emerged from the responses. This included views and perspectives on additional elements of the proposals, including additional powers required by Welsh Government to enact the proposals. These were not explicitly explored within questions featuring in the White Paper consultation document.

Respondents, for example, highlighted that the important role of common land should receive greater attention and consideration in how they are effectively managed and supported. Respondents commented that they would welcome continuing discussion and debate on how to effectively support common lands through the reforms. These and other additional themes are explored in more detail in the penultimate chapter, [Additional Themes](#).

## Navigating this Document

In communicating the findings of the analysis, this report follows the broad structure of the consultation document itself. Each substantive area of the proposals receives in-depth analysis of the views of respondents within individual chapters across the report. A broad, overarching summary is provided in the [Conclusions](#).



# 1 Introduction

This report provides an independent analysis of responses to the Agriculture (Wales) White Paper consultation. It sets out a summary of the views and perspectives offered by respondents with regard to the proposed legislation.

## 1.1 Background

Since the referendum vote to leave the European Union in June 2016, the Welsh Government have been considering the impact of the decision upon communities, farmers and land managers across Wales. The Welsh Government set out to explore how they could best support farmers and other agricultural stakeholders after leaving the European Union.

In collaboration with stakeholders, the Welsh Government has been considering a range of reforms to agricultural policy. This has included the development of a Sustainable Land Management policy framework that will replace the Common Agricultural Policy (CAP).

In December 2020, the Welsh Government published an Agriculture (Wales) White Paper. It sets out the overall vision and direction of the proposals, and outlines the laws and powers required by Ministers to enact them. The White Paper represents the culmination of detailed engagement and consultation with people and communities across Wales, including in setting the objectives and direction of reform.

In order to understand the views and perspectives of farmers, land managers and those with an interest in rural affairs, the Welsh Government also put the White Paper out for consultation. The Welsh Government invited stakeholders to share their views in order to inform the continuing development and refinement of proposals. The White Paper will then form the basis of a Bill that will be presented to the Senedd.

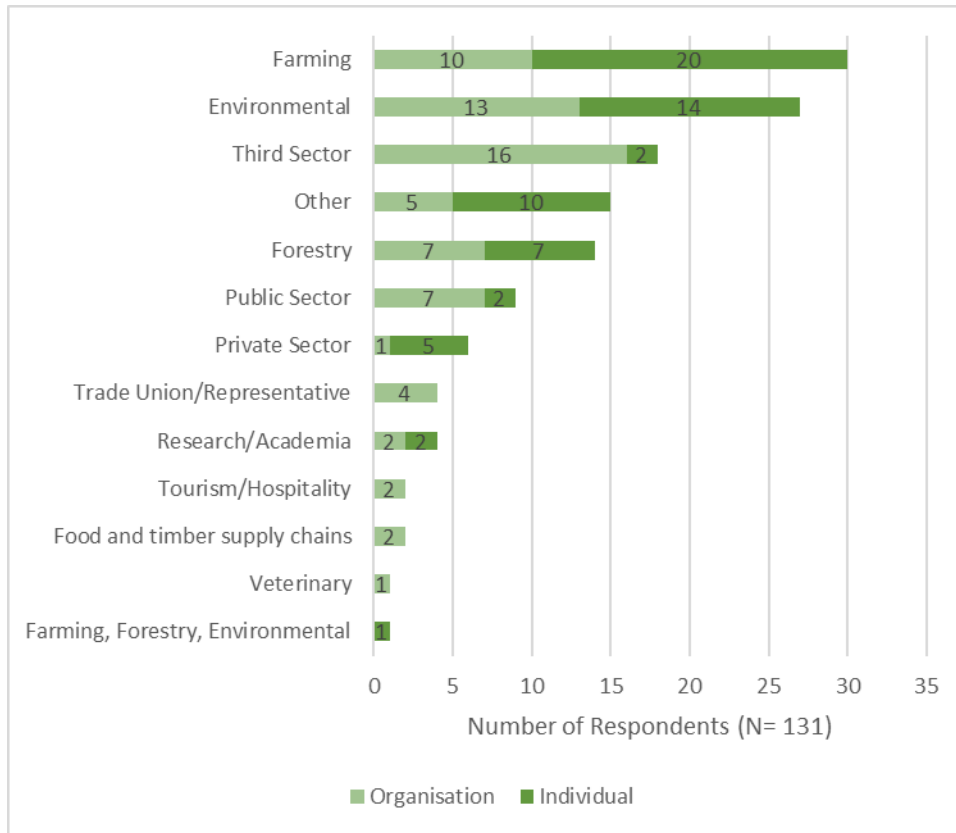
For a detailed outline of the substantive proposals contained within the White Paper, please [click the link here](#).

## 1.2 Responses

The respondents to the consultation represent a broad range of stakeholders with an interest in agriculture and forestry, the vibrancy of rural communities, and in maintaining and improving the natural environment. In total, 1,119 responses were received over the course of the consultation. This included 232 responses from individuals and organisations, and a further 887 submitted through a campaign organised by the League Against Cruel Sports.

Those submitting individual or organisational responses represent a range of voices and perspectives. They include individuals and organisations involved or concerned with farming, forestry, the promotion of the natural environment, or with rural affairs and agricultural policy. It also included responses from public and private sector organisations, trade and representative bodies, and academics:

**Figure 1.1: Individual and Organisation Respondents' Background**



For a full list of organisations that contributed to the consultation, please see [Appendix 3](#).

Whilst this information gives us an indication of who responded to the consultation, for 39 per cent of individual and organisational respondents we were unable to accurately determine which stakeholder group they belong to. This is due to missing or incomplete information submitted within consultation responses, including those submitted online and via email.

Together, 94 per cent of respondents provided location data. Of these, 80 per cent of respondents were based in Wales. Please note some UK wide organisations who operate in Wales may have responded from outside of Wales and have been recorded as a non-Wales based organisation.

### 1.3 Campaign Responses

In total, 887 responses were received from a campaign organised by the League Against Cruel Sports. The League are an advocacy group that campaigns to end hunting, fighting, and shooting, and seeks to promote and improve animal welfare. The charity mobilised supporters and encouraged them to respond to the consultation. Of the campaign responses submitted to the consultation, 474 were submitted from people living in Wales, a further 398 responses from people across the UK, and 15 responses from people internationally.

In the overall analysis, campaign responses have been treated separately to responses from individuals and organisations. A random sample of 25 per cent of responses from those living in Wales were analysed to ensure that responses were consistent and did not raise substantive issues beyond legislation surrounding the use of snares. This analysis found that campaign responses consistently focused on the view that snares should be banned outright. For a more detailed description of the substantive views expressed within campaign responses, please see the chapter on [Snares](#).

## 1.4 Analytical Approach

In order to understand the issues and themes raised by respondents, in March 2021 the Welsh Government commissioned Wavehill, an independent research organisation, to conduct an analysis of responses. The analysis set out to understand and map the range of views and perspectives held by respondents with regard to the proposals contained within the White Paper.

Responses generated a range of qualitative information. The online questionnaire, for example, posed 21 questions asking respondents for their views, including on the potential impact of specific proposals. Meanwhile, other respondents submitted their responses via email, summarising their general views on the proposals.

In order to analyse the perspectives expressed by respondents, the authors conducted detailed thematic analysis. This approach systematically examines each response and highlights the themes and issues that are raised. From this analysis, the team are then able to explore how widely held particular views and perspectives are.

## 1.5 Limitations

There are a number of limitations with regard to this analysis that are important to note. The respondents who kindly contributed their views and perspectives are not necessarily representative of the wider community of farmers, organisations or individuals with an interest in rural or environmental affairs. The high likelihood of self-selection and the relatively small number of responses from key stakeholder groups increases the possibility that those who responded hold qualitatively different views and perspectives than are found amongst people and communities from across Wales more broadly.

There was also considerable diversity in the level and depth of engagement with the proposals from respondents. This may be due, in part, to the wide-ranging nature of the proposals, and that respondents placed varying degrees of importance on different aspects of the White Paper. This led to high variation in the levels of engagement with the consultation questions themselves. Many respondents did not answer every question, and it was not always possible to accurately determine their full position from the information provided. However, an absence of response data does not suggest that a respondent does not hold views on the specific aspects of the proposals. For a breakdown of the numbers of respondents contributing views to each question, please see [Appendix 2](#).

These factors also present challenges in analysing and communicating the balance of opinion. Due to large numbers of respondents not answering every question, interpretation of the balance of opinion must therefore be considered in the context of the questions asked. Therefore, presenting quantitative summaries of the themes and issues raised by respondents are likely to misrepresent the balance of opinion, both amongst those responding to the consultation, as well as the views and perceptions of broader stakeholders across Wales.

We have therefore sought to communicate the balance of opinion qualitatively. We have only made statements of prevalence where clear patterns emerge, such as where themes or sentiments are widely held across respondents, or if they are peripherally held only by a few. In this respect, qualitative terms are only indicative of opinions based on those who responded. Therefore, statements of prevalence should not be assumed to relate numerically back to the total number of people and organisations who responded to the consultation, or to the broader population. Given these limitations, the aim has been to communicate an understanding of the range of key themes and issues raised by respondents effectively and accurately, as well as the reasons for holding particular views. Such information includes potential areas of agreement and disagreement between the different groups of respondents.

**Taken together, therefore, this analysis should be considered to provide an indication of some of the views and perspectives held by people and communities towards the White Paper, rather than a definitive account of people and communities across Wales.**

We now turn to outlining the substantive themes raised across responses against the substantive policy areas highlighted in the consultation.

## 2 National Minimum Standards

Respondents were first asked for their views towards the National Minimum Standards contained within the proposals (Question 1).<sup>1</sup>

### Summary of Proposals

The Welsh Government propose to include powers within the Bill enabling the Welsh Ministers to create National Minimum Standards for agriculture. After the Bill receives Royal Assent, the Welsh Government proposes to consolidate the existing legislation, which currently underpins the Cross Compliance requirements into secondary legislation, with limited modifications and additions where necessary. The Welsh Government will ensure powers are broad enough to future-proof the National Minimum Standards and to ensure there are adequate powers of inspection for regulators to monitor compliance.

A key element of the proposals surrounding the National Minimum Standards are that they will not raise the current regulatory baseline. The proposals instead seek to simplify and streamline the existing regulations and legislation surrounding Cross Compliance. A more detailed consultation on the scope of the National Minimum Standards will accompany this secondary legislation.

Overall, most respondents expressed positive sentiments towards the proposals surrounding the National Minimum Standards. This reflected, both explicitly and implicitly, the importance placed by many respondents in rationalising and simplifying the current regulatory landscape surrounding farming and land management. It also reflected, for some, agreement with the overall sentiment and direction of the proposals.

### Simplicity

A widely held view amongst respondents was the understanding that the proposals represented a simplification and consolidation of existing regulatory requirements. This was felt to be a good thing for farmers and land managers, for example by making it easier to accurately interpret regulations and in supporting compliance:

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<sup>1</sup> Q1. What are your views on: (a) The proposed approach to the creation of the National Minimum Standards? (b) The need for flexibility to amend the National Minimum Standards where necessary? Are there any further considerations which are needed? Please provide comments to support your view e.g. potential benefits and impacts.

*We support the consolidation of multiple different regulations into a single coherent piece of legislation. Having one place to look at for all regulations covering agriculture will make it much easier for farmers to know everything they need to comply with and reduce the risk of being unknowingly non-compliant.*

The Landworkers' Alliance Cymru

A broad range of stakeholder groups welcomed the overall approach, including farmers and other stakeholders. This included both individuals and organisations who felt simplification alongside greater emphasis on factors such as environmental protections and animal welfare was a positive step:

*Any steps to simplify and make the existing regulatory framework more accessible and widely understood is an important step forward - and as such the creation of National Minimum Standards for agriculture is a welcome development... It is assumed any such Minimum Standards would include reference to statutory requirements within animal welfare legislation...*

Royal Society for the Prevention of Cruelty to Animals Cymru

### Greater Clarity

A key theme emerging from responses was the importance of greater clarity around the proposals. Some felt that the White Paper did not give enough detail on the substantive content and extent of the Minimum Standards to enable reasoned judgment. For these respondents it was difficult to visualise the practical implications of the proposals. Implicitly within these responses, it suggests that there may be concerns surrounding the extent of the proposals and the potential impact on their business.

*The approach is too quick, not enough details have been shared with farmers and stakeholders to get an understanding of the expectation.*

Individual, Beef Farming

From these perspectives, the White Paper could be strengthened through more in-depth consideration and analysis of the practical implications of the proposals:

*The first task that must be undertaken is a full-scale review and gap analysis of the current regulatory framework that farmers operate within. The analysis needs to consider the full regulatory regime that farmers currently adhere to, it needs to consider areas of duplication, coherence between different regulations, fields where different regulators operate in the same sphere, it must look at the complexity of regulation and where there is a lack of information and misunderstanding or misinterpretation of regulation.*

National Farmers' Union Cymru, Representative Body

Those expressing these concerns were not always opposed to the overall thrust of the proposals, however they felt clarification was important. They tended to be raised by those actively engaged in, or supporting, farming communities.

### Flexibility

Alongside simplicity, many respondents also expressed support for flexibility within the proposals and the ability to amend standards quickly. This was important in responding to emerging challenges and risks, including in responding to disease outbreaks for example. Some went further, expressing that there needed to be flexibility at a local level in order to respond to specific localised risks, such as flood plains and disease outbreaks.

*I think there is a real need for flexibility in National Minimum Standards (NMS) to adapt and respond to novel and emerging risks and opportunities, but also new priorities that may arise – for example to mitigate any direct or indirect impact(s) of climate change.*

Individual, Farming

### Stability

There were also peripheral concerns from some that the flexibility within the proposals could lead to continuous shifts in expectations and regulation. From these perspectives, stability and continuity were important, including for understanding and responding to the legislation:

*We agree with the need for flexibility to amend the National Minimum Standards in response to changing circumstances. This flexibility must be balanced with the need for farmers to be able to plan on the basis that they are not attempting to hit an ever-shifting target i.e. the NMS must not change so often that farmers and land managers are unable to keep up.*

Centre for Alternative Technology, Third Sector Organisation

### Downward Pressure on Standards

Some respondents felt that that the flexibility within the proposals could lead to a gradual reduction in standards. From these perspectives, political pressure could lead to Ministers seeking to ease certain provisions that could undermine the broader objectives of the reform, particularly around promoting more sustainable land management practices:

*We agree that there may be a need for flexibility as long as this does not lead to a decline in minimum standards in the future.*

Bumblebee Conservation Trust, Environmental

## Importance of Maintaining High Standards

Closely linked to these concerns, respondents placed importance on maintaining high standards to at least current levels. From these perspectives the challenges we face, particularly around addressing and reversing environmental degradation, are such that they require significant action and that this needs to be protected in law. This also included other factors, such as the importance of protecting and maintaining Wales' rich rural and cultural heritage:

*We strongly support the robust approach to defining National Minimum Standards which will provide a clear regulatory baseline that will apply to farmers in Wales... We would, however, object to any lowering of expectations from current cross-compliance standards. It will be vital to ensure that any new system for National Minimum Standards maintains at least the same protection for landscape features that are not subject to other statutory protections, such as stone walls, hedgerows, and other historic features...*

Chartered Institute for Archaeologists & Council for British Archaeology

## Standards Need to go Further

A significant theme emanating from the responses was that, overall, the National Minimum Standards do not go far enough. From these perspectives, respondents perceived the proposals and the mechanisms they contained would be ineffective in supporting the changes necessary to achieve more sustainable land management long-term:

*[We are] supportive of the Welsh Government's ambition to deliver sustainable food production alongside addressing Net Zero, biodiversity and public health policy goals... However, we have concerns that the current approach suggested for developing the NMS is inadequate for meeting those policy ambitions and misses a huge opportunity for accelerating action on the climate, nature and health emergencies and providing a sustainable future for Welsh farming.*

Food, Farming and Countryside Commission

Within this theme there were a broad range of issues and factors that respondents wished to see more prominently within the proposals surrounding the National Minimum Standards. These included, but was not limited to, promoting biodiversity, and maintaining and promoting access to the land:

*National Minimum Standards should include compliance with all legal obligations on the land, including those regarding public rights of way and access land.*

Individual, Environmental



## Regulatory Alignment and Ensuring Competitiveness

Other perspectives surrounding the National Minimum Standards included the importance of ensuring that they align with key markets for Welsh produce. From these perspectives, regulatory alignment and parity with other countries would help to ensure market access and competitiveness. Explicitly and implicitly within these responses was the perception that the proposals would raise standards from their current levels, increase costs, and potentially make farms in Wales uncompetitive. This suggests that greater clarification surrounding the proposals and how they will impact on the regulatory baseline may be valuable. It is the Welsh Government's intention to base the National Minimum Standards on existing regulations.

*While consolidating regulations can be classed as a sensible approach, what is proposed in the context of this consultation seeks to raise the regulatory baseline to a level far higher than those farmers in other nations - including Scotland, Northern Ireland and EU countries - have to comply with and those in countries with whom the UK may wish to trade in future. The UK Government is following a trade liberalisation route, therefore Welsh farmers will need to be protected against this competition in the global and home marketplace. Simply increasing restrictions and regulations to 'differentiate' our products will not provide this protection and inadvertently create an unlevel playing field.*

Farmers' Union of Wales, Representative Body

*We would be concerned if the National Minimum Standards required more than in other UK nations. It is essential for farmers in Wales to operate on a level footing with those in other UK nations and equally essential that if our farmers operate to higher standards, they are protected in any trade deals and can be rewarded on the basis of public money for public good.*

National Sheep Association, Farming

## Cost Implications

Linked to regulatory alignment and competitiveness, a peripheral theme included the importance of giving greater consideration to the cost implications of the proposals. Implicitly, this suggested that some perceived the National Minimum Standards as potentially increasing the operating costs for some farmers and land managers, whilst reducing subsidies and support from their current levels. This perspective may be informed by the perception that the proposals will raise the regulatory baseline.

*...There is a major concern that the proposal would place Welsh farmers at a significant disadvantage to their competitors by ratcheting up regulations, while increased civil sanctions, monitoring and a higher regulatory baseline would put significant additional pressure on farming families.*

Merched Mewn Amaeth Llambod Branch

## Compliance and the Well-being of Farmers

There were allied concerns that the proposals would increase the uncertainty facing farmers and rural communities, including in navigating fluctuations in income and in responding to the changes to regulatory frameworks. There was a perception that this would have an impact on smaller farms:

*The majority of farm businesses are small or medium sized enterprises (SMEs), or even micro-businesses, and do not have the same level of capital or resources available to them that larger businesses can employ to ensure compliance with a myriad of legal rules. Welsh Government must consider how it proposes to engage with all farmers and land managers in Wales.*

National Farmers' Union Cymru, Representative Body

Respondents reflected the impact that changing requirements has on farmer's mental health. Proposals for proportionate enforcement and simplification were welcomed, however, some respondents held concerns regarding the level of change that could have negative impacts on the well-being of farmers, including in navigating the new requirements:

*Family farms often operate without formal staff and therefore the requirement to comply with ever increasing, complex and changing regulations creates an additional burden. The fear of a simple mistake resulting in a severe financial penalty in a low profit-making business is a regular occurrence. The FUW therefore welcomes the narrative around proportionate penalties, starting with 'warning' notices. The Union receives many examples of penalties being applied without negotiation and even the Agriculture White Paper impact assessment recognises that "the level of change has the potential to have negative impacts on farmer mental health."*

Farmers' Union of Wales, Representative Body

From these perspectives, the importance of ensuring that the National Minimum Standards are well-designed in partnership with stakeholders, coherent, and not onerous, were important in the development and implementation of the proposals.

## Transitions to the National Minimum Standards

There were also concerns around the speed of transition to the new requirements within the National Minimum Standards. From these perspectives, clarity and preparation are important. These perspectives were also closely tied to the importance of sufficient support available for farmers and land managers in helping them to understanding and transition to the new requirements, including through grants and advice and guidance:

*We support the emphasis within the document on integrating policies and simplifying legislation... However, support will be needed during periods of, and critical to delivery of, such transitions.*

Institute of Biological, Environment and Rural Sciences, Aberystwyth University,  
Research/Academia

*Their creation should be preceded by a long period ensuring they are fit for purpose and funding farmers to ensure compliance is achieved before they are imposed.*

Farming and Wildlife Advisory Group Cymru

### Improving the Image of Farming

Another peripheral theme raised by respondents included the importance of improving the image of farming. From these perspectives, the National Minimum Standards represented a positive step in addressing concerns around the environmental impacts of farming, and the potential of the reforms to improve the image of Welsh produce.

*Good for food standards and farm image in public eye.*

Individual, Beef Farming

### Vision and Intent

Many respondents highlighted that they felt the proposals set out a clear vision for the future. From these perspectives, the focus on sustainability was welcome, and it was considered this represented a positive development in working to address the significant challenges we face, including around the environment.

*We welcome the desire to simplify the regulatory framework of Wales. We need to set a clear baseline by which to improve environmental and public health standards. Transitioning to more sustainable management and demanding better outcomes for our ecosystems is essential if we are to tackle the climate and ecological crises.*

Plantlife, Third Sector

## 3 Advice and Guidance

Respondents were then asked for their views on the advice and guidance that should surround the National Minimum Standards (Question 2).<sup>2</sup>

### Summary of Proposals

The Welsh Government intend to provide appropriate and accessible advice and guidance. This would be important to supporting regulatory reform and to aid the agricultural industry in achieving the environmental outcomes intended through regulation. Advice and guidance would be necessary in order to raise understanding of the following:

- The legal requirements all farmers must comply with.
- The expectations for monitoring compliance.
- The enforcement mechanisms, such as criminal or civil sanctions, which would be used for instances of non-compliance.

Again, overall, the general sentiments expressed by respondents towards provisions surrounding the White Paper and advice and guidance tended to be positive. There were, however, greater levels of conditional support, where respondents highlighted specific areas that could be strengthened in the approach. Respondents offering views and reflections sometimes understood the proposals as including advice and guidance on both the National Minimum Standards and the Sustainable Farming Scheme.

### Importance of Advice and Guidance

A key theme highlighted by many respondents was the importance of effective advice and guidance in supporting the transition to the National Minimum Standards. From these perspectives, advice and guidance would be essential for supporting interpretation and compliance with the new regulatory framework.

*It is imperative that every landholding in every region should get a fair and equal assessment of their compliance and competency. Without this the legislation however well drafted will be ineffectual... The support provided surrounding the introduction of NMS will be critical to their implementation and their success or failure.*

H W Forestry Ltd, Forestry

<sup>2</sup> Q2. What are your views on: (a) How advice and guidance can effectively support farmers to understand the National Minimum Standards; and (b) The further considerations needed for advice and guidance? For example, what form guidance should take, who should provide it, the scope of guidance and how farm advisory services may support farmers. Please provide comments to support your view, e.g. potential benefits and impacts associated with the considerations.

*The success of the NMS and overall goal of Sustainable Land Management (SLM) will depend on the level, accessibility and quality of support, training and advice offered.*

Size of Wales, Environmental

Respondents citing this theme also often highlighted the scale and extent of the reforms as the key reason for ensuring effective advice and guidance:

*Leaving the European Union and the Common Agricultural Policy framework of support is likely to be the biggest single change that farm businesses have seen in more than a generation, and the provision of good quality advice to help farmers and land managers adapt to the new system and the new standards framework will be essential.*

National Trust Cymru, Third Sector

### Clarity of Communications

It was also felt that for advice and guidance surrounding the National Minimum Standards to be effectively communicated, it should be clear and precise. This often meant communicating succinctly, and in practical terms that could be easily interpreted. This was felt to be important in helping farms and land managers to understand and respond to the requirements set out in the provisions:

*Guidance should be clear and written in a non-jargon way that farmers can understand and interpret. There should be a clear website or page that farmers can use and find any changes. Changes in standards should be widely advertised with as much advance notice as possible with advice on practical ways to comply.*

Community Supported Agriculture Network, Trade Union

Both themes, including the importance of providing advice and guidance and the clarity of communications, were expressed by a broad range of stakeholder groups. This included those engaged in farming, as well as other land managers.

### Importance of Bilingual Provision

Respondents also highlighted the importance of ensuring that all advice and guidance is accessible in both Welsh and English. This includes the importance of bilingual provision and communications in supporting people and communities across Wales:

*Ag ystyried pwysigrwydd y Gymraeg i'r sector a'r ffaith mai'r Gymraeg yw iaith naturiol bob dydd canran uchel o amaethwyr yng Nghymru, byddwn am weld yr ymrwymiad i gyfathrebu yn Gymraeg fel prif iaith yn parhau ac yn cryfhau o dan unrhyw drefniadau newydd. Credwn y dylid datgan ymrwymiad clir y bydd y gwasanaeth cynghori yn mynd ati i wella capasiti a sgiliau iaith Gymraeg y gweithlu amaethyddol a chynyddu'r defnydd o'r Gymraeg yn y sector.*

*Given the importance of the Welsh language to the [agricultural] sector and the fact that Welsh is the everyday natural language of a large percentage of farmers in Wales, we want to see the commitment to communicate in Welsh as a first language to continue and to be strengthened... We believe that a clear commitment should be stated that the advisory service will actively improve the Welsh language capacity and skills of the agricultural workforce and increase the use of Welsh in the sector.*

Welsh Language Commissioner, translated from the original.

### Adapting Existing Advice and Guidance Provision

In communicating the implications of the reforms to farmers and other land managers, many respondents also felt that this would benefit from pivoting existing advisory services and support. This included ensuring that the new arrangements surrounding advice and guidance build on best practice and pre-existing relationships in helping farmers to navigate the new requirements surrounding the National Minimum Standards and the Sustainable Farming Scheme.

*I lawer o ffermwyr yng Nghymru, eu cyswllt cyntaf yw'r Swyddog Datblygu Cyswllt Ffermio. Mae cael wyneb cyfarwydd y gallant droi ato am gymorth yn holl bwysig o ran gweithredu'r cynllun a hefyd o ran iechyd a lles ffermwyr. Trwy ddarparu gwybodaeth am y safonau trwy person neu gorff mae'r ffermwyr yn ymddiried ynddo, mae'r ffermwyr yn fwy tebygol o ofyn am gyngor ac arweiniad er mwyn gweithredu'r safonau yn gywir.*

*For many farmers in Wales, their first point of contact is a Farming Connect Development Officer. Having a familiar face that they can turn to for help is crucial to the implementation of the scheme and also to the health and welfare of farmers. By providing information about the standards through a person or organization that the farmers trust, farmers are more likely to seek advice and guidance in order to implement the standards correctly.*

Menter a Busnes, translated from the original.

Respondents also cited a broad range of organisations that could support the transition and provide effective advice and guidance on specific issues covered within the National Minimum Standards. This included, but was not limited to, advice and guidance on issues such as animal welfare, heritage, biodiversity, and forestry:

*Wales has an established framework of resources and staff with expertise that are well placed to deliver this advice and guidance, including Cadw, the Welsh Archaeological Trusts, local authorities (including national park authorities) and the Royal Commission on Ancient and Historical Monuments of Wales... Ensuring that the historic environment is adequately protected under the new arrangements will be dependent upon the implementation of clear, efficient procedures for obtaining and acting upon properly funded professional advice.*

Association of Local Government Archaeological Officers Cymru

*The provision of advice and guidance is essential if the aspirations of the National Minimum Standards are to be realised. We would expect to see the promotion of a nation-wide awareness programme via all media outlets together with in-person regional and community presentations where concerns could be voiced in the certainty of receiving credible answers. Independent advisors, farming unions, conservation groups and so forth who would wish to offer their services to the sector would receive detailed briefings prior to the launch of the programme.*

Carmarthenshire Fishermen's Federation

### Innovation in the Delivery of Advice and Guidance

Another key theme included the perception that the delivery of advice and guidance would benefit from greater innovation. This included greater use of participatory and peer led approaches in supporting farmers and land managers and in disseminating advice and guidance. This was felt to be beneficial for not only supporting farmers around compliance, but also for agricultural extension, the exchange and dissemination of new knowledge and ideas surrounding effective and sustainable agricultural practice and land management:

*Wales needs to make peer-to-peer learning a top priority for Sustainable Land Management [(SLM)]. Many of the most qualified people to give advice and guidance on SLM to land managers, are those already practicing SLM. Existing SLM innovators need support to record and share their knowledge, experience and advice.*

The Vegan Society, Third Sector

*We are pleased to see that the importance of advice and guidance is recognised within the White Paper to ensure the success of a new scheme. New delivery models should build on existing channels and methods, and should draw on experiences gained, and case studies from projects such as the Celtic Rainforests Wales (and the principal partners) in relevant areas of work.*

Celtic Rainforests Wales Project, Third Sector

## Expansion in the Delivery of Advice and Guidance

More peripherally, some felt that the implementation of the National Minimum Standards would benefit from expansion of existing provisions surrounding advice and guidance. This would require additional commitment, time and resources to fill apparent gaps where they exist:

*The most important factor here is that much greater capacity is needed than currently available for providing such support and guidance, be it in-house through additional WG staff, or via contracted farming and forestry advisory groups.*

Carmarthenshire Nature Partnership, Environmental

## Cost Implications

Conversely, others felt that there were cost implications of providing expanded or additional advice and guidance. From these perspectives, some felt that existing advice and guidance arrangements could be streamlined and made efficient. Both explicitly and implicitly, this was driven by concerns that the provision of broad ranging advisory services would diminish resources available to support other elements of the proposals, including through the Sustainable Farming Scheme.

*We would like to see novel ways of advice provision and training that reduce costs and drain on public funds. Few farms can afford advice and there is inadequate confidence that advice leads to improved performance (rightly or wrongly). Advisory support must be useful and targeted and not use up a disproportionate amount of the available funding, we do not [want] to see an outcome of hundreds of consultants and advisers with farmers working ever harder to stand still.*

National Sheep Association, Farming

## Independence of Advice and Guidance

Another, more peripheral theme, was the importance of providing farmers and land managers with independent advice and guidance. From this perspective, independence of advice would help in building trust and engagement with the process, and in supporting responses to the National Minimum Standards:



*Guidance should be bilingual and in straightforward language, avoiding legal jargon and include examples of practical steps that can be taken to ensure compliance (making it clear where something is an example rather than a requirement). Guidance should be available both in written form and verbally, when farmers need clarification. It should be provided by support services such as Farming Connect. If it is provided by NRW [(Natural Resources Wales)] or other regulators, the advice function should be separate from the regulatory function so that farmers do not avoid seeking advice for fear of being found non-compliant.*

Tyddyn Teg, Horticulture Farming

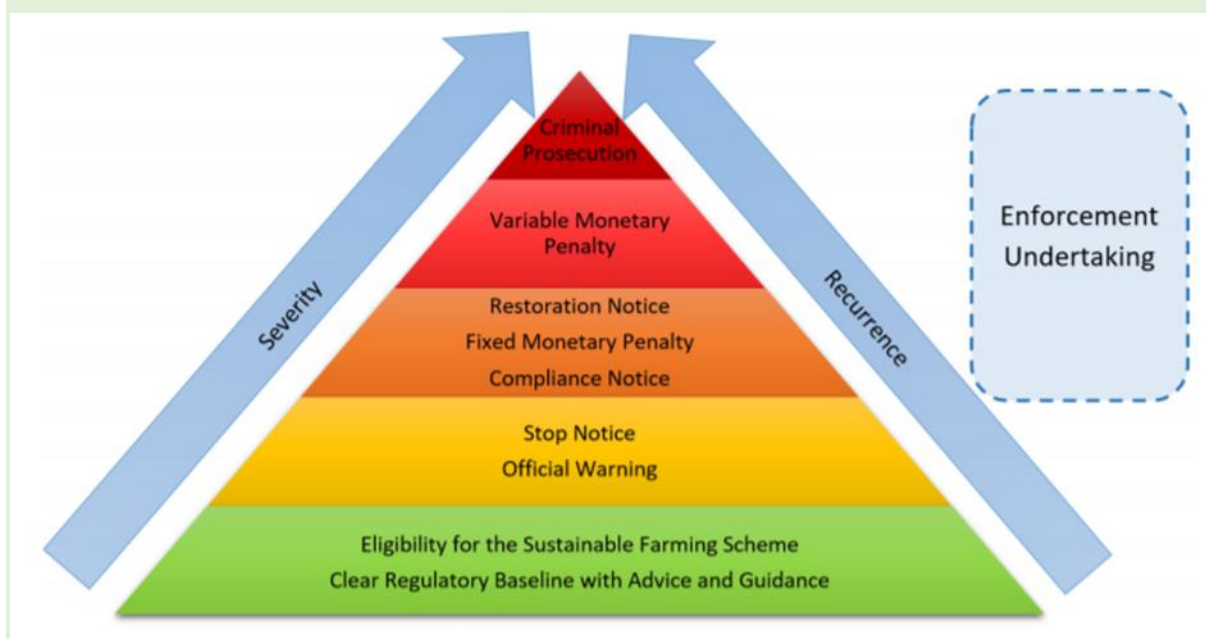
## 4 Civil Sanctions

Another aspect of the proposals explored within the consultation includes the mechanisms and primary powers required to support and encourage compliance with the National Minimum Standards, Animal Health and Welfare Regulation and Forestry Regulation (Question 3).<sup>3</sup>

### Summary of Proposals

Through the White Paper, the Welsh Government is seeking to embed a proportionate regulatory system that seeks to support and encourage compliance. The Welsh Government believe enforcement should be proportionate and are seeking to give civil sanctions a greater role within enforcement mechanisms. This will help to ensure regulators have the ability to use a broad range of sanctions to enforce compliance, which reflect the severity of the non-compliance to fit alongside existing prosecutions. The Welsh Government are keen to ensure that regulators have effective mechanisms to deter those who continue not to comply or where the offence is severe. For the most serious offences, where severe harm has been caused, criminal prosecution will still be required.

The Welsh Government are therefore proposing a stepped approach to enforcement that accounts for the severity and recurrence of non-compliance:



The proposals would include enforcement mechanisms surrounding:

<sup>3</sup> Q3. What are your views on the proposals for civil sanctions to enable proportionate enforcement of regulations? Are there any further considerations which are needed? Please provide comments to support your view, e.g. potential benefits and impacts associated with the considerations.

- The National Minimum Standards;
- Animal health and welfare regulation; and
- Forestry and woodland management regulation.

In terms of general sentiments expressed by respondents towards the proposals surrounding compliance and the use of civil sanctions, on the whole they were positive. This included the general orientation of the proposals, including in seeking to embed greater proportionality within compliance frameworks. Some offered conditional support, where they agreed with the overall thrust of the proposals but would like greater clarity or offered specific suggestions on how the proposals could be improved.

### Proportionality

Respondents felt that the broad approach to include an enforcement regime that included civil sanctions was valuable. From these perspectives, such a regime would create the right conditions for compliance. Explicitly and implicitly, there was the concern that non-compliance was sometimes the result of misunderstandings of the regulations, rather than a conscious attempt at circumventing the rules. The greater use of civil sanctions would, it was felt, be a more cost-effective measure for tackling non-compliance:

*[We] are in full support of the proposals for civil sanctions and have been actively encouraging this as an additional tool to deal with circumstances where criminal offences do not justify more severe sanctions. This may relate to the costs of taking prosecutions which can be prohibitive especially in the context of best use of public resource or due to the type of offence that has been committed and proportionality.*

Trading Standards Wales

### Creating a Positive Environment

Some felt that greater proportionality would be valuable in building trust and serve to create a non-confrontational regulatory environment. From these perspectives, it is valuable to create structures that seek to work with farmers and other land managers, including a more stepped approach to ensuring compliance. This was sometimes expressed in terms of the current requirements, which some respondents felt were disproportionate and undermined trust in the system. From these perspectives, greater proportionality and other improvements to compliance would be beneficial:

*We agree that enforcement should be proportionate to the relevant breach, and, in principle, that regulators should have a number of tools available to them in order to address the range of breaches that may occur. Unfortunately, farmers in Wales have significant experience, through the implementation of CAP schemes in Wales, of an enforcement regime that, in many instances, is not proportionate. Aligned to that a penalty matrix that results in penalties that bear no relation to the nature of the non-compliance. We also have significant experience of penalties being incorrectly applied*

*as evidenced by the number of penalties overturned at appeal. Farmers have very little confidence or trust in the enforcement, penalty, and appeal system currently in operation within Wales.*

National Farmers' Union Cymru, Representative Body

There was apparent variation in interpretation of the proposals, with some respondents reflecting on their experiences of enforcement of existing farming schemes alongside views of enforcement of the law. However, the two elements are distinct, and within the proposals, the objectives around regulatory enforcement are to give regulators a range of mechanisms to improve the proportionality of enforcement of the law.

Those respondents expressing these perspectives also valued the principle of working with those found not to be in compliance. In certain cases, including for lower-level agricultural and environmental non-compliance, exploring remedies rather than distributing punishments were felt to be a more effective means of increasing compliance overall. From these perspectives, to be effective this would require both fixed and variable monetary penalties to be based on the cost of remedying the problem, but higher than the cost of compliance in the first place.

### Effective Communication

Linked to effective, clear, and bilingual advice and guidance many felt valuable, some restated the importance of helping farmers and land managers to navigate the requirements set out in the National Minimum Standards. From these perspectives, it is important to ensure that farmers understand the new regulations, and to support them in achieving compliance:

*Civil sanctions seem a sensible way forward; however, I'd hope that this proposal is developed and ultimately delivered hand in hand with the farm sustainability plan, so that potential non-compliance is viewed, interpreted and acted on in relation to a specific farm and context... None of the current system is clear to me; nor do I know how to find out about it. Again, guidance should be provided as above [in the proposals surrounding advice and guidance], for NMSs.*

Individual, Farming

### Communication and Engagement Around Potential Breaches

Others felt that it would be valuable to support and engage those farmers and land managers who may have made potential breaches. From these perspectives, constructive dialogue and giving farmers and land managers time to rectify the situation before any sanctions are imposed would be valuable. This was considered especially important in cases where potential breaches are unintentional:

*The positive benefits of developing civil sanctions are a greater range of more suitable enforcement tools ranging from stop and improvement orders to fines on a sliding*

*scale. This more nuanced system will undoubtedly result in more enforcement actions being undertaken and will hopefully accelerate improvement. There are concerns that there may be over-zealous enforcement coupled with a knowledge imbalance which could see land managers being targeted without sufficient support to improve or remedy unintentional breaches.*

Confor: Confederation of Forest Industries (UK)

### Compliance, Equity and Deterrence

Another key theme centred on concerns that civil sanctions may not be effective in encouraging compliance in certain circumstances. From these perspectives, some may be in a position to shoulder the costs associated with civil sanctions:

*Regulation should be better targeted at repeat offenders and those blatantly or purposefully breaking the rules. For example, it has been suggested that some farmers factor in financial penalties into their business costs. This is a huge source of frustration for farmers who are compliant with regulation and producing food in a way, which doesn't harm the environment.*

Nature Friendly Farming Network Cymru Steering Group

These concerns were mainly expressed by environmental groups, some of which felt that the use of fixed penalties would not be a sufficient deterrent. The proposals do however seek to give regulators a range of tools that are proportionate to the severity and recurrence of the breach, including variable monetary penalties and existing criminal prosecutions. Respondents citing these concerns felt that such an approach was important in effectively addressing and preventing land management practices that cause irreparable damage to the environment. From these perspectives for a compliance regime to be effective, enforcement may need to extend to criminal prosecution in certain circumstances:

*One area that members feel could be a cause for concern is the option to provide equivalent environmental benefit, which could take the form of a donation to an environmental cause, if irreversible damage has taken place. We feel that this is a dangerous principle that may fail to deter the wrong behaviours. Irreversible damage caused by intentional action or wilful neglect should instead result in criminal prosecution.*

Wales Environment Link

*We are concerned that civil sanctions (i.e. fines) do not legitimise regulatory compliance for those that can afford it. This is particularly a danger where the financial benefits from non-compliance vastly outweigh the amount of any fine, for example in a development planning consent. Repeat offences and irreversible damage should result in criminal prosecution.*

Coed Cadw, Environmental

## Enforcement

The importance of sufficient resources and mechanisms to enforce any sanction regime was felt to be important. Implicit within some of these responses was the perception that this was not the case under current arrangements. Therefore, regulatory bodies required adequate powers and resources to enforce the National Minimum Standards:

*Yes, sanctions should be proportionate to the offence but regulations must be supported by staff and capability to investigate and enforce breaches with sanctions.*

Individual, Beef Farming

*At present, Natural Resources Wales, as noted in the paper, does not currently have access to the same powers that the Environment Agency has to undertake enforcement. Given the opportunities this bill presents for future regulatory reforms, it would be reasonable to expect any regulatory enforcement agency in Wales to possess the relevant capacity for enacting and monitoring the legal standards.*

Royal Institution of Chartered Surveyors

From these perspectives, which were a recurrent theme, respondents felt monitoring was an important aspect of enforcement. This included the importance of commitment and resources for effectively identifying non-compliance, alongside remedial strategies:

*Good regulations alone will not be effective if enforcement is not properly funded or prioritised. Regulators should be properly funded and take a risk-based approach to enforcement and focus on farms that are at particularly high risk such as intensively housed units and those with high stock to land ratio. However fostering a climate of encouraging change and facilitating knowledge exchange, including Peer to Peer support, should be the first method adopted.*

Food Sense Wales

### Reduce Administrative Burdens

A more peripheral theme centred on the importance of minimising the administrative burden of compliance for farmers and land managers. From these perspectives, compliance and general regulatory frameworks placed significant demands, especially for smaller farms. This can have negative implications for farmers, including in increasing uncertainty. Approaches that seek to reduce or streamline monitoring and enforcement were seen as valuable:

*We believe that existing farm assurance inspections should be accepted as defining regulatory compliance, even though these are private standards and assurance bodies are not enforcement agencies. The standards required for farm assurance in Wales are at or above current minimum regulatory standards. We do believe that reliance on farm assurance can lighten the regulatory load on Welsh Government and its agencies, and we accept the role of risk-based and spot inspections to incentivize compliance. Overall, we would like to see encouragements and incentives for compliance – more ‘carrot than stick’.*

National Sheep Association Wales

## 5 SLM Future Support

Respondents were then asked for their views towards the nature and objectives of future support delivered through the Sustainable Land Management (SLM) framework (Question 4).<sup>4</sup>

### Summary of Proposals

The Welsh Government propose that all agricultural policy should reflect the overarching principles of the Sustainable Land Management (SLM) scheme. In *Sustainable Farming and Our Land*, the Welsh Government defined SLM as:

*The use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term potential of these resources and the maintenance and enhancement of their environmental benefits*

This policy approach will ensure the economic, environmental and social outcomes from land management practice can be delivered for the long-term benefit of the people of Wales. The proposals seek to support and reward farmers and land managers appropriately for the production of non-market goods. This includes, for example, improved soils, clean air, clean water, improved biodiversity, and actions to reduce global warming. This should inform the range of support offered by the Welsh Government, including subsidies, investment in infrastructure, advice, skills development and training, research, and market development. Overall, the Welsh Government seek to promote economic and environment resilience and sustainability across the agricultural sector.

Whilst the general sentiments expressed by responses was broadly positive, there was relatively greater conditional support for the proposals surrounding the Sustainable Land Management framework as with other areas of the White Paper. This tended to centre on the importance of greater clarity surrounding the proposals, including information on the types of public goods and payment rates the scheme would support.

### Focus on Provision of Public Goods

Where support for the proposals was greatest, this tended to centre on the general thrust of the proposals including the pivot away from subsidising production towards the provision of public goods:

*I agree with the outlined purposes to support farmer and land managers to deliver non-market based goods.*

Individual, Beef Farming

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<sup>4</sup> Q4. What are your views on the proposed purposes for funding in support of the delivery of SLM? Are there other purposes which you feel should be considered? Please provide comments to support your view e.g. potential benefits and impacts.



*Wales' withdrawal from the European Union - and the subsequent ending of the Basic Payment Scheme in Wales - is an ideal opportunity to move away from a payment system for farmers which incentivises intensive production; towards one which rewards high standards of farm animal welfare.*

Royal Society for the Prevention of Cruelty to Animals Cymru

From these perspectives, the challenges surrounding the environment were such that they required significant action. Public subsidies should seek to support and encourage more sustainable land management practices, and that the overall approach outlined within the White Paper would be effective:

*We welcome proposed purposes for funding in support of SLM, including the inclusion of healthier soils, increasing levels of soil organic matter in improved agricultural land and the sustained improvement of soil health. We also welcome the alignment of market and non-market goods and the increase in long-term farm business resilience. Healthy soils are critical to this, they are a societal good in and of themselves and central to the delivery of other outcomes (clean air, clean water, improved biodiversity, actions to reduce global warming).*

Sustainable Soils Alliance

Across responses, the strongest support for the proposals tended to come from environmental groups or those with an interest in sustainable land management practices.

## Equity

Equity in accessing the scheme was also felt to be important by some respondents, especially smaller farmers. From these perspectives, the scheme should be configured so that it is accessible to all, removing barriers particularly for smaller farms and businesses:

*Must be fair to all. Large farms can have the financial capability that very wealthy owners with dedicated managers and staff to access the best funding whereas this could be unaffordable to small businesses.*

Individual, Beef Farming

*Once again its all based on large farms and not hill small farms. There is nothing for small producers except paperwork and stress. No benefit to us but massive impact.*

Individual, Sheep Farming

There were also concerns from some around the ability of new entrants into farming to access the scheme:

*there is no mention of any support aimed at young farmers or new entrants to help address the barriers for those coming into the industry. Only 3% are under 35 years old, with the median age for a farmer in Wales in 2016 being 61 years old, which demonstrates the need to encourage succession.*

Farmers' Union of Wales, Representative Body

### Greater Clarity

Again, some respondents felt that the proposals would benefit from greater clarity around the precise parameters of the scheme, including greater definition to the concept of public goods. This had important practical implications for respondents in understanding how the proposals would impact on them. This was a significant theme, including by those who expressed support for the overall approach.

*The ambition of SLM is huge; the devil is clearly in the detail of how each farm is affected by the phrase "whilst operating within the natural capabilities of their land", and how apparent limitations or restrictions can be turned into significant opportunities on an average size farm of 49 ha.*

Individual, Beef Farming

*We support the 'public money for public goods' principle and believe that this should be centred around a model of payments that values biodiversity enhancement and ecosystem restoration. We would hope to see a clearer definition of the SLM in the immediate future – however, we support it in principle.*

Plantlife, Third Sector

Linked to this issue, some expressed that there should be greater clarity in terms of how public goods are understood and measured. From these perspectives, subsidies should be based on tangible results, however there were challenges in accurately measuring success. This had important implications in the design of the scheme:

*While accepting the general areas of outcome measures to be around soil, water, carbon, habitats, air quality etc. there are gaps in how these outcomes will be measured and attributed and what success would look like for a participating farmer bearing in mind that much of the progress anticipated would be difficult to view. While soils remain static (generally) water and air quality on holdings can be influenced by activities much further afield. With this in mind, we would support collaborative catchment/regional actions between farmers and landowners.*

Lantra

## Expanding Parameters of Support

Conversely, some respondents highlighted additional factors or characteristics of support beyond public goods that should be considered within the scheme. This included supporting a diverse range of factors, including additional public goods, as well cultural, social and economic objectives. Implicit within these responses was the perception that the proposals did not account for these factors in the configuration of support:

*We support the proposed purposes for funding in support of the delivery of SLM. However, we strongly urge the addition of a further purpose: landscape. Maintenance and enhancement of the character, beauty and distinctive qualities of our landscapes should be added as a scheme purpose.*

Snowdonia Society, Third Sector

*[We] believe that the Welsh Government's definition of 'public goods' is too narrowly focused, based purely on environmental sustainability and fails to account for the social and economic aspects of sustainable rural development.*

Welsh Local Government Association

## Supporting Food Production

Linked to the theme of expanding the definition of public goods, others felt that public funds should continue to support food production. Both explicitly and implicitly, these perspectives felt that supporting sustainable food production was important, including for food security and in ensuring vibrant and resilient rural communities:

*Mae dibenion SLM yn ddigon dilys am gynllun amaeth-gadwraethol, ond nid ydynt yn agos at gydnabod na darparu at anghenion amaeth y dyfodol yng Nghymru. Ymysg nifer o ystyriaethau eraill, mae angen ystyried cefnogi cynnyrchu cynradd yn uniongyrchol, gan gynnwys digolledi am yr anhafaledd fasnachol a greir o ganlyniad i gydymffurfiaeth a'r rheoliadau a Safonau Gofynnol Cenedlaethol. Dylid hefyd ddarparu cefnogaeth uniongyrchol i gefnogi'r fferm deuluol a ffermydd cynhyrchiol bychain.*

*The purposes of SLM are sufficiently valid for an agri-conservation scheme, but they are not close to recognizing or providing for the future agricultural needs of Wales. Amongst others, consideration needs to be given to directly supporting primary production, including in addressing inequality caused by compliance with regulations and the National Minimum Standards. Direct support should also be provided to support the family farm and small productive farms.*

Individual, Sheep Farming, translated from the original

*Sustainable Land Management and the environment is particularly important to Radnor young farmers being in an Upland area which is inhabited by wildlife, we fully understand the need for maintaining soil quality, water and minimising carbon production, which we are already doing. However, in order to be sustainable, we must produce food and we believe that the SLM does not go far enough to support Welsh food producers who are trying to produce high quality affordable food for all in society.*

Radnor Young Farmers Club

For others, supporting producers did not necessarily come at a cost to sustainable land management practices. From these perspectives, actively managed farmland can be productive, with a range of benefits for local communities, whilst also being environmentally friendly.

*The proposed Public Goods payment system is too narrow and likely to be inadequately funded to deliver the economic and social outcomes that are a requirement of the WFG [Well-being of Future Generations] Act and the Environment Act. In particular, we do not agree that food production and availability, or producing food to higher standards, can be entirely left to the vagaries of the market. Food security generally, and the contribution that local and artisan foods play to the rural economy and food related tourism are without doubt in the public interest and they struggle to operate successfully without financial intervention.*

Welsh Commons Forum

## 6 Industry and Supply Chain

The White Paper also set out proposals to support broader industry and supply chains through the scheme (Question 5).<sup>5</sup>

### Summary of Proposals

The Welsh Government proposes that the majority of financial support should be directed at farmers through the proposed Sustainable Farming Scheme. In recognition of the important role broader supply chains have in supporting rural economies, in some instances the Welsh Government may also need to provide support to the wider industry and food supply chain beyond the farm gate. The Welsh Government therefore propose the Bill should contain provisions enabling such support to be provided.

Relatively fewer respondents offered their views on this aspect of the proposals. Of those that did, the majority were supportive of the greater focus on industry and supply chains.

### Importance of Maintaining and Developing Supply Chains

There was a general perception of the importance of supply chains to the economic health of farming in Wales. From these perspectives, supporting broader industry and supply chains was welcomed, including in stimulating growth and innovation:

*As we have seen during Covid-19, supply chain pressures can lead to concerns about parts of the agricultural sector such as milk... Whatever can be done to increase the resilience of supply chains to avoid the risks of sectoral economic shock and on-farm environmental issues is to be welcomed.*

Natural Resources Wales

Respondents offered a diverse range of elements across supply chains that should be supported through the scheme. This included abattoirs, meat packers, and food and drink processors, amongst other elements of supply chain:

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<sup>5</sup> Q5. What are your views on the proposed priorities for industry and supply chain support? Please provide comments to support your view e.g. potential benefits and impacts.

*One of the biggest challenges for native breed farmers is finding an appropriate abattoir for their animals. Many keepers of rare and native breeds find they have to market their products outside the conventional supply chain if they are to have financially viable businesses. They need to add value and find their own markets, generally direct selling to the end consumer.*

The Rare Breeds Survival Trust

*Priorities should include support for the production and supply of wild game meat in the Welsh food and drink market with sustainable shooting recognised a part of the wider food industry and in the supply chain. With support, the game meat industry has the scope to expand and shooting currently contributes an estimated £75 million annually to the Welsh economy.*

The British Association for Shooting and Conservation

Some respondents also welcomed the emphasis in the proposals of supporting non-food supply chains, including wood mills and timber merchants:

*With the envisaged increase in tree planting and increased management of existing woodland there is a need to provide integrated support to SLM supply chains which can accommodate products from trees as well as livestock and crops. Much of the supply chain support for farming focusses on food products with little going for non-food products.*

Individual, Forestry

*We endorse the proposal that the forestry supply chain should be supported. The economics of farm woodlands depend crucially on profitable markets for the outputs of woodlands and trees (timber, non- timber products, recreation/tourist/education services). Close integration of forestry and agriculture supply chains is desirable.*

Woodland Strategy Advisory Panel

### Importance of Supporting Rural Economies

Further, some respondents felt that the focus on expanding support to industry and supply chains was valuable and important in ensuring vibrant and functioning rural communities:

*[We] agree that support for rural development is about contributing to the development of rural economies and sectors so that they are more resilient, competitive and innovative.*

South Wales Outdoor Activity Providers Group, Tourism/Hospitality

## Diluting Resources

Conversely, there were concerns that the proposals would dilute available resources too thinly. Explicitly and implicitly, this included the perception that the proposals would divert resources and support away from farmers and other land managers:

*Direct payments to ‘active farmers’ should remain as the bulk financial mechanism for supporting rural areas.*

Welsh Local Government Association

*As a producer of finished lamb direct to slaughter, many farmers understand what the consumer wants through dialog with local abattoirs. I struggle with the idea of funding for the supply chain, do they get funding through other channels, will this dilute the funding available for Farmers to deliver SLM?*

Individual, Mixed Farming

## Monitoring the Effectiveness of Investments in Supply Chains

Another theme included the importance of ensuring that any support delivered to supply chains are effective and efficient. From these perspectives, supporting supply chains was important, however due to their complexity and extent, investments and support would benefit from close monitoring and evaluation to ensure that they are effective in strengthening local and regional economies.

*We welcome the expectations set out in para 2.87, i.e. that any new scheme using domestic funding should “Have a clear focus on value for money and the delivery of outcomes in accordance with the framework and principles set out in Managing Welsh Public Money” and should “Have robust evaluation systems built in, including a value for money evaluation of funding applications”.*

Audit Wales

## Importance of Sustainability

Others felt that support should closely align to the overall objectives of the scheme to support and encourage sustainable practices.

*Agriculture policy and priorities for the industry and supply chain support needs to be targeted to ensure that it does not regress into general support without clear public goods outcomes. These need to align with other policies and they should be driving environmental protection and enhancement as well as supporting food production, supply, and health.*

Bat Conservation Trust

## 7 Collection and Sharing of Data

The White Paper also set out a range of proposals for the collection and sharing of information. This aims to ensure that the development and implementation of future agricultural policy, programming, and compliance is evidence-based (Questions 6 to 10).

### 7.1 Collection and Sharing of Data<sup>6</sup>

#### Summary of Proposals

The Welsh Government have proposed a range of provisions that support the improved collection and sharing of data. This includes making better use of emerging technology that can expand information available to support policy formation, compliance processes, and programme evaluation. Advances in Earth Observation, for example, mean images of Wales can now be captured more frequently (daily) and at a far higher resolution than was previously the case. This could provide regulators and scheme managers clear and up-to-date images to effectively monitor scheme and regulatory compliance.

Enabling access to and the sharing of data on farms will reduce administrative burden for farmers and improve the efficiency of the monitoring of regulations and financial support schemes. The Welsh Government propose to include powers to collect and share data on all farms and businesses in the agri-supply chain in Wales in the Bill.

General sentiments for the proposals surrounding the purposes for data collection were positive, however relatively few respondents offered thoughts and suggestions on the proposals.

#### Importance of Actionable Intelligence

For some, it was felt that agricultural policy and practice should be driven by accurate data and evidence. This was felt that data collection and sharing would be an important element in ensuring the effectiveness of the proposals in achieving their stated aims:

*By focusing on data, Welsh Government will be able to identify key hotspots of environmental degradation and determine which public goods should be prioritised within a specific region. For example, measuring the level of biodiversity loss or air pollution at a national level will enable hotspots to be identified for specific targeting.*

Plantlife, Third Sector

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<sup>6</sup> Q6. What are your views on the proposed purposes for collecting, sharing and linking data? Please provide comments to support your view e.g. potential benefits and impacts.



## Streamlining Data Collection Processes

Others felt that, whilst data collection is important, it should not be onerous. Respondents supported the commitment to streamline processes in order to make it easier for farmers and land managers to collect and disseminate information:

*The primary purposes for the collection, sharing and linking of data appear sensible. We particularly welcome plans to reduce administrative burden for farmers and improve the efficiency of the monitoring of regulations and financial support schemes.*

Nature Friendly Farming Network Cymru, Farming

This theme also included the use and rationalisation of existing data services to support data collection and sharing. This included drawing on and adapting existing data collection systems administered by organisations such as Rural Payment Wales, as well as local environmental records centres that may already hold biological data for holdings and could lead on co-ordinating and advising on farm-based biological surveys.

*The collection and sharing of data will be an important part of monitoring compliance and outcomes. It will be especially important to have processes that enable the traceability of animals and provide information on their health and welfare for disease monitoring. We welcome Welsh Government's commitment to ensure that data is collected and processed, and it's declared intention to use data to develop more risk-based assessments. Data collection, its processing and analysis, require significant resource to develop, it is therefore logical to work with organisations that may collect data for other purposes to minimise cost as is suggested.*

Lechyd Da (Gwledig) Ltd

*NRW are supportive of the need for the collection and sharing of data. In addition to the four primary reasons stated in the case of change, NRW would like to include the delivery of the statutory reporting requirement of the State of Natural Resources Report (SoNaRR). Data needs to be integrated with other current environmental, social and economic data, which is held and managed by various agencies, records centres and other Non-Government Organisations. This will be required to enable the reporting against Well-being of Future Generation goals, and Sustainable Management of Natural Resources. The current approach is very poor and disjointed with little or no consistency within or across organisations.*

Natural Resources Wales

Other respondents offered approaches that could support the rationalisation of data collection and sharing. This included, for example, drawing on farm assurance in supporting compliance monitoring:

*WLBP supports the streamlined collection of data and efforts to minimise the need to collect data multiple times. This data will be key in developing and facilitating a risk-*

*based approach to inspections and the use of digital technology to target and deliver farm visits to measure compliance. WLBP believes that the concept of “earned recognition” will play an important part in achieving the risk-based approach and hence minimise the burden of regulatory compliance in both the farmer and Welsh Government. “Earned recognition” will however need to be measured and only be awarded to producers who are members of, or participants in, recognised independently certified assurance schemes. Self-certification of an “earned recognition” status will not satisfy the requirements of the food supply chain in the UK and probably not in Europe.*

Welsh Lamb and Beef Producers Ltd.

### Trust and Transparency

Underscoring the approach to data collection and sharing, some respondents felt, should be transparency and trust around how data is used. This would secure buy-in and engagement from stakeholders:

*The collection, sharing and linking of agricultural metrics data will become an increasingly important part of future agricultural systems and supply chains. What will be key is building trust at all stages with those providing data (including clarity of the purpose of the data collected), but the benefits to the sector (and therefore those providing the data) could (and should) be significant.*

Institute of Biological, Environmental and Rural Sciences, Aberystwyth University,  
Research/Academia

*The accrual and sharing of data has the potential to significantly benefit farming and land-based activities throughout Wales and beyond. The purposes outlined in the paper make a clear enabling case for mass collection of data that may have greater value beyond the Sustainable Farming Scheme (SFS). There is a question of access, ownership and authority relating to this data, its use and interpretation. There is a significant trust placed in the Welsh Government to manage this data carefully and in an appropriate manner. Further guidance is required on how Welsh Government will protect the user’s data and information from misuse or mission creep.*

Individual, Forestry

## 7.2 National Database<sup>7</sup>

### Summary of Proposals

The Welsh Government also propose that information should be centrally collected and shared between regulators. This would help to reduce duplication, as well as the number of documents farmers need to complete. The Welsh Government will also seek to build upon existing ICT platforms, identify and map existing data, remove any overlap or duplication, and explore gaps where additional information may be valuable. It will be vital that all farms in Wales are covered. The proposed dataset could be coordinated centrally and shared with other public bodies, including regulators, who currently request this data directly from farmers.

Again, on the whole respondents were positive about the creation of a National Database. There was considerable variation in the interpretation of the proposals, especially around the extent of information that would be included in a National Database. The inclusion of issues such as monitoring, financial assistance, and regulatory compliance, and better use of technology may have led some to interpret the proposals more extensively or narrowly than may have been initially intended within the proposals.

### Importance for Monitoring Data

Some respondents restated the importance of data collection and the potential role of a National Database, including in supporting decisions around farming practices, policy formation, and in monitoring risk-factors. Information collected through the database could be valuable for monitoring, accountability, and for research purposes.

*We agree that establishing a national database that makes data collection, monitoring and sharing simpler and more streamlined is a good idea and could be of benefit to farmers, researchers, policy makers and the general public. For this, a mixture of Earth Observation data, on-farm sensors and more conventional methods should be used pragmatically.*

Paramaethu Sir Gar

### Rationalisation and Simplification

Some felt that a national database would have the potential to rationalise and simplify data collection and make it more efficient. A database could present a powerful tool with which to understand issues affecting farming and land management, including for disease surveillance.

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<sup>7</sup> Q7. What are your views on the establishment of a national database for farms and livestock? Please provide comments to support your view e.g. potential benefits and impacts.

*We support improving provisions to collect and process data, and the introduction of new technology, which can help to streamline the systems. A national database could improve accessibility and compliance. A new national database could offer opportunities for improved monitoring of new and emerging disease through data collection, analysis and sharing across species, with potential benefits for both public health and animal health and welfare.*

British Veterinary Association Wales Branch, Veterinary

*All national databases help to minimise need to collect data multiple times at multiple cost. There should already be a great deal of information from existing and past schemes on which to build. Technology is advancing very quickly and offers new opportunities, but it does need to be future proofed.*

Ancient Tree Forum

Respondents also felt that the Database and new technologies could be valuable for a broad range of activities, including in simplifying grant application processes and accountability:

*There is a lot of scope for apps that record and verify positive environmental actions which could form the basis of landscape scale demonstration of the impact of small activities, for example small scale tree planting, creating hardstanding for feeding, hedge laying etc. With the right approach, started by the Geotagged photos on Small Grants, this could form the basis of a transparent simplified verification system.*

Coed Cymru

### Operation and Functionality

In addition, some expressed concerns around how the database would operate, and the practicality of collecting certain information. From these perspectives, ensuring that the system was simple to use, and that it understood and addressed the practical barriers to entering information was important:

*My farm data is already on RPW, some with NRW, and my cattle on CTS, and cattle, medicine book etc. on FAWL; I can see advantage in disease monitoring from having everything in one place, but I am unenthusiastic about pre-movement reporting, simply because the practicalities of farm life often mean that movements don't happen when planned.*

Individual, Beef Farming

*Ymddengys y byddai system ar gyfer defaid yn anhylaw i ffermwyr, o leiaf ar y lefelau stocio cyfredol.*

*A system for sheep would seem to be unwieldy for farmers, at least at current stocking levels.*

National Parks Wales, translated from the original

Within this theme, respondents also felt that to be effective and achieve buy in, the database would benefit from being useful to farmers and land managers. This would require functionality that enabled farmers to access the system, and for the system to provide valuable intelligence that could support decisions locally:

*In terms of specific proposals, we are pleased the improved collection and processing of data has been referenced. Data is a valuable resource for producers and the wider supply chain and the use of centralised data cannot be underestimated. The electronic Medicines Book (eMB) is a good example of this in the pig sector as we have used the recording of antibiotic usage data to encourage engagement with a responsible approach to the usage of medicines and proactive health planning. The move to improve pig health and welfare could be further supported with relevant and useful data collection.*

National Pig Association

## Access

There were, however, concerns about the ability of rural communities, farmers and land managers to access a National Database. This included concerns around limited connectivity in certain areas:

*The success of this ambition will be dependent on connectivity.*

National Sheep Association Cymru, Farming

*A national database sounds useful providing it links up with other systems, contributes to not just Welsh but UK based information, and allows a review of regulatory impositions on the industry. Systems currently don't allow real time reporting – we support the better collection of data but only providing that systems are simple, practical and are built in a way that doesn't discriminate against those who cannot use, or don't have access to connectivity.*

Welsh Commons Forum

## Cost Implications

There were concerns surrounding the cost implications of building a national database. Again, these were underscored by concerns that this may divert scarce resources.

*Do we really need to create a national database? Many farmers already use their own software to keep their own records, this would create more data inputting. Setting this up would also have a substantial cost implication.*

Individual, Mixed Farming

Within this theme, respondents also highlighted the importance of ensuring that data collection feeding into the database is not burdensome for farmers and land managers:

*It will be necessary to ensure that any data collection is absolutely necessary and proportionate to the purposes for which the data is required. Thought should be given to the burden placed on farm businesses to provide the data. Where this data has value to Government, for example, in helping Government prove that it is meeting national and international obligations NFU Cymru is clear that supplying this data should have a value attached to it.*

National Farmers' Union Cymru, Representative Body

## 7.3 Data Sharing<sup>8</sup>

### Summary of Proposals

A key element of the proposals includes the importance of allowing regulators, evaluators and scheme managers to share information between themselves. This would enable more streamlined systems and processes that reduce the administrative burden on farmers and provide increased value for money from a scheme perspective. Removing barriers for data comparison and sharing will be key to reducing the monitoring burden on farmers and land managers.

Again, generally there was strong support for the principle of data sharing with farmers and land managers across responses.

### Value of Sharing Information

This was mostly underscored by the understanding that sharing data with farmers was inherently a good thing. It would potentially enable a better understanding of progress and compliance, whilst also supporting decisions on farm or the land. This includes in benchmarking progress and identifying areas of strength and where to improve. It would also be potentially valuable in providing proof of their sustainability credentials. Underscoring these perceptions was the importance of making data more valuable to farmers and land managers in order to promote engagement and buy-in.

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<sup>8</sup> Q8. Thinking about the SFS: 8. In terms of the future scheme, what are your views on the proposals to enable the data we collect on a farm to be used by farmers to track progress and demonstrate their sustainability credentials? Please provide comments to support your view e.g. potential benefits and impacts.

*The benefits are clear that understanding our situation will enable us to adjust and move to a better clearer path.*

Individual, Private Sector

Other respondents also felt that data sharing could support greater peer learning and dissemination, allowing farmers and land managers to share experience and effective practices.

*Peer-to-peer sharing of information is also important. The best way for land managers to find and adopt beneficial innovative techniques is peer-to-peer, learning from someone who has already practiced these techniques.*

The Vegan Society

### Incentive Structures

Stakeholders across the farming community expressed recognition of the value of data collection and sharing. They were keen, however, to ensure that any data collection and sharing is done in a way that brings benefits to those who create the data, and should not be made compulsory:

*We accept the role of data collection and use, and benchmarking tools to help farmers measure their businesses and identify where gains could be made. In addition, aggregated data can be of use in industry development and to focus research and development. We also believe this approach help build reputation particularly in export markets. However, any such system needs to be simple and easy to use and should not be compulsory or without reward.*

National Sheep Association Cymru

### Functionality

Again, respondents felt that any systems for sharing information with farmers and land managers needs to be simple to use:

*We would support this if the system works and allows farmers to track progress and upload evidence. We would support an IT training support package for users when this system is ready to roll out. We assume WG will consider User Testing Groups in the development of these systems.*

Lantra

## 7.4 Compliance<sup>9</sup>

### Summary of Proposals

Streamlined data collection and sharing could also improve monitoring of regulatory compliance. A national database could also enable regulators to refer more effectively non-compliance to the relevant body to take enforcement action. In some cases, access to Earth Observation imagery could prevent the need for an on-farm visit. For example, if a regulator received a referral regarding potential non-compliance, daily imagery could be used to help establish whether non-compliance has occurred and whether an on-farm visit is required.

This question received relatively little attention from respondents. Of those that did explicitly respond to the question, on the whole they were positive about the role of data in monitoring compliance.

### Improved Monitoring

This support stemmed, in part, from the understanding of the importance of monitoring in encouraging compliance with the National Minimum Standards:

*Dŵr Cymru support the proposals for improved monitoring of regulatory compliance, including the better use of new and emerging technology such as LIDAR data, drones and satellites. We feel that new environmental surveillance tools will need to be deployed to monitor and verify land management approaches adopted by farmers.*

Dwr Cymru Welsh Water

*We agree that improved coordination of the enforcement bodies dealing with environmental regulation in relation to the agricultural sector is required, both in terms of farm visits, but also data sharing and exchange. The current method of multiple bodies carrying out farm inspections to assess compliance with varied standards is time consuming for land managers and inspection agencies. Developing a system where agencies share findings alleviating the burden on land managers and reducing the resources required would be beneficial and could be achievable with increased use of technology.*

Royal Society for the Protection of Birds Cymru

The approach outlined in the White Paper was also supported by some in the farming community. From these perspectives, the proposed rationalisation and simplification of systems could improve the experiences, and time commitment, required to engage in compliance:

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<sup>9</sup> Q9. Thinking about regulatory compliance: What are your views on the proposals for improving the monitoring of regulatory compliance? Please provide comments to support your view e.g. potential benefits and impacts.



*We support proposals to harmonise the form in which data is provided and enable data sharing between regulators so as to minimise the admin burden on farmers.*

The Landworkers' Alliance Cymru

The proposals were also welcomed by regulatory bodies themselves, who saw the opportunities presented within the White Paper as potentially improving the effectiveness and efficiency of compliance regimes:

*NRW supports improved monitoring and the sharing of monitoring data to assist WG and other organisations to regulate more effectively. It would be useful for regulatory bodies to understand how their existing systems could be enhanced and adapted to provide information on the performance of the scheme and the state of Wales' environment, whilst continuing to provide their regulatory requirements. Partnership working to design the system will be needed to ensure that data sharing is made as easy as possible across different organisations.*

Natural Resources Wales

### Alternative Approaches

There was also appetite for drawing on other systems and approaches, such as farm assurance and certification to support data collection and monitoring processes. This could include self-assessment and remote monitoring frameworks, with additional verification through on-site inspections that could be shared with regulators:

*We believe that there is huge scope for improving the monitoring of regulatory compliance. It is currently undertaken by several different public bodies, often asking for the same information. If farmers are participating in certified farm assurance schemes, sometimes more than one, then surely the inspection carried out for that purpose could be shared with regulators and would show a lower risk of breaching regulations.*

Merched Mewn Amaeth Llambod Branch

### Robust Systems

Others felt, however, that systems needed to be robust, and that they should not rely on any one data source or approach to monitoring. From these perspectives, monitoring as a means of supporting compliance was most effective when regulators are able to build a rounded picture of the environmental performance of a holding or piece of land:

*Better use of technology is a useful method in monitoring regulatory compliance however this should be seen as a supportive tool to NRW and should not reduce on the ground monitoring. Using satellite technology can be useful in identifying acute pollution incidents but is less informative to diffuse pollution issues which are often*

*only identified via catchment walkover and farm visits. Also, relying heavily on remote monitoring could further reduce the regulatory presence in Wales if followed by a lack of enforcement.*

The Wye & Usk Foundation

## Coherence

There were concerns around the coherence of data collection and how systems and information were embedded within compliance frameworks. From these perspectives, complexity across the different sources of data, emergent technologies, and processes presented risks to ensuring consistency, coherence and ultimately the effectiveness of compliance within the proposals:

*In principle, proposals to make best use of available technology in ensuring regulatory compliance are welcomed. However, our members are concerned about regulatory oversight and the ability of Government to observe all farm activities at all times. While satellite and geo-spatial technology is improving, it should be used as a proportionate part of a system of earned recognition, physical inspection and self-declaration. Some of the other technology outlined in the White Paper is nascent and a properly funded and trained workforce of regulators should not be wholly replaced by technology.*

Country Land and Business Association Cymru

## 7.5 Regulation Monitoring<sup>10</sup>

### **Summary of Proposals**

The Welsh Government are also seeking to improve the role of data collection and sharing in regulation monitoring. They are seeking to consider whether other types of data collected by farmers and farm assurance schemes could be used to support efficient monitoring. With better use of technology and data, the hope is that this will better target on-farm inspections both for the Sustainable Farming Scheme and regulatory compliance.

General sentiments to regulation monitoring were more mixed than previous aspects of the proposals, although the majority were still positive. Again, not many respondents explicitly addressed this aspect of the proposals.

### Awareness and Understanding

A key theme raised by respondents was the importance of high levels of knowledge and understanding of the sentiment and expectations of regulatory regimes that emerge from the

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<sup>10</sup> Q10. What do you think needs to be considered in future to enable regulators to effectively monitor regulations?

proposals. From these perspectives, farmers, land managers and other stakeholders would need significant engagement and support, and this would require time, attention and resources:

*The largest single risk of failure of the future regulatory process will be the lack of resources needed to engage and build understanding within the farming industry, and to manage ongoing surveillance and enforcement. Substantial investment will be needed to deliver this, as well as a refocusing of resources within NRW. Similarly, the mobilisation of the public and third sector in particular will be needed coupled with new rapid response enforcement approaches, if the new minimum standards are to be seen as transparently enforced.*

Dwr Cymru Welsh Water

### Inspection

There were concerns that the proposals undervalued the importance of inspection in ensuring compliance. From these perspectives, physical inspection plays an important role in monitoring and ensuring compliance.

*We have a concern about a desire to reduce reliance on farm visits. (Consultation doc Para. 2.114) This could drive an over-dependence on unverified and poorly interpreted remote sensing data and further erode any real understanding of farming and the real world impact of policy and regulation.*

Coed Cadw, Environmental

### Greater Resources for Monitoring

In supporting effective monitoring generally, some respondents felt that this required greater resources were required. This included, but was not limited to, increased staff, more training, remote monitoring, and more real time data:

*Digon o staff ac adnoddau i gynnal cyngor / patrolau / gwiriadau cydymffurfio digonol. Defnyddio arolwg o'r awyr a synhwyro o bell.*

*Sufficient staffing and resourcing to maintain adequate advice / patrols / compliance checks. Use of aerial survey and remote sensing.*

National Parks Wales, translated from the original

### Reduced Inspection

Conversely, others felt that on-farm visits and other inspections were onerous and invasive, and that the broader approach outlined in the White Paper was correct in seeking to rationalise processes and draw on other sources of information.

*Farmers need to be fully aware and briefed on the new Minimum Standards, and to any changes/amendments to them. More use of technology needs to be implemented to avoid the need for so many on-farm inspections. An app or website where farmers can upload proof of compliance with various requirements would be useful.*

Merched Mewn Amaeth Llambod Branch

## 8 Forestry and Woodlands

The White Paper also seeks to improve the current regulations and processes affecting the way in which woodlands are created and managed in Wales (Questions 11).<sup>11</sup>

### 8.1 Forestry and Woodland Legislation

#### Summary of Proposals

Forestry and woodland management and creation form an important part of the proposals. The Welsh Government will seek to implement provisions that will:

- Support woodland creation, with an approval system for woodland plans which is simple, predictable and proportionate;
- While felling trees is often an important part of sustainable woodland management, some trees and woodlands are so environmentally valuable that illegal felling of them is particularly damaging. The Welsh Government propose to add conditions to licenses for tree felling and ensure effective deterrents are in place to prevent illegal felling;
- The proposed Sustainable Farming Scheme will provide payments to farmers who choose to deliver positive benefits from planting and managing woodland on their farms. Support must also continue to be provided for woodlands not on farms.

In terms of general sentiments to the proposals surrounding forestry legislation, there were no clear trends. This is due, in part, to the low number of responses explicitly citing views on the proposals.

#### Sentiment of the Proposals

There was support for the general sentiment and focus of provisions within the proposals, namely to support and encourage greater woodland cover:

*Forest management and mass planting of trees should be supported for the obvious benefits.*

Individual, Private Sector

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<sup>11</sup> Q11. What are your views on the proposed amendments to forestry legislation? Please provide comments to support your view e.g. potential benefits and impacts.

### Continuity of Approach

There were, however, areas of disagreement on the precise approach to achieving this. Some, for example, wished to see an element of continuity from previous requirements, including for example around EIA regulations:

*We support the proposed amendments to forestry legislation, including the introduction of powers for Ministers to review and amend EIA thresholds. However, we are pleased to note that there are no current plans to change the EIA regulations and we would not support raising the thresholds for EIA.*

Alliance for Welsh Designated Landscapes

### Greater Clarity

Others highlighted the importance of greater detail surrounding the proposals. This included more specific information of the extent of the proposals, and how they would be achieved in practice:

*We support the proposals to improve the current regulations and processes. Currently, the proposals are very top level and do not contain specific planning measures or identify particular areas for new woodland creation.*

Ministry of Defence

### Reducing Productive Land

Whilst many respondents welcomed the general intention and thrust of the proposals, some felt that the scale of the ambition could have negative impacts on other activities and sectors. This included removing significant quantities of productive land out of circulation, with potentially negative consequences for farmers and communities:

*NFU Cymru recognises that increased woodland creation has a role to play in meeting our net zero ambition. The White Paper refers to a target for increasing woodland by at least 2,000 hectares per year, rising to 4,000 hectares a year as soon as possible... To achieve afforestation on the scale proposed will require the complete afforestation of some 1400 farms in Wales. NFU Cymru does not believe land use change on this scale is acceptable or desirable. We categorically reject the notion that the objective of future agricultural policy should be to drive land use change.*

National Farmers' Union Cymru, Representative Body

### Focus on Commercial Forestry

Some felt that there was insufficient attention within the proposals to opportunities for commercialisation presented by woodland creation. From these perspectives, the proposals could encourage managed or commercial woodland.

*We support the proposals to include woodland creation on and off farms under the Sustainable Farming Scheme, but significantly more ambition is needed. The focus needs to be on supporting managed woodland and supporting the development of the small-scale local timber markets.*

The Landworkers' Alliance Cymru, Trade Union/Representative

### Native Woodland

Conversely, some felt that greater provisions should be made to encourage long-term investment, including in supporting existing and creating new native woodland types.

*We welcome proposals to improve current regulations and processes in relation to the creation and management of woodlands in Wales, and we look forward to further consultation on how the right outcomes can be achieved for this part of the scheme. Whilst we understand and welcome the pressing need to increase woodland cover in Wales, the restoration and management of existing woodland provision should have equal status. This is particularly relevant for native woodland types.*

Celtic Rainforests Wales Project, Environmental

## 8.2 Carbon Markets<sup>12</sup>

The Welsh Government are also exploring ways of promoting and leveraging investment to support tree planting, including through carbon markets (Question 12).

### **Summary of Proposals**

The Welsh Government are exploring ways in which to promote and support tree planting, including in leveraging greater investment than can be achieved by the Government alone. The Welsh Government wish to consider how farmers and other land managers in Wales can fully take advantage of the growing market for the carbon sequestered by trees. These carbon units can be sold to individuals and organisations that wish to offset their own emissions or invest in de-carbonisation. The Welsh Government will consult next year on how they can support all types of landowners in Wales to benefit from carbon markets for planting trees, including how to address the upfront capital costs and advisory support which might be required.

Compared to forestry legislation overall, this area of the proposals received greater attention from respondents. In terms of general sentiments, the majority were supportive.

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<sup>12</sup> Q12. What are your views on how the Welsh Government can support landowners in Wales to benefit from carbon markets for planting trees?

## Positive Step

Where support was greatest, this tended to stem from the understanding that carbon markets would unlock additional funding to farmers and land managers, as well as promote carbon sequestration. There was recognition for example, of the value and potential of carbon markets in bringing additional revenue streams to rural communities:

*We support the proposals and suggest the financial assistance available to farmers and land managers is also available to those working on the Crown Estate or who are tenants of public bodies.*

Ministry of Defence

There was also recognition that carbon markets, if effective, could promote actions and promote activities that expand woodland cover and promote biodiversity.

*We support the drive to increase woodland cover in order to tackle both causes and effects of climate change and biodiversity loss. Flood mitigation and erosion control are two particular areas that should be supported. We support the intention to protect and improve the management of existing woodlands, especially ancient semi-natural woodland. We welcome the work done to update and improve the Woodland Opportunities Map as a valuable decision-making tool for locating new woodlands. Support should be given to natural regeneration / rewilding projects as well as tree planting which can result in greater biodiversity gains and a more varied landscape.*

Paramaethu Sir Gar

## Extend to other Carbon Sequestration Methods

A common theme was the value of alternative carbon sequestration methods such as protecting soil carbon, not just planting trees. Many respondents called for these additional methods to be recognised and rewarded alongside tree planting.

*Restoration of a range of habitats including peatlands, wetlands and coastal habitats can have equal or greater benefits than tree planting in relation to carbon sequestration and storage. Efforts must be made to ensure incentives are in place to encourage restoration of a range of habitats that all provide carbon benefits.*

Royal Society for the Protection of Birds Cymru

## Provide Advice and Guidance

Many respondents highlighted the need for additional advice and guidance to support farmers in taking advantage of the carbon market and tree planting. This included support for developing skills and knowledge required for long-term woodland management, as well as for helping farmers access and navigate the markets successfully.



*Many previous schemes have concentrated on the planting of trees but have neglected the skills and awareness needed for long term management of trees. Resources will be needed to provide the skills and awareness needed to equip farmers to invest in long term management.*

Dwr Cymru Welsh Water

*We believe that there is potential for landowners in Wales to participate in the carbon markets, however the current knowledge gap within the industry is a huge barrier. We would urge the Welsh Government to either take a lead on this, or acquire an independent, impartial body to support farmers in exploring these markets. Our concern is that anyone with a commercial interest in these markets could take advantage and farmers could be fooled.*

Menter a Busnes

### Remove Barriers to Woodland Creation

Further, some respondents expressed the view that the removal of existing barriers to woodland creation was essential to allow farmers to easily get involved with tree planting schemes. This involved issues around Inheritance Tax, permission to plant, confusing regulation and lack of adequate financial incentives:

*One major barrier to planting is in accessing incentives and getting permission to plant. Regulators should take a more positive approach and the process needs to be easier.*

The Institute of Chartered Foresters, Forestry

*The principal barrier is lack of certainty in accessing planting financial incentives and/or permission to plant. The regulatory environment continues to be challenging and creates reasons not to plant rather than the more positive attitude of reasons to plant.*

Individual, Forestry

### Scepticism Around Effectiveness

Some respondents were cautious around the implementation of carbon markets and their overall efficacy in improving environmental outcomes. This stems from the explicit and implicit assumption that markets encourage aggregate displacement, namely that markets do not necessarily reduce but maintain polluting activities. From these perspectives, stemming and reversing environmental degradation requires both the increase in woodland areas, and a reduction in polluting activities.

*While we agree with the urgent need to increase tree cover across Wales, we are sceptical of the carbon market approach to financing woodland creation, because it does not address the root cause of climate change directly.*

Sustainable Food Knighton, Environmental

There were also concerns surrounding rapid woodland creation and potential threats to biodiversity and the wider environment.

*It will be vital to ensure that markets are appropriately overseen and structured in ways that do not allow a repetition of the mistakes made in large-scale monoculture coniferous plantings in Wales, in former decades, with all their knock-on disbenefits for soils, water and biodiversity.*

University of Gloucestershire - Countryside and Community Research Institute,  
Research/Academia

## 9 Tenancies

### 9.1 Dispute Resolution<sup>13</sup>

#### Summary of Proposals

The Welsh Government intend to take regulation making powers to enable tenants of Agricultural Holding Act 1986 (1986 Act) tenancies to refer to dispute resolution requests for landlord's consent to activities. This includes activities that are restricted under the terms of their tenancy agreement or requests for a variation of terms, where that request relates to the tenant accessing Welsh Government financial assistance schemes. This will help ensure tenants are not unreasonably restricted from accessing financial assistance due to the terms of their tenancy agreements whilst also ensuring the landlord's position and interests are considered as part of the process.

In general, there were fewer comments made for this question than other questions and many respondents expressed no substantive views. No clear patterns emerged, with conditional support appearing to be more prevalent amongst a small number of respondents.

#### Protecting Tenants

The Tenant Farmer Association Cymru, a representative body that supports and advocates for the tenant farming community across Wales, raised a number of substantive concerns with the proposals. They viewed the White Paper as offering a unique opportunity to address some of the challenges facing tenant farmers. They also recognised and valued the general sentiment of the proposals, including its emphasis on supporting the farming community in maintaining and protecting the natural environment.

They felt, however, that the proposals could be strengthened in a number of areas. This would ensure that tenant farmers are not negatively impacted by the proposals, and that they are able to make a valuable contribution to the overall objectives of the reforms.

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<sup>13</sup> Q13. Do you think the dispute resolution procedures described in the proposals should be extended to FBTs? Please provide additional evidence to support your view e.g. the extent to which this is a problem currently, the likely benefits and impacts.

*Whilst agreeing with the plan to set out clearer policy goals and objectives which directly improve the way in which public money is targeted to produce public goods, it will also be important to ensure that the Government plays its legitimate role in dealing with wider market failures within the food supply chain. This will include improving the legislative and fiscal framework within which farm tenancies operate so that those operating tenanted units can both play their part to enhance the provision of public goods and have a fair platform for the development of their farm businesses.*

Tenant Farmer Association Cymru, 0806/EN/ORG

There were specific concerns relating to the role of agricultural tenancies and protections contained within the White Paper. The structure of many tenancy agreements can act as a barrier to investment in the land and infrastructure, which can prevent tenants from building their business. This can make tenant farmers more reliant on subsidies and support, whilst undermining the sustainability of the tenanted sector as a whole. There were allied concerns that the proposals surrounding Sustainable Land Management may reduce the overall financial support for tenants. There were also concerns surrounding the potential loss of land from the agricultural tenanted sector by landowners seeking to resume possession of land let on short-term agreements, such as to take advantage of schemes for landscape scale change, particularly tree planting.

For these and other reasons, the Association felt that tenants deserve more specific provisions that protect and enhance their position as important stewards of the natural environment:

*Whilst Welsh Government is introducing a set of new statutory minimum standards for agriculture, it is not providing any mechanism for tenant farmers to ensure that they can comply with those standards through proper enforcement of or easing of restrictions within their tenancy agreements. More fundamentally, the proposals as set out in the White Paper deliberately avoid the provision of necessary assistance to tenants occupying on FBTs. Such tenancies are now approaching half of the tenanted sector in Wales covering 10 to 15% of all agricultural land in Wales.*

Tenant Farmer Association Cymru

The Association advocated stronger protections for tenants. This was partly to address apparent power imbalances between tenants and landowners around setting terms of tenancy agreements:

*Due to the disparity in the marketplace, landlords can insist on terms without providing an opportunity for prospective tenants to negotiate those terms. Tenants under these agreements need to have the same protection as tenants under older style arrangements.*

Tenant Farmer Association Cymru

The Association offered a number of practical suggestions for addressing these concerns, including in protecting tenant farmers. These included, amongst other suggestions, creating longer term farm business tenancies with the introduction of provisions for new FBTs with an initial term of a minimum of 10 years. Suggestions also included the introduction of new statutory provisions to allow an existing landlord and tenant under an AHA greater freedom to make changes to the holding in circumstances where there is agreement between the parties on re-location or re-organisation and where the parties agree that the new/altered agreement is to remain within the AHA.

Other respondents and organisations also felt that the interests of tenants should be protected, and that included in seeking to further the objectives contained within the proposals:

*All tenant farmers need to be protected from landlords who wish to have total control of the way the land is managed, if the tenant's practice is in line with the principles of SLM.*

Sustainable Food Knighton, Environmental

*Tenancies make up a large proportion of the way farms are operated in Wales and it is essential that tenant farmers are not prevented from being able to access these schemes due to their tenancy agreements. Therefore, providing a means to resolve this for all tenant farmers is sensible.*

The Landworkers' Alliance Cymru, Trade Union/Representative

### Alternative support

In addition, some respondents suggested alternative support, which could be beneficial, and may protect tenants in a more suitable manner than indicated in the proposals:

*A process of being able to support 'mitigation' would be constructive. The Government should employ mentors who could facilitate conversations between tenant and landowner, then have representation and legal information present for the roundup of the conversations.*

Individual, Sheep Farming

*The FBT framework for tenancies has resulted in fewer disputes and thereby less third-party resolution, and should be trusted. More support for parties to encourage them to think in greater detail about the specific terms of their arrangement would have a greater and more positive impact.*

Country Land and Business Association Cymru

## Importance of Sustainable Land Management

A commonly recurring theme within the responses was the importance of Sustainable Land Management practices and the need for proposals to be available to tenant farmers to ensure the environment is protected:

*In principle, we support the inclusion of FBTs to the dispute resolution procedure but they must fit with the ethos of SLM legislation and not have a detrimental impact on the environment. Exceptions should be in place to ensure the benefits of long term measures such as tree planting, peat bog restoration etc. cannot be undone.*

The Wye & Usk Foundation, Environmental

## Landlord Concerns

A more peripheral theme included landlords who expressed concerns with the proposals. From these perspectives, they felt that the objectives of the proposals and how this might impact on land use were potentially in conflict with the specific requirements of the landlord. There were also concerns over increased uncertainty for landlords with the introduction of new dispute resolution provisions that may act as a barrier to letting land:

*Whilst we support the proposal and wish to ensure that our tenants have full access to available funds, these proposals are a concern for us. We require our tenants to use the MOD estate in a manner that enables military capability, which may restrict the tenants' use of the land. This requirement is reflected in the terms of their agreements. We would welcome the opportunity to work with you to develop the proposal.*

Ministry of Defence

*New third-party dispute resolution provisions will introduce uncertainty for Landlords and are likely to discourage Landlords from offering long-term Farm Business Tenancies due to the possible loss of control over future land use.*

Conwy County Borough Council

## Lack of Relevance

A more peripheral theme included the view that the reforms were not necessary. They felt that the typical short-term structure of Farm Business Tenancies (FBTs) meant that they are negotiated more frequently which makes the proposals less relevant. Others felt that there are already sufficient mechanisms in place for FBT, so additional procedures would be unnecessary:

*Given the nature of Farm Business Tenancies (FBT), as well as the fact they are negotiated more frequently than Agriculture Holding Act Tenancies, the dispute resolution having been described does not need to be extended to FBT.*

Individual, Environmental

*We do not believe that this procedure is necessary for FBT tenancies as existing mechanisms are already in place.*

National Trust Cymru

## 9.2 Landlords and Dispute Resolution<sup>14</sup>

Of the relatively small number of responses speaking to dispute resolution, the majority of responses were positive.

### Importance of Dispute Resolution

A key theme was the importance of fair and consistent dispute resolution frameworks in adjudicating over any disagreements. This worked in the interest of both tenants and landlords to ensure that all stakeholders had equal access to dispute resolution if a system is introduced:

*A dispute usually means two people are not in agreement and we feel it is fair for both landlords and tenants to have access to dispute resolution.*

Welsh Commons Forum, Farming

*We believe that landlords and tenants should both have access to dispute resolution in the same manner. To do otherwise, we believe would be unfair.*

Merched Mewn Amaeth Llambod Branch

### Protecting the Holding

Many respondents felt that extending the dispute resolution scheme to include landowners would be beneficial in circumstances where tenants were abusing the holding or damaging the ecosystem:

*Yes, if a tenant farmer is mistreating the land and thereby contributing to ecosystem damage and increased emissions.*

Sustainable Food Knighton, Environmental

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<sup>14</sup> Q14. Do you think there will be instances where landlords may require the same access to dispute resolution as described above? Please provide additional evidence to support your view e.g. the extent to which this is a problem currently, the likely benefits and impacts.

### 9.3 SLM Scheme - Joint Agreements<sup>15</sup>

Responses to this question were mostly positive, particularly when framing joint schemes agreements as a new option available to tenants rather than a replacement of existing agreements. Views on the potential benefits centred on long-term environmental schemes such as woodland creation, which would be more viable under joint scheme agreements. However, concerns emerged around the need to ensure that payment for tenants and landlords appropriately reflect risk and workload, and there were calls for more support from Farming Connect to assist the adoption of these joint agreements.

#### Payment must Reflect Risk and Workload

The proposals were viewed positively by those who felt it was important to protect and ensure the rights of both tenants and landlords, and that they benefited equally from the arrangements and support on offer. In particular, many respondents called for payments to appropriately reflect workload, burden, risk and investment:

*On commons there needs to be the ability to reward those undertaking management on the land in the spirit or within the regulations of SLM and not reward those who do no active management or graze still being able to claim their proportion of BPS.*

Individual, Sheep Farming

*It would seem sensible to enable a partnership approach to the delivery of public goods between landlords and tenants, provided that the detailed financial provisions of the scheme ensure that the parties are rewarded in proportion to their work and/or investment.*

Centre for Alternative Technology, Third Sector

#### Practical Constraints

There were concerns however, centring on how the agreements would work in practice. From these perspectives, a negotiated settlement may be difficult to achieve between tenant and landlord given potentially competing interests. Many respondents support the idea of joint tenancy agreements as an additional option for farmers on a case-by-case basis, but warn against such agreements being the default due to the complexities involved:

*While we understand why this is being suggested and may well be beneficial and valuable in certain circumstances we would caution against this being the common place position. It will require substantial negotiation and discussion between landlords and tenants to reach agreements in relation to how the SLM agreement requirements would be split between them etc., and it may affect the commercial relationships that*

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<sup>15</sup> Q15. Do you think it would be appropriate to allow joint landlord/tenant SLM scheme agreements? Please provide evidence to support your views e.g. the extent of the need, the likely benefits, drawbacks and impacts.



*already exist between them by virtue of the tenancy agreement or the implied underlying legislation.*

Merched Mewn Amaeth Llambod Branch

*Whilst a landlord/tenant agreement shouldn't become a common occurrence given potential complexities, particularly with regards to compliance liabilities. It does however need to be an available option given the mechanism needed for delivering certain outcomes/public goods.*

Individual, Environmental

### Need for More Support

Some respondents were positive about the proposed joint scheme agreements, but highlighted the need for additional support to allow the successful adoption of such schemes:

*It would help if this process were managed/supported by Farming Connect, through the provision of template contracts and so forth, because Farming Connect can bring in the legal expertise and expertise gained from experience, which the individual farmer and tenant wouldn't have.*

Food Policy Alliance Cymru

### Long-term Environmental Projects

A strong theme amongst the responses was the benefits that joint scheme agreements would bring to long-term environmental improvement projects, particularly with reference to forestry and woodland creation. Short-term tenancies and other administrative barriers between landlords and tenants were cited as preventing long-term projects, and joint scheme agreements, particularly beyond the life of a single tenancy, were welcomed as a potential solution to this:

*Long-term projects such as forestry, especially forestry for carbon credits will be stymied unless both the tenant and landlord can both realise benefits. This would also be true of woodland creation for flood mitigation and long-term habitat projects such as heath and hay meadow restoration.*

Individual, Private Sector

*This could be beneficial, particularly for long term outcomes such as restoration of habitats including peatlands and the creation and restoration of woodlands... Allowing joint landlord/tenant SLM agreements can play a role in gaining the long terms commitments required to achieve restoration of many habitats.*

Royal Society for the Protection of Birds Cymru

# 10 Animal Health and Welfare<sup>16</sup>

## Summary of Proposals

The Welsh Government propose additional powers for the Welsh Ministers to establish Movement Control Zones to control the movement of animals, semen, embryos, animal products, animal by-products and/or other things, e.g. equipment and utensils, in the event of a novel threat or animal disease outbreak, where there is currently no or limited power to do this. This will mean the Welsh Ministers can respond immediately to new and novel disease threats that can appear suddenly and spread rapidly in animal and human populations, in order to protect human and animal health in Wales, along with the rural economy.

The Welsh Government are also proposing to introduce powers for the Welsh Ministers to specify ‘animal’, ‘farmed animal’, ‘livestock’, ‘pet animal’ and ‘animals intended for agricultural purposes’, beyond the current rigid traditional definitions. These powers will ensure animal disease control measures can be applied appropriately and flexibly to any species of kept animal where there is a potential disease risk. This should reduce any ambiguity in the application of existing disease controls and allow a more accurate and proportionate response to new or emerging disease risks. In addition, these powers should enable the Welsh Ministers to introduce a system of compulsory animal identification (ID) for kept species, where a system is not currently in place and where suitable, to ensure effective traceability and to protect animal and public health.

Of those that commented on the proposals surrounding additional powers and Movement Control Zones, the majority were in favour of the approach.

## Importance of Quick, Effective Responses

A key feature of respondent’s views included the importance of rapid deployment of responses to disease outbreaks. This suggested support for additional powers to respond in certain circumstances, with respondents often highlighting the experiences of foot and mouth as a rationale for the proposals. This was felt to be important in mitigating existing and emergent risks:

*The proposal of additional powers to be provided to Welsh Ministers in the context of animal disease control in the event of an epidemic is welcomed. In using the example*

<sup>16</sup> Q16. What are your views on the proposals for additional powers for Welsh Ministers to :a) Establish Movement Control Zones to control the movement of animals, semen, embryos, animal products, animal by-products and/or other things that can spread infection e.g. equipment and utensils, in the event of a significant, new animal disease threat, where there is currently no or limited power to do this? b) Specify ‘animal’, ‘farmed animal’, ‘livestock’, ‘pet animal’ and ‘animals intended for agricultural purposes’, beyond the current rigid traditional definitions to ensure animal disease control measures can be applied appropriately and flexibly to any species of kept animal where there is a potential disease risk? Please provide comments to support your view e.g. potential benefits and impacts.

*of the Foot and Mouth disease outbreak of 2001, it would have certainly provided a more efficient disease eradication together with economic savings and social impact on the farmers themselves if a decentralised approach would have been adopted in disease control.*

Merched Mewn Amaeth Llambod Branch

There was also support for the proposals more generally, including in greater emphasis on preventative approaches to animal health and welfare. From these perspectives, the general orientation of the proposals was considered sound, and the powers requested through the White Paper proportionate.

*We strongly support recognition of a key principle of the Framework, that prevention is better than cure... There are obvious advantages to establishing clear national minimum standards. They would aid communication and understanding and provide a solid legislative baseline. We appreciate that Welsh Government require additional powers to establish Movement Control Zones in the event of an animal disease outbreak to enable Ministers to respond immediately and to enable them to specify stock beyond current, more rigid definitions. We note that it's proposed to introduce civil sanctions for non-compliance with specific animal disease controls and animal welfare standards. That would be welcome and would be consistent with civil sanctions proposed to be used elsewhere.*

Wales Animal Health & Welfare Framework Group

### Maintaining High Welfare Standards

Others also took the opportunity to emphasise the importance of maintaining high welfare standards.

*Agree that [we] should establish movement control zones to control spread of infection. Animal welfare standards must not be allowed to decrease.*

Individual, Horticulture

This included concerns around the links between low welfare standards and increased disease burdens and associated risks. This was particularly held by those concerned over the increasing numbers of intensive production units:

*We are very concerned about the increasing number of intensive poultry units, pig farms and dairy units. These have no place in a sustainable farming system and present environmental degradation due to nitrogen pollution, animal welfare problems and disease risks.*

Community Supported Agriculture Network, Trade Union/Representative

## Importance of Dialogue and Consultation

There was also recognition of the importance of dialogue and consultation when situations arose when powers needed to be exercised. This view was shared by many respondents, who called for greater public engagement. The importance of increased consultation, specifically in the implications of new animal classifications, was also raised outside of the agricultural context such as in conservation and insurance:

*We support the creation of general powers to establish movements zones to control disease in the event of a novel or disease outbreak. However, we would expect to be part of a forum working on the detail of when and how such zones would be established. We strongly believe that movements zones and the approach pertaining to, should be the same across England and Wales.*

National Sheep Association Wales, Farming

*This is worrying and needs to be carefully thought through and the public consulted much more fully and specifically.*

Individual, Environmental

*There is potential that changes to definitions outlined in the consultation document could have significant implications for the conservation and insurance sector. It will be necessary to consider the impact of changes outside of the purely agricultural context before implementation.*

Natural Resources Wales

## Importance of UK-wide Consistency of Approach

A key theme throughout the responses was the importance of maintaining legislative consistency with the rest of the UK, especially for farms on the Welsh/English border. This would be central in any effective response to a disease outbreak.

*We recognise the importance of powers for Welsh Ministers to adapt and respond to emerging threats. The key concern we wish to highlight is the continued working with other UK nations to ensure any new threats or control measures work are dealt with collaboratively reflecting the intra UK trade in livestock products and by products.*

Country Land and Business Association Cymru

*We agree with this proposal, however, we feel that decisions made by Welsh Ministers should align with DEFRA and APHA and not conflict with what other regions are doing. Conflicting powers can be difficult for cross border farmers.*

Lantra

### More individual farm-level regulations/incentives

Many of the respondents who agreed with the proposed changes also highlighted the need for greater regulatory frameworks and incentive schemes to protect animal welfare and manage the risk of disease at smaller scales. A range of suggestions were given such as new herd policies, legislation to prevent overcrowding, and accreditation for being disease-free:

*We recommend that farmers should agree and implement a herd policy for introducing any new animals and isolation with their private vet as part of their herd health plan.*

British Veterinary Association, Veterinary

*Increasing biosecurity to decrease the possibility of disease transmission and the introduction of alien species and diseases is essential. However, the focus should be on matters such as incentivising farmers financially.*

Farming and Wildlife Advisory Group Cymru, Farming

# 11 Snares<sup>17</sup>

## Summary of Proposals

Wildlife legislation has been considered as part of the analysis in the Law Commission report on wildlife law reform. It is the Law Commission's view that, in the future, the operation and inspection of snares may benefit from additional regulations prescribing how relevant snares should be operated and inspected.

Overall, respondents felt that the use of snares should be banned outright.

## Concern for Non-target Species and Animal Welfare

Strong opinions emerged regarding animal welfare, with some respondents calling for increased control/regulation and others calling for complete bans. This was often centred on the understanding that snares could harm non-target species, as well as on the welfare of target species:

*Snares cause the most appalling suffering, distress and injury to wildlife and are entirely unacceptable. There is no way they can be used humanely. Purported Codes of Practice suit only industry interests and cannot protect the welfare of animals - in any event they are pervasively ignored.*

Individual, Other

*Any equipment that has the potential to cause suffering and/or welfare issues needs to be controlled in some way if there are legitimate reasons for it to be permitted in the first place.*

Trading Standards Wales

## Banning Snares

Leading from this concern for animal welfare, respondents felt that the use of snares should be banned outright. This included campaign responses from the League Against Cruel Sports, but also other individual and organisational responses.

*Snares should be banned outright.*

Ecological Land Cooperative, Third Sector

<sup>17</sup> Q17. What are your views on the proposal for a power to enable increased controls covering such matters as the manufacture, sale and use of snares? Do you think such a power is required? If not, why not? If so, what matters do you think the power should be used to address?

*I support a ban on the use of snares, due to the prolonged animal suffering they cause. I believe that there are more appropriate forms of pest control which can be used.*

Individual, Environmental

### League Against Cruel Sports Campaign

The consultation received responses from a campaign organised by the League Against Cruel Sports. The organisation encouraged supporters to share their views on the use of snares. They view snares as cruel and ineffective, and that the White Paper should go further in banning their use. Typical responses included:

*I have lived in the Countryside all of my life and in recent years have seen first-hand the damage caused by snares and the danger of them to foxes, badgers, deer, birds of prey, pets cats/dogs. A previous neighbour use to catch foxes and keep them in readiness for a hunt. There has never been anything that I could do but be distressed, angered and helpless against people who carry out these acts. It would be fantastic if this ban was introduced and hefty fines introduced to anyone caught in possession of a snare or a fox, a hair, a bird of prey, a deer or badger.*

Individual

*Yes, Welsh ministers should have the powers to makes laws on all aspects of snares and snaring and should use these powers at the earliest opportunity to ban snares and snaring. Only a full ban on the manufacture, sale, possession and use of snares can fully remove the cruelty and suffering they cause to the animals they intend to trap, as well as to protected wildlife and pets. Regulation, licensing or any measures short of this comprehensive ban would not achieve the same outcome.*

Individual

### Tighter Controls

Even amongst those respondents who did not call for an outright ban on snares, many supported the introduction of tighter controls around their use.

*I support the proposal for increased controls. Such a power is urgently required.*

Individual, Mixed Farming

Relating to this, some respondents referred to the measures in place in Scotland and expressed an interest in adopting similar controls in Wales.

*We support the approach taken in Scotland for controlling and regulating the use of snares, and would like this to be adopted across the UK. We therefore support the*

*proposal for a power to enable increased controls covering the manufacture, sale and use of snares.*

British Veterinary Association, Veterinary

### Protecting Livestock

Conversely, a small number of respondents felt that the proposals should not impinge on the ability of farmers to use snares as a means of protecting livestock, as snares are seen as an important tool for pest control:

*Snares are an important tool for the protection of livestock and poultry, and to our knowledge, there is no evidence that the industry has not been following the code of best practice.*

Conwy County Borough Council

*From personal experience of knowing farmers who have a problem with foxes, without the snares, they would be losing a lot of lambs over the winter and this would have a knock on affect to their farm income and general mental health. With the ban on fox hunting, farmers need a way of being able to deal with this pest control without having to go through a long procedure or involve third parties at an expense.*

Merched Mewn Amaeth Llambod Branch

### Existing Legislation Sufficient

Linked to this theme, a peripheral viewpoint included the perception that existing legislation was sufficient and that more emphasis should be placed on improving enforcement.

*We have no issues with legislation covering the sale and use of snares providing they don't restrict farmers ability to use them where necessary...This is likely to be another example of not needing more regulation but better enforcement of existing legislation.*

Welsh Commons Forum, Farming

### Concern over Negative impacts of Increased Restrictions

Some expressed concern over the potential unintended consequences of increasing control on the use of snares such as an increase in self-made snares or buying/selling across the Welsh border.



*While we support the principle of regulating the production and sale of snares, is there no indication of how this might be enforced or controlled? There is a risk that people would create traps themselves, which can be more dangerous. How would these powers be enforced to restrict their use in Wales? Is it possible that the snares can still be produced and bought outside Wales?*

Menter a Busnes

### Need for more Consultation

A group of respondents highlighted the need for further consultation on the issue before any legislation was introduced, and for more detail on the enforcement of any new regulations.

*A full and proper consultation should be undertaken before any new regulations are introduced.*

British Veterinary Association, Veterinary

*Before introducing further legislation in this area, a greater understanding of the issues with the adherence to the 2015 Code should be set out. Why isn't it working? The White Paper does not set this out.*

Agricultural Law Association

*Having read the account in the consultation paper, we still want to see the case to be made that such a power is needed and then, on the briefing in the paper, that it would be capable of being effectively enforced, rather than a gesture on the statute book.*

Central Association of Agricultural Valuers

## 12 Integrated Impact Assessments<sup>18</sup>

There was considerable apparent diversity in the focus and nature of responses to this question. There were a significant range of issues and impacts that respondents felt would be valuable to consider in the refinement of the proposals. These included factors that should be examined in greater detail within Integrated Impact Assessments. In some cases, both explicitly and implicitly, respondents also highlighted areas where they felt the proposals would have a detrimental impact on these issues. Factors raised by respondents included:

- The Welsh language
- Culture and heritage
- Public access to rural land
- Health and wellbeing of farmers
- Economic consequences for rural communities
- Environmental concerns and climate change
- Succession and opportunities for young people
- Organic farming and food production
- Definition of ‘active farmer’

For example, various respondents highlighted the importance of protecting Welsh culture, language and heritage and the need for a more detailed impact assessment. This included both the importance of further analysis, as well as the perceived negative impacts of the proposals on Welsh language and culture:

*We do not consider that the Welsh language impact assessment is adequate. It does not contain the kind of detail that we would hope to see in a thorough impact assessment. As the introduction of the Bill has far-reaching implications for the Welsh language and some proposals that we believe would have a detrimental effect on the language, we would have expected to see every proposal submitted and scored back the status of its impact on the Welsh language, and that mitigation measures have been identified for any adverse effects.*

Welsh Language Commissioner, Public Sector

*We believe the stated aim to “not specifically target culture and heritage” through the new scheme is regressive and will have an enormous detrimental impact upon the historic environment and the economic and public goods that it generates... It would represent a clear signal that Welsh Government values its rural heritage less than the EU did, and is consequently unwilling to support or reward farmers for its protection.*

Chartered Institute for Archaeologist & Council for British Archaeology, Environmental

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<sup>18</sup> Q18. What are your views on the impacts we have identified in the integrated impact assessments? Are there any further impacts that should be considered?

Others highlighted specific issues that they felt should receive greater attention within the proposals. This included the importance of supporting succession, and greater support for young people to live and work in rural communities:

*We would like to see stronger mention of the importance of succession in farm businesses and support for Young people born into and entering the farming industry.*

Welsh Commons Forum, Farming

The health and wellbeing of farmers and the wider rural community were a key concern, and respondents call for greater consideration of this issue:

*The social impacts of different scenarios - e.g. on farmer health and welfare, on rural community cohesion and poverty reduction, on generational renewal in farming and on social capital in rural areas, should all be considered more fully in any integrated impact assessment.*

University of Gloucestershire - Countryside and Community Research Institute  
Research/Academia

*We agree with concerns that the level of change proposed has the potential to have negative impacts on farmer mental health., and as such clear advice, guidance and support will be important to mitigate this.*

Nature Friendly Farming Network Cymru Steering Group

# 13 Welsh Language

## 13.1 Treating Welsh Language Equally<sup>19</sup>

### Rural Communities and the Welsh Language

A key theme in responses was the connection between rural communities and the Welsh language. From these perspectives, support for agriculture was important in ensuring vibrant rural communities, and subsequently the protection and promotion of the Welsh language. Ensuring local people are able to rely financially on farming to support themselves and their families was seen as essential for protecting Welsh language and culture.

*Rural communities, and pre-eminently the farming and forestry sectors, are a mainstay of the Welsh language.*

Individual, Private Sector

*There is a need to recognize the status of the agricultural industry as a 'linguistic multiplier' and to ensure that any change in commercial emphasis as a result of the policy does not disadvantage the language.*

Individual, Sheep Farming

*Any decrease in the number of farmers or farm workers and associated professions will have a detrimental effect on Welsh language, community cohesion, heritage and culture. Ensuring realistic payments via the new scheme will ensure that local people are able to remain in the rural areas and the ability to keep the next generation within these areas becomes an achievable goal.*

Farming and Wildlife Advisory Group Cymru, Farming

### Suggestions for protecting the Welsh Language

Respondents offered a variety of suggestions for protecting and promoting the Welsh Language. For example, supporting small and family farms:

*Anything that future agricultural and environmental policy does that puts pressure on farm businesses, particularly actions that threaten family farms, will impact negatively on the Welsh language and the wider culture that goes with it.*

Welsh Commons Forum, Farming

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<sup>19</sup> Q19. We would like to know your views on the effects that the White Paper proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

*Supporting family farms is vital to supporting the prosperity of the Welsh Language in Wales.*

Individual, Sheep Farming

Promoting the Welsh language amongst young people was also seen as a particular priority:

*Formalize support for Young Farmers clubs to promote the Welsh language at county and national level.*

Individual, Sheep Farming

*The Welsh language will be impacted by numbers of people in rural communities where Welsh is the dominant language and the opportunities for young people who grow up there.*

Community Supported Agriculture Network, Trade Union/Representative

There was also a call for more support through translation, training and advice services for the use of the Welsh language:

*Need to increase and develop the use of Welsh within the sector through advice services and skills development plans.*

Welsh Language Commissioner, Public Sector

*Provide a Welsh speaking advisory service. Currently the cost of translation is quite high so there is a need for more funding.*

Sustainable Food Knighton, Environmental

Some respondents called for more deliberate data collection, monitoring and planning for the promotion of the Welsh language within the legislation:

*Need to collect data on the Welsh language within the sector in order to set an evidence base that would inform future policy developments.*

Welsh Language Commissioner, Public Sector

*Any benefit to the language identified is either a knock-on, unintended or superficial effect. Given this is the legislation that will most affect the industry with the highest percentage of Welsh speakers of any industry in Wales, this is not good enough*

Individual, Sheep Farming

This was also included in the delivery of advice and guidance:

*We propose that targets on linguistic progress / continuity need to be set as a specific measure in the policy, with a mechanism to assess, report and review the impact of new policies on the prosperity of the language.*

Menter a Busnes

### Threats to the Welsh Language

The impact of social isolation in rural areas was identified as a threat to use of the Welsh language:

*I feel the proposed white paper has no beneficial bearing or change on life or language. Farming life has changed from meeting in the pub and having a catch up to becoming lonely and in parts depressing that has killed off local Welsh area dialect.*

Individual, Sheep Farming

## 13.2 Ensuring Positive Impacts<sup>20</sup>

This question received similar responses to the previous question. Many answers repeated suggestions for ways to protect and promote the Welsh language. In addition, the increased use of the Welsh language within government, additional support for Welsh learners, more resources and advice to encourage the use of Welsh, and the normalisation of bilingualism in everyday life were common themes.

### Increasing Welsh Language Use within Government

One respondent highlighted the importance of using Welsh more routinely in Welsh Government and across departments, and that this could raise the importance of the language.

*Dylid mynd ati i weinyddu yn Gymraeg yn fewnol o fewn adrannau'r llywodraeth sy'n trafod amaeth a materion amgylcheddol a bioamrywiaeth. Nid yw peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg yn ddigon da o gofion am rym neilltuol (cymdeithasol a gwleidyddol) y Saesneg. Gellid cychwyn yn y manau Cymreiciaf a chynnwys Caerdydd maes o law.*

*Internal administration within government departments dealing with agriculture and environmental and biodiversity issues should be conducted in Welsh. Not to treat the*

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<sup>20</sup> Q20. Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

*Welsh language less favourably than English is not good enough considering the particular (social and political) power of English. This could begin in the most Welsh speaking areas and include Cardiff in due course.*

Individual, Other, translated from the original

### Encouraging Bilingualism

Some felt it important to encourage the use of Welsh side-by-side with English. From these perspectives, it was felt that communications, including through guidance materials, reports and events, could benefit from greater bilingualism.

*In certain areas (North West Wales for example), the majority of farmers are first language Welsh speakers. Employing bilingual contract managers/ regulatory officers/ monitoring officers can help facilitate a smoother transition to new schemes and break down perceived barriers. The provision of written advice and guidance (relating to both NMS and the SFS) should be made available bilingually*

Royal Society for the Protection of Birds Cymru

Others expressed a desire for more resources, support and encouragement for those learning and using the language as a way of promoting bilingualism:

*Provide opportunities for Welsh learners to communicate in Welsh in a sympathetic environment.*

Individual, Forestry

*Would there be a possibility to introduce a condition / encouragement for incomers to learn the language?*

Conwy County Borough Council

*Whilst many farmers are fluent in Welsh, many may not be familiar with the standard of technical Welsh sometimes used in formal documents. It is important that documentation is tailored to the audience including the use of plain Welsh language. Having Welsh speaking scheme advisers would benefit local Welsh farmers and potentially reduce a barrier to securing an agreement.*

Natural Resources Wales

## 14 Additional Themes

A number of additional themes emerged from responses. These included views and perspectives relating to additional elements of the proposals, including additional powers required by Welsh Government to enact on the proposals. These were not explicitly explored within questions featuring in the White Paper consultation document.

### The Management of Common Land

Respondents highlighted that the important role of common land should receive greater attention and consideration in how they are effectively managed and supported. Respondents commented that they would welcome continuing discussion and debate on how to effectively support common lands through the reforms:

*The SFS presents a once-in-a-generation opportunity to restore a flourishing, resilient environment on commons, enabling the land to play a key part in tackling the urgent challenges of climate change, and helping communities work together both now and for the future.*

National Trust Cymru

*We are pleased that Welsh Government recognises the role of common land in supporting agricultural production, but it must also recognise the enormous public benefit provided by commons—for their natural beauty, wildlife habitats, and historic and cultural interest, and for public access. We note that there were no questions relating to the common land proposals and hope that comments on these will be taken into account before proposals are adopted.*

Ministry of Defence

Some felt that common land was distinct to other forms of land holding, and would require specific solutions and approaches:

*Commons should be allowed to have a much more flexible, tailored approach, focussing more on the results required.*

Wildlife Trusts Wales

*We note to there are no questions relating to common land. It's vital that new scheme rewards active management on common land, as opposed to right holders that do not actively manage common land. It should be easier for farmers to undertake conservation management on common land that fall under restricted works.*

Sustainable Forest Management



Alongside those wishing to ensure tenant farmers were supported through the new arrangements, some respondents felt those using or managing common land would also benefit from support or specific provisions that enhance their ability to maintain or restore biodiverse habitats:

*It would be beneficial if there are opportunities for joint SLM scheme agreements, especially in relation to common land which occupies 8.5% of agricultural land in Wales. Commons are often of exceptional biodiversity value and many have more specific special trees, which at present are being overlooked. It would be ideal if these systems were supported to maintain all year grazing with e.g. rare breeds.*

Ancient Tree Forum, Environmental

This could, however, have implications for those accessing the commons. Therefore, it may be valuable to consider how to balance the competing demands placed on common land, including its productive capacity and environmental performance:

*Common land supports a high concentration of priority habitats but because of the many issues surrounding its management, it is often problematic to attain good management on commons. SLM scheme agreements on commons are likely to require actions that impact on landowners' and graziers' rights.*

Natural Resources Wales

*The interests of those who derive an income from a common (e.g. a grazier) should be given a far more significant weighting than the interests of those who use that common for recreation. Commons Councils are under no circumstances a panacea for many problems and would in many cases divide communities around commons, which are currently working well under the management of graziers associations. The costs of establishing and running commons councils are extremely high, as demonstrated through the work on Commons Councils undertaken in England.*

Farmers' Union of Wales, Representative Body

The White Paper outlined three specific proposals surrounding common land. This included powers to revise the consenting regime on common land to include the definition of restricted works, exemptions and where duplication exists with the requirement to obtain consent under planning legislation. Overall, there were isolated responses to the proposal. Some felt that the proposals could be fleshed out in more detail, including in the precise definitions and extent of restricted works and exemptions. Others felt that the overall sentiment of the proposals were positive, however greater consideration should be given to how consenting regimes supports certain activity that conserves or improves common land:

*We suggest a strategic aim to improve opportunities for SLM on common land should inform any revisions to common land legislation. In this respect, we welcome the proposal to introduce a definition of restricted and exempted works but question the*

*focus on 'duplication' of consents. Consideration should be given to those works that are needed to restore nature, soils and water, and to a mechanism that provides a SLM or SMNR test to determine consent applications or provides consent advantages to works covered by an SFS contract.*

National Trust Cymru

There were also differing views towards addressing duplication within the system. Some felt that this was a positive and necessary step, including in creating a more coordinated and coherent approach to consent and planning permission on common land. Others, however, felt that the application of the Commons Act 2006 and maintaining the special character and features of common land could be undermined by the proposals:

*There are specific issues that need to be considered before approving work on common land so it is entirely appropriate to retain a parallel consenting regime for these areas in addition to planning consent. This simply mirrors the consenting regime in other situations where specific features need to be taken into account such as listed buildings or maritime structures. Retaining the parallel consenting regime would also ensure that proper consideration is given to those works on common land which do not require planning permission, such as stock control fencing, and to the impact that any works may have on commoners' rights an issue which is not addressed through the planning system.*

Campaign for National Parks

The proposals also seek new powers that will allow the Welsh Ministers to revise the enforcement responsibility and function on common land in response to breaches of the consenting process where restricted works have been undertaken without permission. Again, there were differing opinions from a small number of respondents. Some felt that strengthened enforcement responsibilities were necessary to action against unlawful work on common land. Others felt that proper enforcement would have resource implications, particularly for Local Authorities:

*If it is expected that Local Authorities would take on additional statutory enforcement powers, there is a need for dedicated ringfenced revenue budgets to cover staff time, especially given the resource pressures faced by Countryside Access and Recreation teams within authorities in recent years. Powers to serve notices will make this easier but again resources are needed.*

Welsh Local Government Association

The proposals also set out to expand the functions and powers of Commons Councils to manage the common and improve their ability to contribute to the social, economic and environmental objectives of the sustainable land management policy framework. This proposal again received mixed responses. Some felt that they would ensure that commoners could benefit from the future land management scheme with benefits including tree planting. There were concerns, however, that despite the power to create Commons Councils in the

Commons Act 2006, none to date have been created in Wales. From these perspectives, the effectiveness of the proposals would be undermined without greater commitment to support and encourage their creation:

*We do not support the proposal to expand the functions and powers of Commons Councils... There are not yet any Commons Councils in place in Wales even though the power to create them was introduced in the Commons Act 2006, and they have been given very little priority to date. It would be much better to focus on prioritising and facilitating the introduction of Commons Councils, rather than trying to give them wider powers, the use of which could complicate and potentially undermine the public benefits of commons.*

Snowdonia Society

### Sustainable Agricultural Business Practice

It appears that most respondents did not explicitly respond to the proposals surrounding sustainable business practices. General sentiments expressed across responses suggest that the overall aim of promoting resilience and sustainability across land management, food production and broader supply chains are broadly accepted by most stakeholder groups. These responses did not, however, address the specific proposals surrounding additional powers to ensure farmers in Wales, and others in the Welsh agriculture and food supply chain, operate in an efficient, transparent manner and on a fair basis.

Those that explicitly made reference to the additional powers were typically supportive whilst expressing the importance of clarity and care regarding the mechanisms implemented:

*Agricultural business resilience is critical for the Welsh agricultural industry and HCC does not therefore object to proposals for the Welsh Ministers to introduce mechanisms to support the resilience of agricultural business, which are vulnerable to price volatility, and improve sustainable agricultural businesses and production. Clarity is however needed as to what mechanisms would be utilised, and how they would be applied.*

Hybu Cig Cymru – Meat Promotion Wales

### Exceptional Market Conditions

Where respondents explicitly reflected on the additional powers in responding to exceptional market conditions, most regarded them as valuable and proportionate:

*We support the proposal giving powers to intervene in markets using intervention such as private storage aid where exceptional market conditions are declared.*

Welsh Commons Forum

[Referring to ‘Powers to enable continuity of existing agricultural support and to declare exceptional market conditions and intervene in the agricultural markets’] *Given that the Bill will provide the legislative basis for Welsh agricultural and land policy, and that powers taken for the Welsh Ministers through the UK Act will expire on 31 December 2024, the proposals to take equivalent or similar powers in the Bill for the Welsh Ministers appear appropriate.*

Hybu Cig Cymru – Meat Promotion Wales

*The FUW agrees that Welsh Ministers should be able to provide this intervention during a crisis, as they are currently delivered through the EU Common Market Organisation regulations.*

Farmers' Union of Wales, Representative Body

Some felt that, should exercising the powers become necessary, the Welsh Government should work to ensure that they are applied coherently in supporting people and communities:

*We note that the White Paper also proposes that Welsh Ministers have powers to declare exceptional market conditions and to intervene in agricultural markets where there is severe market disturbance or the threat of severe market disturbance. We would highlight that the imposition of disease control zones is an event that could cause severe market disturbance and therefore it is essential that if Welsh Ministers are to use powers to establish disease control zones they must also be prepared to use powers to intervene in agricultural markets, if markets are impacted by the imposition of these zones.*

National Farmers' Union Cymru, Representative Body

### Marketing Standards and Carcass Classification

Similarly, most comments regarding marketing standards and carcass classification were expressions of support, along with references to the importance of cross-border consistency.

*We support the proposal for marketing standards and carcass classification but would expect this to align with England and other UK nations.*

Welsh Commons Forum

*[We have] no objection to Welsh Ministers taking on powers relating to bovine and porcine carcass classification and making changes as and when required. However – it is vital that any changes are made in conjunction with UK and the other devolved governments – we cannot operate classification systems that are different in different parts of the UK.*

Kepak St Merryn Merthyr, Food and timber supply chains

## Organic Products

Most respondents discussing organic food production and certification talked in general terms around its importance and role in delivering high quality foods whilst minimising impacts on the environment.

*These are generally desirable. Organic production methods already supply many of the outcomes that SLM needs. It is important that the SLM supports producers that want to convert to organic production, particularly during the organic conversion period when returns from the market are likely to be lower.*

Individual, Mixed Farming

Of those explicitly mentioning the proposals surrounding devolved powers and the ability of Welsh Ministers to diverge from existing UK legislation, some felt that this could undermine confidence and competitiveness of Welsh organic produce:

*We support the vision of the Welsh government for sustainable land management which we believe organic certification and regulation will play a key role in... we urge Welsh Government to consider carefully the implications of divergence of organic regulations from the other UK nations, which would be detrimental for the international trade of Welsh organic products and could be an unnecessary burden on the resources of Welsh Government.*

Soil Association

Others welcomed the commitment made by the Welsh Government to maintain existing arrangements into the near future, providing producers with a stability:

*NFU Cymru understands why the Welsh Government chose to take certain powers in the UK Government's Agriculture Act, and we are pleased that these powers have allowed for the continued operation of existing farming support beyond 2020. This has provided and continues to provide the sector with much needed certainty and stability during a period of volatility and change.*

National Farmers' Union Cymru, Representative Body

## Livestock Regulations

Those explicitly referring to proposals surrounding the identification and traceability of animal provisions, tended to advocate the broad trust of the proposals. They did, however, highlight concerns surrounding regulatory alignment:

*Welsh Government needs to be particularly mindful of how any decisions around primary production standards will impact the competitive position of Welsh farmers (particularly if these cannot be properly rewarded by the marketplace) and maintain a*

*broadly level playing field in terms of production standards applicable in Wales vis a vis our largest, nearest competitors.*

National Farmers' Union Cymru, Representative Body

### Agricultural Advisory Panel

References to the Agricultural Advisory Panel are generally supportive of its current work. There were minor concerns with issues such as the importance of supporting broader career development within agriculture alongside addressing issues around pay. There were also concerns surrounding how the Minimum Wage would work in practice:

*We support the current work of the Panel but believe there should be a delivery budget available to support innovative Careers work for the agriculture and land-based sector. The future emphasis on Sustainable Land Management will need new skills and entrants so this would be a timely point to commence this work.*

Lantra

*The Agricultural Advisory Panel sets out the minimum wage standards categories from experienced to unexperienced farmers and we are satisfied that this panel is sufficient and fair. We support a Minimum Wage for the sector but we do question how it would be managed and regulated.*

Conwy County Borough Council

# 15 Conclusions

Overall, analysis of the weight of opinion suggests that respondents were broadly positive towards the proposals contained within the White Paper. Many welcomed the general orientation and sentiment of the proposals. This was often based on a shared understanding of the substantive issues and challenges driving reforms. This included in addressing issues such as climate change and promoting biodiversity, as well as in supporting vibrant farming and rural communities and Welsh heritage. Many felt that the White Paper presented a step in the right direction.

Where there were areas of disagreement, these tended to focus on the precise details of the proposals. Some felt, for example, that the challenges facing the environment are such that they require immediate and substantial action. These perspectives tended to favour a stronger role for legislation and regulation in defining objectives and in driving change in the way the land is managed. Respondents holding these views tended to advocate greater focus on environmental goals, higher standards in supporting and encouraging change, and more immediate action.

Conversely, there were respondents who wish to promote clarity, certainty, and stability. These perspectives tended to favour an evolution of the regulatory and funding environment, and espoused a slower, more consultative transition to new arrangements. They tended to prioritise economic objectives alongside environmental goals, and there were concerns that the proposals could increase uncertainty facing many farmers and land managers. From these perspectives, the proposals would require careful consideration to ensure that they are effective in achieving their broader commitments to supporting rural communities.

It was apparent within responses that the proposals had been interpreted in different ways. This may be explained, at least in part, by the complex and wide-ranging nature of the proposals. In some cases, there were misunderstandings surrounding the general intention or precise details of certain provisions. Others wished to see greater detail on what the proposals would look like in practice. Continuing dialogue and clarification between Welsh Government and stakeholders may be valuable in working towards a shared understanding of the precise objectives and nature of the reforms. With considerable support for the general orientation and sentiment of the proposals across all stakeholder groups, there is a firm basis on which to refine the proposals before they are put to the Senedd.

# Appendix 1: Consultation Questions

## Regulatory Reform

1. What are your views on:

- (a) The proposed approach to the creation of the National Minimum Standards?
- (b) The need for flexibility to amend the National Minimum Standards where necessary? Are there any further considerations which are needed?

Please provide comments to support your view e.g. potential benefits and impacts.

2. What are your views on:

- (a) How advice and guidance can effectively support farmers to understand the National Minimum Standards; and
- (b) The further considerations needed for advice and guidance? For example, what form guidance should take, who should provide it, the scope of guidance and how farm advisory services may support farmers.

Please provide comments to support your view, e.g. potential benefits and impacts associated with the considerations.

3. What are your views on the proposals for civil sanctions to enable proportionate enforcement of regulations? Are there any further considerations which are needed?

Please provide comments to support your view, e.g. potential benefits and impacts associated with the considerations.

## SLM – Future support

4. What are your views on the proposed purposes for funding in support of the delivery of SLM? Are there other purposes which you feel should be considered?

Please provide comments to support your view e.g. potential benefits and impacts.

## Industry and Supply Chain

5. What are your views on the proposed priorities for industry and supply chain support?

Please provide comments to support your view e.g. potential benefits and impacts.



### **Collection and sharing of data**

6. What are your views on the proposed purposes for collecting, sharing and linking data?

Please provide comments to support your view e.g. potential benefits and impacts.

7. What are your views on the establishment of a national database for farms and livestock?

Please provide comments to support your view e.g. potential benefits and impacts.

#### *Thinking about the SFS:*

8. In terms of the future scheme, what are your views on the proposals to enable the data we collect on a farm to be used by farmers to track progress and demonstrate their sustainability credentials?

Please provide comments to support your view e.g. potential benefits and impacts.

#### *Thinking about regulatory compliance:*

9. What are your views on the proposals for improving the monitoring of regulatory compliance?

Please provide comments to support your view e.g. potential benefits and impacts.

10. What do you think needs to be considered in future to enable regulators to effectively monitor regulations?

### **Forestry and woodland**

11. What are your views on the proposed amendments to forestry legislation?

Please provide comments to support your view e.g. potential benefits and impacts.

12. What are your views on how the Welsh Government can support landowners in Wales to benefit from carbon markets for planting trees?

### **Tenancies**

13. Do you think the dispute resolution procedures described in the proposals should be extended to FBTs?

Please provide additional evidence to support your view e.g. the extent to which this is a problem currently, the likely benefits and impacts.

14. Do you think there will be instances where landlords may require the same access to dispute resolution as described above?

Please provide additional evidence to support your view e.g. the extent to which this is a problem currently, the likely benefits and impacts.

15. Do you think it would be appropriate to allow joint landlord/tenant SLM scheme agreements?

Please provide evidence to support your views e.g. the extent of the need, the likely benefits, drawbacks and impacts.

### **Animal Health and Welfare**

16. What are your views on the proposals for additional powers for Welsh Ministers to:

- a) Establish Movement Control Zones to control the movement of animals, semen, embryos, animal products, animal by-products and/or other things that can spread infection e.g. equipment and utensils, in the event of a significant, new animal disease threat, where there is currently no or limited power to do this?
- b) Specify 'animal', 'farmed animal', 'livestock', 'pet animal' and 'animals intended for agricultural purposes', beyond the current rigid traditional definitions to ensure animal disease control measures can be applied appropriately and flexibly to any species of kept animal where there is a potential disease risk?

Please provide comments to support your view e.g. potential benefits and impacts.

### **Snares**

17. What are your views on the proposal for a power to enable increased controls covering such matters as the manufacture, sale and use of snares? Do you think such a power is required? If not, why not? If so, what matters do you think the power should be used to address?

### **Integrated Impact Assessment**

18. What are your views on the impacts we have identified in the integrated impact assessments? Are there any further impacts that should be considered?

## Welsh Language

19. We would like to know your views on the effects that the White Paper proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

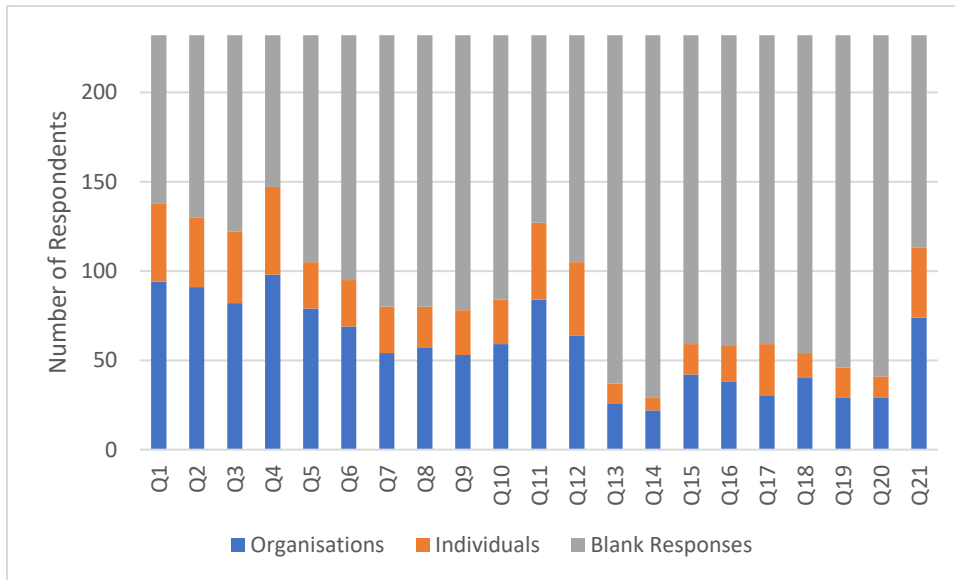
20. Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

## Any other comments

21. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

## Appendix 2: Response Numbers

There was considerable diversity in engagement from respondents with questions across the consultation. The following graph and table illustrate the variation in engagement to each question, including from organisations and individuals:



	Organisations	Individuals	Blank Responses (N)	Blank Responses (%)
Q1	94	44	94	41%
Q2	91	39	102	44%
Q3	82	40	110	47%
Q4	98	49	85	37%
Q5	79	26	127	55%
Q6	69	26	137	59%
Q7	54	26	152	66%
Q8	57	23	152	66%
Q9	53	25	154	66%
Q10	59	25	148	64%
Q11	84	43	105	45%
Q12	64	41	127	55%
Q13	26	11	195	84%
Q14	22	7	203	88%
Q15	42	17	173	75%
Q16	38	20	174	75%
Q17	30	29	173	75%
Q18	40	14	178	77%
Q19	29	17	186	80%
Q20	29	12	191	82%
Q21	74	39	119	51%

## Appendix 3: Organisational Responses

This section lists the organisations that contributed responses to the consultation.

Action Plan for Pollinators Taskforce
Agricultural Industries Confederation
Agricultural Law Association
Alliance for Welsh Designated Landscapes
Ancient Tree Forum
Animal Aid
Arfon and Dwyfor Local Access Forum
Association of Local Government Archaeological Officers Cymru
Audit Wales
Bat Conservation Trust
Black Mountains Graziers Association East
Border Woodlands
Brecon Beacons Mega Catchment
British Horse Society
British Veterinary Association Wales Branch
Bumblebee Conservation Trust
Cadw
Caerphilly County Borough Council Trading Standards
Calon Cymru Network
Campaign for National Parks
Cardiff University Grand Challenges Student Team
Carmarthenshire Fishermen's Federation
Carmarthenshire Local Access Forum
Carmarthenshire Nature Partnership
Celtic Rainforests Wales Project
Central Association of Agricultural Valuers
Centre for Alternative Technology
Chartered Institute for Archaeologists & Council for British Archaeology
Clwyd-Powys Archaeological Trust
Coed Cadw
Coed Cymru
Community Supported Agriculture Network
Confor: Confederation of Forest Industries (UK)
Continuous Cover Forestry Group Wales Committee
Conwy County Borough Council
Country Land and Business Association Cymru
Countryside Alliance
County Surveyors' Society Wales – Welsh Rights of Way Management Working Group
Cycling UK Cymru
Dwr Cymru Welsh Water

Dyfed Archaeological Trust
Ecodyfi
Ecological Land Cooperative
Eryri Ramblers
European Forum on Nature Conservation & Pastoralism
Farmers' Union of Wales
Farming and Wildlife Advisory Group Cymru
Food Policy Alliance Cymru
Food Sense Wales
Food, Farming and Countryside Commission
Forest Stewardship Council UK
Friends of Pembrokeshire Coast National Park
Game & Wildlife Conservation Trust Cymru/Wales
Glamorgan-Gwent Archaeological Trust Ltd
Gower Society
Growing Mid Wales Partnership
Gwynedd Archaeological Trust
Gwynedd Council
H W Forestry Ltd
Hybu Cig Cymru – Meat Promotion Wales
Iechyd Da (Gwledig) Ltd
Institute of Biological, Environmental and Rural Sciences, Aberystwyth University
Institute of Chartered Foresters
Iwan Lloyd-Williams
Kepak St Merryn Merthyr
Landscape Institute
Lantra
League Against Cruel Sports
Llanelli Ramblers
Meatwise International
Meirionnydd Ramblers
Menter a Busnes
Merched Mewn Amaeth Llambod Branch
Ministry of Defence
Monmouthshire County Council Animal Health
Morris Marshall & Poole
MSD Animal Health UK Ltd
National Association of Agricultural Contractors
National Farmers' Union Cymru
National Office of Animal Health Ltd
National Parks Wales
National Pig Association
National Sheep Association Cymru/Wales
National Trust Cymru

Natural Resources Wales
Nature Friendly Farming Network Cymru Steering Group
North Wales Area Ramblers
Open Spaces Society
Our Food Brecon Beacons & Monmouthshire
Paramaethu Sir Gar
Plantlife
Radnor YFC
Rambler's Cymru
Rewilding Britain
Royal Institution of Chartered Surveyors
Royal Society for the Prevention of Cruelty to Animals Cymru
Royal Society for the Protection of Birds Cymru
Royal Town Planning Institute Cymru
Ruperra Castle Preservation Trust
Salmon & Trout Conservation Cymru
Size of Wales
Snowdonia Society
Soil Association
South Wales Outdoor Activity Providers Group
St Fagans National Museum of History
Sustainable Food Knighton
Sustainable Forest Management
Sustainable Soils Alliance
Tenant Farmers Association Cymru
The British Association for Shooting and Conservation
The Campaign for the Protection of Rural Wales
The Institute of Chartered Foresters
The Institute of Historic Building Conservation Cymru
The Landworkers' Alliance Cymru
The Rare Breeds Survival Trust
The Vegan Society
The Wye & Usk Foundation
Tilhill Forestry Ltd
Trading Standards Wales
Tyddyn Teg / Franklin Scrase
University of Gloucestershire - Countryside and Community Research Institute
Wales Adventure Tourism Organisation
Wales Animal Health and Welfare Framework Group
Wales Environment Link
Wales Flood & Coastal Erosion Committee
Wales Organic Forum
Wales Young Farmers Clubs
Welsh Commons Forum

Welsh Historic Gardens Trust
Welsh Lamb and Beef Producers Ltd
Welsh Language Commissioner
Welsh Liberal Democrats
Welsh Local Government Association
Wildlife Trusts Wales
Woodland Strategy Advisory Panel
World Wildlife Fund Cymru



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