
Afonydd Cymru's response to the Welsh Government's consultation on the Sustainable Farming Scheme proposed under the Agriculture (Wales) Act 2023.

Introduction

We welcome the opportunity to respond to this consultation, as we welcomed the Welsh Government's decision to implement the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 (CoAPR) and the decision to replace the single farm payment with the Sustainable Farming Scheme. This consultation comes at a difficult time. Change inevitably gives rise to uncertainty and dissatisfaction. This is being demonstrated by protests from some in the agricultural industry. We support the view that public money should not be distributed without conditions. There is no right to support from public funds, it has to be earned. We support the Welsh Government on this and appreciate the work being done by the government's advisors to bring about change that is both protective of the environment and provides support for the industry. We are concerned that areas of uncertainty over the Scheme appears to have increased anxiety about change. We will deal with some of those areas during the course of our response but would comment that the Industry's fears are not helped by not knowing the level of financial support that will be provided.

We are concerned that a large number of farmers, perhaps the majority of some sectors such as intensive dairy, may not join the scheme. If that is the case, then for some crucial areas of activity, regulation will be necessary. We deal with that scenario under the heading **The balance between regulation and incentives under the Scheme** below.

Some of the consultation questions are directed specifically to farmers and we cannot give appropriate answers but where possible we have used the framework given. Some of our submissions will be given outside the framework of the questions.

Question 1: The Scheme will provide a long-term approach to support for our agricultural sector to respond to evolving challenges and changing needs, contributing to the Sustainable Land Management objectives. In your view, what may strengthen this support?

Farming Connect have been trying to recruit qualified ecologists to strengthen their expertise in biodiversity and sustainability. We do not know how this is progressing but they, like some farmers, will have to acquire a new skill set. Farmers must have guidance and support available on biodiversity and sustainability.

Quickly resolving the issue of what funding will be available to farmers would go a long way to reducing anxiety within the industry. Farmers are having to commit to changing working practices without knowing how they will be rewarded. This may also clarify who will be joining the scheme and allow the Welsh Government to allocate resources accordingly.

Question 2: *There will be Universal requirements in the SFS to have woodland cover at least 10% of suitable land, and to manage a minimum of 10% of your farm as habitat.*

- a) What are your views on these requirements?*
- b) What support might you need to achieve them?*

The issues surrounding 10% woodland cover and 10% habitat have been the subject of much debate, uncertainty, and changing interpretations. This consultation has attempted to refine the definitions and build in flexibility to account for difficult planting conditions and the problems of tenancy agreements. We appreciate that, with the contentious debate surrounding this, it has been difficult for the subtlety of the provisions to be understood. We note that support over time will be given to farmers to help them overcome difficulties in complying with these universal actions. We hope that adequate advice and support is given in the transition period up to 2030 to assist in this.

Question 4: *On-farm data reporting allows the Welsh Government to confirm actions are being undertaken and help you to make decisions about your farm.*

In your view, is the reporting requirement for the Universal Actions appropriate?

This question is directed at participating farmers but we welcome the reporting requirement. It will reinforce what is required of the farmer to achieve compliance.

Question 8: *To ensure continued high standards on our farms, we have outlined a proportionate approach to controls and sanctions, including compliance with additional legislation as a condition of Scheme payment. Do you have any views on this approach?*

The Sustainable Farming Scheme is a rewards based scheme. Farmers receive financial support and are eligible to receive advice to aid compliance. In return they must comply with the conditions of the scheme and farm in a measurably sustainable way. Controls and sanctions must be proportionate to deal with noncompliance fairly. If the scheme is effective there is benefit in ensuring participants remain in the scheme. We would expect compliance with all environmental and planning legislation by those participating in the scheme.

The balance between regulation and incentives under the Scheme

We have concerns around the balance between formal regulation and SFS compliance. Universal Action 4, Multi-species Cover Crop, illustrates this well. The benefits of Universal Action 4 are set out at page 22 of the consultation and below:

- A. protect soil from erosion – plants selected for binding surface soils and limiting erosion*
- B. build soil condition – plants selected for deep rooting, fixing nitrogen, or building organic matter*
- C. reduce nutrient loss – plants which hold nutrients which may otherwise be lost from the*
- D. provide habitat value – plants selected for habitat, winter wildlife feed, or pollinator value*
- E. manage flood and drought risk – plants which root deeply and facilitate water infiltration*
- F. manage weeds and pests – plants selected to outcompete weeds or for properties which limit pests*
- G. provide grazing – plant combinations selected to provide the above, which can be later grazed*

This is an important requirement within universal actions. We would question whether this should be part of the SFS at all and should really be included in regulation. This could be achieved by

bringing chapter 4 of the Code of Good Agricultural Practice (CoGAP) (Soil Husbandry) into legislation in the way that CoAPR brought chapter 5 into legislation. We live at a time of climate change leading to more severe rainfall events causing flooding. Six of the benefits are on-farm leading also to biodiversity gain while E, Manage flood and drought risk, has a wider societal benefit, that of preventing or mitigating flood risk. Benefit E should take this Universal Action from the SFS to being a truly universal action in regulation. Even where the rainfall is so exceptional, as to make flooding almost inevitable, the benefit of holding as much water as possible in and on the land is hard to underestimate. In the winter 2023/24 there have been many fields used for fodder growing in south west Wales, and no doubt in other parts of Wales where such crops are grown, either left bare or where the cover crop has been sown so late as to be ineffective. This is not confined to maize. Water flowing off these fields carried much soil and contributed substantially to flooding in nearby villages.

Outside wider societal benefits of E, the other benefits of multi-species cover crops are too important to be dependent on whether a farm joins SFS. If this action remains as part of SFS for now, the situation must be reconsidered if the majority of a whole sector, such as intensive dairy, chooses to remain outside the scheme.

Another concern around this Universal Action is the status of forage crops such as fodder beet and stubble turnips. 5m buffer strips are suggested but is this sufficient? Such crops provide little cover and fields are poached by foraging animals. The risk of run-off is great.

We note the preference for grazing off and mechanical means of removing cover crops prior to replanting but chemical use for termination would still be allowed. This causes concern as the planting of maize on land liable to flooding contrary to CoGAP is an issue. This is perhaps another argument for codification of chapter 4.

The SFS is primarily a means of paying farmers and in return they must farm sustainably, safely and in a way that enhances nature, helps minimise climate change and minimises the effects of climate change. It will apply only to those who join the Scheme. Compliance will need to be monitored effectively. Rural Payments Wales have the task of ensuring compliance. Existing environmental legislation including CoAPR must be enforced and NRW must be resourced to achieve this. It must also demonstrate the will to require compliance. The range of enforcement options should be extended to assist in this.

Public register of scheme members

The scheme is proposing the use of public money to support farmers to farm in the way set out in the previous paragraph. There should be a public register of participating members so that the public know which farms are participating in the scheme and receiving public money.

Politics Wales on BBC1 Sunday 25th February 2024 and the joint statement of the First Minister and Lesley Griffiths, the Minister for Rural Affairs, Lesley Griffiths

On Sunday 25th February, 2024 the Rural Affairs Minister, Lesley Griffiths appeared on Politics Wales on the BBC along with Abi Reader, NFU Cymru Vice President, and Llyr Gruffydd, Plaid Cymru agriculture spokesperson. In that broadcast Lesley Griffiths stated that she had been advised that there would have to be changes to the scheme and that all farmers, including those who were not farming union members, should respond to this consultation. Whilst we support the proposition of listening to farmer consultees, the principles of sustainable farming must be retained for the benefit of all. We have much respect for an industry where the work ethic is strong and adaptability has long been a strength. We are confident that the Welsh Government will stand by the principle of ensuring

the sustainability of agriculture whilst providing financial and advisory support for farmers to achieve this.

We reserve the right to comment on changes to the scheme made in the light of the Minister's statement above.

Following on from Lesley Griffiths' statement on 25th February, 2024, a joint statement was issued by the First Minister and the Minister for Rural Affairs on 27th February confirming the Welsh Government's commitment to the Scheme and outlining steps to be taken to further develop the Scheme using evidence gathered from the industry. We welcome this.

Afonydd Cymru
28th February, 2024