

## National Minimum Standards

June 2022

### 1. Introduction

WEL strongly supports the introduction of clear National Minimum Standards for farming and land management. We understand that the framework for National Minimum Standards is expected to be set out in primary legislation, in the form of a second Agriculture (Wales) Bill. We are disappointed that this crucial part of the new sustainable farming system will be delayed. There is a risk that delaying the introduction of National Minimum Standards, the details of which will likely need to be set in secondary legislation, could result in there not being a clear regulatory baseline to underpin the Sustainable Farming Scheme from the start. If National Minimum Standards are introduced after the launch of the Scheme in 2025, this will cause confusion for farmers.

Below we set out WEL's views on the principles, scope and enforcement requirements of the new National Minimum Standards.

### 2. Principles and scope

WEL believes that National Minimum Standards should apply to all farmers, land managers and landowners, regardless of whether they choose to enter the Sustainable Farming Scheme. This will provide a level playing field across Wales and will ensure that the Scheme is not undermined by farming businesses that are not participating. Primary legislation should set out the requirements for National Minimum Standards to:

- bring together existing farming and land management regulation in an accessible and coherent way;
- fill gaps in current legislation to provide additional environmental protection, e.g. on soil management, ammonia emissions and pesticides, hedges and tree protection;
- provide robust and integrated environmental protection across Wales, raising the bar where evidence shows this is necessary;

- widen the scope from cross-compliance and CoGAP to include standards on access; and
- provide the regulatory baseline that farmers wishing to access the Sustainable Farming Scheme must comply with.

The specific set of National Minimum Standards, including the sanction regime that will be applied to them, should be set out in secondary legislation so that there is flexibility to adapt to new scientific evidence or new farming practices that might require changes to or additions to the Standards.

### 3. Inspection, enforcement and sanctions

We believe that National Minimum Standards should be subject to a hierarchy of sanctions that includes warning letters, civil sanctions and legal action. The enforcement and penalty framework should also include loss of Sustainable Farming Scheme contracts, either temporarily or permanently, where appropriate (e.g. until compliance is achieved).

Currently, not enough farms are inspected each year by the Rural Inspectorate. Farms are also not inspected regularly enough for compliance with existing regulation and cross-compliance rules. According to NRW's Annual Regulation Report for 2019 (the last year before operations were affected by the pandemic) NRW conducted 462 inspections relating to agricultural regulations.<sup>1</sup> In 2019 there were approximately 35,000 registered active farm holdings in Wales.<sup>2</sup> This means that even if all 462 inspections were on different farms, only 1.3% of farms were inspected by NRW. NRW statistics for the same year also showed that they were only able to attend 27% of low-level environmental incidents and 39% of high-level incidents.<sup>3</sup> Not all of these were farming related, but the capacity to attend reported environmental pollution incidents is clearly grossly inadequate.

Low levels of inspection, combined with a low capacity to attend reports of environmental pollution, result in low enforcement levels for breaches of environmental law, providing little deterrent for the worst polluters. Statistics from

<sup>1</sup> [NRW's Annual Regulation Report 2019](#)

<sup>2</sup> [June 2019 Survey of Agriculture and Horticulture](#)

<sup>3</sup> [NRW's Annual Regulation Report 2019](#)

Unchecked UK show that the main farming regulator, Natural Resources Wales, has had its budget slashed by 35% in real terms. We know that it is not performing adequately on enforcement, and we are concerned that there will be no additional resources to support Natural Resources Wales in enforcing National Minimum Standards. If the Standards cannot be enforced, this will undermine good work that is happening through the Sustainable Farming Scheme.

WEL believes an effective regulatory framework should have two main elements in its inspection regime:

- dedicate most resources to a risk-based component, focussing on sites or operators presenting the greatest risk of non-compliance, as evidenced by site characteristics, the nature of the operations, past performance or incident reports etc.
- a smaller, random sample of inspections, to provide a deterrent to non-compliance, show that no one is immune from inspection, and help detect changes in the risk profile.

WEL has two recommendations which we believe could increase resources for such an effective inspection regime. Firstly, Welsh Government should consider how the expansion of licensing to farming operations that carry a risk of pollution could be used to bring in revenue to support NRW's inspection and enforcement activity. A phased approach to licensing, beginning with those that have the greatest reach and potential impact, such as contractors that provide services such as slurry spreading to multiple farms, could provide necessary income whilst also putting pressure on both farms and contractors to operate to the highest standards.

Secondly, in addition to better resourcing for formal inspections by the Rural Inspectorate and NRW, consideration should be given to leveraging the increased farm inspection capacity of accreditation schemes. This should be carefully considered to ensure that any links with accreditation schemes provide rigorous independent and transparent inspection on environmental protection measures and are not undermined by a scheme's requirement to attract paying members. One way of doing this could be to require NRW to independently audit a sample of accreditation scheme visits to ensure that they meet the required standard.

## 4. Advice and Support

Farmers and land managers will need access to clear advice and support on how to achieve compliance. Regulation should be integrated where relevant, for example combined nutrient management regulations to prevent both water pollution and air pollution, to maximise co-benefits and make it more straightforward for farm business to comply.

Current CoGAP and cross-compliance rules are online, but they are presented as pdf documents or web pages that aren't easily searchable or navigable. A digital system should be created that allows farmers to easily find and navigate the rules that are applicable to their farm business, without having to scroll past information that is not relevant to their circumstances or having to look in different locations to find all the regulations and rules that apply to their farm business.

## 5. Conclusion

National Minimum Standards for farming are a welcome and essential part of the new agricultural system for Wales. We strongly support their introduction as a clear regulatory baseline for farmers. They should apply to all farm businesses, regardless of their participation in the Sustainable Farming Scheme, but compliance with the Standards must be a pre-requisite for accessing the Scheme. The Standards will be ineffective, however, if they do not come with adequate inspection and enforcement resources. Our recommendations for National Minimum Standards are:

- The framework, principles and scope of National Minimum Standards must be introduced in primary legislation as soon as possible.
- The standards and enforcement regime needs to be introduced in secondary legislation before the launch of the Sustainable Farming Scheme, so that farmers are clear on what is expected of them.
- Welsh Government should take the opportunity to fill regulatory gaps, e.g. on soil management, ammonia emissions, pesticides, hedges and trees, and should bring in relevant standards on access (such as the requirements to keep paths clear and unobstructed) and landscape, as well as CoGAP.
- Serious investment and planning are needed to increase inspection and enforcement capacity and effectiveness.
- Advice and support should be streamlined, easy to access and navigate.

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector. Our vision is a thriving Welsh environment for future generations.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.



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