Cyswllt Amgylchedd Cymru | Wales Environment Link

A strong Agriculture (Wales) Bill: key amendments from Wales Environment Link

February 2023

Summary of key recommendations for the Agriculture Bill

Wales Environment Link has been involved in Stage 1 scrutiny of the Agriculture Bill with the Economy, Trade & Rural Affairs (ETRA) Committee; this briefing is to help MSs to develop the Bill to the next stage. It is a necessary framework for the development of sustainable farming in Wales, and we believe that it is already an effective Bill. We are pleased that the ETRA Committee agrees with the general principles of the Bill. We have some key recommendations to strengthen it, the most important of which are:

- **Streamlining objectives:** Redrafting Part 1, sections 1-3 of the Bill to ensure that the sustainable land management objectives are delivered together, with no single objective being allowed to be prioritised or ignored.
- **Ensuring a smooth transition:** Inclusion of a sunset clause for the Basic Payment Scheme within the Bill, to ensure that payments that are not linked to the sustainable land management objectives of the Bill cannot continue indefinitely.
- **Setting a robust baseline for standards:** Inclusion of a duty to set National Minimum Standards in time for the launch of the Sustainable Farming Scheme, to ensure the Scheme has a robust regulatory baseline in place that guides eligibility for payments.
- **Highlighting the importance of nature:** Clearer references to the importance of restoring biodiversity, improving public access to the countryside and conserving Wales' landscapes.

Comprehensive briefings are available on each of our suggested key amendments; please email karen@waleslink.org and liz@waleslink.org to request these, or if you want to have a follow up meeting with WEL members to discuss these in more detail.

Key Amendments

1. Part 1, Sections 1-3: Sustainable Land Management Definition, Objectives and Duty

We recommend the first three sections of the Bill are redrafted to include:

- the United Nations definition sustainable land management, to provide a firm legislative grounding for future interpretation of the Bill's objectives;
- biodiversity restoration as well as the resilience of ecosystems in objective 3, to make clear that our biodiversity and ecosystems are in a seriously depleted and degraded state and to reflect the new Global Biodiversity Framework, agreed at COP 15;
- landscape conservation in objective 4, alongside cultural resources, to recognise the relationships between people and place and provide a holistic way of measuring the outputs and outcomes of the Sustainable Farming Scheme in a way that is meaningful to a wide range of people, including Welsh speakers;
- A more substantive link to the Well-being of Future Generations Act and its sustainable development principle; and
- A strengthened duty in relation to the Environment (Wales) Act and the principles of Sustainable Management of Natural Resources (SMNR) to enhance the requirement for the objectives to be delivered together, in an integrated way.

2. Strengthening the Bill's outcomes for biodiversity and resilient ecosystems

WEL is proposing three amendments which are designed to strengthen the Bill's contribution to the restoration, maintenance and enhancement of biodiversity in order to support the resilience of ecosystems. These amendments are to:

- amend the 3rd objective from 'maintain and enhance the resilience of ecosystems and the benefits they provide' to 'restore, maintain and enhance biodiversity to support the resilience of ecosystems and the benefits they provide'
- Include two new clauses in current Section 4 (sustainable land management indicators and targets) to:

    - introduce a requirement for at least one target and indicator based on the state of wild species on farmland to be included in the sustainable land management indicators and targets; and
    - require an assessment of the funding needed to meet each of the indicators and targets set out under the Welsh Ministers' statement on indicators and targets.
- amend the list of purposes for support in Section 8 to include the new wording from objective 3 into the list.

Including the restoration of biodiversity establishes the fundamental relationship between biodiversity and the ecosystems it creates, and the benefits this provides to society. These amendments seek to make clear that our biodiversity and ecosystems are in a seriously depleted and degraded state. The important requirements to maintain and enhance the resilience of ecosystems capture the need to manage existing habitats, and to improve the resilience of what we already have, but they do not encapsulate the scale of change needed. Ecosystem restoration is a key element of the new Kunming-Montreal global biodiversity framework, and the Bill should make clear that farming, which occupies almost 90% of Wales, has a vital role to play in achieving this restoration.

3. Strengthening governance of the Sustainable Farming Scheme

WEL is proposing 2 amendments to the Bill to ensure that the right framework is in place for the effective operation of the Sustainable Farming Scheme. These are:

- a duty to establish National Minimum Standards (NMS) for farming before the Sustainable Farming Scheme is launched in January 2025, to ensure a clear regulatory baseline is in place to underpin the Sustainable Farming Scheme. If National Minimum Standards are introduced after the launch of the Scheme in 2025, this will cause confusion for farmers;
- amend Section 11: Power to make provision about checking eligibility for support, etc. so that Ministers 'must' introduce regulations that allow them to exercise their powers to check eligibility under the Scheme and for compliance monitoring and enforcement to be carried out. We are concerned that this part of the Bill is currently presented as voluntary.

4. Inclusion of a sunset clause for the Basic Payment Scheme

Currently there is no provision for a definite end to Basic Payment Scheme (BPS) payments within the Bill. Clauses 15 and 16 have the potential to extend CAP legislation and the BPS scheme to maintain the status quo of direct payments. Our amendment introduces a sunset clause that ends at the end of the five-year transition period. This would ensure that all functions relating to the CAP and BPS cease when Welsh farming fully transitions to the new Sustainable Farming Scheme. Our amendment includes a power to extend this period once, for a maximum of 12 months. We would see an extension only being necessary in exceptional circumstances. WEL believes this approach is a viable way to ensure the end of environmentally and economically unsustainable BPS payments in a manner that provides an element of flexibility for pragmatic purposes.

5. Improving the Bill's provisions for public access

WEL members were pleased to see the inclusion of public access in objective 4 and in the purposes for support under the Bill. We are suggesting three amendments to strengthen and clarify the public access provision, which are:

- amend the public access purpose of support from 'maintain and enhance public access' to 'improve public access', to avoid farmers being paid simply to carry out their statutory duties in relation to maintaining public access;
- amend the definition of ancillary activities to include 'promoting opportunities to improve public access to and engagement with the countryside and historic environment.' This would clarify the role of public access and bring it into line with other non-agricultural activity on farmland that is stated in the Bill; and
- add a definition of countryside, or a means of clarification that countryside includes inland waters to ensure that farmers also contribute to improving access across their land to our blue spaces.

If there's anything further you wish to discuss in the briefing, please do get in touch with Wales Environment Link directly. As a network of NGOs, we can easily join you up with specialists or the main stakeholders that suggested these changes. We take a great deal of interest in how land management can provide wider benefits for future generations, rural communities and nature restoration, and we're keen to help MSs in whatever way we can to make sure agriculture in Wales becomes truly sustainable in the next few years.

Follow up contacts for questions or further information

karen@waleslink.org and liz@waleslink.org

Related briefings

Other briefings are or will soon become available with the legal text of suggested amendments.

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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