

Tenant Farmers Association in Wales

Senedd Economy, Trade and Rural Affairs Committee

Stage 1 Scrutiny of the General Principles of The Agriculture (Wales) Bill

1. Introduction

- 1.1 The Tenant Farmers Association in Wales (TFA Cymru) is the representative organisation for farmers who do not own the land they use for farming and is the only organisation dedicated to the tenanted sector of agriculture in Wales. TFA Cymru welcomes the opportunity of providing evidence to this Stage I scrutiny following the introduction of the Agriculture (Wales) Bill (the Bill) to Senedd.
- 1.2 The Bill is a much anticipated, key plank of the legislative framework required by the Welsh Government to implement the first domestic agricultural policy for Wales following the UK's exit from the European Union. In that regard, we stand at a unique point for Wales which has never before been able to be the master of its own destiny in respect of agricultural policy. Previous agricultural legislation has either been at the level of the United Kingdom (including the Agriculture Act 1947 to which many are making comparisons) or has been significantly constrained by the provisions of the Common Agricultural Policy under the terms of the UK membership of the European Union.
- 1.3 Looking at the 1947 Act, it is interesting to note that its aim was to promote and maintain a stable and efficient agricultural industry, capable of delivering food security through national production. This was to be achieved whilst at the same time providing a proper level of remuneration to the farming community to ensure reasonable living standards for farmers and workers in agriculture and an adequate return on capital invested in the industry, all in the context of good estate management.
- 1.4 TFA Cymru would argue that over 70 years later, the issues that need to be addressed for Welsh agriculture today are not dissimilar to 1947. The question that the new legislation needs to answer is how to maintain a steady supply of food products and ingredients to domestic and international markets produced to good standards of environmental management and animal welfare at prices

affordable for consumers but delivering a fair return to primary producers. TFA Cymru believes that it is against these criteria that the Bill should be judged.

1.5 In February 2018 the Minister for Rural Affairs and North Wales, and Trefnydd gave a speech to the conference of the National Farmers Union setting out five principles which were to underpin the Welsh Government's vision for a new land management policy in Wales. The five principles she set out were as follows:

- We need to keep farmers on the land. Welsh land must be managed by those who know it.
- We need to ensure our agricultural sector can be prosperous and resilient in a post-Brexit future, whatever that may be.
- Our new policy should centre on Welsh land delivering public goods for all the people of Wales.
- Our system of support should be accessible to all. That means giving farmers the opportunity to continue to make a living from the land.
- We must not turn our backs on food production. Where sustainable production is viable, we must help our farmers compete in a global marketplace.

1.6 In many ways, these principles echo the challenge set out by TFA Cymru in paragraph 1.4 of this evidence. It will now be important to assess whether the Bill is sufficient to deliver these five principles.

2. The Sustainable Land Management Objectives

2.1 TFA Cymru welcomes the four Sustainable Land Management objectives set out in Section 1 of the Bill. Whilst it is understood that each of the objectives have equal weight, it is particularly pleasing to see the priority given to the sustainable production of food. It is right that in framing the policy for land management that the joint issues of food and environmental security are tackled together and in balance. The four objectives encompass food production, biodiversity, landscape, social and cultural issues and the need to consider the impact of decisions made intergenerationally.

2.2 TFA Cymru also welcomes that Welsh Ministers will be under a duty to exercise the functions available through the Bill to deliver the Sustainable Land Management objectives and that it will be accountable to the Senedd by the various reports and statements set out within the Bill. This is unlike the UK Agriculture Act 2020 which the TFA characterised as a "scaffold not a building". This Bill goes further than simply conferring powers on Welsh Ministers, it requires them to act in accordance with the Sustainable Land Management objectives.

3. Sustainable Land Management Indicators and Targets

- 3.1 Whilst TFA Cymru welcomes Section 4 of the Bill, it is concerned that this should not lead to an overly simplistic approach. It is understood why The Bill requires Welsh Ministers to identify at least one indicator and one target for each Sustainable Land Management objective. However, Welsh Ministers must also have an obligation to consider identifying a sufficient number of indicators and targets that properly reflect the complexity of the policy environment this Bill is seeking to influence. In addition, Welsh Ministers must have an obligation to consider the balance between the indicators and targets in the context of the changing economic, environmental and social backdrop. For example, in times, such as now, when there is a “cost of living crisis” it may be necessary to focus more heavily on indicators and targets that address issues around food production and prices. In other words, the Bill must ensure that these indicators and targets are thought about holistically but without losing the ability to identify targets which meet SMART (specific, measurable, achievable, relevant and time-bound) criteria.
- 3.2 TFA Cymru asserts that the statement of indicators and targets must be available earlier than anticipated by Section 4(8) of the Bill. The statement should be available at the time the Bill comes into force (which is understood to be around the autumn of 2023). It is essential that these indicators and targets are on the record to ensure clarity over the direction of travel at the earliest possibility. This is particularly important given that the first Sustainable Land Management Report Provided for in Section 6 of the Bill is to be published in December 2025. For that report to have substance, meaning and purpose, it needs to be informed by the indicators and targets previously set. It is not appropriate for the indicators and targets to be produced at the same time as the first review.

4. Sustainable Land Management Reports and Impact Reports

- 4.1 TFA Cymru welcomes these reports however, there is uncertainty as to how these differ from or are linked to the Impact Reports provided for in Section 13 of the Bill. It would appear that the Impact Reports are intended to cover substantially the same ground as the Sustainable Land Management Reports and therefore the thinking on both of these should be brought together to create one, overarching reporting structure for Welsh Ministers to be held accountable by the Senedd.
- 4.2 As to timing, whilst TFA Cymru agrees that the first report should be produced by the end of 2025 (notwithstanding the comments above concerning the establishment of indicators and targets), subsequent reports should be produced on a more regular basis than every 5 years. TFA Cymru would recommend that the interval should be reduced to every 3 years which will better hold Welsh Ministers to account and ensure that any necessary changes

in the direction of policy can be considered in a more timely and responsive manner.

- 4.3 If, for whatever reason, it is decided that the Sustainable Land Management and Impact Reports should be kept separate, then the interval for impact reports must also be reduced to every 3 years.

5. Welsh Ministers' Power to Provide Support

- 5.1 TFA Cymru suggests that the drafting of Section 8(2)(a) is too narrow. Sustainability should not be measured only in respect of environmental criteria. The scope of the five principles highlighted above and the Sustainable Land Management objectives set out within the Bill are drawn much more widely. Therefore, in addition to environmental criteria, criteria relating to both economic efficiency and social impact need to be included.

6. Power to Modify Legislation Governing the Basic Payment Scheme

- 6.1 In addition to the general power being sought by Welsh Ministers to modify legislation governing the Basic payment scheme by Regulations (which could include delinking payments from the need to have land at the applicant's disposal) there should be additional powers available to Welsh Ministers to introduce consolidated BPS payments in a form of lump sum to assist with retirement from the industry. Whilst this is not yet part of Welsh Government policy, it would seem opportune to include this power within the Bill in order to keep this open as an option.

7. Intervention Following Exceptional Market Conditions

- 7.1 TFA Cymru welcomes the provisions to allow for financial and other assistance to be made available to the farming industry at times of exceptional market conditions. TFA Cymru would wish to be assured that this will cover natural phenomena such as drought, flood and disease as well as economic phenomena that may impact upon markets.
- 7.2 TFA Cymru would also wish to have an assurance from the Welsh Government that this part of the legislation will cover not only situations of "acute" hardship or difficulty but that it will also be able to be invoked if "chronic" or long-lasting difficulties are apparent. This might involve things like endemic disease or structural changes in agricultural markets which may require farmers to undergo significant adjustment. For example, with the current concerns over the extent to which avian flu might become endemic, there needs to be a framework which will allow Welsh Government to act if appropriate to do so.
- 7.3 it is also essential that in looking at what constitutes "exceptional market conditions" that the Welsh Ministers should have regard for other factors in addition to the "prices achievable for one or more agricultural products". This should include the costs and availability of inputs.

7.4 The powers available to Welsh Ministers in Section 21 of the Bill must also extend to the ability to amend, suspend or invoke changes to statutory or regulatory requirements. For example, as was seen through the periods of restrictions introduced in 2020 and 2021 for the control of the spread of Covid 19, a decision was made to allow the suspension of elements of competition law to ensure the smooth operation of supply chains for food. Providing the greatest flexibility possible in such circumstances will be essential.

8. Agricultural Tenancies

(i) Amendments to Section 19A of the Agricultural Holdings Act 1986

8.1 TFA Cymru is pleased to see Section 23 of the Bill which will amend Section 19A of the Agricultural Holdings Act 1986 (AHA) to allow a tenant farmer the ability to object to a refusal from their landlord for consent to enter a scheme introduced under the financial assistance provisions of the Bill. Section 19A also provides for AHA tenants to object to their landlords' unreasonable refusal to allow consent for activities required to comply with a statutory duty. However, it is a major omission of the Bill not to extend these provisions to apply to Farm Business Tenancies (FBTs) regulated Agricultural Tenancies Act 1995. By their short-term nature, restrictive terms and high levels of rent, tenants on FBTs are some of the most vulnerable and deserve the protection of this legislation. FBTs now cover around half the tenanted sector of agriculture within Wales and as AHA agreements continue to decline, FBTs will in turn become the majority way in which non-landowners become farmers in their own account and it is therefore necessary to ensure that the legislative basis for their occupation is secure.

8.2 Given that Welsh Government is moving towards a different mechanism for supporting the agricultural industry to deliver both productivity gains and public goods it would be tragic if it left out FBT tenants from having recourse against unreasonable landlords who refuse consent for them to be part of that new direction of travel.

8.3 Currently, agricultural landlords are able to dictate the contractual terms within FBTs given the strong demand for land against a very slim supply. It is accepted that there is a balance between ensuring that on the one hand landlords are not dis-incentivised from letting whilst ensuring tenants have sufficient opportunities to take part in new schemes. However, given the restrictive terms of many FBT agreements and the lack of impetus to improve them in the marketplace, the balance rightly falls to ensuring fair scheme access for all tenants.

8.4 The operation of Section 19A of the AHA envisages that tenants can use its provisions only if the landlord's consent is required by the terms of the tenancy agreement or by a variation of the terms of the tenancy.

However, this should be widened to include any situation where landlord's consent is required. For example, whilst a tenancy agreement itself may not require landlord's consent, a scheme under which financial assistance has been provided may, by its own terms, require the tenant to have obtained landlord's consent before participating.

- 8.5 TFA Cymru also believes it is necessary to make it a requirement for Regulations to be brought forward to give effect to the clauses providing tenants with the opportunity of objecting to a landlord's refusal for consent. Unfortunately, Welsh Government has had a tendency to give a low priority to bringing forward necessary Regulations. For example, the Regulations which are required in respect of the changes to the suitability test for tenancy succession made in 2020 are still awaited despite the fact that the Regulations in England were implemented a year ago. Regulations relating to changes to the Model repairing clauses within AHA tenancies were delivered in Wales in 2019 whereas in England they were brought into effect in 2015. TFA Cymru suggests that the Bill should make it a requirement for any Regulations to be introduced within 3 months of the date upon which Section 23 of the Bill comes into effect.
- 8.6 Whilst it is important to give tenants a legal backstop against the unreasonable actions of their landlords, with the growing interest in the use of agricultural land for wider outcomes including landscape, biodiversity, ecosystem services, carbon storage and carbon sequestration (encompassed by the Sustainable Land Management objectives) it would seem to be an opportune time for the legislative definition of agriculture, as it applies to agricultural tenancies, to be reviewed and updated to allow these wider outputs to be part of the use of land for agricultural purposes in the context of land sharing with activities related to food production.
- 8.7 Equally, there is a need to review the provisions relating to the rules of good husbandry which were written in 1947 and continue to apply to the way in which farm tenancies operate. These rules require tenants to maintain "a reasonable standard of efficient production" and make no reference to the ability for agricultural land to be used for wider environmental gain or public benefit.
- 8.8 Reform of these two, key bits of history would certainly ease the extent to which farm tenants, restricted by their tenancy agreements to agricultural use only and subject to the rules of good husbandry, would be able to access new Government and private sector schemes targeting these wider benefits sitting alongside the production of high quality and much-needed food and fibre. Further details are provided in Section 11 of this evidence (Meaning of Agriculture).

(ii) *County Council Smallholdings*

- 8.9 TFA Cymru is disappointed to see no reference to County Council Smallholding Estates in the Bill despite the fact that Welsh Government often speaks of their importance and concern about the extent to which they are being lost through inappropriate disposal. TFA Cymru wants to see a vibrant network of County Council Smallholding Estates for both new entrants and progressing farmers. One of the biggest barriers for new entrants into farming, and those seeking to progress, is lack of opportunity. Whilst it is important to provide suitable incentives to new entrants, it will also be important to ensure that viable opportunities for succession are available. County Council Smallholdings are a significant part of the solution here.
- 8.10 In Wales, over the past 30 years, we have lost a third of the farmland held by County Councils and the number of tenant farmers on those estates has more than halved. The rules for administration of County Council Smallholdings are set out within Part III of the Agriculture Act 1970. Section 39 of that Act provides that:
- “Having regard to the general interests of agriculture and of good estate management, [smallholding authorities] shall make it their general aim to provide opportunities for persons to be farmers on their own account by letting holdings to them”.
- 8.11 In order to meet this objective TFA Cymru believes that where a local authority provides a smallholdings service, it has both to offer opportunities to new entrants and to work to sustain existing tenants in their farming career into the long term, so that they can continue to be farmers on their own account, be that on their own estate or in the private sector. It is not enough to merely oversee a conveyor belt approach where new entrants come on at one end and fall off at the other when they cannot make the transition to the private sector. Either smallholdings authorities need to put resources into ensuring that their tenants can make the transition to the private sector or, if this is not possible, look at extending existing tenancies and providing longer term tenancies for the security of and investment by those granted initial opportunities.
- 8.12 TFA Cymru understands the financial pressures faced by local authorities in managing their various commitments which has led to several becoming actively involved in or considering an accelerated programme of farm disposals. However, this move to wholesale disposal threatens to undermine the objective of County Council Smallholding Estates as stated above. Research has shown that County Council Smallholdings are the principal route into farming for new entrants. The long-term decline in the number and area of County Council Smallholdings is a

major blow to the agricultural industry and the long-term interests of Wales.

- 8.13 However, TFA Cymru recognises that local authorities can realise significant sums through the sale of individual farms or pieces of land with development potential. TFA Cymru does not oppose such sales as it recognises the benefit of the income to local authorities whilst maintaining (and possibly enhancing) the bulk of the agricultural estate. Yet, once farms are sold, they are gone forever. There have been numerous occasions where the development benefit of land and farms sold by local authorities has been taken by the purchasers of the farms. TFA Cymru would advocate that all local authorities look to take a more long-term, strategic and patient approach to disposals which will enable maximum benefit with minimum disruption.
- 8.14 Local authorities must consider decisions about disposal or retention of assets in the context of "best value" for Council Tax payers. It has been increasingly demonstrated that measured against a policy of selling to sitting tenants or disposal to third parties as and when vacant possession is obtained, that best value is more often obtained through County Council Smallholdings being managed in accordance with a sound, asset management plan which allows for major profit taking from future disposals of land for significant development uplift.
- 8.15 TFA Cymru believes that County Council Smallholding Estates should be viewed as national rather than local assets and as such there should be a greater degree of national co-ordination in their management. TFA Cymru is greatly concerned about the ad hoc nature of policy towards County Council Smallholding Estates up and down Wales. Some local authorities run their estates extremely well and others perform not so well. As noted above, some local authorities have decided to follow a policy of disposal and others one of retention. For such an important asset in the landlord/tenant system a more co-ordinated approach is necessary.
- 8.16 Therefore, TFA Cymru believes that Welsh Government has a role to play in achieving this through the Minister having renewed powers, to improve the scrutiny of current local authority County Council Smallholding Estates by requiring and signing off long-term, rural estate plans written in accordance with the guidelines for good rural estate management published by the Association of Chief Estates Surveyors and endorsed by the members of the Tenancy Reform Industry Group (TRIG). If these rural estate plans include proposals for disposals (part or whole), Welsh Government should have the responsibility to scrutinise the proposals to ensure best value. These powers should be included within the Bill.

(iii) The Ability of Parties to Contract into the Provisions of the Agricultural Holdings Act 1986 (AHA)

8.17 TFA Cymru has long held a concern that, notwithstanding the freedom of contract available to parties entering into an FBT, it is disappointing that parties are still constrained in their ability to contract wholly into the provisions of the AHA by mutual consent. Whilst the changes made to the Agriculture Tenancies Act 1995 Act by the Regulatory Reform Order of 2006 have made it possible for parties to produce agreements which, for the most part, mirror the provisions of the AHA, these need to be carefully drafted to avoid problems of interpretation and dispute. Such agreements are also of inordinate length involving parties in additional costs with solicitors and agents.

8.18 It would be better if parties were able to agree that the tenancy being granted/taken falls under the jurisdiction of the AHA. The restrictions upon parties within Section 4(1)(g) of the Agricultural Tenancies Act 1995, limiting the extent to which this is possible, should be removed. Of course, it is important that such an option should operate only by the mutual consent of the parties and with the assurance that there must be an express provision written into the tenancy agreement to record the clear intention of the parties.

(iv) Compensation Payable to a Tenant in Respect of a Case B Notice to Quit

8.19 An agricultural tenant renting a holding under the AHA is entitled to compensation for disturbance following the service by a landlord of a successful notice to quit under Case B of Schedule 3 of the AHA where the landlord requires the land for a use other than for agriculture and has obtained planning consent for that use. The provisions as to compensation are set out under Section 60 of the AHA in terms that it is calculated as a multiplier of the rent passing for that bit of the holding given up so that typically a tenant may receive five or six times the annual rent in respect of what is removed from the tenancy. TFA Cymru has been concerned for some time that this is an inadequate mechanism for setting levels of compensation and that landlords should be required to provide levels of compensation which properly reflect the tenant's actual loss and where there is a failure to agree what that might be, arbitration could be used to resolve the dispute.

8.20 In industry guidance drawn up by the TFA, CLA, NFU and NFYFC almost 20 years ago, it was agreed that these statutory levels should be regarded as minimum levels of compensation and that particular consideration is given to ensuring that agreed levels of compensation reflect the tenant's actual loss. TFA Cymru suggests that these compensation provisions are reviewed and updated in this Bill to provide

provisions which require compensation to match the actual loss of the tenant subject to a minimum of six times the yearly rent passing.

(v) *Tenancy Succession within the Agricultural Holdings Act 1986 (AHA)*

8.21 The succession provisions contained within the AHA continue to have strong value and relevance within the modern context. However, TFA Cymru believes that there is a need to review the scope of the Close Relative Test for succession to deal with situations where the natural successor is a member of the family but not within the currently defined close relatives. These might include:

- A nephew or niece,
- a son-in-law or daughter-in-law,
- a grandchild
- someone who had been treated as a child but there is no marriage or civil partnership.

8.22 Anyone benefitting from any such extension would have to meet the other tests, notably the livelihood test with its demonstration of dependence on and association with the holding.

8.23 Finally on succession, part of the 2006 Regulatory Reform Order which amended the AHA, confirmed that the beneficial livelihood of a potential successor could include that sourced from non-agricultural activities taking place on or from the holding where the landlord had granted consent for those activities on or after the date for the coming into force of the provisions – 16 October 2006. TFA Cymru believes that this should be reviewed and that this Bill should contain a new provision to include activities consented by landlords at any time as beneficial towards compliance with the livelihood test.

(vi) *Notices to Remedy (Non-Work)*

8.24 When a tenant is in breach of a provision contained within a tenancy agreement held under the provisions of the AHA, the landlord is entitled to serve a Notice to Remedy on the tenant. If the tenant fails to comply with that notice, then the landlord may be entitled to serve an incontestable Notice to Quit of the whole of the holding.

8.25 In cases where a Notice to Remedy requires the tenant to undertake work, the tenant has the option of challenging the Notice to Remedy on the following terms:

- Their liability to do the work contained within the landlord's notice;
- Some or all of the work required by the landlord is unnecessary or justified;

- The methods or materials required by the landlord should be amended.
- 8.26 If the landlord is successful in defeating these challenges, the Notice to Remedy stands.
- 8.27 However, there is no such option for the tenant to challenge a Notice to Remedy which does not require work to be done (for example for a purported breach of provisions in relation to subletting). Any challenge therefore can only take place at the point at which the landlord serves a Notice to Quit for non-compliance with the Notice to Remedy. TFA Cymru argues that this leaves matters too late and that tenants should have the ability to challenge the landlord's initial Notice to Remedy on similar grounds to those set out above for notices to remedy which require the tenant to carry out work.

(vii) Protection for Sub Tenants

- 8.28 In the Case of Barrett v Morgan in 2000 the House of Lords (now the Supreme Court) established that where a sub tenancy exists on an agricultural holding let under the AHA the landlord of the holding can serve a Notice to Quit on the head tenant and if the head tenant does not counter the notice to protect their tenancy, it is effective to end both the head tenancy and the sub tenancy. It did not matter that the head tenant and landlord colluded to bring about the deliberate end of the sub tenancy without the sub tenant being aware.
- 8.29 The Secretary of State and Welsh Ministers have powers under Section 29 Schedule 4 of the AHA to make provision for the position of sub-tenants to be protected under these circumstances but have, to date decided that this power should not be used. Although not a common problem, there are a significant number of agreements in existence which are set up in this way. To avoid future problems, TFA Cymru argues that protective measures for sub tenants are introduced using the powers available.

(viii) Encouraging Longer Term Farm Business Tenancies

- 8.30 As a means to encourage landlords to consider letting longer FBTs, landlords granting new FBTs with an initial minimum term of at least 10 years and without landlords' scheduled break clauses, should be granted the ability to terminate the tenancy early in the following circumstances:
- non-payment of rent (as an alternative to forfeiture);
 - breaches by the tenant of contractual terms or conditions;
 - the death of the tenant;

- the landlord's need to remove land from the holding where planning consent has been granted for non-agricultural use.

9. Collection and Sharing of Data

- 9.1 TFA Cymru welcomes the provisions enabling the Welsh Government to insist on the provision of information from supply chains which will provide an important lever to Welsh Government to allow for more transparency within supply chains. Concerns have been raised about contract confidentiality, but TFA Cymru believes that sufficient protection could be built in to any requirements for publication of data without needing a complicated framework to be imposed on the face of the Bill.
- 9.2 What does need clarity is how Welsh Government foresees making best use of this information in the context of Competition Law been a reserved matter. Clearly, there is a need to ensure that there is fairness within supply chains which deliver fair returns to producers and fair prices to consumers.

10. Marketing Standards and Carcass Classification – Schedule 3, Part 5

- 10.1 TFA Cymru welcomes the inclusion within Chapter 2 and Chapter 3 of the Bill powers for Welsh Government to set marketing standards for agricultural products and carcass classification. However, the Bill must contain a duty for Welsh Ministers, when setting such standards, to have regard to ensuring that primary producers in Wales are not placed at a disadvantage in comparison to producers in other parts of the UK single market or in respect of trade agreements entered into by the UK Government which may allow imports of food and other agricultural products at standards below those which Welsh Ministers may seek to apply.

11. Meaning of Agriculture

- 11.1 The terms of both FBT and AHA tenancies are affected by the a definition of agriculture and Rules of Good Husbandry. These had their origins in the post war drive to ensure that tenants and other farmers were using their land to increase the production of agricultural commodities and to do so efficiently. However, with the move now to consider wider environmental, diversity, landscape and climate -related outcomes, these definitions will be a significant barrier to tenant farmer participation in the financial assistance schemes set out within this Bill. In other words, a tenant who participates in a scheme may be considered to be in breach of their tenancy agreement or face a claim for dilapidations at the end of their agreement if the land is found not to be in agricultural use or meeting the standard of good husbandry as defined.
- 11.2 Therefore, the Welsh Government should use the opportunity of this Bill to update both the definition of agriculture, as it applies to agricultural tenancies and the Rules of Good Husbandry so that they both encompass actions for wider environmental benefit.

- 11.3 to that end, TFA Cymru notes Section 48 of the Bill which attempts to define agriculture. However, TFA Cymru believes that this is inadequate in two important aspects. In the first place, it is a stand-alone definition that impacts only on the internal operation of the Bill. It does not reach across to amend the definition of agriculture as it applies in respect of agricultural tenancies, and it must do so both for the AHA and for FBTs by amending Section 96(1) of the AHA which applies to both AHA and FBT agreements. Secondly, it should be drafted as an inclusive definition as Section 96(1) of the AHA to ensure that there is no argument that its boundaries have been drawn too tightly. For example, questions have already been asked about the extent to which the proposed exclusive definition in the Bill covers horticulture.
- 11.4 Care must be taken in respect of the addition of farm woodlands in this definition particularly in light of the proposed requirement that applicants for the Sustainable Farming Scheme should have 10% woodland cover. TFA Cymru has already said that this is not appropriate for the tenanted sector of agriculture where trees and woodlands are matters normally reserved to landlords. Landlords will also be very nervous of any suggestion that tenants should have the opportunity to plant up to 10% of their holdings with trees. This could lead to land being withheld from the let land market. However, it would be appropriate to include within the definition of agriculture, an element of farm woodland by specifically identifying that which is about trees and tree planting in field boundaries, for screening and for shelter belts in addition to planting within areas already identified as scrub within tenancy agreements.

12. Long Title

- 12.1 The following should be added to the end of the current Long Title for the Bill "to amend the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995".

17 October 2022

GWD/0608