

Cynulliad Cenedlaethol Cymru

Y Pwyllgor Amgylchedd a Chynaliadwyedd

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Ymateb gan Undeb Cenedlaethol Amaethwyr Cymru (Saesneg Yn Unig)

NFU Cymru Consultation Response

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NFU Cymru response to the Environment and Sustainability Committee - Scrutiny session of Natural Resources Wales (NRW)

NFU Cymru welcomes the opportunity to provide evidence to the Environment and Sustainability Committee to contribute to its annual scrutiny of Natural Resources Wales.

NFU Cymru is the professional body that represents farmers and growers across Wales and across all sectors. Our aim is to establish the background conditions in which farm businesses can be profitable and develop. Without profitability we believe that our shared goal of sustainability – in economic, environmental, social and cultural terms – cannot be realised.

NFU Cymru has followed the progress of the NRW closely since its inception in 2013. The period of transition has led to significant uncertainty for the farming industry as the three organisations, each with its own organisational culture and identity, have been brought together with the aim of ensuring that the environment and natural resources of Wales are maintained, sustainably enhanced and sustainably used now and in the future.

We would highlight that farmers own and manage 80% of the land area of Wales. Alongside our primary role of producing food, farmers now and back through the centuries have created and managed our treasured landscape which supports a diverse range of species, habitats and ecosystems providing an array of environmental goods and services. Against this backdrop the key challenge for NRW, in meeting its objectives, remains how to effectively engage with the 18,000 or so small rural farm businesses across Wales. These businesses tend to be sole traders or partnerships that find themselves operating in a highly complex regulatory context – of which environmental management is just one of a number of important facets. This is a stark contrast from 'big business' who operate on sufficient scale to be able to employ teams of staff to ensure environmental compliance and manage their relationship with regulators.

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NFU Cymru would express concern that the merger of three organisations and subsequent restructuring has led to the loss of a number of key personnel, particularly those who were employed previously by Environment Agency Wales. Others with suitable expertise and experience, whilst still employed within NRW, appear to be consigned to different roles and are less accessible to farmers who would have, in the past, approached them for advice on regulation and best practice. The issue of where to access advice has been compounded by the fact that the NRW website remains under development and is incomplete as an information resource.

In terms of making progress on this issue, we would refer the Committee to the findings and recommendations of the Working Smarter Review of better regulation of Welsh farming undertaken by Gareth Williams in 2011. The Review refers to the Welsh Government Farm Liaison Service (FLS) which provides a 'one-stop-shop' service offering advice to farmers on schemes and regulations. A key recommendation of this review was to increase the FLS resource to support farming customers. NFU Cymru is of the view that a similar service with knowledgeable and trusted staff within NRW providing practical advice and support on both regulation and best practice across a range of issues would deliver beneficial outcomes. We believe that SEPA in Scotland have made efforts to provide this level of support to their farmers.

We would also highlight the opportunities presented by the Rural Development Plan 2014-2020, including the Human and Social Capital Measure and scheduled programmes such as Farming Connect which offer opportunities to improve engagement with farmers. We would stress that what is needed is an approach that is evidence-based, co-ordinated and targeted with clear communication between the organisations involved. This hitherto has been lacking and there is an opportunity for Welsh Government departments and NRW to make collaborative efforts to deliver synergistic benefits.

We would add that it has been the long held view of NFU Cymru that the best outcomes on a range of environmental issues can be achieved through voluntary, partnership approaches. NFU Cymru welcomed the opportunity to work with NRW, Dwr Cymru – Welsh Water and other partners on the development of an innovative project to help reduce levels of the grassland herbicide MCPA in the River Teifi and Upper River Wye catchment areas. This initiative supports farmers to try alternative methods of controlling rushes and weeds through offering the free hire of weed-wiper equipment using Glyphosate between April and October 2015. NFU Cymru looks forward to seeing how the project progresses over the coming months.

NFU Cymru is pleased to be represented on the NRW Land Management Forum chaired by Board Member Harry Legge-Bourke. This has provided a useful platform for providing updates on some of the work streams undertaken by NRW relating to the land-based sectors. Our concern here would be that the extent and scale of NRW's new role is such that it is not possible to cover and adequately discuss all areas to the level of detail required. In some instances, work streams have progressed to the stage of implementation with limited stakeholder representation.

The National Habitat Creation programme, is one such example. Designed to deal with the impact of 'coastal squeeze' of designated habitats as a result of rising sea levels through the provision of compensatory habitats, the programme has the potential to impact significantly on landowners. It is disappointing that, in this instance, farmers received correspondence without any prior stakeholder engagement and we were, therefore, unable to raise awareness or provide information resulting in significant concerns and worries for those farmers affected. We acknowledge that NRW have since engaged with the Unions' on this issue.

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Another key area of concern would be the SSSI Designation and Appeal Process. In our experience this is not a fair process and it is heavily weighted against landowners/occupiers who wish to appeal new designations on their land. In addition, farmers have found it costly and more importantly difficult to employ specialists who can interpret the detailed JNCC Guidelines on designation qualifying criteria. NFU Cymru has put forward proposals to NRW on where this process can be improved with key measures including improved efforts to contact occupiers/owners of potential sites at an early stage; the appointment of liaison officers with appropriate interpersonal skills and knowledge to act as a point of contact throughout the process; together with a fully independent process to confirm new designations— possibly through the Planning Inspectorate Wales - that does not involve NRW Board members who are not perceived as independent. There is also a need for NRW to be transparent with stakeholders on the number of new designations coming forward.

NFU Cymru is also represented on the Water Framework Directive (WFD) Liaison Panels where, we would highlight, landowner representation is essential. Going forward, NRW must be challenged to work with stakeholders to find local solutions to local issues as opposed to generic solutions. There is also a need to recognise that environmental action on the ground will be dependent on buy-in from farmers so there is a clear role for NRW and Welsh Government to take final decisions and not be led by individual stakeholders who have no ongoing involvement in active land management.

Conversely, the Hydropower Stakeholder Group demonstrates where stakeholder engagement has led to improved outcomes. NFU Cymru is pleased that NRW have listened to our concerns and opted to introduce a tiered system of charging for abstraction licence applications for hydropower schemes following earlier proposals that would have seen the fees for all applications increase from £135 to £1500, challenging the viability of many of the smaller farm scale hydro developments. A further outcome of this Groups' work has been significant streamlining and efficiencies of the permitting process.

We would reiterate, that since some 80% of the land area of Wales is devoted to agriculture, the need to engage stakeholders from the outset, in all aspects of NRW work which relate to land in private ownership is vital. NFU Cymru would also stress the need for ongoing representation of farming and the agricultural sector at NRW Board level. This will be absolutely crucial going forward to ensure that the full impact and implications of proposed changes to the legislative framework can be fully represented and understood.

The proposed Environment Bill, for example, seeks to bring changes to the legislative framework through the development of a joined-up approach to managing our natural resources in a sustainable way. Whilst it is understood that behind proposals lies the concept of Natural Resource Management and a move to Area-Based Planning, there remains very little information available on how the Natural Resource Management approach will be delivered and what it will mean in practical terms for farmers.

The Bill also seeks to make sure the legislation is right for Wales and is aligned to Welsh Government priorities. NFU Cymru is aware that General Binding Rules have been put forward as a method of improving regulatory approaches to a range of environmental issues in a number of recent Welsh Government consultations.

We would take this opportunity to reiterate that NFU Cymru does not support the introduction of general binding rules which would set out rules for an activity working alongside proportionate penalties. Farmers in Wales are already governed by a raft of regulations together with Cross Compliance to deliver baseline standards. Those participating in agri-environment schemes also follow the rules set out in the Whole Farm Code. It is our view that the introduction of General Binding Rules would effectively result in the introduction of another layer of regulation and NFU Cymru would conclude that it would be premature for NRW to have any additional regulatory powers at this stage.

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To conclude, as stakeholders representing the interests of agricultural businesses across Wales, we would observe that the transition to NRW has not been without its problems. Whilst we can point to examples where our experience of working with NRW has been positive, there remain many aspects and examples where improvements can be made. Far more focus is required on effective engagement at all levels. At Board, Strategic and Implementation level, the need for significant landowner representation cannot be over-stated in all areas relating to land in private ownership; at the grassroots, a strategy for effective engagement in the form of pro-active advice and guidance provision to the 18,000 SMEs who manage 80% of the land area of Wales is essential if we are to deliver the ambition of the Welsh Government and the requirements of EU Directives in future. NFU Cymru looks forward to working with NRW to this end.