

# CONSULTATION

## Response Document



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**Brexit and Our Land**  
**Welsh Government**

**30<sup>th</sup> October 2018**

## Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network

## Comments from CIEEM

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### **1/ We propose a new Land Management Programme consisting of an Economic Resilience scheme and a Public Goods scheme. Do you agree these schemes are the best way to deliver against the principles? If not, what alternatives would be best?**

We generally agree with this, however we would like to see further clarity at the next round of public consultation with regards to the financial split between the two schemes. Both elements must be adequately funded, and public goods should not be considered the poor relation and suppressed to the benefit of economic resilience. At the same time, farmers and other land managers still need to be able to make a living from their land and therefore be economically resilient.

Additional considerations should include the following:

- How will Welsh Government (WG) ensure that we do not end up with very distinct ‘two-scheme’ landholdings, whereby one area of land only provides for economic resilience (mainly via food production) and another area only provides public goods? Essentially, how will WG ensure that a good proportion of applicants can benefit under both schemes on the same landholding? This is particularly important in the sense that some areas will have different opportunities to others depending on their geographic location, terrain and/or size. There is some concern that this will end up being an unfair postcode lottery for land managers, as well as resulting in the potential lack of linked habitats (for example) across multiple landholders’ property. Since the ‘more joined up’ approach is crucial in the long term, this needs to be considered.

### **2/ Does the Welsh Government need to take action to ensure tenants can access new schemes? If so, what action would be best?**

Yes. The proposals emphasise that all land owners should be able to access new schemes, not just those who previously received CAP funding. This means there are likely to be individuals who have never benefited from funding and thus perhaps won’t know how to access it or implement it. With respect to those land owners who previously received CAP funding, there is likely to be uncertainty over the new proposals for eligibility and their responsibilities once approved for funding (e.g. ‘land owners may need to do things differently in return for support’).

As such, it will be necessary to provide support and advice to land managers as they negotiate changes in the funding system and further ‘advertise’ the scheme to those land owners who were not previously recipients of CAP funding. Such guidance and promotion will be necessary to ensure that all eligible land owners who can deliver the greatest benefits are able to access the system, otherwise the benefits of a reformed scheme to the Welsh economy are likely to be limited.

It should also be noted that a lot of key areas of high biodiversity are owned or managed by non-agricultural bodies or private owners. It is crucial that all land managers are able to access the new scheme, whether they are registered land holdings or not.

Additional considerations should include the following:

- Does the definition of ‘land manager’ and ‘land management’ extend to and include publicly

owned land and their staff, for example NRW (which includes many designated reserves, as well as publicly owned forestry land)? If yes, does this mean that such organisations would be eligible for the new Land Management Programme? What would the implications of this be?

- Would it also extend to staff and land associated with charitable organisations, for example the National Trust, RSPB, Wildlife Trusts, Woodland Trust, etc.? If yes, does this mean that such organisations would be eligible for the new Land Management Programme? What would the implications of this be?
- How does WG intend to address payments to farmers where land is tenanted? Would funds be paid to the land owner, or the tenant, or both, and in what proportions? What would the mechanism for fair distribution of finances look like? How would WG address issues such as long-term investment (such as for tree planting) and shorter-term tenancy agreements?

### **3/ From your experience of current programmes, what do you feel would work well for the future?**

No response given for this question.

### **4/ Do you agree with the focus of the Economic Resilience scheme being on growing the market opportunities for products from the land throughout the supply chain, rather than restricting support to land management businesses only?**

Yes, it is necessary to ensure the continued functioning and support to all parts of the supply chain if the industry in Wales is to be resilient to change. For example, what is the point of focusing support on land owners to increase productivity if, for example, the processing/manufacturing facilities/distributor routes fail.

Whilst it is appreciated that WG cannot control market forces, there are many other ways in which Welsh produce can be marketed so farmers and other producers can achieve fairer prices and potentially a more stable market for their goods.

Additional considerations include the following:

- What action will WG take in terms of supporting and promoting 'Brand Wales' within the supply chain and buyers' market, in particular with regards to supermarkets who may be selling goods from overseas at a cheaper price than locally obtained goods? Will there be any form of incentive (and support) for farmers who manage to achieve this?
- How will WG educate and encourage the general public with regards to the benefits of buying locally (i.e. purchasing products made in Wales) and therefore encourage a thriving market for Welsh goods?
- How will WG support and communicate opportunities for alternative farming models, which may be more sustainable, for example switching to organic production (and therefore receiving higher value for produce) or through Community Supported Agriculture (CSA) schemes?

**5/ Are the five proposed areas of support the right ones to improve economic resilience? Are there any areas which should be included but currently are not?**

No response given for this question.

**6/ Of the five proposed areas for support, which are the priorities, both in terms of funding, and the sequence of delivery? For example, are certain measures needed in advance of others?**

Area 5 should be prioritised (knowledge exchange, skills and innovation) since without appropriate support many of the other proposed areas would be undermined. These need to be in place before the others, and indeed can feed into the rest. The proposed schemes more generally represent a huge step-change for land managers and without adequate support and understanding, may result in unintended outcomes. Essentially, both schemes need to have 'buy-in' by land managers, and effective support in terms of ensuring the other four areas are also delivered.

Additional considerations include the following:

- By what mechanism does WG intend to provide support, training, knowledge-sharing, etc.? In particular, what would the role of existing organisations such as Farming Connect be?

**7. Should we be investing in people, for example to bring in new ideas, skills and people into land management and the supply chain in Wales? If so, how should we look to do this?**

In short, yes, absolutely. However, careful consideration and recognition should also be given to the knowledge and experience of land managers who have been custodians for many years, as well as encouraging the up-and-coming who are at the early stages of their land management careers. It is particularly important to ensure that Principle 1 is adhered to, i.e. keep farmers, foresters and other land managers on the land. Further consideration is the need to open up opportunities for future land managers and farmers and provide a means of supporting such individuals in the future.

One of our own members notes that *'in my own line of work, I would frequently encounter landowners who are selling their land to development either because the cost of farming has become greater than the financial income, with the landowner making a financial loss each year; or there are no experienced individuals (family or otherwise) able to take over the land should the existing land owner choose to retire. The result of this has been the sale of the land to be developed'*. As such, such a scheme needs to incentivise a new generation of land managers in addition to supporting existing land managers.

Additional considerations should include:

- How does WG intend to put farming and other forms of land management on a more professional footing?
- What provision does WG intend to provide/support with regards to improved skills? For example, how would WG promote a) farmer-to-farmer learning and support, b) a comprehensive, localised advice service, and c) improved agriculture education and training, especially

with regards to more sustainable methods of farming/land management that may contribute to the creation of public goods.

- How does WG intend to achieve a balance between promoting new ideas, skills and people, whilst still respecting existing, long-established land managers and their own ideas and experiences, which also have huge value?

## **8. We have set out our proposed parameters for the public goods scheme. Are they appropriate? Would you change anything? If so, what?**

The biodiversity/public goods value of Glastir has been limited, its inflexibility has reduced its biodiversity gain. For any new scheme to make a positive impact on the Environment Act's target to "maintain and enhance biodiversity" in Wales, there is an urgent need to provide an adequate source of qualified and competent advisors to work with the agricultural sector (as alluded to in para 6.12).

### **Parameter 1. Scope of the scheme – which public goods**

There is an absence of reference to pollinators under Parameter 1, in fact this is absent from the entire document. This must be included.

We would advise caution in reference to tourism under the 'heritage and recreation' heading. WG should ensure that the breadth of what this means is fully explored and potential impacts on biodiversity – as well as livestock – are taken into account. For example, possible impacts of dogs on sheep at lambing time and during the nesting bird season. Also, the seasonality of the tourism, which may also be annually fickle in response to changing weather patterns, should also be considered.

### **Parameter 2. Open to all – ensuring all land managers have the opportunity for eligibility**

We absolutely support this and would not want to see any land managers being in a position where they were not eligible for this scheme. We note the statement 'no land manager should be constrained by the absence of existing features or habitats in terms of accessing the scheme', however we would advise WG taking into account the size of any landholding and implications of the corresponding area of land that could be used under this scheme, whilst ensuring the landholding was also economically resilient.

### **Parameter 3. Opportunities for action – taking a spatial approach**

We absolutely agree that Area Statements should be a significant basis for the identification of opportunities for action. This is an ongoing project and reflects much of the most up-to-date data available.

With regards to the '*sophisticated evidence-based spatial targeting system to deliver the current Glastir Advanced scheme*' (paragraph 6.18) is there an opportunity to combine this data with that provided within Area Statements, and/or feed into Area Statements if this hasn't happened already?

### **Parameter 4. Evidence-based public goods – ensuring value for money**

We agree that the provision of public goods must be evidence-based, in particular because taxpayers' money will be used to pay for them and therefore must be fully accountable. Reference to "*there may be an additional role for independent third-party assessment*" (paragraph 6.20) must be clarified, as without appropriate monitoring it is not possible to confirm appropriate spending of public money. WG should explain what this might look like and who would be providing it, during the

next consultation round.

**Parameter 5. Additionality – a focus on active land management**

We agree with public goods funding only being available for the delivery of ‘additionality’, i.e. the delivery of outcomes above the level required for regulatory compliance and the delivery of outcomes based upon continuing appropriate management activity.

**Parameter 6. Advisory support for land managers – how to provide appropriate guidance**

We would very much welcome the use of advisory support for land managers, particularly where new approaches may be required. We would also support other ways of providing guidance/support as already mentioned above under Question 7, bullet 2.

Additional considerations should include the following:

- What form would an ‘advisory support team’ take, and where would they be based?
- How would such a team relate to existing bodies (WG, NRW) and organisations/schemes (Farming Connect, PONT, etc.)?
- How would you ensure staff working in those teams fully understood the situation on the ground?

**9. This scheme is meant to offer land managers the opportunity to access a significant new income stream as the BPS comes to an end. How could we improve what is being proposed to attract land managers whilst still achieving our vision and objectives?**

WG must listen to the concerns of Welsh farmers and land managers and ensure these are adequately addressed in an appropriate format, in order to win their support. The relationships between WG and farmers must develop via a culture of mutual respect and trust, which is unlikely to flourish if individuals, families and communities are not taken seriously, or ignored. The proposed schemes must be a form of partnership, rather than an imposition made from afar, with little concern expressed for the views of local people, who may have been ‘on the land’ for generations. Clarity and certainty with regards to funding provision must also be given at the earliest opportunity, in order for people to adequately prepare for what is a significant step-change.

WG must provide appropriate education with respect to public goods services that can be delivered by individual land managers. Land managers are unlikely to implement changes that would deliver public good services if they are unaware of the possibilities their land offers, as well as how changes could be made to deliver that additional source of revenue. Appropriate support must therefore be given.

The new scheme needs to be a) adequately funded, b) serviced by a suitably qualified advisory service, and c) delivered as a partnership between the landowners & WG.

**10. Are there any other public goods which you think should be supported? If so, why?**

Reference to more specific habitats may be useful, for example species-rich grassland (which may provide genetic conservation & pollinator value) and broad-leaved woodland (potentially providing greater biodiversity on what might be currently low biodiversity land).

**11. A number of public goods could potentially take several years, sometimes decades, to be fully realised (e.g. carbon sequestration through broad leaf trees). To deliver on these, land managers may need to enter into a long-term contract. How do you see such agreements working? What do you see as the benefits or disadvantages to such agreements?**

Where such public goods are to be delivered through land management, then the use of long-term contracts will be unavoidable if any benefits are to be achieved. Such agreements will in the long-term provide benefits to the environment and go some way to delivering the objectives of Welsh commitments and policy in respect of climate change, the Environment Act, and the Wellbeing of Future Generations Act etc. Disadvantages will likely be to the individual land manager who is beholden to delivering such public goods in the long-term for his financial benefit or not. Perhaps any mechanism for delivering such public goods through long-term contracts should be implemented with a degree of flexibility and subject to review e.g. every 5-10 years to ensure such agreements continue to result in the delivery of environmental/social benefits whilst not placing the land manager at a severe and potential financial disadvantage.

Long-term planning needs recognition. Wales has experienced centuries of exploitation of the natural environment, without pay-back. It is reasonable we make good this long-term deficit. We are willing to spend considerable sums on hard infrastructure, which would remain in place for many years – spending on green infrastructure should be considered at the same level.

**12. A collaborative approach to delivering public goods may in some instances provide better value for money than isolated activity. How could the scheme facilitate this approach? How could public and private bodies contribute to such partnerships?**

The scheme and WG can retain the responsibility for ensuring appropriate collaboration and consultation with land managers and public and private bodies throughout its lifetime. We would anticipate that local planning authorities and statutory agencies such as NRW will be key in identifying potential opportunities for delivery of public goods at a local/district/county level due to their knowledge of the wider landscape (beyond an individual land manager's holdings), their understanding of the specific needs of their administrative areas and the benefits to be delivered at a large (e.g. county scale). The ongoing development of Area Statements should inform this across the whole of Wales, and therefore provide a good starting point, together with support from 'boots on the ground' staff from public bodies such as NRW.

WG should consider ways in which they could provide incentives – or at the very least, support – for farming communities to collaborate at a landscape/catchment scale. Existing relationships between land managers and their neighbours, or local businesses (for example) could be encouraged, but care must be taken to avoid forcing people to work together where existing relationships may currently be challenging. WG should seek to encourage those farmers and land managers who are already embedded in local communities and are well-respected, and who can lead by example. A bottom-up approach to this, together with 'light-touch' approaches (such as networking and communicating



between different parts of a community, where this is welcomed) may result in stronger partnerships than via a purely top-down approach.

**13. Some actions can deliver multiple public goods in the same location. For example, peat bog restoration can have benefits for carbon sequestration and flood risk reduction. However, some locations could be suitable for multiple public goods from different activities. For example, one location may be suitable to either plant trees for carbon sequestration, or to revert to wetland for biodiversity. How could locations for single, multiple or competing benefits be prioritised?**

This may involve input from public and local bodies with a greater understanding of potential needs at a larger than site scale and what actions may provide the greatest benefit for that area. It should be also remembered that the delivery of public goods is to provide some benefit to the land manager as well as the environment and society; what may be delivered at one location will also be dependent on what that land manager can viably achieve. Input from the land managers will still be key.

To give a few specific examples, tree planting should only take place on land which has no other significant biodiversity value. Restoration of old/degraded habitats should take priority over new systems. It must be remembered that “forestry” and “tree planting/woodland creation” are not the same process.

**14. Given that support for the delivery of public goods will be a new approach in Wales, there will be a requirement for a significant amount of training and advice for the sector. How best could this training and advice be delivered? Which areas of the sector need the most attention?**

There is a need for an adequately resourced professionally competent ecological/environmental management sector in Wales. Due to staff losses in both the public and private sector, there are critical skills gaps. CIEEM is well-placed to nurture these skills in partnership with Welsh Universities, NGOs and the private consultancy sector.

In addition, as mentioned previously, other forms of education, guidance and support should also be included (see response to Question 7 at bullet 2).

**15. Private investment in the purchase of public goods is already happening, but at a relatively small scale. How could the new scheme promote greater involvement from the private sector? What are the barriers to this type of investment?**

No response given for this question.

**16. What are your comments on the phased transition period and our ambition to complete the changes by 2025?**

Phased transition is considered necessary to ensure those measures that are implemented are those that are proven to work and will be successful, whilst allowing time for changes to the system to be made if it does not deliver as it should.

In particular, the timing of this consultation – as well as the delivery period – is critical. Much uncertainty exists with regards to the forthcoming Brexit deadline in March 2019, and it may be prudent to wait until the nature of our future relationship with the EU is more certain, before making such significant changes. Indeed, the approach taken by WG as set out in the consultation document may change following this time.

It is considered necessary to establish a new and robust system of support and mechanism for funding as soon as possible to minimise disturbance and disruption to financial support to landowners, when the UK leaves the EU and CAP funding essentially ceases. Wales does not want to be in the position where CAP funding has already ceased, and a robust funding system is not in place and functioning as required. This could be followed by the identification and means of implementation public good services which, once established would provide an additional source of revenue for the land manager giving them greater financial security in the event of any disruption to funding sources. In respect of public goods, we consider this of high priority for the environmental and social benefits and to ensure delivery of Welsh commitments to the environment

### **17. What is the most appropriate way to phase out the Basic Payment Scheme to fund implementation of the new schemes?**

No response given for this question.

### **18. How can we simplify the current administration and delivery of the Basic Payment Scheme during the phased transition period?**

No response given for this question.

### **19. Will the proposed land management programme have any effects (either positive or adverse) on:**

- a) opportunities for persons to use the Welsh language;**
- b) treating the Welsh language no less favourably than the English language?**

The use of the Welsh language in rural farming communities is much higher in terms of percentage than the general population. Details of any scheme must be provided bilingually, and all processes must also be available in both languages. Any advisory scheme must be bilingual and accessible to both Welsh and English speakers. Essentially, to ensure WG and landowners/farmers are engaged in the process they must be able to speak the same language, on all levels!

### **20. Do you wish to make any further comments?**

A few additional comments, as follows:

- It is suggested that proposals going forward remain fluid and flexible, especially when one considers the uncertainty that surrounds Brexit and its potential impacts. A scheme needs to remain adaptive to changes in UK and Welsh policy to ensure it delivers the needs of the farming community, the environment and society in the long-term instead of becoming redundant.
- For the new Land Management Programme to succeed, it must be adequately resourced with both cash (to pay for projects/initiatives etc.) and qualified and skilled advisory staff.
- It is important that WG develops a bespoke Welsh scheme which addresses Welsh & global environmental issues and recognises the specific biodiversity and cultural issues of the Welsh landscape.
- The issue highlighted in para 2.10 is crucial – over exploitation of soils and poor land management, often for short-term gain, needs to be addressed and recognised.
- The social fabric of the Welsh Countryside is highly dependent on an agricultural community. This community has to however evolve to deliver public goods/biodiversity gain at a similar level to food production and must be adequately supported to do so.