



House of Commons  
Environment, Food and Rural  
Affairs Committee

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# The outcome of the independent Farming Regulation Task Force

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Tenth Report of Session 2010–12

*Volume II*

*Additional written evidence*

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## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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The current staff of the Committee are Richard Cooke (Clerk), Lucy Johnson (Second Clerk), Sarah Coe (Committee Specialist—Environment), Rebecca Ross (Committee Specialist—Agriculture), Clare Genis (Senior Committee Assistant), Jim Lawford and Susan Ramsay (Committee Assistants), and Hannah Pearce (Media Officer).

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# List of additional written evidence

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# Written evidence

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## Written evidence submitted by the Rural Economy and Land Use Programme (Relu), Newcastle University

1. This paper focuses on the first two questions posed by the Committee. The Annexes set out specific regulatory issues identified by Relu projects, and list relevant Relu publications.

*Should Defra change its culture of regulation?*

### REDEFINING THE OVERALL RELATIONSHIP BETWEEN THE STATE AND LAND MANAGERS

2. The Farming Regulation Task Force has comprehensively reviewed one critical element in the relationship between the state and farmers. Evidence from the Relu programme supports the call for “an entirely new approach to and culture of regulation”. It shows that regulation is necessary, but that other mechanisms, and new ways of working, are also important.

3. Relu experience also suggests an even more fundamental redefinition of the relationship between the state and land managers in general. This could be achieved through a written “Charter for Integrated Natural Resource Management”, which would:

- Establish a new set of *aspirations for*, and *expectations of*, the public sector, private sector land managers, and civil society, in relation to our natural environment.
- Set out how a *combination* of mechanisms, including the market, voluntary agreements, standards, incentives and state regulation, will be used to help land managers deliver the wider expectations of society for land management.
- Encourage and enable groups of land managers to take *collaborative* action, in the context of the wider landscape, to deliver public policy outcomes for the natural environment.
- Promote the “ecosystem services approach” as an integrated framework for land and water management, aiming to optimise the delivery of *multiple* ecosystem services from any one location, rather than simply promoting specific services to the exclusion of others.

### REVISITING THE REGULATION CULTURE

4. Relu projects have reviewed many policy mechanisms and offered suggestions to improve them, taking account of diverse experience in the UK and abroad. Particularly valuable insights have been provided into the use of voluntary *agri-environment schemes*. These could play a much stronger role in the future mix of policy mechanisms, as an alternative to regulation.

5. For example, one model would see communities of farmers being rewarded for delivering specified environmental outcomes at a parish, landscape or catchment scale. The farmers would agree, publish and implement coordinated plans to deliver as wide a range of ecosystem services as possible from their farms. Once the schemes had been approved, the farmers would monitor and report annually on their performance in providing these services.

6. This approach would deliver localised land management for public objectives, tapping into Government aspirations to encourage more people to take control over what happens locally. Regulators would make savings by dealing with groups of farmers, rather than, as now, with every single farmer separately. Local transparency about the actions being taken, and external auditing, by the regulators, would guarantee implementation. Experience from the UK, and elsewhere, suggests that new models of this sort could, in time, be very effective.

7. Areas where agri-environment schemes could be strengthened include encouraging carbon storage, promoting “biocontrol” of pests, and supporting fencing to prevent livestock fouling watercourses. Doing so could reduce the need for regulation to prevent loss of soil carbon, reduce the use of pesticides, and control the spreading of livestock waste, respectively.

### DEVELOPING A NEW APPROACH TO INSPECTION

8. The Task Force calls for a risk-based approach to regulation, to help ensure that action is taken only when and where it is likely to be most effective. This is not easy. It requires: reliable information on the risks, and on the social and economic context in which they arise; a shared understanding of risk, between regulators, land managers, and others; and decision-support tools to help practitioners decide where best to apply their efforts to tackle risks.

9. One Relu project has developed a tool to help farmers and regulators manage risks to water quality and public health from pathogens in livestock waste. It integrates data on pathogen loads, farm topography, farm infrastructure, and obstacles limiting the farmer’s ability to manage risk. Other projects have created tools which bring together diverse data sets in geographical information systems (e.g. to manage wild deer, or tick-borne diseases). Tools of this sort could be invaluable to regulators in managing a wide range of risks.

## EMBRACING TOOLS TO INFLUENCE FARMER BEHAVIOUR

10. Regulators need to understand farmers better. Relu projects show that land management decisions are influenced by a mix of economic, social and environmental factors. While most farmers primarily want a satisfactory income, lesser objectives include maximising free time, minimising risk, managing only a simple range of enterprises, and, for some, providing good habitats for game.

11. Relu projects show that greater dialogue between regulators and land managers about the design and delivery of agri-environment schemes at a local scale would be beneficial. In particular, the effectiveness of the schemes in securing environmental outcomes will be greatly improved by encouraging collaborative, coordinated action between farmers at a landscape (to benefit farmland birds); or catchment scale (to protect water quality).

12. Relu projects also show that farmers need to understand fully *why* they are being asked to adopt certain land management actions and *how best* to carry these out (e.g. the techniques needed to establish a flower-rich field margin differ from those used to establish a cereal crop). Providing formal training, as an integral part of agri-environment schemes, targeted on novel or technically-difficult options, could greatly improve their overall environmental effectiveness.

### *How could this cultural shift be implemented, particularly through partnership?*

13. A strengthened partnership between Government and industry will require effective mutual engagement and sharing of information. Relu projects have developed a range of approaches and tools to help regulators and land managers work together. Critical requirements include:

- Engaging relevant people from the outset, when challenges are first being aired, not after research, analysis and action plans have already been finalised.
- Building trust, particularly over contentious issues, by using independent skilled mediators, who have no vested interest in regulation, or land management, to lead engagement.
- Respecting and pooling different types of knowledge—whether “local”, “professional”, or “scientific”—to help everyone involved to understand a problem and decide how to tackle it.
- Finding simple ways to share information and monitor progress. For example, the “Ecosystem Health Report Card” presents complex data on water quality in a way which enables meaningful discussion with land managers about causes, impacts and actions.
- Using targeted surveys to raise awareness of problems, gather local data to inform and tailor standardised models to the local situation, and create local support for action.
- Taking advantage of systems for managing geographical information, to: create spatial models, simulations and scenarios; integrate data sets; and enable informed discussion.

14. Significant cultural shifts will be needed if these requirements are to become part of day-to-day working. Relu projects have shown how to develop collaborative management particularly for water catchments. Partnerships will be critical here, given the many interests involved in managing water. The Government should draw on the experience of Relu projects in taking action to secure the demanding objectives set by the Water Framework Directive.

## **Annex A**

### REGULATORY ISSUES IDENTIFIED BY RELU PROJECTS

A1. This Annex summarises findings relevant to many different forms of regulation from a dozen diverse Relu projects. Further details can be obtained from the relevant Policy and Practice Note (PPN) mentioned in each case. These are also listed in Annex B.

#### The Role of Regulation in Developing Biological Alternatives to Pesticides (PPN 1)

A2. This project developed principles for regulating “biopesticides” and made suggestions to improve existing arrangements. Biopesticides are pest control products which contain biological control agents (e.g. microbes, pheromones, or plant extracts). They are regulated under the “Biopesticides Scheme” run by the Health and Safety Executive.

A3. The researchers highlighted several key elements for inclusion in the Scheme:

- Appointing a “Champion” to help firms through the approval process.
- Providing specific guidance to applicants (via free pre-submission meetings).
- Providing accessible information on the regulatory process via the HSE website.
- Reducing the costs of evaluations for these products.

#### WARM WATER FISH PRODUCTION AS A DIVERSIFICATION STRATEGY FOR ARABLE FARMERS (PPN 2)

A4. This project explored the technical and marketing considerations surrounding the development of small-scale, warm-water production systems for growing the tropical fish *Tilapia*, as a diversification strategy for UK livestock and arable farmers. Importantly, these would be self-contained land-based systems, not involving rivers or marine waters.

A5. The project found that existing regulatory frameworks, focused on freshwater fisheries, were inappropriate. It recommended that agricultural and fisheries policies should be integrated to encourage land-based aquaculture. Also, no single agency was responsible for providing comprehensive, validated and joined-up information on land-based fish production, which tended to discourage new entrants. The project recommended that there should be better and more joined-up provision of information, with a single agency taking the lead.

#### EATING BIODIVERSITY (PPN 3)

A6. This project investigated the links between quality food production and biodiversity protection by asking the question: can farmers who use and maintain biodiverse, natural grasslands by grazing animals on them, translate that into extra profits from their products? The project recommended that more coherent and dynamic “product/place/process” local food-labelling schemes should be stimulated in the UK, similar to those in France and Italy.

#### OVERCOMING MARKET AND TECHNICAL OBSTACLES TO ALTERNATIVE PEST MANAGEMENT (PPN 10)

A7. This project examined how barriers to the adoption of alternatives to pesticides could be removed. Overuse of pesticides leads to pesticide resistance, and affects biodiversity and water quality. EU legislation aims to reduce the use of pesticides and to withdraw many pesticides from the market. Alternative forms of “biocontrol” (providing habitats for beneficial predators on crop pests, and/or using biopesticides) could help to reduce the use of valuable pesticides, so prolonging their useful lives, and also limiting environmental harm.

A8. The project found that only nine out of 17 different biocontrol options were adopted on more than 50% of the farms it surveyed in 2007. It suggested that uptake should be improved by promoting biocontrol as an explicit objective in agri-environment schemes. Encouraging farmers to adopt strategies for integrated pest management could be a practical and effective way to bring about reductions in pesticide use while also safeguarding farm productivity.

#### COMPARATIVE MERITS OF CONSUMING VEGETABLES PRODUCED LOCALLY AND OVERSEAS (PPN 11)

A9. This project reviewed the methods used to establish the “carbon footprint” of food products produced at home and abroad. It showed that at least 16 different methods of life-cycle analysis have been developed since 2007, and that there is no international agreement on which is best. The project suggested that regulators need to think very carefully about the wider implications of carbon-labelling before requiring labels to be applied to food. In particular, without careful and rounded assessment, such labels could have serious, and often unfair, implications for developing countries which export food crops.

#### SUSTAINABLE UPLANDS: RESHAPING LAND USE POLICY FOR OUR HILLS (PPN 14)

A10. This project considered how future policies for the uplands should be developed, taking account of the full range of ecosystem services which they can provide (e.g. livestock, game, water-gathering, carbon storage, habitats for wildlife and landscapes for recreation). The study found that farm support within the designated “Less Favoured Areas” focuses more on compensation for physical disadvantage, than on rewarding the provision of public goods, and that the rewards offered for the provision of different ecosystem services vary widely.

A11. The project also found that protective designations, such as Sites of Special Scientific Interest and Special Areas for Conservation, tend to focus on one ecosystem service at a time. The project recommended a more holistic and integrated approach to future regulation in designated areas, and the provision of incentives. Future policy frameworks should recognise and support the provision of the full range of ecosystem services.

#### POLICY-MAKING FOR ANIMAL AND PLANT DISEASE: A CHANGING LANDSCAPE? (PPN 16)

A12. This project examined strategies for managing diseases which threaten food security, the sustainability of the farm sectors which they affect, and food consumers. The project challenged the historical separation of animal and plant diseases in public policy, arguing that co-ordinated policy-making, and a redistribution of resources to reflect disease risk, is hindered by the separation of departments and officials. It concluded that those managing animal and plant disease risks have much to learn from each other. The fundamental public good arguments for controlling all types of plant and animal diseases should be reconsidered, and changes to the governance of disease made accordingly.

#### BOVINE TUBERCULOSIS: A PROBLEM FOR FARMERS, CONSERVATIONISTS AND POLICYMAKERS (PPN 19)

A13. This project took a broad view of the controversy surrounding bovine TB. It highlighted the need to learn lessons from scientific research, to improve communication with all interests, to develop flexible policies and to tackle the issues surrounding costs and “who pays”. The project noted that there is no simple solution to the problem; any approach is likely to be controversial. It suggested that the role of cattle-to-cattle transmission and the persistence of bovine TB in herds, has been underplayed in recent years, and that regulatory measures, such as movement controls, could play an important part in tackling the disease.

#### THE CHANGING ROLE OF LOCAL GOVERNMENT IN MANAGING WATER RESOURCES (PPN 20)

A14. This review of several Relu projects highlighted the very wide distribution of statutory responsibilities for water and land use across Government Departments and agencies. If local authorities are to play a stronger role in managing water resources, including taking a leading role in managing local flood risk, administrative structures, boundaries, relationships and experience that have evolved over many years may need to change. There will, in particular, need to be much more joined-up working with the Environment Agency and other key partners, such as Internal Drainage Boards and water companies.

#### ANGLING IN THE RURAL ENVIRONMENT (PPN 21)

A15. This project explored trends in the development of angling on rivers and still waters, and their implications. It found that there are risks to freshwater catchments from stocking practices in still waters, and that sensitive still waters may also be damaged by stocking with non-native species. There is evidence of a lack of due regard for regulation on the movement of fish, leading to risks from disease and colonisation by non-native species. Loss of stocked fish during flood events may also be a bigger problem than has been realised.

A16. The project highlighted the need for anglers and fishery owners to receive better information and training on the impacts of non-native species, the dangers of disease being spread, and the biosecurity measures that businesses and individuals should take.

#### MEMORY AND PREDICTION IN TREE DISEASE CONTROL (PPN 25)

A17. This project investigated how current responses to epidemics of tree disease could be informed by experience of past epidemics. It found that the cardinal lesson to be drawn from past outbreaks is that it is far better to prevent the entry of a disease into the UK than to attempt to contain it once it is established. Regulation has an important role to play here.

A18. The project suggested that public awareness of tree disease threats needs to be raised, to encourage a greater sense of personal responsibility for prevention and to elicit more support for regulatory measures, and for contributing to their costs. Conflicts between the advocates of further liberalisation within the Single Market and those seeking further restrictions on trade, in the interests of biosecurity, also need to be resolved.

#### FARM DIVERSIFICATION INTO ENERGY PRODUCTION BY ANAEROBIC DIGESTION (PPN 26)

A19. This project investigated the potential for the development of anaerobic digestion on farms, and the implications for rural development and the environment. These plants treat farm and/or food waste. They produce methane, which is used to generate heat and/or power, and a solid digestate, which can be used as a fertiliser and soil conditioner.

A20. The project found that some aspects of regulation in this area are still unclear (e.g. over planning matters, the use of the digestate, and taxation). It suggested that the Government could usefully provide local authorities with better guidance and information to inform planning decisions; and design systems and procedures to promote anaerobic digestion at a farm scale (integrating the technology into the larger framework of waste management, and promoting it with the Environment Agency and local waste disposal authorities).

### **Annex B**

#### INFORMATION ON THE RURAL ECONOMY AND LAND USE PROGRAMME

B1. The Rural Economy and Land Use Research Programme (Relu) comprises 74 projects, involving 500 researchers, from over 40 disciplines. It is supported by UK Research Councils (Economic and Social, Biotechnology and Biological Sciences, and Natural Environment), Defra and the Scottish Government, and has a budget of £25 million over the period 2004–11.

B2. Relu projects differ from many others because they: involve multiple disciplines, often drawing on expertise from several academic institutions; provide integrated social, economic and environmental perspectives on current issues; and obtain inputs from people and communities affected by the issues they are studying. Relu research is firmly located in the real world, where experts disagree, difficult decisions have to be made between competing priorities, people need practical solutions, and issues can be a source of political controversy.

B3. Relu scientists challenge and learn from the assumptions and perspectives of different disciplines and institutions. They “cover all the angles”, not just adopting one narrow perspective in framing the issues. Their integrated approach to research helps to create rounded solutions. The projects involve people and communities with a direct stake in the issues. This helps the research to focus on questions which matter in the real world, and to provide practical solutions which can readily be adapted to local conditions

B4. Most Relu projects have been completed and their findings are now being published in the scientific literature. To give policy-makers and regulators ready access to those research findings which have significant implications for public policy, Relu itself has so far published:

- 29 concise “Policy and Practice Notes”, which summarise for individual projects the findings of most relevance to policy development and delivery. This series includes three Notes specifically targeted on local authorities (PPN 20, 24 and 29).
- 13 “Briefing Papers” which provide in-depth treatment of specific issues: these include the implementation of the Water Framework Directive (BP11), the reform of the Common Agricultural Policy (BP12), and the proposed Natural Environment White Paper (BP13).
- Two “Consultant’ reports” which provide comprehensive overviews of Relu research in relation to land-use policy for the UK and for Scotland respectively.

B5. These publications, primarily aimed at the policy community within the Government, public bodies, local authorities and civil society organisations, bring together the latest evidence from Relu projects. This response draws on the publications below (see [www.relu.ac.uk/news/](http://www.relu.ac.uk/news/)), and on contributions from specific Relu projects (see [www.relu.ac.uk/research/](http://www.relu.ac.uk/research/)).

*Briefing papers (available from [www.relu.ac.uk/news/briefings.htm](http://www.relu.ac.uk/news/briefings.htm)):*

- 1 Setting the research agenda
- 2 Rural economy and land use futures
- 3 The unfolding research agenda
- 4 The UK rural economy and land use debates
- 5 Power and responsibility—Who decides? You decide!
- 6 Common knowledge? An exploration of knowledge transfer
- 7 What is Relu?
- 8 Land to mouth: exploring the links between sustainable land use and the food we eat
- 9 Landmarks for policy
- 10 Telling stories: Accounting for knowledge exchange
- 11 Water Framework: Implementing the Water Framework Directive
- 12 Informing the reform and implementation of the Common Agricultural Policy
- 13 Shaping the Nature of England: policy pointers from the Relu programme

*Policy and Practice Notes (available from [www.relu.ac.uk/news/policyandpracticenotes.htm](http://www.relu.ac.uk/news/policyandpracticenotes.htm)):*

- 1 The role of regulation in developing biological alternatives to pesticides
- 2 Warm water fish production as a diversification strategy for arable farmers
- 3 Eating biodiversity: an investigation of the links between quality food production and biodiversity protection
- 4 Safe recycling of livestock manures
- 5 Stakeholder participation in the management and communication of food chain risks
- 6 Implications of a nutrition driven food policy for the countryside
- 7 Catchment management for the protection of water resources: The ecosystem health report card
- 8 Regional rural land use: a time for fresh thinking
- 9 Assessing the social, environmental and economic impacts of increasing rural land use under energy crops
- 10 Overcoming market and technical obstacles to alternative pest management in arable systems
- 11 Comparative merits of consuming vegetables produced locally and overseas: Fair and evidence-based carbon labelling
- 12 Social and environmental inequalities in rural areas
- 13 The sustainability of hill farming
- 14 Sustainable uplands: reshaping land use policy for our hills
- 15 Integrated management of floodplains
- 16 Policy-making for animal and plant disease: a changing landscape?
- 17 Sustainable uplands: learning to manage future change

- 18 Collaborative frameworks in land management: a case study on integrated deer management
- 19 Bovine tuberculosis: a problem for farmers, conservationists and policymakers
- 20 The changing role of local government in managing water resources
- 21 Angling in the rural environment
- 22 Models, decision-making and flood risk: doing simulation modelling differently
- 23 Is wildlife conservation compatible with arable farming? Evaluating the options for sustainable agriculture
- 24 The Big Society: helping communities take action
- 25 Memory and Prediction in tree disease control
- 26 Farm diversification into energy production by anaerobic digestion
- 27 Protecting countryside users against zoonotic disease by influencing their behaviour
- 28 Modelling the impacts of the European Water Framework Directive: implementing the ecosystem services approach
- 29 The role of local government in managing disease risks in rural areas

*Consultants' Reports (available from [www.relu.ac.uk/news/ConsultantsReports.htm](http://www.relu.ac.uk/news/ConsultantsReports.htm)):*

- 1 Woods, A (2009). Securing integrated land management for the UK.
- 2 Swales, V (2009). The lie of the land: Future challenges for rural land use policy in Scotland.

7 June 2011

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### Written evidence submitted by Friends of the Lake District

1. Friends of the Lake District (FLD) is the only organisation dedicated to enhancing the landscape of Cumbria and the Lake District. We are a campaigning, membership and landowning organisation and seek to influence land use policy, and demonstrate good practice on our own land (3 woodlands, a common, common rights, and 2 areas of farm land). We actively manage our land, we are not a passive landowner.

2. FLD as a landowner support many of the recommendations to reduce the regulatory burdens on farmers and landowners. However, we have concerns about recommendations relating to Town and Village Greens (TVGs) and the Planning system:

#### TOWN AND VILLAGE GREENS

3. FLD have had a long standing interest in TVG over the last 75 years and have been responsible for the registration of some TVGs. They are a unique feature of the Cumbrian landscape—Cumbria has the highest number of TVGs of any English county. TVGs are an essential part of the “green infrastructure” (GI) and deliver the following benefits of GI to the whole of Society:

creating a setting for economic growth/regen	skills and training
job creation & social enterprise	community cohesion
community safety	sport
physical health	flood management
mental health and wellbeing	access to natural greenspace
land and property value uplift	climate change mitigation
air and water quality	natural tourism
biodiversity in situ	environmental connectivity
culture	quality of place

4. It is important to recognise that TVG registration merely records its status, following 20 years use by local people who have established rights to use the land. 20 years is a significant time and requires onerous proof (s15 Commons Act 2006). Registration cannot therefore be done on a whim.

5. 4.34 and 4.35 : These recommendations and the apparent lack of evidence upon which they are based cause concern as follows:

The Task Force, as reiterated in the letter to ministers attached to the report, only looked at regulations unique to food and farming. Town and village greens are not unique to food and farming as we have shown above, and so should not have been included. As their inclusion was not made explicit during the consultation period, there was no overt opportunity to submit comments on TVGs or for the panel to receive a balance of evidence:

- TVGs are established for the enjoyment of sports and pastimes, and whilst some greens have grazing rights, they are the minority. As such, the use of a TVG as intended will have no impact on the day to day business of farmers and food producers. It is therefore totally inappropriate to refer to them in the business and management section of the report.

- The TVG recommendations appear to be based on a lack of evidence. The 2009 Countryside and Community Research Institute report into TVG applications and the motivations behind them found no compelling evidence that vexacious applications and those seeking to prevent planning applications were in a majority, quite the opposite.
- We regularly receive calls from community organisations keen to register land as TVG on the basis of 20 years of use. Cases motivated in response to a threat of development are the minority and we are not aware of any vivacious claims within Cumbria.
- The registration criteria and application process (section 15 Commons Act 2006) are robust. The reference to rebalancing the process is based on a lack of evidence and is unnecessary. The Open Spaces Society proposed amendments to Defra as to how the registration process could be amended to speed it up and make it more efficient. These amendments involve no new legislation, just changes to guidance and the introduction of good practice and would resolve the perceived problems.
- 4.34: suggests reasonable costs are to be met by both parties. This is the current situation with applicants and objectors meeting their own costs.

## PLANNING

6. 4.15—4.16: Through the permitted development rights for agricultural operations (1995 GPDO) farmers already benefit from a significantly larger degree of freedom than other business owners. Whilst recognising the significant contribution farmers make to both the rural economy and the landscape, modern farm buildings must be sited and designed to support local landscape character. It is worth noting the recent Government reiteration of the value of the natural environment in the Natural Environment White Paper.

7. The Report overemphasises negative experiences of the prior notification procedure. In practice, the notification procedure places little financial burden upon farmers. It allows for informal dialogue with local planning authorities, which often results in better sited and designed buildings whilst still satisfying functional requirements. It also allows for public comment—an important factor given the Government emphasis on Localism.

8. The prior notification procedure should therefore be retained for agricultural buildings under 465m<sup>2</sup> on an agricultural unit of 5Ha, and as a minimum in areas subject to Article 1 (5) of the GPDO.

9. 4.17—buildings between 465 and 1,500m<sup>2</sup> should continue to be subject to full planning permission and as a minimum, this should continue to apply in areas subject to Article 1 (5) of the GPDO.

10. 4.21 : Polytunnels can result in a significant landscape impact, particularly in sensitive areas. We recommend that permitted development rights are only conferred for structures up to a defined size, as opposed to all, as the recommendation implies. As a minimum, this should apply in areas subject to Article 1(5) of the GPDO. Prior notification should be required for structures below the defined size threshold, and full planning permission required for structures above it.

11. Other “horticultural support structures”, (4.23) should have a similar regulatory framework to that recommended in regard to polytunnels above.

*9 June 2011*

### **Written evidence submitted by the Food Standards Agency (FSA)**

1. The FSA was established in April 2000 as a non-Ministerial UK Government Department, operating at arms’ length from Ministers, headed by a Chair and Board, who are appointed to act in the public interest. The FSA is responsible for assessing and managing risk in relation to food and communicating advice to the public. It is guided by a set of core principles: putting the consumer first; openness and independence; science and evidence-based; enforcing food law fairly.

2. For devolved matters, such as food and feed, the Task Force looked at legislation and regulatory processes as they pertain in England. The Task Force makes 18 recommendations for which the FSA has responsibility. All of these have implications for food safety or hygiene and will require careful consideration taking into account available evidence to ensure that consumer interests are not compromised. The FSA’s Board will be discussing the recommendations, including taking a UK wide view, on 12 July 2011 at its open meeting. Until then, FSA is unable to indicate its views on the recommendations beyond providing some background comments.

3. The key recommendations for FSA are on Transmissible Spongiform Encephalopathy (TSE) controls (10.05<sup>1</sup>, 10.06, 10.07), earned recognition, particularly in relation to meat hygiene, (10.19, 10.20, 10.22, 10.29, 10.30, 10.39) and dairy hygiene (10.24 and 10.25). There are also recommendations about reducing paperwork (2.43), private water supplies (6.47), a number of relatively minor, but specific recommendations

<sup>1</sup> References to Task Force recommendations

relating to meat hygiene (10.19, 10.20, 10.22, 10.29, 10.30) and a recommendation about imported high risk products of non-animal origin (10.45).

4. We have provided some background information about earned recognition, both because of its importance and because there are aspects that the committee might wish to be aware of when considering the Task Force report.

#### EARNED RECOGNITION - GENERAL

5. FSA's emerging Compliance and Enforcement Strategy will deliver an improved effective, risk-based and proportionate regulatory regime with a clear role for earned recognition. EU Regulation 882/2004 provides that official controls should take into account the results of checks carried out by food and feed business operators, where they are designed to meet requirements of food law. For example, the use of information from and membership of food and feed third party assurance schemes can better inform risk assessment of those businesses. This approach will, where permitted by legislation, allow greater targeting of Official Controls to facilitate the direction of regulator resource to higher risk and non-compliant premises.

6. FSA's plan for regulation in the dairy sector demonstrates this approach already. A high proportion of dairy farms are members of Assured Dairy Farms (ADF) where accredited certification bodies conduct regular annual assessments. Assessments include regulatory requirements for hygiene and can therefore duplicate official controls delivered by the regulator. Information from the scheme has been used to identify those businesses which are compliant and a lower frequency of official control inspections is adopted. Other dairy businesses, such as those producing raw and unpasteurised milk are subject to current ongoing regulator controls, to ensure that consumers are not put at greater risk.

7. The data-sharing principles and risk management underpinning this approach means that real-time information is shared between the regulator and third party schemes, providing for "reactive" official controls where necessary. This openness and transparency has been essential to success of this approach and provides a framework for development into other sectors.

#### EARNED RECOGNITION – OFFICIAL MEAT HYGIENE CONTROLS

8. FSA is exploring, in liaison with industry representative bodies, whether the principles of earned recognition, including recognition of accredited third-party schemes, can be applied more fully to official controls in the meat industry. The key principles behind earned recognition and the notion of "consistently competent" and "legally compliant" premises already form part of the official audit process for approved meat plants. Audit frequency for each plant is determined by a risk assessment which, amongst other things, takes into account the compliance record. In the short to medium term, there are constraints on changes to official inspection activities because the requirements for inspection controls are prescribed in some detail in EU law (Regulation 854/2004).

9. With regard to the proposed use of accredited private sector parties to deliver official controls in "consistently competent" plants, there are a number of legal limitations to this at present. These would impact on both the efficiency and cost effectiveness of official controls and on the likely commercial interest in this work from private sector suppliers. For example, EU law provides that enforcement actions cannot be delegated, meaning that official controls in each plant would have to be carried out by both public and private sector suppliers. Also, charges for official controls cannot exceed the cost of the controls carried out and this would impact on the commercial viability of this work for private sector parties. More importantly, however, it is widely accepted that the current suite of official meat controls required under EU legislation is neither risk-based nor proportionate. FSA is actively involved with the European Commission and other Member States in reviewing the current system of meat controls, with a view to developing new controls for the future that will be more risk based and proportionate. Current indications from this work are that the Commission is prepared to consider changes to the nature of official meat controls and who might carry them out. It may therefore be possible to take fuller account of earned recognition in a future system of controls once it is clear what controls will be required.

9 June 2011

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#### Written evidence submitted by the Open Spaces Society

1. The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation Society) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

#### TOWN AND VILLAGE GREENS

2. We are dismayed that the task force has made recommendations in chapter 4 (business and management) about the process for registering town and village greens even though the letter to ministers, attached to the report, states that the task force has only looked at regulations that are unique to food and farming. Town and village greens are not unique to food and farming.

3. The process for registering land as greens, laid down in section 15 of the Commons Act 2006, applies to all landowners and types of land and we believe the process should not have been considered by the task force. The criteria and application process are robust. The reference to rebalancing the process to ensure that reasonable costs are met by both parties is unnecessary as applicants and objectors already meet their own costs.

4. The society was not consulted and it appears the conclusions have been reached without considering research that has been carried out for the Department for Environment, Food and Rural Affairs (Defra) on this subject, in particular in 2009 by the Countryside and Community Research Institute.<sup>(1)</sup>

5. There is no evidence to suggest that there is a proliferation of inappropriate village green designations or that, as a general rule, such designations are “being sought deliberately to thwart planning applications”.

6. The registration of land as a town or village green is merely to record its status, following 20 years use by local people who have established rights to use the land. Therefore applicants for greens are acting in the public interest.

7. We have made a submission to Defra of amendments to the registration process to speed it up and make it more efficient. These do not involve new legislation, merely amendments to guidance and introduction of good practice.

8. We carried out a survey of the society’s members in 2010 and produced *A framework for green space* to assist Defra and the Department for Communities and Local Government in developing their proposed green space designation for land important to local communities. We have argued that this designation should be in addition to the process for registering land as town and village greens and should not replace it.

#### PUBLIC RIGHTS OF WAY

9. The task force’s concerns about historic rights of way can be met if government implements the recommendations of the report of the national stakeholder group, *Stepping forward*.<sup>(2)</sup> The stakeholder group produced an agreed package of measure to improve the process for recording historic rights of way. The group was determined that these measures must be implemented as a package, and that government must not pick and choose from them. The task force has picked out only certain elements from the package, which is unacceptable.

10. In particular, we are concerned that the task force is recommending implementation of the cut-of date of 2026 for claims of historic routes in isolation from the rest of the stakeholder group’s recommendations. It is essential that the whole package is implemented. It includes important safeguards for the public interest.

11. Applicants for the addition of paths to the definitive map are merely seeking to record rights which already exist. It is therefore unreasonable to expect them to have to pay to do this, since they are doing it for the public’s benefit.

12. We note that the task force dislikes the fact that any diversion order for a public path can be challenged—but this is as it should be and we would strongly oppose any change to this process. Public paths are for everyone, their surface is owned by the local authority on behalf of the public, and therefore any member of the public who is entitled to use the route has an interest in it and should be able to oppose change.

13. We are also concerned at the recommendation regarding temporary diversions, to be approved by the local access forum. Local access fora do not concern themselves with individual cases, and they should not be expected to do so. They consist of representatives of a range of interests in public access and are not constituted to take decisions of this kind.

#### NOTES

<sup>(1)</sup> *Study of determined town and village green applications* by the Countryside and Community Research Institute, University of Gloucester, October 2009.

<sup>(2)</sup> *Stepping Forward* was a report (published in March 2010) of representatives of the key national interests in public rights of way. The group was established to advise Natural England which then submitted the report to government, on improvements to the law and procedures concerning historic public rights of way which are not yet recorded on the official map of public paths.

### Written evidence submitted by Julie Brandram Jones, Herefordshire

1. I would be most grateful if you would consider my comments in relation to The Report of the Independent Farming Regulation Task Force.

2. I am fully in support of cutting back on red tape and unnecessary regulation affecting farmers and small businesses. However I strongly protest at the suggestion in your report that "Polytunnels and other horticultural support structures should be added to the General Permitted Development Order".

3. I live in a village that has been decimated by the local fruit farmer and his polytunnel developments. The community is, almost without exception, against the development and the affect that it is having on our quality of life amongst many other things. It is a most unnatural farming practice and, if anything, needs much stronger regulation than there is at present. I am not against polytunnels but I do think that there is a place for everything and a higher power needs to keep control of these ugly and obtrusive structures in our beautiful landscapes and amongst people's homes.

4. I am happy to provide further information and would also be prepared to talk at your enquiry about the experience of living first hand with polytunnels on the doorstep.

9 June 2011

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### Written evidence submitted by the Andersons Centre

1. *Is it Desirable for Defra to Change its Culture of Regulation in the Manner Suggested by the Report?*

1.1. We would agree wholeheartedly with the Farming Regulation Task Force's overall conclusion that the culture of regulation surrounding food and farming should change. A more efficient regulatory system with fewer inspections, more trust, and greater industry participation would reduce cost both for government and the industry, and reduce the frustration felt by many food and farming businesses.

1.2. Industry needs to remember that the "Macdonald Review" is not (and could not) recommend a wholesale reduction in regulation. This would be unrealistic given much regulation derives from the EU and also the fact that regulation has usually been implemented for a good reason. The report is more about how the regulatory regime is administered. Therefore, expectations need to be managed within the industry so that there are not unrealistic expectations of what the review can achieve, which in turn could lead to disillusionment. It seems unlikely that there will be substantially *less* regulation, rather that it will be managed better.

2. *How Could This Cultural Shift be Implemented (Focussing on Strengthened Partnership with the Farming and Food Processing Industries and Proactive Engagement with EU Institutions)?*

2.1. As this question implicitly suggests, recommending a "cultural shift" is easy, making it happen is harder. It should be recognised that there is a large degree of scepticism within the farming industry as to whether anything will actually change as a result of this report. Past initiatives are perceived to have done little or nothing to halt the growing tide of "red-tape".

2.2. The impetus for change from the report needs to quickly demonstrate recognisable improvements, otherwise natural inertia is likely to see the drive for change dissipate, as in the past. If it can be seen that there is a cultural shift happening then this will help generate its own momentum for additional effects.

2.3. The cultural change required from the regulatory bodies ("government" as perceived by farmers) will be significant. There is a view within the farming sector that the current mechanistic "tick box" approach is partly a result of regulatory bodies creating roles for themselves. This is probably a little unfair, but may contain a grain of truth.

2.4. Of perhaps greater importance is the "risk adverse" nature of government when it comes to regulation. If there is a "blame culture" then for individuals and organisations it is an insurance if something goes wrong to be able to say "*we inspected, we followed due process, this is not a failure of regulation, this is not our fault ...*". Whether government in its widest sense will be able to "let go" and learn to trust people is a big issue.

2.5. A more flexible, efficient regulatory environment is likely to require a greater degree of judgement to be exercised by inspectors. Not only will the organisational environment need to be conducive to independent actions, the quality of the personnel must be high enough for the right decisions to be made. With the reorganisation of many government bodies in the wake of austerity measures it is vital that good people with the right experience are retained.

2.6. It should be recognised that the farming industry has a large part to play as well. The phrased "earned recognition" encapsulates this nicely. Regulators will only trust the sector if it is proved that such trust is justified.

2.7. The guidance literature produced is obviously designed to help the industry comply with regulations. However, it is often unnecessarily long and complex (NVZs being a prime example). It is often more of a hindrance than a help. The report rightly recognises this as a problem, and this is an area where there could be "quick wins" through better guidance. In many cases it would be more effective (and cheaper) to have concise

written information sent to farmers, but backed up by a helpline staffed by knowledgeable experts. The latter could cover the detail or unusual situations simplifying the guidance for the majority.

2.8. Unfortunately, it has to be recognised that the farming industry has not always helped itself in this regard. Some issues that we see as potential problems include;

2.8.1. The widespread view that *any* regulation is an imposition, and is there to be circumvented if possible. Thus there is a failure to recognise that some of it is useful, necessary and not going to disappear. Link with this is a perhaps a perception that farming is a uniquely highly-regulated sector, when, in fact, regulation is simply a feature of modern business life in all sectors.

2.8.2. Linked to the above, a view that “*we’ve always done things this way and there’s never been a problem*”. This can be a failure to recognise that the world has moved on, or just luck that a risky practice has not, up to that point, actually resulted in any problems.

2.8.3. There is an issue that farming is a hugely diverse sector. It includes both highly professional businesses, but also a large number of what might be termed “backwoodsmen”. *The large number of businesses that struggle with the issue of regulation results from the slow pace of structural change in the farming sector compared to other industries. This in turn is the result of support policies, land ownership and capital appreciation issues, and the resilience of many farming families in the face of low returns.* This means that although industry representative bodies may sign up for responsibility sharing, it is not always easy to get the whole sector to “buy-in”. *An example of this may be the Campaign for the Farmed Environment.* It perhaps needs to be recognised that there is a limit to what can be achieved through voluntary initiatives—the farming industry needs to be realistic in what it promises.

2.8.4. Leading on from the previous point, there will always be an element in any population that will refuse to comply with rules. This is likely to be same in farming as anywhere else. There will always be cases of rules being breached but this should not lead to the conclusion that the industry as a whole “cannot be trusted”. As the report acknowledges, a targeted inspection and enforcement regime will still be needed to deal with the “bad apples”. The concept of earned recognition must be on a business-by-business basis.

2.8.5. The above may paint an overly negative image of the agricultural sector. It should be remembered that farmers are often running businesses single-handed, working long hours leaving little time for “office work”. Often, returns are low meaning that the expense of “outsourcing” some of the regulatory compliance work is not an option. Although, this is not an excuse for breaching rules, this context ought to be considered when setting up the regulatory regime as recognised in the report.

2.9. The EU is a source of a majority of the regulation faced by the farming and food sectors. We are not involved closely enough to be able to comment of Defra’s level of influence on EU policy, or whether the UK “punches its weight” in terms of amending legislation to make it more practical and less onerous for the industry.

### 3. *How A System of Earned Recognition Would Work In Practice?*

3.1. The principles outlined in Chapter 3 of the report seem a sensible starting point for developing the concept of “earned recognition”. Using participation in Assurance Schemes, plus the factors detailed in paragraph 3.23 of the report it would seem to be fairly easily to build up a picture of the “professionalism” of the business.

3.2. To an extent this concept has already been tried with Whole Farm Approach (WFA). This has, up until now, failed to gather much traction in the industry. This may partly be because farmers were not convinced that using it would actually reduce their chances of inspection—possibly due to the multiplicity of inspection agencies. Therefore the workings of the system of “earned recognition” may have to be much more transparent. A campaign to highlight the benefits may also be required.

3.3. Perhaps not surprisingly, we would consider that the use of third-party advice adds considerably to the likelihood of compliance and should be a factor added to the list in paragraph 3.23.

3.4. The report mentions that “training and continuing professional development” could be one of the indicators under an “earned recognition” system. There is no consolidated CPD system for farmers at present. An industry led, voluntary system, could provide a “short-cut” in terms of demonstrating professionalism, and also have significant other benefits in areas such as improving competitiveness and environmental management.

## Written evidence submitted by the Town and Country Planning Association

### 1.0 ABOUT THE TCPA

1.1 The Town and Country Planning Association (TCPA) is an independent charity working to improve town and country planning. Its cross-sectoral membership includes organisations and individuals drawn from practitioners in local government, private practice, housebuilders, academia, third sector organisations and special interest groups. It puts social justice and the environment at the heart of policy debate and champions fresh perspectives on major issues of planning policy, housing, regeneration, the environment and climate change. Our objectives are to:

- Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country.
- Empower people and communities to influence decisions that affect them.
- Improve the planning system in accordance with the principles of sustainable development.

### 2.0 SUMMARY OF TCPA EVIDENCE

2.1 This submission from the Town and Country Planning Association seeks to address strategic issues in the Farming Regulation Task Force's report in relation to spatial planning for the countryside. The TCPA has no direct knowledge or expertise in the farming sector, however through the work of the Rural Coalition, the TCPA has engaged and collaborated with other organisations such as the National Farming Union and CPRE, in helping to align agendas. The TCPA's comments, in particular focusing on the conclusions and recommendations under Chapter 4: Business and Management, should be seen in the wider context of our role as a national organisation championing sustainable urban and rural development through the planning system.

2.2 The TCPA welcomes the general conclusions and recommendations in the Report on Planning; in particular that planning regulations must allow farms to adapt, innovate, and change while maintaining environmental outcomes. The TCPA believes that the farming community should have a greater role in the planning system, not just in the planning application and development management process, but in forward planning to help shape the future sustainable development of communities and environments within the wider spatial context of the countryside. This includes not only the vital function of food production but also a wide range of other critical eco-services such as water supply, drainage and flood control, recyclable energy, carbon sinks, and the conservation of landscape and wildlife.

2.3 The TCPA draws to the Committee's attention to two reports which the Report does not reference, but set an important context within which to consider sustainable rural development:

- Royal Commission on Environmental Pollution's 23rd Report on *Environmental Planning* (2002) which called for the use of land for agriculture, forestry and countryside recreation should be issues covered in all spatial planning in future, including within the spatial strategies. It also called for tougher regulation for controlling agricultural land uses as part of effective management of environmental impacts.
- The Rural Coalition's *The Rural Challenge: Achieving Sustainable Rural Communities in the 21st Century* (2010) which recommended to Government the need to seize the potential presented by the shift to a low-carbon economy to build a thriving new rural economy around local food, sustainable energy, and information technology.

2.4 Specifically on Localism (paragraphs 4.06 to 4.09): The TCPA supports the Report's conclusions and recommendation that the farming community should take a more proactive participatory role in neighbourhood planning. Through an amendment by the Government to Schedule 9 of the Localism Bill on the 10 May businesses are now able to participate and lead on neighbourhood planning, though the situation would be different in most rural areas with established parish councils. The TCPA believes that all sections of the rural community should collaborate effectively and fairly to express a shared local vision of needs and aspirations for that community.

2.5 On the National Planning Policy Framework (paragraphs 4.10 to 4.12): The TCPA agrees with the Report's call for a strong and effective national framework underpinning decisions made at the local level but also at the strategic cross-boundary scales. In responding to the initial call by the DCLG on informing the development of the NPPF, the TCPA called for the NPPF to be:

- *Sustainable Development led*: It should focus on setting out a holistic vision of national outcomes and priorities.
- *Policy and implementation fit*: It should provide the planning policy framework necessary to deliver other Government policy and sectoral priorities in relation to spatial planning and for the use and development of land.
- *Focused on spatial implementation*: There is a vital need for Government to consider the development of a national Spatial Development Framework for England, to complement the NPPF, and encourage a more balanced spatial pattern of regional development, especially given the current hiatus in an effective working strategic tier of decision-making.

- *Retaining key planning principles, objectives, and tests:* Many of the existing planning principles provide valuable advice in delivering sustainable outcomes consistently across England. These should be sustained if, for example, key national priorities on delivering a low carbon economy, vibrant town centres, and housing delivery are to remain credible and effective.

2.6 Since the publication of the Task Force's report, an Advisory Draft NPPF has been published on the 20 May by a practitioners' group set up to directly advise Greg Clark, the Decentralisation Minister. It can be accessed by going to [www.nppfpractitionersadvisorygroup.org/](http://www.nppfpractitionersadvisorygroup.org/). The TCPA recommends that the Committee examines the implications of streamlining national planning policy and guidance for the farming sector and community as set out in the Advisory Group's draft NPPF and makes appropriate recommendations to Government to help the development of the draft NPPF expected in July.

### 3.0 TCPA REFERENCES

Green, R., and Holliday, J., *Country Planning. A time for action*, 1991, TCPA.

#### Reference

<sup>(i)</sup> *The Rural Challenge: Achieving Sustainable Rural Communities in the 21st Century* was the combined product of the Rural Coalition chaired by Lord Taylor, with members including: Action with Communities in Rural England [ACRE]; Campaign to Protect Rural England [CPRE]; Country Land and Business Association [CLA]; The Local Government Group [LG Group]; Royal Town Planning Institute [RTPI]; Town and Country Planning Association [TCPA], National Farmers Union [NFU].

9 June 2011

### Written evidence submitted by the Grasslands Trust

1. The Grasslands Trust<sup>2</sup> welcomes the Environment Food and Rural Affairs Committee's inquiry into the Farming Regulation Task Force's Report "Striking a Balance". We support reducing the bureaucratic burden for farmers, but only where that does not reduce regulatory environmental protection.

2. The Grasslands Trust is a UK-based charity, working to ensure the future of grasslands that are important and valuable for wildlife, heritage and communities. Our work focuses on protecting the UK's most valuable grasslands, restoring those that have been degraded, and creating new grasslands for wildlife and communities. Grasslands rich in wildlife provide a wide range of ecosystem services<sup>3</sup>, compared with agricultural grasslands, where food production is the sole purpose.

3. Past policies affecting grasslands have focussed mainly on food production, to the detriment of the wide range of other public goods that grasslands provide. Consequently, of five million hectares<sup>4</sup> of grassland in England (over 50% of the total Utilisable Agricultural Area), only an estimated 100,000 hectares<sup>5</sup> (2%) have escaped agricultural intensification, while another 1.45 million hectares<sup>6</sup> (30%) have been modified by agriculture but still retain limited wildlife and heritage value. The remainder is intensively managed productive grassland, devoid of wildlife and heritage value.

4. Agriculture created and maintained most of England's valuable grasslands: these grasslands rely on sympathetic agricultural management for their future. Intensification and abandonment threaten the future of these grasslands. Education, incentives and regulation are needed, to help landowners recognise the value of these grasslands, support the costs of sympathetic management, and ensure that they are protected from the market failures that value agricultural production above the wide range of other values they embody, including ecosystem services.

### EIA (AGRICULTURE) REGULATIONS

5. The Grasslands Trust submitted written and oral evidence to the Taskforce on Farming Regulation, that evidence focussing on the weaknesses in the Environmental Impact Assessment (Agriculture) Regulations<sup>7</sup> that is supposed to protect "semi-natural" grasslands from "intensive agriculture", derived from the EU's EIA Directive from 1985. The Report (sections 6.92 and 6.93) suggested that there had been "an element of gold plating" when the Regulations were prepared, because the threshold of 2ha was "significantly lower than other member states".

<sup>2</sup> Registered Charity no. 1097893.

<sup>3</sup> The National Ecosystem Assessment. The True Value of Nature. 2010. <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

<sup>4</sup> June Agricultural Census 2010.

<http://www.defra.gov.uk/statistics/files/defra-stats-foodfarm-landuselivestock-june-statsrelease-uk-110525.pdf>

<sup>5</sup> Natural England (2008). State of the Natural Environment. <http://www.naturalengland.org.uk/publications/sones/sones2008.aspx>

<sup>6</sup> Countryside Survey 2007. <http://www.countryside-survey.org.uk/sites/default/files/pdfs/reports2007/england2007/CS-England-Results2007-Chapter04.pdf>

<sup>7</sup> <http://www.legislation.gov.uk/uksi/2006/2522/contents/made>

6. The authors did not recognise the different context in England, compared with other member states. According to research carried out last year<sup>8</sup>, other member states still have between 20% and 30% of their agricultural land supporting grasslands rich in wildlife and heritage: England has 2%. Moreover, the size of surviving grassland fragments in England is very small—especially outside areas protected as Sites of Special Scientific Interest. Finally, most other member states' grasslands are less vulnerable to intensification because of their agricultural systems, topography, soils or climate: they are more vulnerable to abandonment. We do however recognise that the Report did not recommend increasing the current 2ha threshold.

#### GRASSLANDS INVENTORY

7. Information on the location and status of valuable grasslands is still inadequate, and this is one of the biggest factors contributing to the continuing loss of valuable grasslands to intensification, because some landowners are unwittingly destroying valuable grasslands. We therefore strongly welcome the Report's proposal "*to establish a better way to identify these valuable sites...*". Natural England's current grassland inventory has been recently updated, but is still not fit for purpose. A concerted effort is needed to identify and characterise all surviving valuable grasslands, and those grasslands that can be restored for their wildlife and heritage value.

8. The EIA (Agriculture) Regulations also form part of Cross Compliance, as GAEC 5. No farmer has had their Single Payment reduced for failure to comply with this GAEC. Yet we regularly receive information about cases where valuable grasslands are lost to intensification. This is a strong argument for better enforcement. If RPA inspectors already knew where the valuable grasslands occurred on each holding, it would be able to enable easy compliance checking by reference to the inventory. Landowners would also not need to check with Natural England whether they have a "semi-natural area" or not; and entering them into Agri-Environment Schemes, would automatically achieve "*earned recognition*", a key principle being promoted in the report.

9. We do not support the concept that compliance with GAEC 5 or the EIA (agriculture) Regulations can be achieved through the Red Tractor accreditation system. This is a non-statutory system, and Red Tractor Inspectors are likely to be even less aware of the relevance of the Regulations than RPA inspectors, unless they receive adequate training.

10. Section 7.65 recognises the nonsense of the current CAP Permanent Pasture rules<sup>9</sup>. These rules were introduced to prevent large-scale conversion of pasture to arable land. In England, there are 3.66 Million hectares<sup>10</sup> of "permanent pasture", but most of this is intensive agricultural grassland. In England "permanent pasture" can be annually re-seeded.

11. We strongly support the Report's recommendation in the report that "*Defra investigate whether there is a better method of assessing whether high quality grassland is being eroded.*" A comprehensive grassland inventory is a prerequisite for assessing trends.

12. As part of the current CAP reform process, we and the European Forum on Nature Conservation and Pastoralism have also proposed that a Permanent Pasture Premium<sup>11</sup> should be available, as one of the "Greening Pillar 1" options. This premium would be paid to all those eligible for Single Payment, and in return for the payment conditions would include: no re-seeding or overseeding; no cultivation and restrictions on total fertiliser application. This could be a useful incentive to farmers managing valuable grasslands sympathetically, rather than intensifying or abandoning them.

10 June 2011

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#### Written evidence submitted by the Food Ethics Council

1. The Food Ethics Council (FEC) is a charity that provides independent advice on the ethics of food and farming. Our aim is to create a food system that is fair and healthy for people and the environment.

2. Much of our recent work has focused on the need, and the business mandate, for government leadership in addressing the challenges of environmental sustainability and social justice that face the food sector today. One of the main conclusions of our Food and Fairness Inquiry—undertaken by a committee whose members included representatives of the Food and Drink Federation, the National Farmers' Union and the British Retail Consortium—was that government has a stronger mandate to intervene than is generally reflected in policy. Our work with WWF-UK on sustainable livestock has established that government has a mandate from business to play an active role in helping to negotiate the environmental, social, economic and animal welfare issues relating to diet, including meat consumption. And our current "Beyond Business As Usual" project explores the growing demands from the private sector for government to show leadership in tackling structural issues such as financial instability and environmental limits to growth—issues that businesses recognise they cannot address on their own.

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<sup>8</sup> <http://www.grasslands-trust.org/uploads/page/doc/European%20grasslands%20report%20phase%201%20final%281%29.pdf>

<sup>9</sup> EC Regulation 796/2004 "Permanent pasture": shall mean land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer.

<sup>10</sup> Data provided by RPA to The Grasslands Trust February 2011.

<sup>11</sup> <http://www.efncp.org/download/EFNCP-permanent-pasture-proposal.pdf>

3. This work provides the context for our response to the report of the Farming Regulation Task Force. It is important to acknowledge at the outset that government leadership is not, of course, the same thing as regulation—so there is not necessarily any contradiction in recognising the need for government leadership and proposing a minimalist approach to regulation. This means that assessing the shift in culture recommended by the Task Force is essentially a matter of ensuring that the appropriate balance is struck between the avoidance of unnecessary regulation on the one hand, and the need for government leadership—including regulation where that is the most appropriate means of achieving the necessary outcomes—on the other.

4. At its most general level, this requires that the call for minimal regulation does not, explicitly or implicitly, undermine the case of strong government leadership. It is worth noting here that the FEC’s findings about the mandate for government leadership were confirmed in one of the last reports published by the government’s sustainability advisory body, the Sustainable Development Commission (SDC), before its dissolution earlier this year. The SDC’s report *Making Sustainable Lives Easier* reflected the views of a range of stakeholders, including business representatives. The report identified a number of challenges for government, including:

The lack of definition, clear direction of travel or “vision” for sustainable lives is a challenge. Business participants in particular talked of the need to have a clear steer from government, to help them feel more confident in moving further and faster...As one business participant put it: “*There is a crying lack of strategic vision of where we want to get to*”.

5. So, at the general level of the need for government leadership, we fully endorse the Task Force’s view that “Government’s role should be to set the strategic overview...”.<sup>12</sup> However, we take issue with the second part of this quote—“...but then minimise its involvement”—which, we believe, fails to reflect the various ways in which government can, and must, show leadership, even in a culture of minimal regulation.

6. Turning from the general issue of leadership to the more specific question of regulation, we are concerned that the Task Force’s emphasis on minimal regulation—on regulation as a last resort—risks underplaying the essential role of regulation in addressing the problems facing farming and food businesses. For example, the Task Force expresses its agreement with the Aldersgate Group’s view that “high-quality regulation can help stimulate growth as well as achieving desired outcomes”.<sup>13</sup> However, the *Green Foundations* report also warned that:

In the drive to reduce regulatory burdens, there is a risk that the better regulation agenda loses sight of how to most effectively deliver the outcomes it is designed to achieve...Increasingly, businesses which take a long-term view of value are demanding more regulation, so that they can address emerging challenges and provide a competitive edge without being undercut in the short-term.

7. This warning resonates strongly with the conclusions reached by our Food and Fairness Inquiry, where the demand for government leadership included the fact that “responsible business leaders are increasingly calling for more effective regulation in order to secure a “more level playing field”—to prevent less scrupulous businesses from under-cutting their more progressive counterparts”.<sup>14</sup>

8. One particularly troubling “test case” for the approach advocated by the Task Force is the area of health and safety in the agricultural sector. The Curry report, 10 years ago, highlighted this particular aspect of UK farming. The Health and Safety Executive (HSE) itself cites the following political considerations as having determined its agriculture strategy:

- The need for more efficient, more effective regulation and (ideally) less of it; and
- A “lighter touch”, fewer burdens on business and less red tape”.<sup>15</sup>

9. In other words, government’s approach to promoting health and safety in agriculture is already characterised by the principles of minimal regulation that are advocated by *Striking a balance*. The number of Improvement Notices issued in agriculture has declined in the last five years. Yet, as the Task Force recognises, agriculture is now the single most dangerous industry in Britain—the fatality rate is almost ten times the all-industry rate—and has failed to improve its death and injury rate for over 20 years. The National Farmers’ Union (NFU) held a summit a few months ago to launch their campaign to reduce fatalities, emphasising that prosecutions send out a message far beyond the fields immediately affected. With the abolition of the Agricultural Wages Board, gone will be the incentive—agreed by the NFU and the farmerworkers’ union, UNITE—to develop health and safety skills. The fact that the Task Force’s response to these statistics and developments is to urge farmers to improve their performance, rather than propose any change in the approach of the HSE suggests that, on this issue at least, it has failed to strike the appropriate balance between voluntary action by business and government intervention.

10. In conclusion, the Food Ethics Council recognises the wealth and breadth of experience and expertise embodied in the Task Force membership. We nevertheless believe that in its tone and content, the Task Force’s report fails to attach due weight to the government’s responsibility for providing leadership in addressing the

<sup>12</sup> *Striking a balance*, page 4; the Task Force’s covering letter to James Paice.

<sup>13</sup> *Green Foundations. The path to a vibrant economy, competitive advantage and sustainable prosperity*. Aldersgate Group, 2009; cited in paragraph 1.17 of *Striking a balance*. The Aldersgate Group is “a high level coalition of progressive businesses, environmental groups and individuals who believe that high environmental standards will be a major part of future economic growth and international competitiveness”.

<sup>14</sup> *Food Justice: the report of the Food and Fairness Inquiry*, Food Ethics Council, 2010.

<sup>15</sup> *About health and safety in agriculture*, <http://www.hse.gov.uk/agriculture/hsagriculture.htm>; downloaded 1 June 2011.

environmental and social challenges that face the food sector (and society more widely), or to appreciate the business mandate for government leadership on these issues; and that it underplays the importance of regulation as one facet of government leadership.

10 June 2011

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## Written evidence submitted by the Environment Agency

### EXECUTIVE SUMMARY

The Environment Agency welcomes the opportunity to make a submission to the Committee's inquiry on the report of the independent Farming Regulation Task Force. We welcome the Task Force report to Government as a positive step towards improving regulation of the food and farming sector while maintaining standards of environmental protection. The Environment Agency will work with Defra and other Government departments on the implementation of the recommendations. We will work with Defra in developing its initial response in the Autumn and its subsequent final response. We will provide evidence where we believe recommendations may need to be challenged, for example around cost or feasibility of implementation.

### 1.0 INTRODUCTION

The Environment Agency is the leading public body for protecting and improving the environment in England and Wales. Along with other duties, we have specific responsibilities for a range of regulatory regimes impacting on farm businesses in England and Wales. We recognise the Task Force report applies only to England.

### 2.0 THE ROLE OF FARMING IN DELIVERING ENVIRONMENTAL OUTCOMES

In 2010, 27% of rivers were at good or better ecological status as identified in assessments undertaken as part of the Water Framework Directive (WFD). Impacts from farming were identified as the reason for 18% of water bodies failing WFD biological elements, 88% of which are thought to be due to diffuse pollution.

The food and farming sector is vital to the environment, the economy and to society. We believe that it is important that farm businesses are allowed to thrive, and that they are given proper incentives to operate in a way that encourages innovation, maximises efficiency and supports food security, while protecting essential soil and water resources for the future, and contributing to reductions in greenhouse gas emissions and resilience to climate change. We believe effective regulation, both in design and implementation, has a role to play in achieving these goals.

As part of effective regulation, we support the view that farmers should take greater responsibility and that, by working together, regulators and the agriculture industry can develop the best solutions, whether these are regulatory or other mechanisms.

### 3.0 RECOMMENDATIONS OF THE TASK FORCE

#### 3.1 *General views*

The principles of responsibility, trust and partnership set out in the Task Force report accord with our own aims for better regulation of businesses. Increasing responsibility within the sector and improving the way we work in partnership with the industry should mean we achieve the best outcomes in the most equitable and efficient way.

#### 3.2 *Desirability of culture change*

The Environment Agency agrees with the need for ongoing culture change. We have made considerable progress in improving how we regulate and the Report recognises this, citing numerous examples. However, we also recognise that there is still potential for further improvement.

We agree with the Task Force that there is scope to address problems in a more joined up way, so that issues such as nitrate pollution from farming are not treated in isolation but instead considered at a catchment level in combination with other sources.

#### 3.3 *Implementation of culture change*

We believe the recommended change in culture will support our two developing approaches for agriculture:

- Improved focus at catchment level including gathering better evidence and engaging partners (farmers, intermediaries and others) to develop the best solutions.
- A sector-focused approach. We aim to promote a package of measures to facilitate improved environmental performance by farmers. These measures will combine regulatory, voluntary and other measures—whether industry, Defra-partner or Environment Agency led.

In addition, we believe that there needs to be improvement as follows:

- More effective liaison  
Partnerships need to operate at the appropriate level (e.g. national or catchment), they must be fit for purpose, active interactions with clear terms of reference. We need to learn and build on previous success. Effective partnerships improve not only the way the Environment Agency works but also how, for example, trade associations serve their membership on environmental and regulatory matters. The Environment Agency's intensive pig and poultry industry liaison group is a good example. It provides a forum valued by the industry, Government and the Environment Agency for joint delivery of advice/guidance and activity at a national level for intensive pig and poultry farms regulated under Environment Permitting Regulations.
- Clearer communications  
We believe that a shared understanding of why particular environmental issues are important is needed between ourselves (and other regulators) and farmers. This includes a shared recognition of the improvements that must be made. This should be founded on compelling evidence and be communicated in such a way that all those involved in farming (e.g. supply chain industries, trade associations, training organisations) promote common messages to farmers so that necessary improvements are achieved and the need to make new regulations is minimised.
- Improved data and information sharing  
We welcome the recommendations to promote data sharing within the Defra family and also with farmers. To build responsibility and trust we (regulators and industry) must be better at sharing information. The principle of *Earned Recognition* cited in the report requires this foundation.

### 3.4 Putting "earned recognition" into practice

We support the principle of Earned Recognition and look forward to working with Defra and the farmers to develop this concept. Building on our current risk based approach, we would expect Earned Recognition to improve how we target our compliance assessment activities to deliver the best outcomes for the environment while reducing burden on farmers.

We believe that some of the following issues will need to be worked through to maximise the benefit of Earned Recognition approaches:

- Ensuring that standards in appropriate assurance schemes compare well with regulatory requirements;
- Allowing flexibility to account for geographical variation in environmental pressures and impacts; and
- Improved data sharing, access and management so that compliance inspection effort can be better targeted.

10 June 2011

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## Written evidence submitted by Dairy UK

### INTRODUCTORY COMMENTS

1. Effective regulation is central to the well being of the dairy industry. Commercially, the well being of the industry rests on consumer confidence in the safety and wholesomeness of dairy products and the efficacy of its animal welfare practices. Politically, the benefit the industry obtains from a variety of public support mechanisms rests on confidence amongst the electorate that the sector is fulfilling its wider obligations to society.

2. With the enormous number and variety of businesses involved in the dairy industry supply chain, both at farm and processing level, it is important that effective regulatory mechanisms are in place to safeguard against the potential risks to the integrity of the industry. Given the considerable technological complexities involved in dairy farming, and the range of biological threats to the health of dairy cows, the number of issues that require regulatory attention is not likely to reduce.

3. The issue therefore is creating effective regulatory regimes that address the risks to the industry. The disposition of the current regulatory culture tends towards cumbersome, bureaucratic, inflexible and costly procedures that are not appropriate to the business challenges of the future.

4. The vast majority of dairy farmers are justifiably proud of their professionalism in running their farms. They find it particularly irritating when they get caught up in an indiscriminate enforcement regime which does not focus on the very small minority that represents the real risk to the industry's well being.

5. Dairy UK therefore broadly welcomes the recommendations of the Independent Farming Regulation Task Force that future regulation must:

- (a) Engage the industry in the development of regulatory systems
- (b) Involve non-regulatory solutions to enable industry to take responsibility
- (c) Focus on outcomes instead of process

(d) Involve enforcement through risk based inspection regimes involving an element of earned recognition

6. The penalties regime also needs to be adapted to this new approach to ensure that all parties can be confident that the industry is a reliable delivery partner.

7. The report by the Task Force also includes a number of specific recommendations on existing regulatory regimes which are of particular importance to dairy farmers. These include the recommendations on livestock movements, the treatment of milk from animals with TB, and most importantly, on the implementation of the Nitrate Vulnerable Zone Action Plan. Timely action on these recommendations would be strongly welcomed by the industry.

#### EFRA QUESTIONS

*Whether it is desirable for Defra to change its culture of regulation in the manner suggested by the report*

We support the recommendation that Defra should seek to change its culture of regulation. As indicated by the report, historically Defra's approach has tended to be process orientated and enforced through a system of uniform regular inspections. This has resulted in inefficient use of limited resources, excessive administrative burdens on farming and food businesses and sub-optimal implementation. In future Defra should aim for more outcome based regulation supplemented by a more flexible risk-based inspection regime.

*How this cultural shift could be implemented, particularly focussing on strengthened partnership with the farming and food processing industries and more proactive engagement with EU institutions*

A cultural shift would be achieved by a much closer working relationship with the sectors being subject to regulation. This requires continuous engagement with stakeholders to maximise the familiarity by Defra officials with the operational practices of the food and farming sectors. This would be enhanced by reduced staff rotation within Defra and perhaps strengthening the branches within Defra tasked with sponsoring individual sectors. Defra staff would also benefit from out-placement with enterprises in the sectors for which they are responsible.

However, closer working relationships between industry and business should also be based on a common goal of achieving effective regulation, as opposed to just minimal regulation. This requires a clear mutual understanding by business and Defra of the risks that need to be addressed by regulation and the dangers of not addressing them.

*How a system of "earned recognition" for regulation and inspection recommended by the Task Force would work in practice*

The dairy industry is able to provide a practical working example of earned recognition.

The dairy sector has negotiated a system of earned recognition with the Food Standards Agency on the operation of dairy farm inspections by its Animal Health Dairy Hygiene inspectorate. Previously the AHDH inspected all dairy farms on an annual basis in order to implement the UK's obligations under the EU's Dairy Hygiene Regulation. The focus of this inspection is food safety.

The dairy industry operates its own system of on-farm inspection through its assurance scheme, now called Red Tractor Assurance Dairy Scheme. Inspections under this scheme take place every 18 months and cover food safety, as well as a broader spectrum of issues, such as animal welfare and environmental issues.

Under the arrangements for earned recognition which are due to come into force from 1<sup>st</sup> July the frequency of AHDH inspections will be reduced for farms which are members of the industry scheme to a frequency of 10 years. The risk assessment undertaken by AHDH in determining which farms to inspect will also be supplemented by milk quality data for individual farms provided by milk purchasers.

13 June 2011

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#### Written evidence submitted by the British Veterinary Association (BVA)

1. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 12,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.

2. We welcome the opportunity to provide comment on the report of the Farming Regulation Task Force to the Environment, Food and Rural Affairs Committee. In November 2010 we were contacted by the Task Force with a number of questions regarding Farming Regulation. Our initial response to these questions is attached at Annex A for information.

3. In our initial response, we stressed the importance of regulation, and whilst recognising that the Task Force was seeking to identify areas where the regulatory burden could be reduced, we noted that in many cases

the burden of regulation was outweighed by its benefits, particularly in the case of disease control. As such, we believe that any move to de-regulate should be given careful consideration.

4. Given the above, we do not think that Defra, its agencies and delivery partners should “establish an entirely new approach to and culture of regulation,” as suggested in the Report, and we are concerned that some of the recommendations move too far in this direction, without full consideration of the consequences.

5. For example, in Chapter 8, the Task Force recommends removing the 6-day standstill on farm-to-farm movement. The 6 day standstill is a preventative measure aimed at limiting silent spread of the highly infectious Foot-and-Mouth Disease. Silent spread occurred in 2001 and was a major factor in the widespread nature of this massive epidemic. We believe that removing the 6 day standstill will increase the risk of a disease outbreak, and that on balance, the cost of responding to an outbreak or an increasing number of outbreaks would be more than the cost to the industry of maintaining the standstill. Furthermore, if as is suggested in the Report, there were one holding (under a single County Parish Holding (CPH)) which had a radius of ten miles, in the event of an outbreak of notifiable disease, under EU rules this would entail a surveillance zone of 2,124km<sup>2</sup> compared with the current 314km<sup>2</sup>. This would greatly increase the surveillance work necessary to prove freedom.

6. Similarly whilst we note that the Report recommends that isolation should be used as an exceptional option for breeding or show animals, we believe that the use of isolation facilities must be accompanied by rigid disease prevention measures to maintain good bio-security. As such, meaningful isolation facilities will need to conform to a very high standard and are unlikely to be consistently maintained on the average livestock farm.

7. Again, in Chapter 10, we believe that allowing pasteurised milk from TB-reactor cows to enter the food chain could put animal health and consumer safety at risk, and goes against the principle of only allowing products from healthy animals to enter the food chain. In addition, TB reactors should be removed from a herd as quickly as possible, and to harvest potentially infected milk for human consumption would almost certainly lead to delays in the removal of reactors from the herd. In any case, European Union legislation prohibits this.

8. Despite these concerns we do see merit in a number of the recommendations made by the Task Force. We believe that truly unnecessary burdens should be removed and compliance with regulation should be made easier. We agree that the Government should work with and trust the farming industry and that this should lead to increasing industry responsibility. We also believe that the Government should draw on their experiences of a risk-based approach to regulation and use this to further develop and refine their policies.

9. In principle, we are supportive of the recommendation to implement a system of “earned recognition”. The Report highlights the role of voluntary third party assurance schemes in demonstrating compliance and good practice as a means to earning recognition; it is essential that the rules of assurance schemes for livestock are effective in addressing animal health and welfare and food safety issues on-farm and that audit of assurance schemes is robust. We support the implementation of “earned recognition” in the abattoir sector and the work being done by the Food Standards Agency (FSA) to bring about the necessary changes to EU legislation to enable this.

10. Finally, we agree with the Task Force that early engagement with Europe is essential, but we believe that this already takes place, perhaps to a greater extent than the Report would seem to suggest. As noted above, we recognise the difficulties faced by the UK and the constraints within which it has to operate when seeking to change the European legislative framework.

11. We would be very happy to provide the Committee with further information or clarification, as required.

*13 June 2011*

## **Annex A**

### **BVA CONSULTATION RESPONSE TO THE QUESTIONS POSED BY THE FARMING REGULATION TASK FORCE**

1. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 12,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.

2. BVA welcomes the opportunity to comment on regulation affecting farm and food processing business. We have considered the questions posed by the Task Force and would like to highlight the following points:

#### **THE IMPORTANCE OF REGULATION**

3. Whilst we appreciate that the Task Force is seeking to identify areas where the regulatory burden on farmers, growers and processors can be reduced, we do feel that it is important to stress that this burden is often outweighed by the benefits that regulation provides. For example, animal movement rules and medicine record keeping requirements ensure traceability and prevent drug residues from entering the food chain, and

we certainly would not support the dilution of any of these requirements. Care must be taken to ensure that any reduction in regulation does not negatively impact upon animal welfare, hygiene or effective disease control.

4. We do however feel that compliance with regulation should be made easier, and indeed many of the points raised by our members related to excessive paperwork and having to complete very similar forms relating to the same event/occurrence (e.g. BS7 and BS26 forms for cow abortion could be merged into one as any cow aborting has to go into isolation). In some instances, for example regarding ID and movement rules, compliance could be achieved via a central database and electronic reporting. A central and consistent format of recording would facilitate data access and analysis. Use should be made of existing sources of information, such as the Poultry Register, which provides information on poultry premises throughout the UK, to prevent local animal health offices requesting the same information directly from farmers.

5. We also believe that there should be better communication between regulators and those responsible for enforcement of regulation and between enforcement bodies. Shared IT systems might help in achieving this objective.

6. In terms of the interaction between the veterinary profession and the public sector, we believe that vets working on behalf of Animal Health/Defra/Trading Standards would benefit from a clearer idea of the structure and hierarchy which defines their contract including guidance on the scope, expectations and the limitations of veterinary involvement. This would put vets in a stronger position to define their role to clients.

#### DUPLICATION OF INSPECTIONS

7. We are aware of instances where there is some duplication of inspections. One instance of this which was raised in discussions with our Production Animal Subgroup was TB testing, when there is often a trading standards officer present while an Official Veterinarian (OV) is carrying out the testing and also recording tags. Whilst we understand that this has been put in place to reduce the burden on the farmer and capitalise on the fact that the animals are already being handled, perhaps for example, this could be taken further with the trading standards officer only looking at tags on animals not tested by the OV.

8. In addition, we feel that in some circumstances having too many inspections can miss the mark and fail to deal with an issue on farm. An example that was reported to us was of a farm which received two inspections from a farm assurance scheme and trading standards following concerns that were raised by a vet about the welfare of the animals on the farm. As a consequence of the inspections the farmer was told that his milk would not be accepted and that he should repair the milking parlour, but nothing was done to address the actual welfare of the animals. More co-ordination might go some way to preventing this.

9. We can see a potential advantage to taking more account of farm assurance schemes as indicators of legislative compliance and in principle we support this. We also support greater veterinary involvement in setting and audit of scheme rules and conditions. However, whilst we believe that our members would be happy to engage in further reporting/recording work, policing powers should not progress to vets, and neither should the vets be responsible for imposing sanctions. There are also questions of client confidentiality for the private sector vet and independence and impartiality of any inspectorate which would need to be dealt with.

#### RISK ASSESSMENTS

10. We believe that the question here should be “Are Government Departments too risk averse in formulating regulation?” We understand that some regulation is perceived by the industry as being too risk averse, for example movement controls. What we believe is lacking here is risk communication and it is this that we believe needs to be improved by regulators. Risk communication must include an explanation of the likelihood and impact of any risk to those being regulated.

9 November 2010

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#### **Written evidence submitted by the Department for Environment, Food and Rural Affairs (Defra)**

- The independent Farming Regulation Task Force published its report on better regulation in farming and food on 17 May 2011.
- In line with Coalition’s programme for government, the Government established the Task Force to consider how to reduce the administrative and regulatory burden on farmers and food processors whilst maintaining environmental, health and welfare standards. Over a three month period, the Task Force gathered evidence from industry on the most burdensome regulatory processes. The Task Force made more than 200 recommendations to both Government and industry.
- The Minister of State for Agriculture and Food has warmly welcomed the report. At the launch of the Task Force report, he announced acceptance of a number of recommendations in full or in principle, covering areas such as the Nitrates Regulations and livestock movements which will be implemented straight away.

- The Government is currently reviewing the rest of the recommendations made in the Task Force report and will publish an interim response to the report in the early autumn, followed by a final response in the New Year.

## INTRODUCTION

1. This Memorandum sets out Defra's response to the issues identified by the Committee for its inquiry into the outcome of the Farming Regulation Task Force, which was published on 17 May 2011.

2. The Farming Regulation Task Force's remit only applied to England and, with the exception of recommendations related to EU legislation, has not made recommendations applying to the whole of the UK.

3. The Government is considering the recommendations made in the report, including the issues raised in the Committee's Call for Evidence. Officials are currently working on how the principle of earned recognition and the culture change recommendations included within the report can be taken forward. As we look at ways to implement these ideas, we will be working within the context of the Task Force's original principles: reducing the burdens on industry whilst maintaining high standards.

4. This memorandum focuses on: why the Task Force was originally commissioned; the process of appointing members; recommendations which the Government is minded to accept; recommendations where implementation is already underway; and the timing of further implementation of the report.

### *Why and how the Farming Regulation Task Force was created*

5. The Government announced the creation of the Farming Regulation Task Force on 9<sup>th</sup> June 2010. Richard Macdonald was appointed as Chairman of the Task Force, and eight further independent members were appointed in July 2010. These members were selected on the basis of their individual knowledge and expertise and were not representing any particular sector or industry. The eight independent members had great breadth of experience, covering the farming, retail, food processing and environment sectors.

6. The Task Force was commissioned to undertake an independent review of all regulations applying to the farming and food processing industries. The review was carried out from the perspective of industry, considering not only regulations that businesses found burdensome, but also their implementation. The Task Force's terms of reference stated that the Task Force should also advise how best to achieve a risk-based system for future regulation, whilst maintaining high environmental, welfare, health and safety standards.

7. As part of the review process, the Task Force undertook a three-month consultation, gathering evidence from industry, wider stakeholders and individuals, including a number of workshops and other events. Outside of their six priority areas (meat hygiene inspections, dairy hygiene inspections, livestock movements, EU Fruit and Vegetables regime, Single Payment Scheme and cross compliance and Nitrate Vulnerable Zones) the Task Force only considered regulations that were raised by consultees.

### *The launch of the Task Force report*

8. The Task Force report contains over 200 recommendations, directed at both Government and industry. Its recommendations fall into three categories, which focus on:

- culture change and the Government's approach to regulation;
- particular regulatory frameworks and structures (such as inspections); and
- specific regulations (such as Nitrates Regulations).

9. The report was launched to the press and stakeholders on 17<sup>th</sup> May. Richard Macdonald presented the recommendations, and the Minister of State for Agriculture and Food gave an initial verbal response.

### *The Government's initial response*

10. On receiving the report from Richard Macdonald, the Minister of State for Agriculture and Food warmly welcomed the report's challenges and its strong fit with the Defra and wider Government agendas including growth, better regulation and the green economy. He expressed his intention to take a bold approach to implementing the recommendations.

11. The Minister highlighted strategic principles in the report that he wanted to see applied, including:

- A stronger partnership between Government and industry, built on trust and responsibility;
- The need for a new approach to regulation, requiring culture change by regulators and industry;
- Moving away from regulations that are focused on process, allowing farmers to achieve outcomes without unnecessary administrative burdens;
- Ensuring that regulation is proportionate and is not automatically used as a first resort; and
- Streamlining inspections, including by exploring ways of further developing "earned recognition", including a consultation on animal welfare inspections.

12. The Minister also announced a number of recommendations for early action, that he intended to implement straight away, including:

- Reducing the paperwork resulting from the Nitrates Directive (see paragraph 6.16 of the Task Force report) and improving record-keeping on farms in Nitrate Vulnerable Zones (paragraph 6.22). This could include exempting organic farmers from record-keeping requirements (paragraph 6.23);
- Ending the paper reporting of cattle movements and reducing the paper reporting requirement for pigs (paragraph 8.14); and
- Seeking to simplify the livestock movements regime, by continuing to press the European Commission on sheep Electronic Identification data-reading tolerances and transitional arrangements for the “historic” flock (paragraph 8.21).

13. The Ministers also announced initiatives that respond to the recommendations made by the Task Force:

- Defra and its agencies have been tasked with creating a plan by the end of this year, detailing how they will reduce the paperwork affecting farmers; and
- Defra will establish a Strategic Regulatory Scrutiny Panel, which will advise and challenge Defra and its network of delivery bodies and play a key role in monitoring the implementation of the Task Force report. This panel, along with a number of other changes published in Defra’s Regulatory Reform Brief, will encourage better regulation within Defra.

14. The Minister also said that he is considering the full range of recommendations made in the Task Force report, with a view to implementation. As an example, he outlined the further work that was already underway to analyse the benefits of implementing other recommendations on simplifying the livestock movements regime, including:

- Changing aspects of the six-day standstill arrangements (paragraph 8.17);
- Rationalising the allocation of holding identifiers and the regulation of movement reporting between these holdings (paragraphs 8.15–18)
- Moving away from paper-based movement reporting for sheep, through the introduction of an industry-owned database (paragraph 8.14); and
- Abolishing the Cattle Tracing System links and Sole Occupancy Agreements (paragraph 8.15).

#### *Timing*

15. The Government will make an initial public response to the report in the form of a Parliamentary statement in the autumn, followed by an updated final response in the New Year.

16 June 2011

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### **Written evidence submitted by Unite the Union**

#### **THE KILLING FIELDS**

Unite is Britain’s largest trade union, with just under 1.5 million members. Unite members work in most industrial sectors including the most dangerous, such as agriculture and construction. Our members also work in public services including the health sector, local government and the civil service, print, graphical and media, finance, IT and communications, the community and not for profit sector, docks, rail, ferries and waterways, passenger transport and road transport, energy and utilities, forestry, horticulture, food and drink manufacturing and distribution and supermarkets.

One very important “test case” for the approach advocated by the Task Force is the area of health and safety in the agricultural sector. The fatality rate is almost ten times the all-industry rate—and twice the next most dangerous industry—construction. Both were on a par 10 years ago, but the construction industry has made it a priority with excellent results. The agriculture sector has failed to improve its death and injury rate for over 20 years. Between 40–50 people are killed each year. The last fall in fatalities in farming was about 20 years ago—following the introduction of the Tractor Cab (Amendment) Regulations 1990. The point is obvious—regulations can work to the benefit of all.

Ten years ago, the Curry Report into sustainability highlighted this particular aspect of UK farming—as part of the sustainable agenda. Yet the number of Improvement Notices issued in agriculture has declined in the last five years. The National Farmers’ Union held a Summit a few months ago to launch their campaign to reduce fatalities—emphasising that prosecutions send a message out far beyond the fields immediately affected.

The abolition of the Agricultural Wages Board will remove the incentive—agreed by NFU and Unite’s Rural & Agricultural Workers—to adopt and develop health and safety skills.

Unite’s Rural & Agricultural Workers sector has gone along with many non-regulatory initiatives in order to fight on as many fronts as possible. For example, we promote the “Make the Promise” Campaign, and we helped develop vocational qualifications in health and safety in order to develop on site health and safety skills. We have long campaigned for Roving Safety Reps to be recognised, as our workforce is isolated and does not

enjoy the benefits of organisations such as safety committees. Without union organisation, we are dependent on HSE inspection and regulation, yet inspections are likely to decrease with cuts to the HSE.

The Health and Safety Executive (HSE) cites the following considerations to determine its agriculture strategy:

- The need for more efficient, more effective regulation and (ideally) less of it; and
- A “lighter touch”, fewer burdens on business and less red tape.<sup>16</sup>

The Government’s approach to promoting health and safety in agriculture is already characterised by the principles of minimal regulation that are advocated by *Striking a balance*. The Task Force’s response to these statistics is to urge farmers to improve their performance, rather than propose any change in the approach the HSE suggests. On this issue, it has failed to strike the appropriate balance between voluntary action by business and government intervention.

*June 2011*

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<sup>16</sup> *About health and safety in agriculture*, <http://www.hse.gov.uk/agriculture/hsagriculture.htm>; downloaded 1 June 2011.