

Written evidence submitted by WWF (AB66)

Summary

WWF is the world's leading independent conservation organisation. Our mission is to create a world where people and wildlife can thrive together. We believe the Agriculture Bill represents a once in a generation opportunity to reshape farming in order to help restore nature and deliver the essential public goods on which we all rely, such as clean water, clean air, a stable climate and healthy soils.

This submission outlines the rationale to put forward a New Clause in the Bill which aims to **close the gaps in regulation by including a power in the Agriculture Bill to introduce and enforce a new regulatory framework for agriculture. In addition, we are also calling for full compliance with such regulation**

Introduction

WWF-UK is a member of Wildlife and Countryside Link and the Greener UK coalition and shares the following priorities on the Agriculture Bill¹:

- Maintain the core principle of 'public money for public goods'
- Secure legal safeguards on environmental, food safety and animal welfare standards of imports
- Build on the Conservative manifesto commitment to maintain funding, with a long-term funding framework in the Bill
- A duty on ministers to set budgets for the proposed multi-annual financial assistance plans that reflect the scale of financial need
- Introduce powers to protect the environment and animal welfare and better regulate farming and land management
- Ensure that all spending on productivity measures contributes to the provision of public goods

Action is urgently needed:

- Only 14% of rivers in England are classified as healthy² and poor farming and land management practices are among the main causes³.
- Farming is the most significant source of ammonia emissions in the UK⁴ risking human health, accelerating climate change and damaging aquatic ecosystems.

¹ Greener UK & Link (2020) Agriculture Bill Second Reading briefing. Available at:

https://greeneruk.org/sites/default/files/download/2020-01/GreenerUK-Link_AgBill_2nd_reading_briefing_28Jan20.pdf

² WWF (2017) The percentage of rivers at 'good ecological status' in 2016, provided by email on request by the Environment Agency.

³ Environment Agency (2015) Update to the river basin management plans in England National Evidence and Data Report. Available at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/514944/National_evidence_and_data_report.pdf.

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729646/code-good-agricultural-practice-ammonia.pdf

- Greenhouse Gas Emissions from farms have been static since 2010, during which time the proportion of UK emissions that come from agriculture has risen to 10%⁵.
- Agriculture is the primary cause of 30% of Sites of Special Scientific Interest (SSSIs) in England being in an unfavourable condition^{6,7}.
- Estimates suggest that soil is being lost at 10 times the rate it's being created⁸, risking our future food security.

WWF welcomes the focus of the Agriculture Bill on public payments for public goods as it will enable farmers to produce food sustainably while helping to restore nature and tackle climate change. It will also help to fund the actions required by farmers to achieve the targets in the Environment Bill and the Government's stated aim of leaving the environment in a better state than they found it. However, we feel there are a number of weaknesses.

WWF is particularly concerned about the omission of standards of environmental protection which should apply to food and feed imports, as well as the lack of commitment to an effective domestic regulatory and enforcement regime. The conversion of forests and other biodiverse habitats to pastureland for cattle and cropland (producing commodities like soy for animal feed), is a chief driver of global deforestation.

Defra's [policy update](#) published on 25 Feb 20 outlines plans to introduce animal welfare and food safety standards to UK trading arrangements, but, environmental standards are not mentioned in this context. Without controls on these standards, a domestic farmer investing in good nutrient management, as per regulations, would be disadvantaged compared with an importer using cheap nitrogen indiscriminately, and therefore passing on the excessive external costs of air and water pollution, biodiversity impacts, and, greenhouse gas emissions to the public regionally and globally. If this imported food undercuts domestic production, research repeatedly demonstrates that price is a strong influence on purchasing decisions, whereas in most product lines, only small percentages of people show purchasing behaviour that reflects their personal values, even though significant majorities of people consider values like animal welfare, sustainability, buying British, etc. to be important⁹.

The Agriculture Bill must ensure that imported agricultural goods do not contribute to global deforestation and are imported to the UK only if the environmental standards to which they are produced are at least as high as the standards applicable in law.

⁵ BEIS (2019) Final UK greenhouse gas emissions national statistics: 1990-2017. Available at: <https://www.gov.uk/government/statistics/final-uk-greenhouse-gas-emissions-national-statistics-1990-2017>

⁶UK Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

⁷ State of Nature Partnership(2019) State of Nature 2019. Available at: <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

⁸ Defra (2009) Safeguarding our soils – A strategy for England. Available at: www.defra.gov.uk/environment/quality/land/soil/documents/soil-strategy.pdf; and: Verheijen, FGA, Jones, RJA, Rickson, RJ and CJ Smith (2009) Tolerable versus actual soil erosion rates in Europe. Earth-Science Reviews 94: 23–38.

⁹ Defra (2011) Attitudes and Behaviours around Sustainable Food Purchasing. Available at : <https://webarchive.nationalarchives.gov.uk/20130105195844/http://www.defra.gov.uk/statistics/files/defra-stats-foodfarm-food-attitudes-report-110406-mainreport.pdf> and Eating Better (2014) Let's talk about meat: changing dietary behaviour for the 21st century. Available at: <https://www.eating-better.org/uploads/Documents/LetsTalkAboutMeat.pdf>

Opening our market to imports of agricultural products with lower environmental standards would not only have significant ramifications for our environmental footprint overseas, it would also make it more difficult for our own farmers to make a living while conforming to domestic standards.

England's regulatory regime for land managers needs to be significantly improved in order for such a trade stance to be defensible. It is also needed to protect the environment, ensuring government objectives are met, to be fair to the many farmers who already follow good practice, and, to reduce the financial burden ultimately borne by the public of, for example, maintaining drinking water quality, treating air pollution-related ill health and short- and long-term impacts of poor soil health. To be effective, the Agriculture Bill's payments for public goods need all land managers be meeting a baseline of environmental standards reflecting current legislation.

Assurances have been given by ministers that our standards will not be weakened post Brexit – these assurances must be sealed in law. We welcome the commitment made in [Defra's 'Farming for the Future' update](#) to maintain strong land management standards and introduce an alternative inspection and enforcement delivery approach, so that we can maintain agricultural and environmental best practice. We also welcome the future focus on outcomes rather than process, on collaboration, and on the importance of advice. However, the update falls short in its emphasis of streamlining, given the current average environmental inspection rate of a visit once in every two hundred years to each farm, and, in failing to recognise and prioritise the need to:

- significantly raise compliance with protections for the environment
- plug gaps flowing from the removal of cross-compliance, such as good hedgerow management
- address newer issues, such as air quality and climate change

The government must commit to improving environmental regulation land managers not just from an agricultural perspective, but also more clearly recognise its role in delivering environmental objectives cost-effectively. This will require a robust enforcement regime which includes equipping the regulators with the necessary resources for effective enforcement. EU exit provides an opportunity to change to a more collaborative regulatory framework that is better integrated with advice provision and incentives, while being able to deter and stop serious and repeat offenders.

WWF calls on the Government to close the gaps in regulation by including a power in the Agriculture Bill to introduce and enforce a new regulatory framework for agriculture. In addition, we are also calling for full compliance with regulation to be a government priority by the end of the agricultural transition in a way that is fair to those farmers who have already made the investments they needed to in order to protect the environment at least to the level expected in law.

WWF suggest the following amendments on trade and standards.

New Clause

Ratification of international trade agreements

- (1) An international trade agreement shall not be ratified unless it enables the United Kingdom to require imports to—
 - (a) comply with the standards laid down by primary and subordinate legislation in the United Kingdom regarding food safety, the environment and animal welfare, or
 - (b) have been produced to standards that are no lower than the legislative standards of the United Kingdom in protecting food safety, the environment and animal welfare.
- (2) In this section “international trade agreement” has the same meaning as in section 2(2) of the Trade Act 2018.

Page 2, line 35, insert a new subsection

() Financial assistance may not be given under this Part to any person who in the opinion of the Secretary of State is not compliant with such basic standards of agricultural practice relating to the protection of the environment, public access and animal welfare as the Secretary of State shall by order prescribe.

Page 27, line 5 insert a new clause

Duty and regulations governing agricultural and horticultural practices

- 1) It shall be the duty of the Secretary of State to establish a regulatory framework relating to agricultural and horticultural practices for or in connection with the following purposes –
 - (a) the management of land or water in a way that protects or improves the environment;
 - (b) public access to and enjoyment of the countryside, farmland or woodland and better understanding of the environment;
 - (c) the management of land or water in a way that maintains, restores or enhances cultural or natural heritage;
 - (d) the management of land, water or livestock in a way that mitigates or adapts to climate change;
 - (e) the management of land or water in a way that prevents, reduces or protects from environmental hazards;
 - (f) the protection or improvement of the health or welfare of livestock;
 - (g) the conservation of native livestock, native equines or genetic resources relating to any such animal;
 - (h) the protection or improvement of the health of plants;
 - (i) the conservation of plants grown or used in carrying on an agricultural, horticultural or forestry activity, their wild relatives or genetic resources relating to any such plant; and
 - (j) the protection or improvement of the quality of soil;
 - (k) the protection and welfare of animals as sentient beings; and

- (l) the maintenance recovery and restoration of the natural environment.
- 2) The Secretary of State may by regulations make provision in relation to agricultural and horticultural practices for or in connection with any one or more of the purposes in (1).
- 3) Regulations under subsection (2) may include provision about enforcement, which may (among other things) include provision—
 - a) about the provision of information;
 - b) conferring powers of entry;
 - c) conferring powers of inspection, search and seizure;
 - d) about the keeping of records;
 - e) imposing monetary penalties;
 - f) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
 - g) about appeals;
 - h) conferring functions (including functions involving the exercise of a discretion) on a person.
- 4) Regulations under subsection (2) must include provision for the publication no less frequently than every two years after such regulations enter into force of –
 - a) a report on compliance with obligations imposed by those regulations; and
 - b) a plan to increase such compliance.
- 5) Regulations under this section are subject to affirmative resolution procedure.

We would like to draw your attention to the attached supporting information, in particular a new report published by the Institute for European Environmental Policy (IEEP) which sets out how we might deal with the current and future environmental challenges through a new environmental regulatory framework for agriculture:

- Institute for European Environmental Policy (2020). [Risks and opportunities of a post-EU environmental regulatory regime for agriculture in England](#).
 - See box below.
- Wildlife and Countryside Link (2020). [Blog on the Risks and opportunities of a post-EU environmental regulatory regime for agriculture in England](#), highlighting RSPB, The Wildlife Trusts and WWF-UK's key messages from the report.
 - Risks to hedgehogs, yellowhammers, bees and other wildlife associated with the removal of cross compliance. And, the NGOs calls on the Government to close the gaps in regulation and include a power in the Agriculture Bill to introduce and enforce a new regulatory framework for agriculture which addresses the gaps.
- WWF-UK, The Angling Trust, The Rivers Trust (2018). [Saving the Earth, a sustainable future for soils and water](#).

- This report on the management of soils and water in England provides environmental and fiscal evidence for the need for effective regulation, outlining two successful approaches to regulation in Herefordshire and Scotland, and recommended that Government:
 - Establish a clearly defined set of basic environmental rules across all farmland. This would create a level playing field for farmers and create a baseline on which to build future agri-environment schemes.
 - Bring all exempt slurry storage facilities into the Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (SSAFO) regulations 1991.
 - Pay particular attention to protected sites, using bespoke regulatory measures to restore them.
 - Invest in a fair and effective enforcement regime.
 - Create a properly funded, well-coordinated and streamlined advice service that adheres to a set of clearly defined objectives set at a local level.
 - Recognise the significant cost savings associated with investing in enforcement, incentives for land-use change and advice, for relatively small financial outlays.

- Environment Agency. 2019. River Axe N2K Catchment Regulatory Project Report.
 - This protected area is in unfavourable condition and is declining, owing to nutrient enrichment and sediment pollution. The project found 95% of farms did not comply with storage regulations and 49% of farms were polluting the river Axe. It demonstrated the power of advice, backed up by regulation and supported by financial incentives to create positive benefits for water quality. In isolation, these levers will not generate the desired environmental improvements in water quality. Every pound spent by the Environment Agency in regulatory visits has resulted in investment of £33 for infrastructure improvements.

- 3 Keel (2017). [Risky Business](#).
 - Report summarising research on the global impact of the UK's commodity needs and quantifying our overseas footprint (from 2011-15; 2020 update imminent)

- Greener UK [briefings on trade and environment](#)
 - 'Priorities for trade and the environment through Brexit'. A briefing setting out the risks to the environment from poor trade policy, including food, and some principles for designing trade agreements that embed environmental protection.
 - 'Evidence submission to ITC's trade and environment inquiry'. Expands on the briefing above, with more evidence on the environmental pitfalls of trade liberalisation, the use of tariffs and coherence between different Government departments.

Risks and opportunities of a post-EU environmental regulatory regime for agriculture in England¹⁰.

A report by the Institute for European Environmental Policy titled '*Risks and opportunities of a post-EU environmental regulatory regime for agriculture in England*' highlights gaps in environmental protections post-EU Exit and argues that a new system of regulation is needed to maintain and improve farming and environmental standards.

The report conveys the following key messages:

1. Post Brexit, all EU environmental regulation needs embedding in English law, so the current baseline of regulation is safeguarded. In addition, current regulatory gaps such as on soils, pesticides, climate and landscape features should be filled.
2. The new Office for Environmental Protection OEP should have the power and resources to hold public bodies to account to ensure that environmental regulations relating to agriculture are implemented and enforced effectively.
3. Compliance with environmental regulations should apply to all farmers irrespective of whether they receive public funding, thereby removing the separate inspections and penalty regime currently required for cross-compliance under the Common Agricultural Policy.
4. Non-compliance is widespread and the current enforcement regime is inadequate. A new delivery model should help build a more collaborative relationship between farmers, land managers and enforcement agencies by striking a better balance between information, advice, enforcement and incentives. Sufficient resources are needed to operate a delivery system that requires more enforcement officers, greater access to advice and more farmer engagement.

The **report proposes a new framework for farm regulation**, identifying a new overarching regulatory framework, and a new approach to delivery to embed and implement this. This framework is summarised in the diagram below.

¹⁰ IEEP (2020) The risks and opportunities of a post-EU environmental regulatory regime for agriculture in England. Available at: <https://ieep.eu/publications/future-environmental-regulatory-regime-for-agriculture-in-england-risks-and-opportunities>

Proposals for a post EU-Exit
environmental regulatory regime for
agriculture in England

Overarching Regulatory Framework:

1. Set of underpinning principles and governance
2. Clear, timebound objectives established for the environment and agriculture's role in meeting targets and key goals
3. Secure full suite of environmental regulation and standards that currently exist into English law
4. Develop / improve robust reporting and accountability systems
5. Compliance and monitoring enforcement role via the Office for Environmental Protection (OEP) due to be established in January 2021
6. Potential links to agricultural support payments
7. Updating the regulatory framework to fill gaps & support new priorities:
 - a) Arising from the removal of cross-compliance
 - b) To address issues recognised as critical in light of future pressures (climate / soils)
 - c) Build a new role from complementary, market-based approaches (e.g. assurance schemes)



**Applying the framework to agriculture: A new
approach to delivery**

1. Clear objectives for the regulatory regime in relation to agriculture
2. Improved coordination
3. Establishing targets for compliance – based on outcomes not process
4. Delivery model based on:
 - a) Advice and information
 - b) Engagement
 - c) Signposting to financial support
 - d) Enforcement and penalties
5. Transitional and time limited financial support
6. More efficient monitoring and controls:
 - a) Remote sensing opportunities
 - b) Sharing data
7. Sufficiently resourced:
 - a) People
 - b) Data systems

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