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The NFU represents more than 55,000 farming members in England and Wales. In addition we have 41,000 countryside members with an interest in farming and the countryside.

Points of principle

We would like to make the following points of principle with regards to assessment of the 6th Environmental Action Programme:

- The challenge for any future programme will be the need to find a workable balance between the demands of food security, water availability, climate change mitigation, wildlife protection, flood risk management, water quality and farm business viability.
- Integration of priorities should be a key aim in order to identify better ways of achieving environmental outcomes – for the benefit of the land managers and for the environment. Integration of priorities across a broad range of environmental issues, including climate change, should be a priority with the aim of achieving optimal outcomes and a more coherent “ask” of land managers.
- In line with better regulation, it is critical that policies must be focused on outcomes rather than on creation of a process.
- Robust information and sound scientific evidence is required to underpin proposals for extra legislation, or revisions to existing measures.
- We must recognise the positive outcomes that have been achieved, both through legislation and voluntary measures. Future achievement of environmental outcomes can be achieved without alienating the enthusiasm of those who have contributed to the considerable recovery of the environment in recent decades through agri-environment schemes and other voluntary activity.

Final Assessment of the 6th Community Environment Action Programme

General Questions

1. The four priority areas of the 6th EAP are climate change, environment and health, nature and biodiversity, natural resources and waste. What positive environmental impacts can be identified in each of these four priority areas over the last 9 years (2002-2010)?

Over many generations farmers have managed the vast majority (approximately 75%) of the English countryside and have a major role in caring for the environment. The last decade has been one of improving condition for the natural environment and landscape. For example, sustained effort by Government, conservation agencies and especially farmers, has resulted in significant improvement in the condition and maintenance of many habitats and wildlife species. The recent news of the return of the otter to every catchment but those in Kent, England, from a low point in the late 1970s and that birds of prey, such as the buzzard (which has seen a 392% increase since 1970), are now found across lowland England indicate that habitat condition for these higher predators are significantly improved over recent decades. We anticipate that with almost 70% of farmland in England is now managed for positively for the natural environment and landscape through Environmental Stewardship

and coupled with industry-led initiatives such as the Campaign for the Farmed Environment^a and the Tried & Tested nutrient management initiative^b this trend should continue. It is our strong view that these achievements should be recognised and the lessons learned to guide future policy development.

Nature and biodiversity

Biodiversity

A big success has been the establishment of the Natura 2000 network. Its creation lies at the heart of the Birds and Habitats Directive. Today these sites cover about 20% of the European territory (approx. 17% of the terrestrial equating to approx. 750,000km²).

Specifically in England:

- Natural England has published its report 'Protecting England's natural treasures: Sites of Special Scientific Interest (SSSIs). It states that in 2003, less than two thirds of England's SSSIs were in 'favourable' or 'recovering' condition but this has now risen to over 95%. Almost 26,000 land owners and managers are registered as having an interest in SSSIs, with private individuals and companies, particularly farmers, accounting for the largest group, owning or managing around half of SSSIs by area.
- Almost 70% of UAA is under some form of agri-environment scheme and we have seen a whole host of successes since they were first introduced over 20 years ago. Natural England produced a report on the successes celebrating this in November 2009.

England and Wales has a diverse range of habitats and wildlife, much of which is heavily dependent on the way that land is farmed. In addition to their intrinsic value these natural resources shape the rural landscape and support a number of functions vital to agriculture, including pollination and natural pest control. Semi-natural habitats have developed through centuries of traditional management, which needs to be continued to maintain their character. The most important havens for wildlife are designated Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natura 2000 sites or Sites of Special Scientific Interest (SSSIs). However, there are also many areas outside these designated sites that provide important habitats in relation to the Habitats Directive or are home to priority species listed under the UK Biodiversity Action Plan (BAP). Voluntary agri-environment schemes are the dominant mechanism for supporting appropriate management both of designated sites and of the wider countryside.

Progress has been made in stabilising or improving the condition of designated terrestrial wildlife sites (SSSIs) on farms. Agri-environment schemes are playing a key role in helping farmers to protect these habitats.

- The condition of many designated terrestrial wildlife sites on farmland is stable or improving. In England 95% by area of SSSI sites were in favourable or recovering condition in early 2010. Agri-environment schemes are the major management tool contributing to this.

Progress has also been made in stabilising or improving the condition of terrestrial wildlife habitats on farmland, outside designated sites. Agri-environment schemes and innovative partnership projects have contributed to this success.

- In England 84% of the area identified as BAP priority habitat that is eligible for support is under agri-environment agreements. These areas are consistently in better condition than those outside schemes. For example in England BAP grasslands in agri-environment schemes are more than twice as likely to be in favourable condition as those outside schemes. Eight per cent of farms in England have established ponds and/or wetland habitats. Wetlands are an important habitat for wading birds and other wildlife.

^a <http://www.cfeonline.org.uk/>

^b <http://www.nutrientmanagement.org/>

Populations of certain species associated with farmland have increased or stabilised following earlier declines. Agri-environment schemes are playing a part in this by encouraging farmers to embrace measures that benefit wildlife.

- Between 2002 and 2008 in England and Wales the populations of a number of farmland BAP priority species have stabilised or increased. Species with increasing populations in England include the greater horseshoe bat, brown hare and silver-spotted skipper butterfly. There is evidence that elements of certain agri-environment schemes have been beneficial to farmland birds. Within England, for example, the wild bird seed mixtures and stubble options available under Environmental Stewardship have been shown to support higher densities of seed-eating birds than other habitats, while around 40 per cent of fallow plots have attracted lapwings during the breeding season. Targeted agri-environment recovery initiatives have demonstrated positive population responses for two rare farmland birds – the curlew and stone curlew. The curlew has been saved from extinction largely as a result of targeted agri-environment intervention – numbers increased from 118 pairs in 1989 to 862 pairs in 2009.
- The average number of different plant species, including plants used as food by birds and butterflies, on UK arable and horticultural land increased by 30 per cent between 1998 and 2007. This reversed an earlier decline but pre-dates the removal of compulsory set-aside. Some arable vascular plants are showing signs of recovery following severe 20th century declines, including the BAP priority species spreading hedge-parsley and shepherd's needle. This recovery of arable vascular plants is thought to be partly due to widespread take-up of arable options under agri-environment schemes.

Water

Water quality has steadily and consistently improved over the past 20 years, mainly due to reduced pollution incidents from farming, improved treatment of sewage and a reduction in industrial effluents discharged to many of the rivers in England and Wales. Farming practices are just one of many influences on water quality but increasing numbers of farmers are taking action to reduce pollution caused by their activities, including agro-chemicals, nutrients and soil being washed into rivers and lakes and the more soluble substances leaching into groundwater. Examples include:

- The average nitrogen application rates in England and Wales fell from 147kg/ha in 1987 to 95kg/ha in 2008. In the UK phosphate use was only 20kg/ha in 2008 – half the level when records began in 1983^c. This suggests there is a greater awareness of efficient fertiliser use, the reduction in livestock, coupled with the increasing costs of fertiliser and that farmers may be better at matching fertiliser requirements to the needs of the crop.
- Nitrate concentrations in surface waters in England have stabilised and have shown a significant decline in some catchments in recent years. This is in line with the decline in fertiliser inputs and implementation of environmental measures including Nitrate Vulnerable Zones (NVZs). In Wales, nitrate concentrations in surface waters are generally very low – in 2006-07 only 3% of sites had a winter nitrate average of more than 50mg per litre, and levels were found to be stable or decreasing at 64% of sites.

Soils

Healthy soils are essential for productive farms and the environment. They are a finite resource that underpins food production. Soils are also essential for storing a lot of our water, and good soil management can help reduce localised flooding. They provide a habitat for millions of species, from bacteria and fungi to ants and earthworms that drive essential natural processes such as nutrient cycling. In the UK agricultural soils are responsible for storing over 10 billion tonnes of carbon^d.

^c British Survey of Fertiliser Practice, Defra 2009

^d Defra Soil Strategy

- There is good take-up of options that help prevent soil erosion under agri-environment schemes. In 2009 there were 29,734ha of buffer strips on arable land in England, and 3,298ha on grassland, on farms under Environmental Stewardship^e.
- Early monitoring during the England Catchment Sensitive Farming Delivery Initiative indicates that after the first two years of the programme, the loss of sediment was reduced by 5-13% in target areas and 2-7% in wider catchments^f.

Natural resources and waste

Waste

There has been a significant reduction in the amount of biodegradable waste sent to landfill with the UK meeting the 2010 Landfill Directive target and an increase in composting and recycling of waste.

Recycling organic and inorganic materials – including waste, composts, sewage sludge, manures and slurry – is becoming an increasingly important source of organic matter and nutrients to improve soil structure and fertility.

- Around 90 million tonnes of organic manure and slurry are applied to UK farmland each year^g.
- Between 80,000 and 100,000ha of agricultural land are being fertilised with sewage sludge^h, productively utilising a water industry by-product. It was reported in 2007 that 1.3m tonnes (dry weight) of sewage bio-solids were applied to UK agricultural land, and that usage of biosolids was growing by 5% per yearⁱ.
- Agriculture accounted for 60% (1.77 million tonnes) of the compost and digestate used in the UK in 2008-09. Compost use in farming has more than tripled in the past six years to 2008/09^j.

2. In what ways has the 6th EAP contributed to the achievement of these positive environmental impacts? What in your view were the notable successes of the 6th EAP in that respect?

The 6th EAP can be regarded as making a contribution to the achievement of these positive impacts although to what extent is difficult to gauge. Some of successes in the priority areas e.g. climate change would have been achieved without the 6th EAP due to their high profile nature. In these instances, instead of driving the success, the EAP may have provided extra visibility to existing messaging.

3. In which areas have there been less progress than expected in the 6th EAP and what are the likely reasons for this lack of progress?

Nature and biodiversity

Biodiversity

The stark messages coming out from Nagoya last October specifically on the failure to reach the 2010 target of halting biodiversity loss cannot be overlooked. The message from Nagoya stresses that the responsibility should be shared across all sectors of society and yet early indications are that the Commission's future Biodiversity Strategy appears to single out agriculture to take a large portion of responsibility in addressing this failure.

Insufficient strategically targeted finance has been specifically identified as a barrier to the success of Natura 2000 by the Commission. We would agree (Natura 2000 designation can often result in significant costs to the farmer managing that site which will inevitably hinder progress on the ground),

^e Agri-environmental stewardship statistics, Natural England 2009

^f ECSFDi evaluation report 2008

^g Review of published sources of organic resource volumes, ADAS 2007

^h Defra Long term sewage experiments FAQ

ⁱ Review of published sources of organic resource volumes, ADAS 2007

^j Survey of the UK organics recycling industry 2008/09, AfOR 2010

but we would not recommend that CAP funds be diverted to meet these needs at the expense of other parts of the programme. A lesson learnt may well be that we need to seek new innovative funding streams for the delivery of biodiversity and nature in the future. Another key point is to fully understand the obstacles (both financial and practical) to delivering biodiversity outcomes with those who manage the land. Only through such engagement can those obstacles be overcome and achievable objectives set. Progress can be slowed if targets appear unachievable for those who are faced with the challenge of delivery.

Soils

Concerns about the level of ambition of the proposals for a Soils Directive (suggested as part of a Soil Thematic Strategy) and about subsidiarity were voiced continue to be voiced by a number of Member States. Discussions were halted on the draft Directive when France joined the UK, Germany, the Netherlands and Austria to block the proposals, resulting in its rejection. We should not measure lack of a Directive as lack of progress or lack of improvement in the environment or in this case, soil management. For example, targeted advice via the Catchment Sensitive Farming Delivery Initiative in England has shown that loss of sediment can be reduced in key areas.

4. In your view are there gaps in environment policy that are not addressed by the 6th EAP?

Integration and a joined-up approach are not addressed by the 6th EAP. The Thematic Strategy approach doesn't really help with the integration of environmental policy or the achievement of outcomes. The real danger as we see it here is that land managers or farmers on the ground are pulled in different directions on differing priorities dictated by different strategies with different timescales for action. The overall picture from a farmer's perspective can be very confusing. Thematic strategies can have the perverse impact of simply perpetuating a silo mentality in the approach to tackling environmental challenges. In the last couple of years there has however been a concerted effort on the part of the Commission to try and embed climate change within biodiversity and nature much more than in the past. This needs to be replicated across all environmental areas.

The issue of Better Regulation or alternatives to regulation should have been addressed in the 6th EAP. For example, the soils in the UK, and across the EU, are already protected by a range of laws and regulations. In our view, the proposed Soils Directive goes against everything the EU is trying to achieve under its own Better Regulation initiative and Common Agricultural Policy Simplification.

5. What lessons can be learned from the 6th EAP?

Nature and biodiversity

Biodiversity

When setting the objectives and outcomes for designated sites, there is a general consensus that landowners and farmers are poorly communicated; therefore we believe that any site designation process must be transparent with clear setting of objectives and outcomes. For example, there is a tendency in some member states to effectively "park" important socio-economic issues raised by land managers until after the designation process is complete. This simply undermines the success rate for these sites because it fails to embrace the practical and financial elements which are vital to their management. To illustrate this point:

- We have expressed our concern that in the 2008 National Audit Office study on Natural England's Role in Improving Sites of Special Scientific Interest found that a significant number of SSSIs (35%) had not yet had conservation objectives set for them.
- In England the grazing densities prescribed for SSSI's should be evidence based and site-specific. All too often we hear of project officers using standard stocking rates which are sometimes out-of-date or based on studies which are inappropriate to the site and type of vegetation. This can perversely lead to under grazing. Therefore, consulting with local land managers is vital to devising site-appropriate management strategies.

- A recent workshop on “Conflict management in the Natura 2000 network” also concluded that management is often too “top down”, “driven by science, legislation and bureaucracy at the expense of including human aspects and social processes” and perhaps most disappointing “local knowledge is largely ignored”.

Soils

The requirement for robust supporting evidence and information should be acknowledged. For example, our criticism of the proposed Soils Directive was that we didn’t believe that there had been a full evaluation or analysis of the state of our soils and what farmers were already doing to protect soils. Our major concerns with the draft proposals centred on the fact that soils are already protected through a range of measures including:

- CAP reform cross compliance measures which require farmers and growers to adhere to soil standards and keep their land in good agricultural and environmental condition;
- Targeted use of agri-environment schemes providing resource protection; and
- Carefully targeted action through the Water Framework Directive (especially in priority catchment areas).

6. Taking into account the lessons learned from the 6th EAP what in your view are the emerging environmental policy challenges?

Climate change, population growth and reducing natural resources pose major challenges that have brought the importance of maintaining sustainable farming and food production back into focus. The world’s population is expected to reach 8.3 billion by 2030, with an increased demand not only for food but also for water and energy. The UK Government’s Chief Scientist, Professor Sir John Beddington, has warned of significant global shortages of food, water and energy within 20 years if action is not taken now to address these fundamental resource concerns. Droughts and floods are predicted to become more frequent and severe as climate change takes effect. Agriculture is especially vulnerable: in England 60 per cent of Grade 1 agricultural land in England is less than five metres above sea level, and at increasing risk from the kind of flooding that could undermine agricultural productivity and the rural economy.

Agriculture needs a reliable supply of water to sustain livestock, and irrigation is crucial for high-value food crops. Agriculture in England and Wales only accounts for 1% of water use overall. Population forecasts suggest there may be 15 million more people living in England and Wales by the 2050s and farmers and other abstractors are likely to find it tougher to secure the water they need in the future because of rising demand. The challenge of climate change will put more pressure on the environment and on existing supplies. Demand for water for irrigation is expected to increase in England over the next 10 years, and could be 25% higher by 2020^k. Security of supply for farmers is critical. Water efficiency will need to be addressed in all sectors (not just agriculture) and we will need to find ways to store more water when supplies are more plentiful.

We will need to find a workable balance between the demands of food security, water availability, climate change mitigation, wildlife protection, flood risk management, water quality and farm business viability. And in the current economic climate we will need to find this balance with less available money.

Integration of priorities is a key challenge. This does not necessarily mean that the Commission needs to identify new priority areas but identify better ways of achieving environmental outcomes – for the benefit of the land managers and for the environment.

Celebrating achievement and challenging further progress. This is an issue of engagement. Greater recognition must be given to our successes on the environment, particularly those over the past 10-20 years. For example, water quality has improved greatly over the past 20

^k Water Resources Strategy, Environment Agency 2008

years. **A negative approach risks alienating the enthusiasm of those who have contributed to the considerable recovery of the environment in recent decades through agri-environment schemes and other voluntary activity.** Similarly, references to use of language such as ‘degradation’ of the environment and “pointing the finger at agriculture” with very few references given to the positive contributions made by land managers will have the same effect.

Policies must be focused on outcomes rather than creating a process. Industries have developed around the process created by EU legislation rather than with the aim to achieve the outcome.

A sound scientific evidence base is needed to underpin proposals for extra legislation, or revisions to existing measures.

Thinking needs to move on from the need for further regulation and site-based protection. Many farmers and land managers taking small steps across the landscape to provide a more resilient and less fragmented countryside may be a better approach. Widespread activity is already supported by agri-environment schemes and in addition farmers’ voluntary activity is well documented. There has been a vast investment (both in area and financially) in site-based protection in the last 40 years (a 10-fold increase in area globally and in the UK more than 1 million extra ha between 1996 and 2008) but it is still unclear how cost-effective they are at halting biodiversity loss. The process is generally costly and adds a significant constraint on land managers. Therefore, we don’t see reliance on further expansion of a site designation process this as “the solution” to addressing biodiversity loss. Given the many uncertainties ahead (e.g. the response of species and habitats to climate change) flexibility to adapt and respond should be central to any future strategy to address biodiversity and nature. In this respect simply expanding on the formal designation of sites would seem to only add constraints to achieving this goal. **For this reason we see the use of agri-environment tools like ELS and HLS providing important ecological resilience in the wider countryside.**

Promoting partnership working. The success of actions and initiatives *already in place* such as the Campaign for the Farmed Environment^a are examples of good partnership working between government and its agencies and others. However in doing so, the Commission/Governments must avoid a proliferation of distinct projects and seek instead to promote multi-messaging using well established initiatives and trusted actors within the farming community.

Specific Questions

7. The 6th EAP had a number of characteristics on which it would be useful to have your views:

- i. Considering how the objectives and priority actions are formulated in the 6th EAP, do you consider them, including the 156 actions, to be too detailed or not detailed enough?

156 actions is too detailed for a strategic document.

- ii. Was the ten-year timeline of the 6th EAP appropriate? Was it the right balance between providing a degree of certainty for future policy development, the need to keep momentum in the programme and the time required for adoption of proposals, transposition into national legislation and implementation?

The timeline for the EAP and Thematic Strategies is out-of-step with political, business and regulator timescales. Furthermore, these are all out of step with how long environmental changes take to occur. The presumption that legislation is always necessary is unhelpful in this context given the time it takes for EU Directives to be developed and implemented. We recognise that the 6th EAP lost momentum in its second half, and would recommend that this is avoided by ensuring that the policies go through regular review during the lifetime of any further EAP to ensure it remains relevant.

- iii. Was the approach of developing thematic strategies before proposing legislative initiatives helpful or not?

The key foundation to the development of any new policy is robust scientific evidence and information. This step was often missing from a number of the Thematic Strategies. The strategies should have fully considered the existing legislation available to Member States to achieve the outcome required before proposing new measures.

- iv. Are there any other characteristics of the 6th EAP which you regard as particularly helpful or unhelpful?

The helpful elements of the Thematic Strategy are those that talk about carefully targeted advice and information, voluntary action, partnerships and a greater emphasis on monitoring and research. These are things to which we can definitely lend our support. There shouldn't be a presumption in favour of legislation – and certainly not if the evidence and information does not support it.

8. Did the 6th EAP contribute to improving implementation of EU environment legislation? Could that contribution have been made more effective? How (e.g. by the inclusion of additional implementation targets and indicators, etc)?

The important point here is that of Member States interpretation of legislation rather than improving the existing EU legislation. The Commission should avoid 'tweaking' legislation where it perceives that it is 'not working' when it may be that it is a question of MS interpretation or MS enforcement. Most EU Directives are already extremely robust pieces of legislation. Their failure lies in Member State interpretation rather than the legislation itself, so adding further legislation or amending what we already have will do little to improve matters. The legislation does have to have some flexibility because of the nature of the species, habitats and sites in question. A classic example here is the Article 6 of the Habitats Directive on the need for compensatory habitat. The requirement for replacement habitat is clear when a plan or project goes ahead, but the Directive is deliberately (and by necessity) light on specific details regarding when, how much and where that compensatory habitat should be created.

Therefore, it is improving on the development and communication across Members States of examples of best practice (preferably developed alongside stakeholders including landowning representatives) that should be encouraged as a positive way forward.