

Welsh Government Cross Compliance proposals for 2015 Consultation response form

Your name: Mrs. Ann West

Chairman to below.

Organisation (if applicable):
The Cambrian Mountains
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NB. In this response yellow highlighting denotes the Cambrian Mountains Society (CMS) position.

Responses should be returned by **18 July 2014** to the:

Sustainable Land Management Team

Welsh Government

Rhodfa Padarn

Llanbadarn Fawr

Aberystwyth

Ceredigion

SY23 3UR

or completed electronically and sent to:

Email: SLMenquiries@wales.gsi.gov.uk

Question 1 Do you agree with the introduction of the buffer zone for field silage required by SSAFO regulations for the protection of water from pollution?

Strongly Agree Agree **Neither agree nor disagree** Disagree Strongly Disagree

Reason:

Not an area directly related to the interests of CMS.

Question 2 Do you agree with the introduction of pesticide application buffer zones?

Strongly Agree **Agree** Neither agree nor disagree Disagree Strongly Disagree

Reason:

Within these buffer zones, in which CMS hopes that both the use of herbicides and insecticides will be banned, both aquatic and neighbouring terrestrial ecosystems will be more likely to thrive. They will then not only be havens for biodiversity but also provide valuable ecosystem services such as bankside stabilisation and pollinator banks. Please, however, also see the Society's comment to your question 7 as it is of the opinion that these buffer zones are too narrow.

Question 3 Do you agree with the principle of including silo and slurry store construction standards within Cross Compliance?

Strongly Agree Agree **Neither agree nor disagree** Disagree Strongly Disagree

Reason: Not an area directly related to the interests of CMS.

Question 4 Are there any other requirements that should be added to this GAEC for the protection of groundwater?

Yes

No opinion

No

Reason:

No disposal of hazardous or polluting substances/materials into old mine workings.

If applications for industrial developments in upland agricultural settings are given planning permission then part of the permission should include run off, containing potentially polluting substances being monitored/treated. This should also apply to developments already in these settings.

Whilst abstraction from water courses for irrigation is not a matter that directly relates to the interests of CMS it does have some concerns over abstraction for HEP schemes, even small scale hydro. Even though water is returned to the river/stream further down it's channel this may not "help to ensure that flows are maintained to benefit all water users, **the environment and biodiversity**" within the abstraction zone. (CMS's highlighting)

Question 5 Do you agree with the Welsh Government proposals for meeting the requirements of GAEC 4, 5 & 6?

Strongly Agree

Agree

Neither agree nor disagree

Disagree

Strongly Disagree

Reason:

CMS broadly agree with these proposals **but** is concerned about the sustainability of ploughing shallow peat soils covering large areas of the uplands under GAEC 6. Many of these soils have peat horizons of less than 40cm. but are still vital for their carbon and water storage capacity. Too often in the uplands we see unsustainable 'improved' grasslands their former ecosystems, with their carbon rich soils furnishing valuable

services, compromised.

CMS strongly support the proposal under GAEC 5 to closely regulate supplementary feeding sites on sensitive vegetation types. Across the Cambrian Mountains we see heavily poached and often eroded mires in these areas. With the concomitant nutrient enrichment invasive plant species are also common around these sites. In our opinion another aspect of unsustainable farming practice in our uplands.

CMS observe that bankside erosion by stock of rivers/streams in the Cambrian Mountains is a problem. Fencing off such bodies of water, however, can be very intrusive in the environment and that 'softer' solutions. This might include electric fencing when stock are 'on site'.

Also, although, not such a problem in an upland setting, but the Society is of the opinion that the proposed buffer zones adjacent to water courses are too narrow. Runoff of pesticides/fertilisers can still leach into watercourses damaging delicate ecosystems. Using similar reasoning allowing cultivation up to 1metre of watercourses (para 67) is also too narrow.

Question 6 Are there any additional provisions that you believe could be introduced to protect minimum soil cover?

Yes

No opinion

No

Reason:

Changing grazing regimes in the uplands to alleviate poaching and soil erosion. This could include mixed grazing strategies using both sheep and more hardy cattle breeds.

A department within NRW to monitor soil health (structure and chemistry) with links to Cross Compliance legislation and CAP payments.

Question 7 Should cross-compliance be extended to include Historic Environment Features?

Yes

No opinion

No

Reason:

Wales' rich quilt of rural landscapes have been significantly shaped by its farmers for centuries and this should be further encouraged. Farmers do, however, need to be made aware of existing HEFs on their land together with ongoing newly identified features. They should also be advised on their conservation as well as available funding for such work.

Question 8 **Given the importance of traditional boundaries to the historic Welsh landscape, should they be retained regardless of their condition, except for the purposes of widening existing access points up to 10 metres to enable machinery and animal access?**

Yes

No opinion

No

Comments:

Landowners/farmers with boundaries in poor condition should be advised on how to conserve and sensitively restore them. This should attract funding whereas removal should result in penalty.

Question 9 **Do you agree with the cutting and removal of scrub proposal?**

Strongly Agree

Agree

Neither agree nor disagree

Disagree

Strongly Disagree

Reason:

CMS agree with this proposal, **however**, it is concerned over WG's definition of scrub. Other woody species than the ones named in the document such as hawthorn and blackthorn are often components of scrub and areas including these can provide good habitat for a variety of vertebrates and invertebrates. Again ecologists under the auspices of NRW should monitor and advise farmers on the management of this habitat type.

Question 10 Do you think further clarification is needed on the best means to prevent the spread of invasive non-native plants?

Yes

No opinion

No

Reason:

No further clarification on non-native plants is needed but providing resources to prevent their spread is.

Both Bracken and *Molinia* are not non-native but are invasive across large swathes of the uplands and clarification/resources are needed to control their spread.

FURTHER OPTION FOR CROSS COMPLIANCE INCLUSION 2015

Question 11 Do you agree that, from January 2015, the existing rules should be further strengthened so that a penalty is automatically applied to Direct Payments in all cases where a TB test is overdue by one day or more and not just to those who are found at Cross Compliance inspections to have an overdue surveillance (WHT/IA12) TB test?

Strongly Agree

Agree

Neither agree nor disagree

Disagree

Strongly Disagree

Reason:

Not an area directly related to the interests of CMS.

LOOKING AHEAD – POTENTIAL FUTURE DEVELOPMENTS

PUBLIC RIGHTS OF WAY (PRoW)

Question 12 **What are your views on the above potential approach?**

- | | | | | |
|--------------------------|--------------------------|----------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Strongly Agree | Agree | Neither agree nor disagree | Disagree | Strongly Disagree |

Reason

CMS see this section of the discussion document as an evasion by WG in playing its part in maintaining the current system of PRoWs. Sets of perfectly adequate statutory definitive maps are already held by Local Authorities and their digitisation, whilst useful, is not vital for maintaining the system. Public Footpaths and Bridleways play a huge role in both access to and enjoyment of our countryside, their provision and maintenance cannot be put 'on hold' whilst they are put on the web. Landowners with PRoW across their land and Local Authorities need a clear set of regulations **now** to facilitate the upkeep and maintenance of their part of the system. These regulations should also ensure that any current issues effecting rights of way such as path diversion orders are more easily dealt with.

In the Society's opinion WG should take on a similar position to the English approach and place PRoW provision in Cross Compliance under GAEC 8. At the same time WG could continue working toward new methods of mapping the system.

GENERAL BINDING RULES (GBR's)

Question 13 **Do you agree with the scope of activity for General Binding Rules, as suggested above?**

- | | | | | |
|--------------------------|-------------------------------------|----------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strongly Agree | Agree | Neither agree nor disagree | Disagree | Strongly Disagree |

Reason:

In the Society's opinion straightforward low risk activities General Binding Rules could help in the less bureaucratic care of the countryside **but** more complex situations still need to be

permitted via permits and consents.

Question 14 Do you agree that NRW would be the appropriate enforcement body for General Binding Rules?

Strongly Agree **Agree** Neither agree nor disagree Disagree Strongly Disagree

Reason:

CMS agree with this proposal **but** feel that NRW is in a difficult position if it seen to be both an independent environmental advisor and at the same time an enforcement body acting for WG. As such NRW should be enabled to have independence from WG.

Question 15 Do you agree that variable monetary penalties would be an appropriate enforcement mechanism for General Binding Rules?

Strongly Agree Agree Neither agree nor disagree **Disagree** Strongly Disagree

Reason:

CMS are concerned that monetary penalties in themselves would not lead to the damage done being repaired. Only by enforcing full restoration can the system be brought back to its original condition (or something very close to it).

General

Question 16 We have asked a number of questions related to proposals for changes to the Cross Compliance requirements. If you have any related issues which we have not specifically addressed,

please use the space below to report them. You may also use this space to report issues with proposals to retain current Cross Compliance requirements:

Comment:

A reinforcement via SMRs that SSSIs, mentioned in paragraphs 84-86, cannot be damaged/disturbed in any way.

Payment eligibility being linked to what is termed undergrazing/abandonment does not allow landowners/farmers the opportunity to set aside any land for the benefits derived from natural capital.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: