

Submission from Wildlife and Countryside Link and Defra's response

Q1: Regulation 9(20) removes the cross-compliance requirement for the relevant authority to increase on-the-spot checks of compliance with a given act or standard where it has identified a significant degree of non-compliance with that act or standard. We are concerned that this could weaken compliance with environmental regulation. It is also unclear why this has been removed.

A1: The aim of this change is to strengthen compliance with environmental regulation, as it will allow the authorities to better target inspections on potential significant harm. At present, to meet the requirement to increase inspections, an assessment on compliance levels must be made annually, an additional selection of farms must be made specific to the standards identified, and inspections must be carried out on the selected farms. Until now in England, the only areas that have required additional inspections under this rule are those in which there have been significant numbers of paperwork breaches (such as record keeping errors) found, and not reflective of significant environmental harm. Moreover, our analysis of trends of compliance levels shows no significant effect of increased checks from this rule on specific standards on levels of compliance over time. We believe that increased compliance for paperwork breaches is better achieved through improved advice and guidance rather than inspections, and we are working to improve the guidance available to farmers. The inspection resource can then be better used targeting farms with a high risk of serious environmental harm than on finding additional paperwork breaches. While that may lead to a decrease in the number of inspections completed overall, it will not lead to less time or resourcing being spent on inspections since some of the farms with the greatest risk of serious harm may take longer to complete.

Q2: Regulation 9(21) removes the power for the relevant authority to carry out checks on land managers by monitoring. It is unclear why this change has been made. Is there any evidence that could be provided on how often checks by monitoring are used, for what infringements and what benefit do they have?

A2: Regulation 9(21) omits the provisions concerning the use of monitoring for carrying out checks of beneficiaries' compliance with the cross compliance rules (rules on the environment and plant and animal health and welfare). Carrying out checks by monitoring is an option that the European Commission made available to Member States. It has not been used in England. In England, adherence to the cross compliance rules is checked through farm inspections in accordance with the rules in the rest of Title V, Chapter II, Section 2 of Commission Implementing Regulation (EU) No 809/2014. Regulation 9(21) therefore does not result in any changes.

7 and 10 December 2020