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Dear Sirs

### **CAP REFORM: CROSS COMPLIANCE (GAEC)**

The Farm Woodland Forum is a UK organisation representing a membership active in research, education, consultancy and working within government agencies associated with land management issues. In general, as a UK organisation representing farm woodlands, we welcome the general thrust of CAP Reform and its application in Scotland. We particularly welcome the opportunities offered and in many cases actively taken up by the Executive for positive reform of land management policy to achieve a positive balance of social, economic and environmental objectives. Within the proposals for CAP Reform as a whole, and within these GAEC cross compliance proposals, the role of woodlands and trees on farms is seen as very important.

Our response focuses heavily on woodland and tree issues, which represent the interests and expertise of our membership.

Our over-arching considerations are that the measures, the guidelines and the application in practice should enable pursuance of the Forward Strategy for Scottish Agriculture and The Scottish Forestry Strategy in an integrated fashion and enable good practices for environmental management, alongside those that enable economic land management. Conflict between different policies and objectives should be avoided. There are major issues associated with land used for agriculture which also contains trees or scrub providing benefit for other purposes (timber, environment and wildlife, landscape, game cover, shelter) and it is vitally important that the measures enable, rather than prevent, sensible land management for combined gains. It is also important that, in providing the details within the EU framework, Scotland does not disadvantage itself compared to other European partners (including the other countries of the UK). The high proportion of woodland cover (17%) and the target for further expansion (to 27% by 2050 set by Scottish Ministers in the Scottish Forestry Strategy) highlight the need for an enlightened, enabling, strategy for woodlands, especially on land currently designated as solely agricultural.

Specifically dealing with the Annex B Measures and Guidelines in order;

#### ***Minimum level of maintenance; Measure 15 Avoid under-grazing.***

This is clearly a different and very new concept and creates many issues. This measure needs to cover the range through standard agricultural grazed or cropped land, for many semi-natural habitats and within sparsely wooded areas that are likely to be currently ascribed as forage hectares in IACS returns. With respect to encroachment of scrub (and trees), clearer definitions of what comprises 'severe agricultural and environmental degradation' is essential for any land that is either declared as being managed to allow it, or indeed not so designated. Within the spirit of whole GAEC, retaining the suitability of land for agriculture, as much for the future as for the present, is presumably a key element. We would recommend that there is a direct tie-in with similar statements in Measure 23, where the key words for identifying where some form of habitat change is excessive are currently 'substantial prejudice in the ability to use the land for agricultural purposes' and 'recolonisation with native species which makes more than 25% unutilisable'.

### *Minimum level of maintenance; Measure 23 Avoid infestation....*

There are a major issues in defining what is 'unwanted', 'degrading' and 'severe encroachment'. The examples of potentially beneficial species changes are helpful, but there is the need for change;

- The term 'recolonisation' is inappropriate, unless a very long-term view is taken as much of Scotland has not seen trees for many centuries, and implies the incorrect, but commonly held view, of recent deforestation. The term 'Colonisation' is better, but a term such as 'Limited expansion' provides more realistic wording and potentially allows for both expansion across an existing boundary, and expansion within a limited mosaic.

Ecological succession regarded as consistent with GAEC is an important issue;

- The term 'recolonisation' is again used, and is inappropriate. We support the view that the area should remain agriculturally utilisable, and appreciate that enabling up to 25% having substantial reduction in utilisable land provides considerable flexibility. However, the use of a threshold of 50 trees per hectare to classify land as ineligible as forage hectares and for the SFP is illogical in conjunction with the foregoing 25% statement, because the presence of 50 trees does not necessarily make the area any less utilisable for agriculture, never mind at the level of 25%.
- It is disappointing to see that terminology used here comes across as somewhat more severe than the EU Guidance Document (AGRI/2254/2003) on which it is based. The specific wording used in the EU document is 'areas of trees - **particularly trees with a potential use only for wood production**'. Use of this wording would ease concerns where existing non-timber woodlands are used sustainably for livestock grazing.
- Many areas of land already have more than 50 trees per hectare and are used substantially for agricultural purposes. SEERAD funded research has shown that densities of **planted** trees well over 50 trees per hectare (several hundred in the early stages, thinning down to perhaps 100/ha) can actually increase agricultural production and thus utilisation. In addition to the main intention of land use (e.g. predominantly for timber), there needs to be a better definition of a tree that enables its impact on agricultural utilisation to be argued. Canopy cover, tree girth and ground cover for scrub such as gorse are better than counting stems. There are internationally accepted definitions of 'forest' or 'forest land' used by the UN-ECE/FAO and the UNFCCC which use threshold values of crown cover, tree height at maturity, minimum area and bounding areas. However 'woodland' as used in EU Regulation (1782/03) is less well defined. If there is a need to define a minimum for ordinary purposes then we would recommend that this should be clarified to say 50 trees (intended for timber etc) per ha of more than 15cm diameter at breast height. However, under mixed cropping systems then this limit should not be as severe and a higher, **final** densities of trees should be allowed as should early and intermediate phases of mixed tree and agricultural cropping with higher densities that do not substantially prejudice agriculture.
- Whilst the environmental exception should allow much existing grazed woodland to be maintained and enhanced, care needs to be taken to avoid the potential for farmers cutting down or thinning existing or expanding native woodlands should they exceed more than 50 trees/ha.

The exceptions suggested in the document for mixed cropping such as orchards and for ecological reasons, should also make specific mention of combined tree and agriculture systems; agroforestry, silvo-pastoral or silvo-arable systems. Indeed these terms are much more precise than mixed cropping which is also used in mixed cereal systems, and we would recommend replacement, with specific mention of grazed orchards etc. It will be peculiar if land management by grazing will be allowed by a wide variety of non-native animal species such as llama, ostriches and non-native sheep and goat breeds but a flexible approach to mixed cropping with trees and agriculture is not allowed. Article 5 of Regulation 2419/01 still applies. This indicates that: 'a parcel that both contains trees and is used for crop production covered by Article 1 of Regulation (EEC) No 3508/92 shall be considered an agricultural parcel provided that the production envisaged can be carried out in a similar way as on parcels without trees in the same area'. This is exactly the intention of agro-forestry systems and such systems should not be prevented by default and in general to avoid artificial boundaries (such as 50 trees/ha) to otherwise highly sustainable land management, when the key words such as 'avoiding substantial prejudice for agricultural production, both currently and in the future', are adequate to prevent woodland systems which are predominantly non-agricultural being eligible under SFP.

There has to be a mechanism to avoid double funding but this should pose no over-riding problems and many other European countries will also be seeking to overcome this issue.

Worldwide research, including many successful projects based upon UK government funding, has demonstrated significant biological and economic benefit from silvo-pastoral systems, confirming that they continue to be viable in agricultural terms, with agricultural management continuing as on areas without trees. Any potential reductions in livestock carrying capacity due to increasing canopy cover can be controlled through thinning and pruning of the trees bringing potential economic benefits. The fact that these systems tend to be planted systems rather than occurring due to regeneration from nearby tree seed sources should not detract from their value in improving the farm landscape and environmental benefit while continuing to sustain agricultural systems.

Other valid use of managed farm trees and woodlands for agricultural purposes, but with significant environmental benefit, would include hedges, individual farm trees, riparian planting and small woodlands for landscape, shelter of stock, crops or buildings and wildlife enhancement. Such new farm features, not covered by Measure 20, for example, may well be covered by future proposals for positive management under Land Management Contracts or existing RSS or SFGS. It is very important that such positive measures are not prevented by GAEC.

We appreciate it is difficult to frame wordings within the EU guidelines and hope our thoughts and considerations are helpful to support the efforts of the Executive. We would be pleased to be able assist further in framing words that enable, rather than restrict, farmers to manage their land in a environmentally and economically sustainable manner, in which trees may play an increasingly important role.

Yours faithfully

Tony Waterhouse, Executive Member Scotland, Farm Woodland Forum