



Department  
for Environment  
Food & Rural Affairs

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# **Informal Consultation on the European Union Review of Less Favoured Areas (to be called Areas facing Natural Constraints)**

## **Summary of Responses**

**June 2013**

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## Introduction

1.1 This document is a summary of responses to the informal consultation on the EU Review of Less Favoured Areas (LFAs). The European Commission is replacing LFAs with Areas facing Natural Constraints (ANC) as part of legislative proposals for Common Agricultural Policy reform published in October 2011. ANC in each EU Member State will be designated objectively and consistently using new criteria devised by the European Commission. [The proposals are subject to ongoing EU negotiations.]

1.2. Initial ANC maps for England were developed against the draft criteria set out in Annex II of the Commission's draft Rural Development Regulation (RDR) and published on an interactive standalone website with local search facilities. This was linked to the informal consultation published on Defra's website. Views were invited on the applicability of the criteria. In total, 44 responses were received. A list of organisations and individuals who responded is at Annex 1. Respondents' formal replies are available on request through Defra's consultation's coordinator.

1.3. The government welcomes the constructive contributions received from individuals and representative organisations. They are being considered as part of the mapping process and will be taken into account where appropriate. Further iterations of ANC maps will be published on the standalone website.

1.4. Decisions have yet to be taken on whether to use ANC designation and any eligibility criteria for payment.

## Overview of responses

1.5. Not all questions were answered by respondents. However, there was general consensus that the existing LFA map provided an appropriate designation and that mapping of ANC should ensure coverage of all Severely Disadvantaged Areas (SDA).

1.6. The majority of respondents did not believe that mapping against relevant criteria had so far captured all of the right areas and a number of individual locations were suggested for classification as ANC.

1.7. There were also some suggestions for locations, boundaries and other criteria to be applied to capture other constrained land under Article 33(4) of the draft RDR. The need for an effective appeals mechanism before final designation was also highlighted.

## Responses to the consultation questions

2.1 The consultation exercise asked 5 specific questions about the scope and approach of the mapping exercise. It sought views on the land identified as ANC and/or that falling outside of the mapping at this stage. It also invited additional comments. An analysis of the responses received is below.

### **Question 1: Does the map broadly capture the right areas as ANC (Yes, No, Not Sure)? Please explain.**

2.2 There were 34 responses to this question. 8 respondents indicated that the right areas were captured, 19 answered No, and 7 were Not Sure. There was consensus that the current LFA and SDA designation accurately reflected constrained land in England and that the majority of those areas were appropriately classified as ANC under the mapping process.

2.3 However, respondents believed that further refinements were necessary to achieve better alignment. Two respondents noted that this was the result of the limitations of the methodology, which required use of wards or parishes as an administrative unit, combined with the requirement that 60% of the Utilisable Agricultural Area (UAA) of the administrative unit had to be constrained.

2.4 In addition, 13 respondents suggested specific areas as constrained under the SDA and which merited ANC designation, including:

- several covered areas in Herefordshire (e.g. parts of the Welsh Borders, , Black Mountains not mapped as ANC and Garway Parish);
- Shropshire hills and part of the Welsh borders in Shropshire
- inclusion of all islands in the Isles of Scilly;
- the South West (e.g. parts of Dartmoor and Exmoor not mapped as ANC).

2.5 On the most appropriate administrative unit for mapping, there were 25 comments which considered the comparative results between applying Ward and Parish boundaries. 14 respondents thought that mapping at Parish level produced better results than Wards noting, for example, that Parish boundaries tended to be better known and understood by farmers. One respondent commented that the smallest identifiable area should be used, whilst the remaining 10 respondents commented on anomalies they found resulting from mapping at both Ward and Parish level.

2.6 The initial maps show that the new criteria broadly reflect the LFA map and the responses highlight issues with mapping to LAU2 (equivalent to electoral wards and divisions) which was in the Commission's original draft text.

**Question 2: What areas captured as ANC should be excluded? Please explain.**

2.7 There were 15 responses. General comments looked at the need to ensure that ANC captured only genuinely constrained land due to biophysical factors and that productive land should not be included. 2 respondents did not highlight any areas to be excluded. One commented on the need to have a better understanding of why non-LFA was being captured as ANC. Two other respondents suggested that case-by-case considerations would be appropriate. 8 respondents suggested specific areas that should be excluded, for example:

- non-SDA land in Devon and Cornwall;
- non-LFA land by N Yorks Moors/Ravenscar;
- areas of central England (e.g. areas around Birmingham).

**Question 3: What areas not captured should be included as ANC? Please explain.**

2.8 There were 30 responses to this question. In addition to the areas suggested in response to question 1, others included:

- North Yorkshire (North York Moors, North and Eastern Pennines);
- Small areas of the West Yorkshire Pennines
- the North East of England (near Ford; Doddington North Moor; area between Longframlington and Alnwick; and area above Titlington);
- the Oswestry Hills, specifically the western upland part of the National Character Area (NCA) bordering Wales;
- steep slopes over 700 feet that are difficult to farm and only good for rough grazing;
- specific parishes;
- areas of Cotswolds.

**Question 4: What areas or boundaries should we use to capture land under Article 33(4)?**

2.9 There were 28 responses. Areas suggested are the same as some of those included in the responses to questions 1 and 3. 6 respondents suggested the National Park boundaries and 4 suggested Areas of Outstanding Natural Beauty. Other suggestions were individual and included:

- Sites of Special Scientific Interest (SSSIs);
- Agricultural Land Classification;
- physical boundaries – e.g. rivers and roads;

- linear features running across parish or ward boundaries and therefore an alternative delimiter would need to be used – field boundaries would be appropriate;
- boundaries based on Natural England’s integrated approach to the environmental management of the whole landscape, including the historic environment.

### **Question 5: What criteria we could use to capture land under Article 33(4)?**

2.10 There were 24 responses covering a wide range of criteria, including:

- all land over 300 metres;
- if National Park or AONB boundaries are used, the criteria for selecting Protected Landscapes;
- parcels of land area where local management is contributing to wider landscape scale delivery e.g. within a National Park/ AONB/SSSI/Natura site;
- land managed for environment, local economics and tourism;
- Agricultural Land Classification – grades 4 and 5
- physical criteria (e.g. rooting depth, poor access, flood plain, permanent pasture limited production);
- land within the LFA boundary.

### **Other Comments:**

2.11 4 respondents highlighted the need for an appeals procedure before the final designation is completed. Several respondents commented on the uncertainty of whether and how the voluntary ANC measures would be used in England, and the potential impact on the income of farm businesses. The need to engage stakeholders closely in progressing the review was highlighted by one respondent.

### **The way forward:**

2.12 Defra is considering the responses to the informal consultation. It will factor these into its ongoing work on mapping against ANC criteria. In particular, it will consider: comments received on ensuring genuinely constrained land is captured; proposals for land to include or exclude; establishment of an effective appeals mechanism; and the criteria to capture non-constrained land as ANC under Article 33(4). The next stage is to produce, and publish, maps which apply the Commission’s approach on economic fine-tuning. Defra will continue to work closely with stakeholders throughout the EU mapping process.

# **Annex 1: List of respondents to the informal consultation on The EU Review of Less Favoured Areas (to be called Areas facing Natural Constraints)**

1. A & A Williams
2. Bodrifty Farm
3. Bodmin Moor Livestock Initiative( Cornwall Development Company)
4. Cotswolds Conservation Board
5. Country Land and Business Association
6. Dartmoor National Park Authority
7. English Heritage
8. English National Authorities Association
9. Farmland Conservation
10. Federation of Cumbria Commoners
11. Fisher German LLP
12. Foundation for Commonland
13. The Isles of Scilly Wildlife Trust
14. JEG Thomas and Son
15. J T Jones and Sons
16. Lines Mitchell Agricultural Consultants
17. Lower Hurst Farm
18. National Farmers Union – replies from 3 branches
19. National Sheep Association
20. National Trust
21. Powell Partners
22. Rempstone Farms
23. Royal Society for the Protection of Birds
24. Shropshire Hills AONB Partnership
25. South West Uplands Farmers
26. Tenants Farmers Association
27. T J and s Croose
28. T J Powell and Son

In addition, there were replies from 14 individuals.

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