

Pollinators and Neonicotinoids

Joint report of the Head of Planning, Transportation and Environment and Head of Business Strategy and Support

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: That the Committee approves:

- (a) Undertaking a tenant's survey to better understand the use of neonicotinoids on the County Farm Estate and while the survey is being carried out the opportunity be taken to gain up to date information that may help inform a stage 1 feasibility study in to the potential for Anaerobic Digestion energy production on the Estate;**
- (b) Once the results of the survey are available, a further, informed report be brought back to the County Farms Estate Committee in order that the future use of legally permitted neonicotinoids on the Estate can be debated and reviewed;**
- (c) Exploring potential positive opportunities to address pollination issues on the County Farms Estate through the Pollinators Action Plan to be presented to Cabinet, in line with the objectives of the Farms Estate Strategic Review.**

1. Introduction

- 1.1 The Place Scrutiny Committee at its meeting on 7 March 2016 (Minute *118) considered the Report of the Head of Planning, Transportation and Environment (PTE/16/13) on the impact on pollinators of neonicotinoids, prepared in response to the Notice of Motion by Councillor Hook submitted to the County Council on 10 December 2015 and referred by Cabinet to the Scrutiny Committee. That Committee was asked to comment upon the desirability of producing a Pollinators Action Plan, through which more detailed consideration might be given to any relevant restrictions on the use of neonicotinoids on County Council property and any opportunities to support the conservation of bees and other pollinators. The Committee subsequently resolved:

'(a) that the Committee welcome and endorse the principle of a Pollinators Action Plan being produced covering the issues outlined in Report PTE/16/13 and that Cabinet be recommended to adopt and implement such a Plan at the earliest opportunity;

(b) that, in addition, Cabinet be strongly advised to take all necessary steps where possible to prohibit the use of Neonicotinoids on land under the control or ownership of the County Council including existing and new tenants of the County Farms Estate;

(c) that the County Council engage other Councils in Devon and partner organisations to take similar action to that outlined above'

- 1.2 Cabinet at its meeting on 13 April 2016 considered the above and resolved:

“that the Scrutiny Committee’s views be noted and approval, in principle, be given to the adoption of a Pollinators Action Plan as outlined in Report PTE/16/3 and Officers be asked to further explore the practicalities of the proposed actions at (b) above, seeking also the views of the County Farms Estate Committee as appropriate, and report further to Cabinet as soon as practicable.” (Minute *13 refers).

2. Background to Pollinators and Neonicotinoids

- 2.1 The pollination services of bees and other insects are critical to food production and estimated to be worth between £430 million and £603 million a year to UK agriculture. However bee numbers are declining, not just in the UK, but worldwide. Since 1900 the UK has lost 20 species of bee. A further 35 bee species are considered to be under threat of extinction.
- 2.2 A number of complex causes are responsible for the decline in pollinators including disease, climate change, loss of habitat and the use of insecticides such as neonicotinoids ('neonics').
- 2.3 Neonics have been widely used in agriculture for the last 20 years to control pests in a wide range of situations e.g. seed treatments for cereals, sugar beet and oil seed rape. In 2013, following the publication of research highlighting the impacts of neonics on bees, the European Commission introduced a precautionary ban on the use of the three most common neonics pesticides (clothianidin, imidacloprid and thiamethoxam). This ban is only partial. It allows the continued use of all neonics on crops such as winter wheat. The risks posed by acetamiprid and thiacloprid (both neonics authorised for use in this country) weren't addressed.
- 2.4 In 2014 a report from the Global Taskforce on Systematic Pesticides was published. This states that all neonics are having widespread impacts on wildlife including bees, earthworms, aquatic insects, butterflies and birds. It concludes that there is 'clear evidence of harm sufficient to trigger regulatory action'.
- 2.5 Agricultural land provides vital pollinator habitat across our countryside. Crops provide food for pollinating insects, but only over a short time period. Other food sources from flowers in hedges, margins, grasslands and woodlands are needed for the rest of the year. Breeding and overwintering habitats such as grassland, hedgebanks, ditches, ponds and bare ground are also vital.
- 2.6 Devon County Council is already committed to encouraging tenants to enter into environmental schemes relating to the management of these habitats. The 2010 Farms Estate Strategic Review states that *'The Authority should recognise the multi-functionality benefits of the Estate and acknowledge the social, economic and environmental value of the farms'*. In order to achieve this, the report states that DCC should, *'provide support and encouragement to tenants who wish to make applications to environmental schemes'*. Recommendation 6 states that *'the Estate takes a lead role in the promotion of sustainability and diversification schemes on its farms as long as research indicates that this can be cost-effective'*.

3. Proposals

- 3.1 The extent of the use of neonics on the County Farms Estate is not known. It is therefore recommended that a survey of tenants is undertaken in order to establish current use and the implications of using other, more environmentally friendly,

approaches to the control of pests. This will allow a more informed paper to be brought back to the County Farms Estate Committee at its next meeting for debate and review and in turn, provide an informed approach to any measures proposed for the County Farms Estate through the DCC Pollinators Action Plan to be presented to Cabinet for its ultimate approval.

- 3.2 This Action Plan will also set out a range of ways in which this Authority might support actions and initiatives which will be beneficial for pollinators, working with others such as the Devon Local Nature Partnership and farming organisations. In this context, consideration will be given to relevant opportunities on the County Farms Estate. For example, the potential for tenants to enter into Countryside Stewardship Scheme agreements to create habitat for wildlife will be discussed with Natural England. Any such measures will accord with the objectives set out in the DCC Farms Estates Strategic Review.

4. Legal Implications

- 4.1 Members are reminded that although the freedom of contract allowed by the Agricultural Tenancies Act 1995 enables a landlord to prescribe terms on which pesticides can or can't be used on land occupied under any new Farm Business Tenancy, a landlord cannot unilaterally and retrospectively alter the terms of existing Farm Business Tenancy Agreements or indeed existing Agricultural Holdings Act 1986 tenancy agreements.

- 4.2 Existing Agricultural Holdings Act 1986 agreements are silent in relation to the use of pesticides and existing Farm Business Tenancy Agreements only mention pesticides in as far as:

4.2.1 *Clause 5.2.32. 'To comply with any Act of Parliament concerning the pollution of the environment including water air noise or soil pollution or contamination or concerning the use of chemical sprays pesticides or fertilisers or the burning of straw or stubble'.*

4.2.2 *The fifth schedule, part 1,
2.0 (g) the storage, use and disposal of fuel oil, effluents, manures, slurries, inorganic fertilisers and pesticides complies with the DEFRA Codes of Good Agricultural Practice for the Protection of Water, Soil and Air;*

(h) any chemicals used on the farm minimise damage to wildlife and are handled and applied in accordance with the COSSH Regulations and the Food and Environment Act Pesticide Codes;

(k) care is taken to keep pesticides, fertiliser, slurry and farmyard manure away from field boundaries;

4.2.3 *The fifth schedule, part 2,
2.2 Use of Herbicides, Pesticides and Inorganic Fertilisers*

The application of herbicides, pesticides and artificial fertilisers within 10 metres of watercourses or ditches or within 50 metres of a water abstraction point is not permitted without the prior written consent of the Landlord. Spraying is not permitted where there could be drift onto water or where pollution of watercourses or groundwater will occur. Herbicides, pesticides or artificial fertilisers must not be applied within 10 metres of a tree trunk or under a tree canopy or within 1.5 metres of hedgerows.

The Tenant must not allow the drift of sprays onto hedgerows and adjoining lands.

4.3 The express prior voluntary or negotiated agreement of existing tenants would be required to change the terms of all existing tenancy agreements.

5. Consultations/Representations/Technical Data

5.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.

5.2 Furthermore the results of the proposed tenants survey on the extent of neonicotinoid usage will be brought back to a future meeting of the County Farms Estate for consideration.

5.3 Committee members may be aware of the current public campaign, led nationally by Friends of the Earth, but supported by a range of other organisations, relating to pollinators and neonics. On 12 April a petition relating to this campaign was presented to DCC calling on it to ban the use of neonics on its property.

5.4 Harry Barton (CEO at Devon Wildlife Trust) spoke at the Scrutiny Committee on 7th March supporting the Notice of Motion on behalf of the Devon Women's Institute, Buglife SW, Friends of the Earth and Devon Wildlife Trust.

5.5 There has been no formal consultation undertaken by DCC in relation to its approach to pollinators and neonics. However, there has been some informal discussion with a range of organisations and other local authorities to gather information to inform this Authority's consideration of the issue and its planned production of a Pollinators Action Plan.

5.6 No other parties have been consulted and no other representations for or against the proposal have been received.

5.7 The technical data referred to in this Report is believed to be true and accurate.

6. Considerations

6.1 Sustainability issues are being considered at a national (and EU) level in relation to the impacts of neonics and the need for any further regulatory control over their use. In 2014, Defra published a National Pollinator Strategy, setting out collective approaches in support of bees and other pollinators in England.

6.2 The author is not aware of any financial, carbon impact, equality, legal, risk management or public health issues arising from the recommendations in this report. However, any potential implications for county farms estate tenants or indirect consequences for DCC as landlord might be better identified and considered through the proposed tenant survey.

7. Reason for Recommendation/Conclusion

7.1 The Author has prepared this report in accordance with the County Farms Estate Strategic Review (2010) and the requirement to take forward Cabinet recommendations (see Section 1 above).

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Electoral Divisions: All

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
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None

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