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Divergence and continuity after Brexit in agriculture

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ABSTRACT

Throughout British membership of the European Union (EU), agricultural policy was largely determined by the Common Agricultural Policy (CAP). This was viewed by the UK as a dysfunctional policy and while periodic reforms meant that the EU moved slowly in the direction advocated by the UK, many of the main policy elements remained in place. The devolved administrations in Scotland, Wales and Northern Ireland have always enjoyed a measure of policy freedom in agriculture and have diverged from England in some areas. This article explores the extent of de-Europeanisation in the agricultural sectors in the UK and the patterns of divergence between them, focusing primarily on the development of policies for agricultural support that will replace those in place under the CAP. Overall, there has been substantial divergence in policy, but also areas of continuity, which means that processes of de-Europeanisation in the UK agricultural sectors has been uneven.

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Introduction

Brexit has highlighted the forces at play when a member state decides to leave the European Union (EU). This especially has played out in a range of policy sectors previously subject to relatively high levels of EU competences, including agriculture and the environment, with knock-on effects related to processes of governance and interest group lobbying. This is evidenced by a growing literature on the concept of de-Europeanisation (see for example Burns *et al*., 2019; Farstad *et al*., 2018; Wolff & Piquet, 2022).

As Burns *et al*. (2019) point out, processes of de-Europeanisation are likely to be complex, messy, and uneven, varying between policy sectors, reflecting previous levels of policy integration and territorial complexity. In this context,

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the aim of this paper is to examine whether withdrawal from the EU has brought deliberate attempts to reverse and/or actively dismantle the Europeanisation of agri-food policy in the UK, and to what extent there are patterns of divergence between the four UK territories.

While there are political pressures that underpin a desire to 'do things differently' outside the EU, three broad countervailing factors work against de-Europeanisation in agriculture: the need for UK farmers to compete with EU farmers who, despite recent reforms, still receive relatively high payments from the Common Agricultural Policy (CAP); the need to continue to export agri-food products to the EU if only as a balancing mechanism (although an early effect of Brexit has been a substantial reduction in the value of agri-food exports to the EU); and the costs and difficulty associated with developing new policy instruments to replace those used in the CAP.

In general, what has taken place can be characterised as a process of 'layering' which 'occurs when new rules are attached to existing ones changing the ways in which original rules structure behaviour … layering does not introduce wholly new institutions or rules, but rather involves amendments, revisions or additions to existing ones' (Mahoney & Thelen, 2010, p. 16). This layering takes place within a politicised policy arena that shapes the form and extent of de-Europeanisation, including disagreement about the nature of the type of Brexit that should be pursued. There is, for example, a still unresolved tension between a neo-liberal approach that emphasises 'global Britain' and free trade, and a neo-conservative protectionism in which there are demands for limits to the exposure of farmers to world markets – played out particularly around trade negotiations and agreements. Tensions are also evident, notably in England, between perspectives that view agriculture as essentially a market enterprise and those that see it as a core pillar of a multifunctional approach to delivering a range of public goods including rural and environmental sustainability.

With agriculture as an important devolved competence within the UK there are also important differences in outlooks and policy approaches between the territorial administrations. To some extent this reflects fundamental views about Brexit itself, with majorities in England and Wales voting leave while there was clear support in Scotland and Northern Ireland for remaining in the EU (Greer, 2022). The approach to de-Europeanisation in Scotland for example has been fundamentally shaped by the preference of the Scottish National Party (SNP) – the dominant governing party – for an independent Scotland re-joining the EU. Policy debates in Northern Ireland have also taken place within the context of controversy about the Brexit agreement, especially in relation to the Ireland-Northern Ireland Protocol.

Following some reflections on devolution and transition, the paper applies the framework developed by Wolff and Piquet (2022) to examine patterns of

stability and change in post-Brexit agri-food policy, particularly on policies for long-term farm support that are being developed to replace those under the CAP. Drawing on primary sources including government policy papers, official publications and media reports, the paper is structured using the organisational schema developed by Copeland (2016) and proceeds in four main sections: policy agendas; programmatic change; the procedural context; and developments in the cognitive framework.

We conclude by suggesting that the general picture that emerges is of considerable change in policy agendas and programmes/instruments, but much less of a weakening of EU policy influence in terms of policy ideas. However, while there are many similarities and continuities, there also are important points of divergence between policies in England, Scotland, Wales and Northern Ireland (although an important and contentious exception is agricultural trade which is a UK issue). It should also be noted that taxation was always a domestic responsibility and the relatively favourable treatment of agriculture in relation to matters such as inheritance tax has continued.

Conceptual framework

Europeanisation and policy convergence

As Copeland points out, the obvious starting point for any research on de-Europeanisation must be an elaboration of the extent of Europeanisation (Copeland, 2016, p. 1126). This essentially posits that public policies, policy processes, policy styles and administrative procedures within the member states of the EU grew increasingly similar in a type of policy convergence (or diffusion) underpinned by shared beliefs and norms (see Graziano & Vink, 2013). In agriculture this took the form of an over-arching Common Agricultural Policy (CAP) buttressed (in most member states) by similar compartmentalised policy structures that were characterised by closed policy networks that brought together bureaucratic structures and dominant farm interest groups (although much academic focus has turned to the study of 'post-exceptionalism' in which contemporary agricultural policy is more complex, open, fluid and contested) (Daugbjerg & Feindt, 2017). There was also a parallel debate around the 're-nationalisation' of the CAP – processes of decentralisation in which decisions about policies (especially in relation to policy delivery and implementation) are taken within Member States at the national and regional levels. After enlargement in the mid-2000s, the trend in agricultural policy was in the direction of 're-nationalisation', of which the UK was a strong advocate. Successive reforms moved the CAP away from the support of farm prices and market intervention to the provision of direct subsidies for land management and increased the scope for

policy action at the national and regional levels. This allowed Member States, for example, to build different suites of agri-environment and rural development programmes in which compulsory schemes were joined with a range of measures which they could choose from a menu of options (for example around supporting young farmers and early retirement programmes), and to take different approaches to the operation of direct payments subsidy schemes (after 2014).

De-Europeanisation and disengagement

As Copeland points out, in a process of de-Europeanisation an EU member state 'de-constructs previous advancements made through the process of Europeanisation' and that maintaining 'coherence with the EU is not a priority and that a different national interest exists' (Copeland, 2016, p. 1126). Copeland also distinguishes de-Europeanisation from 'disengagement', which refers to a reduction in the intensity of Europeanisation in which domestic structures and processes 'remain more or less intact' and where there is no active intention to change the status quo (2016, p. 1126).

While de-Europeanisation and disengagement are processes that can characterise trends within the EU and its member-states, leaving the EU can also be viewed as a clear intention to de-Europeanise but this is not automatic or inevitable. As Wolff and Piquet state, Brexit 'does not necessarily mean a complete rupture with the EU … the effects of Europeanisation are still present on the domestic British scene and could take different trajectories in the future' (2022, p. 514). Brexit means the formal removal of EU policies and *acquis* but it does not follow that this will be followed by policy replacement. The practical prospects for de-Europeanisation and disengagement depend on the extent to which the existing policy is embedded and/or path-dependent. For Burns et. al, where Europeanisation 'has been more deep-seated, de-Europeanisation will be more difficult and hence disengagement more likely' (2019, p. 274). Copeland (2016, p. 1137) also draws attention to the importance of the extent of knowledge about, and support for, the policy among domestic political actors. Indeed, as Burns *et al* note, 'where there is a higher level of knowledge and popular support, we should expect de-Europeanisation to prove more challenging' (2019, p. 274).

The nature of EU withdrawal – whether of the 'soft' or 'hard' variety – is an important influence on the shape and scope of policy outcomes. The version of Brexit pursued by UK governments has been of the 'hard' variety, with the UK withdrawing from both the EU single market and the customs union (with the controversial exception of Northern Ireland) (Greer, 2022). From an EU perspective, one of the biggest challenges resulting from Brexit has been the additional budgetary constraints resulting from the loss of the UK financial contribution. For the UK withdrawal has had

important implications for policy development in the agri-food sector. Overall, the scope for de-Europeanisation is greatest where there were very high levels of policy integration within the EU (in agriculture for example), and when a 'hard' version of Brexit is pursued. However, there are counter-pressures that might mitigate the extent of policy change, relating for example to support for existing policies, the existence of established policy communities, and the nature of political systems and processes (Sheingate & Greer, 2021).

To assess policy stability and change in the agri-food sector after Brexit we use the schema developed by Wolff and Piquet (2022). This four 'pathways' continuum ranges from de-Europeanisation at one end to 'continued engagement' at the other (2022, p. 514). In 'continued engagement', 'transformation of the interactions between the EU and the domestic levels are almost imperceivable and interaction continues as before the effective withdrawal from the EU' (Wolff & Piquet, 2022, p. 518). 'Disengagement' and 're-engagement' are mid-points which assume that Brexit has not necessarily 'put an end to active Europeanization and that the EU "maintains some influence on Britain's domestic stage"'. For Wolff and Piquet, de-Europeanisation 'involves the termination of any interaction between the EU and the domestic levels'; disengagement is the 'end of active Europeanisation'; re-engagement is where as a 'third party' country the UK is 'required to disengage from EU policies' but then re-engages and the EU acquis stays in place; continued engagement is where Europeanisation 'is continuing as it was before, and thus can be considered as active' (Wolff & Piquet, 2022, p. 519). To organise the analysis we use Copeland's four dimensions of de-Europeanisation: *programmatic* de-Europeanisation refers to the reform or reversal of existing policy; in the *agenda* dimension there is intentional blocking of the influence of the EU on political agendas; *procedural* de-Europeanisation is characterised by a (deliberate) reversal of some of the political and organisational structures that had developed as a result of engagement during the period of EU membership; and *cognitive* de-Europeanisation draws attention to shifts in the ideational framework and in the 'mental frameworks of actors away from EU concepts and categories' (2016, p. 1127).

Devolution and transition

Following the Brexit referendum, the UK Treasury promised that earmarked EU funding would continue for a transition period. Subsequently the government agreed to maintain current average levels of investment in farming until 2024, which in England will amount to £2.4 bn per year 'over the life of this Parliament' (House of Commons Defra Committee, 2021, p. 21). Nevertheless, the overall budget for agricultural support will decline in real terms, particularly after inflation accelerated.

The devolved territories strongly argue that Brexit should not mean any reduction in funding for the agri-food sector. The Welsh government also has criticised the distribution of funding within the UK, arguing for a 'rules-based system' in which the allocation of resources is 'based on relative need' rather than the Barnett Formula (Welsh Government, 2018, p. 25). This is part of its argument that the UK needs a new devolution architecture after Brexit that allows the four countries to work together 'with appropriate governance and in the context of mutual respect' (Greer, 2018; Welsh Government, 2018, p. 58).

Policy development proceeded on two parallel tracks, one for long-term policies to replace the CAP, and another to manage the transition from the CAP to the new policy regimes. Wales and Northern Ireland agreed to inclusion in the UK Agriculture Act 2020 in relation to the continuation of farm payments and rural development, although the Scottish Government preferred to make its own arrangements through legislation in the Scottish Parliament. The devolved administrations – as well as the Department for Environment, Food and Rural Affairs (Defra) for England – have taken a phased managed approach to transition. Direct payments continued (although at lower levels and from 2020 these were funded by the UK Treasury), with 'differences arising only around the pace and depth of change' (Daera, 2021a, p. 10). Defra's 'Path to Sustainable Farming' for example outlined the transition between 2021 and 2027, with direct payments reduced by 15 per cent in both 2022 and 2023, and EU requirements around 'greening' and the 'three crop rule' quickly abolished (Defra, 2020).

For the long-term, the territorial administrations have strongly emphasised that domestic agricultural policy is a devolved competence based on the reality that, as the Welsh government puts it, 'our land is different, our communities are different, and our sectors are different' (2018, p. 3). For the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (Daera) agricultural support policy 'is a fully devolved matter, with each of the UK regions free to adopt an approach in keeping with its individual needs and priorities' (2021a, p. 9). Both the Welsh and Northern Ireland governments also envisage 'a significant increase in the decision-making powers for the devolved administrations' (Welsh Government, 2018, p. 58) noting the likelihood that future agricultural policy 'will provide for an unprecedented level of regional discretion and flexibility' (Daera, 2018, p. 51).

On the other hand, legislation on reserved matters such as trade – notably the UK Internal Market Act 2020 and the Subsidy Control Act 2022 (which replaced EU state aid rules) – threaten substantially to constrict the policy freedom of the devolved administrations. Moreover, Northern Ireland will need to operate in line with EU State Aid requirements, and subsidies granted in accordance with Article 10 of the Protocol (including future farm support payments in Northern Ireland) will not be subject to the UK

Subsidy Control Regime (Daera, 2021a, p. 30). Trade was a major component of the Brexit debate, with those favouring a 'hard' Brexit arguing that there would be opportunities outside the EU to strike deals with other countries. International trade agreements formed part of the 'Global Britain' rhetoric but those concluded with Australia and New Zealand have been criticised by British farmers as undermining domestic production through more cheap imports, and Scottish ministers also expressed concern that the proposed trade deal with New Zealand was 'damaging' to Scottish farmers and food producers (Scottish Government, 2022c). The real concern of farmers was about a trade deal with the United States, but by 2022 it was evident that this was not going to happen in the medium term.

The UK Government saw Brexit as an opportunity to take a more relaxed attitude to the growing of genetically modified crops. The Genetic Technology (Precision Breeding) Act 2023 will allow fruit and vegetables whose genes have been 'edited' to be grown in the UK. While plants with modified genomes which involved the injection of DNA from another species continue to be barred, the bill represents a substantial departure from the EU system of regulation. Crucially there are doubts about whether such crops could be 'exportable' within the internal UK market, and the proposals were strongly criticised by the Scottish and Welsh governments. Noting that the 'mutual recognition' element of the Internal Market Act means that 'products entering the market in England would also be marketable in both Scotland and Wales', Scottish environment minister (Mairi McAllan) described such an outcome as 'unacceptable'. She added that the Scottish Government 'remains wholly opposed to the imposition of the Internal Market Act and will not accept any constraint on the exercise of its devolved powers to set standards within devolved policy areas' (Scottish Government, 2022d).

De-Europeanisation and the agricultural policy agenda

For Copeland de-Europeanisation of the agenda is 'intentional blocking' of the effect of the policy on the political agenda (2016, p. 1127). As Parsons has pointed out, agenda formulation is 'framed by existing and earlier policies, decisions, implementation, evaluation and policy analysis' (1995, p. 82). Historical institutionalism and path dependence – and the presence of powerful policy networks – also draws attention to how policymaking 'takes place within the parameters of past policies and choices as well as inherited "institutional arrangements"' (Parsons, 1995, p. 230).

In the Europeanised policy space, reform of the CAP – while initially piecemeal – became institutionalised into a cyclical pattern, with seven-yearly reform episodes running in tandem with the budgetary cycle. In June 2018 the EU Commission published proposals for the CAP 2021–2027, which

formed the basis of the new policy agreed in December 2021 following inter-institutional bargaining. Commencing in 2023, this promised 'a new way of working' that will deliver a 'fairer, greener and more performance-based CAP'. The aim is to ensure a 'sustainable future' for European farmers and allow greater flexibility for member states to adapt measures to local conditions. Ten core policy objectives are at the heart of the approach, which each member state will incorporate in 'national CAP strategic plans'. These cover long-standing CAP objectives such as ensuring a fair income for farmers, increasing competitiveness, and improving the position of farmers in the food chain. Other objectives relate to climate change action, environmental care, preservation of landscapes and biodiversity, generational renewal, vibrant rural areas, protecting food and health quality, and fostering knowledge and innovation. Basic area-based payments with enhanced conditionality will remain the central policy instrument but be re-focused to support small and medium-sized farms and generational renewal (European Commission, n.d.).

It should be noted that while the CAP agenda has shifted to place greater emphasis on the provision of public goods and issues relating to the environment and climate change, the policy instruments for 'greening' have been largely symbolic and have had little effect on measurable environmental outcomes. While the worst excesses of intensive production have been curbed, as Collantes has noted 'it is discourse, rather than actual reality, that becomes greener' (2020, p. 71). If anything, an 'older policy heritage around food production and security is reasserted … Indeed, farm incomes arguably continue to be the main driving force underpinning the CAP' (Greer, 2017, p. 1599). In both the UK and EU, a tendency to emphasise food security has become more pronounced, especially after the outbreak of the conflict in Ukraine, and some green measures have been watered down.

As a member of the EU, the UK's ability to set its own policy agenda was constrained by several factors relating to inter-institutional decision-making, including the role of the Commission as the formal agenda setter and the need to work within the Council of Ministers to strike bargains with the other member states. Brexit however was intended to allow a major agenda shift away from EU influence and provided the opportunity for the UK, and the territorial administrations, to reshape and recast the agri-food policy agenda. There is general agreement that Brexit provides the flexibility to do things differently. Defra argued for example that under the CAP 'policies were set for seven years with limited opportunity to improve' but that for 'the first time in fifty years, we have a chance to do things differently' (2020, p. 4, 6). Similarly for the Welsh Government Brexit forced it to 'consider our policies afresh' but also provided the opportunity to restructure the policy agenda and meant that 'for the first time, it is possible to put in place a new programme that fully reflects Welsh needs' (2018, p. 4, 17).

The four administrations initially set out ideas for future policy in a series of consultations between 2018 and 2021 (see for example Daera, 2018; Defra, 2018; Scottish Government, 2021; Welsh Government, 2018). There are many elements of continuity with the CAP as well as important areas of divergence that the UK territories could not have delivered inside the EU. Overall, the approaches emphasise increasing competitiveness, environmental sustainability, and tackling climate change, although there are different emphases in the territories. All four administrations share the concern with improving competitiveness, especially in the supply chain, and the intention to take an outcomes-based approach in which public money is paid for the delivery of public goods, especially in relation to environmental sustainability and tackling climate change. Perhaps the key difference with the CAP lies in the policy instruments, with the UK territories moving away from direct payments, although in varying degrees (see below). In clear contrast to the CAP, future public funding (in England and Wales) would no longer be restricted to farmers but be open to all who can deliver public goods in rural areas. So, in terms of the Wolff and Piquet schema, it seems that there has been little outright de-Europeanisation of broad policy agendas, with ongoing continuities with the CAP agenda. This suggests some disengagement, especially in England, while Scotland's desire to remain in-step with the CAP points to re-engagement.

Programmatic de-Europeanisation

For Copeland, programmatic de-Europeanisation refers to the 'introduction of new policy, or reform to existing policies' (2016, p. 1127). In his discussion this relates to policies 'that correspond with EU aims and objectives', but in the case of agricultural policy after Brexit this has led to dismantling of policies derived from the CAP, leading to de-Europeanisation and policy divergence.

A central theme in the policy documents produced by the four administrations, echoing long-standing concerns, is a basic criticism of the CAP, particularly its failure to strike 'an appropriate balance' between providing a safety net for farm businesses and 'dampening the incentive to be efficient, competitive and to manage risk proactively' (Daera, 2018, pp. 29–30). So, for the Welsh government 'simply importing CAP into Welsh law' would not deliver the 'economic, environmental and social outcomes that are valued by society' (2018, p. 17). Direct payments were particularly criticised. As Defra noted, there could be

> no reprieve for arbitrary area-based subsidy payments. It makes no sense to subsidise land ownership and tenure where the largest subsidy payments too often go to the wealthiest landowners. Direct Payments artificially inflate land rents and stand in the way of new entrants getting access to land. (Defra, 2020, p. 4)

Similarly for the Welsh government the Basic Payment has been 'insufficiently targeted to realise all the benefits potentially available from Welsh land' or to improve farm productivity, nor to take account of the wider environmental benefits of farm management (2018, p. 17). It should be borne in mind of course that one of the drivers for these changes is the UK Treasury's long-standing suspicion of agricultural subsidies, both in terms of the volume of spend, but also whether the form in which the subsidies were delivered was linked to desired policy outcomes.

Reflecting these stances, all four territories spoke of substantial policy change. For example, the Scottish Minister, Mairi Gougeon 'remarked that "we should not shy away from being clear that we are on a journey of significant transformation"' (Scottish Government, 2022a, p. 2). The future policies for England and Wales – given legislative form in the 2020 Agriculture Act and the Agriculture (Wales) Bill introduced in the Senedd in September 2022 – propose redirecting funding from direct payments to outcomes focused and contract-based programmes that reward farmers for the provision of public goods, especially in relation to the environment and climate change (for a summary of proposed changes in the four territories see Coe & Uberoi, 2022). Underlying these policy changes is an acceptance of the concept of 'multi-functionality' which views agriculture as having a range of functions beyond providing food such as maintaining cherished landscapes and contributing to the mitigation of climate change.

Describing its approach as 'an evolution, rather than a revolution' (2020, p. 9) Defra developed its Environmental Land Management (ELMS) programme as the focus of future policy, This is made up of three components: the Sustainable Farming Incentive which is designed as a universal scheme open to all farmers; Local Nature Recovery to replace Countryside Stewardship; and Landscape Recovery that 'will support more fundamental changes to land use' (Defra, 2020, p. 5). Roll-out of ELMS is scheduled for 2024 but there are considerable uncertainties around its delivery. Farm groups are worried about the end of a universal basic income payment and the National Farmers Union (NFU) also argued that the reduction in support was incompatible with renewed concerns about food security in the wake of the conflict in Ukraine. The approach has profound implications for farm businesses as for many the subsidy makes the difference between operating at a profit and a loss. Farm business income figures for 2019/20 showed that 'a heavy reliance on BPS and agri-environment payments remained across all sectors**.** Defra calculated that the average basic payment received by businesses totalled £27,800 across all types of farming enterprises' (AHDB, 2021). As far as the Government was concerned, 'we are phasing out subsidies so that we can invest the money in farm productivity, the environment, and animal health and welfare' (Defra, 2022, p. 5). There is a trade off in the switch from the basic payment to public goods payments. The basic payment

had very few conditions attached and was an assured source of income. Public good payments will be smaller in aggregate; will have more conditions attached and higher transaction costs in terms of application procedures. The overall impact on farm businesses will be a loss of income at a time when input costs have been increasing.

> One possible unintended policy consequence of ELMS is that it might be of more benefit to farms in remote and hilly areas, although as they tend to be more economically marginal there was a policy justification for this change in emphasis. The rollout of the scheme also was criticised as too slow, but farmers who had participated in the pilot scheme were alarmed at reports that it might be dropped (Evans, 2022a). The House of Commons Defra Committee noted in relation to ELMS:
>
> We understand that the process of developing objectives is underway, but we are already nearly a year into the agricultural transition and Defra has not explained in detail how it will show that the money being taken away from farm payments is being spent effectively. (House of Commons Defra Committee, 2021, p. 41)

A report from the Public Accounts Committee in 2022 was highly critical of Defra's handling of the ELMS scheme and stated that 'its confidence in the scheme looks like blind optimism' (House of Commons Committee of Public Accounts, 2022).

In the autumn of 2022, there was considerable speculation that the new Conservative Government under Liz Truss was considering scrapping ELMS, or at least subjecting it to considerable reform and 'radical simplification'. A mooted delay of the phase out of delinked payments in September 2022 seemed to suggest that the government was more concerned about the rural vote, particularly after the loss of two rural constituencies to the Liberal Democrats in by-elections (Evans, 2022a). The additional expenditure this would entail represented a setback for traditional Treasury concerns about fiscal prudence, but the Truss Government had made it clear that it would not be bound by Treasury orthodoxy, indeed it would demolish it. This new approach was confirmed by the removal of the Treasury permanent secretary to the consternation of senior civil servants. There were concerns that Defra would be particularly hard hit by the spending cuts proposed in the 2022 Autumn Statement. The Government was reported as planning to replace some environmentally oriented support schemes for farmers while others would be removed altogether (Evans, 2022b; Farmers Weekly, 2022). However, an announcement by Defra in January 2023 indicated that under the ELMS farmers could receive funding for up to 280 different actions such as maintaining peatlands and conserving hedgerows (Defra, 2023). Some critics complained that large arable enterprises would still receive the largest payments and for environmental groups the approach did not go far enough (The Guardian, 26 January 2023).

The Welsh government also signalled its intention to abolish direct payments and replace CAP schemes with a new Land Management Programme. However, following criticism that the initial proposals would create an artificial split between 'food-producing' and 'public goods' land, revised plans envisaged a single integrated Sustainable Farming Scheme providing two broad types of support: sustainable farm payments to provide a stable income for farmers, and business development measures (Welsh Government, 2019a, b). The government also went some way to meeting the concerns of farm groups by giving more explicit recognition to the importance of food production. While it still refused to regard food production as a public good it did acknowledge that there are 'significant public goods outcomes which can arise from sustainable food production' (2019a, p. 10). Nonetheless it rejected demands from farm groups that some form of universal basic support measure should continue (NFU Cymru, 2018). For the government 'universal income support decoupled from outcomes does not provide an effective way to support farmers, both in a new economic context and in the context of our unique legislative framework' (2019a, p. 6).

By contrast, future policies in Scotland and Northern Ireland do envisage the retention of a form of base-level direct area payment. In Northern Ireland there is some continuity with the CAP in the form of a 'Farm Sustainability Payment' (initially termed a 'resilience measure'). This is an area-based direct payment based on current entitlements that will provide farmers with a 'basic safety net' but with a level of funding lower than current CAP support so that it 'does not blunt innovation or productivity' and allow funds to be transferred to other schemes (Daera, 2021a, p. 32, 2022, p. 1). A Beef Sustainability Package will provide direct support to producers under two measures aimed at increasing productivity and reducing the carbon footprint of the sector. A Farming for Nature Package will provide most of the payments for the provision of public goods including support for high nature value land. This will be outcomes-based and will eventually become 'the central plank' of agricultural support as funding is transferred from the direct payment. 'Farming for Carbon' measures include reducing numbers of non-productive livestock and encouraging development and use of feed additives to reduce methane emissions. This approach reflects to some extent the tenets of 'sustainable intensification' and led some stakeholders to criticise its essentially technocratic nature.

The three core elements of the policy the Scottish government, which will be central to the Agriculture Act that will be introduced in 2023, are high quality food production (with farmers encouraged to produce more home-grown and sustainably produced food), environmental sustainability and nature restoration, and climate change mitigation and adaptation. Crucially there is a commitment to continue to support farmers with direct payments, although by 2025 at least half of all funding will be subject to 'enhanced

conditionality' in relation to targeted outcomes for biodiversity gain and low emissions production (2022a, p. 17). In the 'Future Support Framework' conditional payments will be provided under four tiers: a 'Base Level Direct Payment'; an 'Enhanced Level Direct Payment'; an 'Elective Payment'; and 'Complementary Support'. Tiers 1 and 2 sit under the umbrella of direct payments available to all who meet the eligibility criteria; Tiers 3 and 4 will be indirect payments and may be competitive. However, an Agricultural Reform Route Map published by the government in early 2023 was described by the NFU Scotland as 'pitiful' (Farmers Weekly 15 February, 2023).

A crucially important element of the approach in Scotland is to ensure consistency with the CAP. It is Scottish Government policy 'to ensure broad alignment to EU CAP objectives' and 'where practicable, stay aligned with new EU measures and policy developments' (2022a, p. 6, 2022b, p. 2). Indeed, noting that the reformed CAP for 2022–2027 will be based on a 'more flexible performance and results-based approach', the intention in Scotland is to 'likewise focus on creating a flexible approach which will allow Scotland to adapt to changing social, economic, and environmental conditions'. The Scottish approach is explicitly connected to the ten objectives in the new CAP, and this is specifically represented in Annex A of its Vision consultation, indicating for example that the aim to support active farming and food production with direct payments correlates with the CAPs objective to ensure a fair income for farmers (2022a, p. 52).

Running alongside the development of policy instruments for farm payments is a new approach to regulation. All four territories are clear that payments must be subject to conditionality in relation to policy outcomes but their approaches again are explicitly critical of arrangements under the CAP. Defra for example has expressed a desire to 'remove the old style, top-down rules and draconian penalties of the EU era' and create a new regulatory culture that would free farmers from the red-tape and 'rigid bureaucratic constraints' of the CAP (Defra, 2020, p. 4). Instead, there will be 'a modern approach' with 'greater emphasis on advice and improvement so that farmers and regulators work together to improve standards' (Defra, 2020, p. 6). The Truss Government's deregulation plans, termed 'Operation Rolling Thunder', also placed greater emphasis on areas other than agriculture such as employment rights and child-care. The Welsh government also wants to tackle 'regulatory complexity' by consolidating all existing legislation into a single set of National Minimum Standards to provide 'a clear regulatory baseline for all farmers in Wales' (2020, p. 16). In Northern Ireland EU arrangements for cross-compliance will be replaced with a simplified set of six Farm Sustainability Standards. In enforcement Daera wants to move away from the 'penalty culture' and use knowledge/education to better explain the reasons why compliance is important (2022, p. 122).

Applying the Wolff and Piquet continuum to policy programmes, differentiation within the UK is again apparent. England and Wales have put most emphasis on using Brexit to 'do things differently' outside the CAP in relation to farm payments and the approach to regulation, suggesting at least disengagement if not de-Europeanisation. In Scotland and Northern Ireland, the intention to retain some form of base-level direct area payment instead indicates at least re-engagement; indeed, the explicit linkage between the CAP and the Scottish policy approach arguably can be interpreted as continued engagement.

Procedural de-Europeanisation

For Copeland, procedural de-Europeanisation occurs when there is a 'reversal of political and organisational structures' that have resulted from engagement with the EU. Even under the CAP there was considerable flexibility for member states in some areas of policy formulation and implementation, and to create their own administrative structures.

Of course, in the UK the four departments responsible for agriculture are well-established and have worked within and alongside EU structures for many years, although there are differences in the extent to which they take an 'agricultural' focus rather than a broader concern with rural areas and the environment. The influence of the departments on overall policy of governments also varies, reflecting to some extent the importance of the agri-food sectors in the different territories. Defra for example has often had limited influence on overall government policy, in part because of a rapid turnover of ministers who either get promoted (Liz Truss for example) or get removed from government altogether. There has also been a 'hollowing out' of the department with large numbers of experienced staff leaving that has adversely impacted on its ability to develop post-Brexit policy. The House of Commons Defra Committee has noted that 'Defra has put insufficient emphasis and care into managing the process of transition itself, and there is a risk that this will be a haphazard process leading to unintended consequences' (House of Commons, 2021, p. 40).

In procedural de-Europeanisation Defra and the territorial departments are able and willing to construct their own organisational and policymaking structures, although this of course depends on the extent to which procedures had become Europeanised in the first place. One area of continuity has been the continuation of the operation of the Rural Payments agencies that are responsible for making subsidy payments to farmers, although their long-term future is unclear. Reflecting the SNP government's political commitment to stay aligned to the CAP, Scotland is designing new arrangements to replicate as far as possible the EU's Integrated Administration and Control System (IACS) (Scottish Government, 2022a, p. 37). It has also been necessary to develop

post-Brexit 'common frameworks' that to some extent replace the overarching co-ordination previously provided by the CAP and allow the smooth functioning of the UK internal market. For example, common frameworks have been agreed on matters including agricultural subsidies, animal health and welfare, and GMOs. While there has been some controversy about how these might work, Keating interestingly argues that common frameworks have been essentially technocratic and more about the 'management of divergence' than joint policymaking (Keating, 2022).

In developing post-Brexit policy, the UK territories have adopted a consultative approach in which policy proposals have been constructed incrementally and adapted in the light of feedback from stakeholders. Indeed, one consequence of Brexit has been, at least initially, to open-up a space for policy debate that went beyond the usual 'compartmentalised' agricultural policy communities. While its relationship with Defra is strained, the NFU's presence in British Agricultural Bureau (with the other main UK farmers unions) emphasises the continuing importance of EU links for farm groups, including the commitment to continue to work with other European farmers and remain part of the Copa-Cogeca group of EU farm unions (and retain its office in Brussels) (British Agricultural Bureau, 2022).

All countries have emphasised taking a participatory and inclusive approach to developing post-Brexit agricultural policy, noting the invaluable contribution made by stakeholders. In Scotland, for example, the government states that 'a citizen-centred approach is at the very core of our thinking' (Scottish Government, 2021, p. 6). Policy ideas were developed through stakeholder engagement and a series of consultations: in Scotland a 'farmer-led groups' process in the second half of 2020; in Wales through the Land Management subgroup of the Brexit Round Table; and in Northern Ireland four stakeholder groups were set up in 2017 to 'provide a valuable source of industry opinion and expertise as Daera explores a possible future policy agenda post EU exit' (Daera, 2018, p. 11).

In terms of implementation and developing new schemes, the four departments emphasise the need for the 'co-design' of new policy instruments and measures. Defra for example states that 'we will be more flexible and will co-design our policies with farmers and other experts and we will test, learn and adapt as we move through the transition' (Defra, 2020, p. 6). In Scotland co-design will be 'the foundational approach to the development of future support structures and delivery' (Scottish Government, 2021, p. 3) and in Wales a co-design programme will explore with stakeholders 'how our proposals could work on the ground' (Welsh Government, 2019b, p. 11). The relationship between the government and stakeholders has also been institutionalised by the creation of new formal groups. For example, the new policy approach in Scotland will be driven forward by an Agriculture Reform Implementation Oversight Board (ARIOB) that includes representatives from

all 'farming sectors and types' and is co-chaired by the Cabinet Secretary and the President of the NFU Scotland. Daera also has established a stakeholder group to bring together representatives across food, farming and the environment.

On procedures, the application of the Wolff and Piquet framework again indicates territorial complexity. Here the best fit for England and Wales seems to be disengagement, with Scotland's desire to retain continuity with the CAP pointing to re-engagement, perhaps even some elements of continuing engagement in relation to policy enforcement. In the medium to long-term the provisions of the Protocol will keep Northern Ireland aligned to EU rules in some important respects, for example in relation to state aid, but there are also new and bespoke procedural arrangements for the application of the Protocol.

Cognitive de-Europeanisation

For Copeland, cognitive de-Europeanisation is marked by 'shifts within the mental frameworks of actors away from EU concepts and categories' and by a trend to compare approaches with countries outside the EU (Copeland, 2016, p. 1127). The picture here is mixed. The UK is still influenced by EU policy, but a key question is where the main policy learning will come from after Brexit. In terms of policy ideas, the rhetoric – in England at least – spoke of 'a historic opportunity' to reshape domestic agricultural policy, and a 'decisive shift' from the CAP (Defra, 2018, p. 3). Yet despite the rhetoric it is debatable whether there has been a paradigm shift in policy ideas (Sheingate & Greer, 2021). Moreover, in Scotland, as noted above, a central element of the approach is to ensure 'broad alignment' with the objectives of the CAP which indicates continuity in the cognitive dimension, motivated by the aspiration for an independent Scotland to re-join the EU.

The over-arching 'visions' set by the four territories all share the same core ideas (although striking varying balances between the importance of food production and issues around sustainability), which are also clearly present in the EU approach. All emphasise productive and competitive farming, based on innovation and developing skill that works in harmony with the environment, produces healthy food, promotes animal welfare and tackles climate change. In Scotland the overall 'vision for agriculture' is to transform 'how we support farming and food production in Scotland to become a global leader in sustainable and regenerative agriculture' (Scottish Government, 2022a, p. 2). The vision for Welsh land 'is for land managers to produce outcomes of huge importance to Wales as a whole' (Welsh Government, 2018, p. 7). Core underlying principles emphasise keeping farmers on the land, the centrality of food production, and the provision of public goods including tackling climate change, creating resilient habitats and

ecosystems, and improving air/water quality. Sustainable food production, responding to the climate emergency and reversing the decline of biodiversity are together identified as the Welsh government's key strategic objectives for agriculture. Similarly, in a letter to the Defra Secretary in March 2017 the Northern Ireland Minister set out four desired outcomes and a long-term vision for agriculture: increased productivity, improved resilience, environmental sustainability, and an 'integrated, efficient, sustainable, competitive and a responsive supply chain' (Daera, 2018, p. 19).

There are some interesting differences in emphases and priorities. On food security, for example, the Scottish government states explicitly that its policies will 'enable Scotland to develop its agriculture and food sector in ways that promote food security' (2022a, p. 23). In Wales on the other hand the government has resolutely resisted demands from farm groups that food production should be classed as a public good. On climate change, the publications by the Scottish government give this a central focus whereas in Northern Ireland it seems to be framed in a way that is more consistent with agricultural production and technological innovation. Daera notes for example that 'although agriculture does exert negative environmental influences, changes in agricultural practices have the potential to deliver major gains'. Resource efficiency

> will not only help drive enhanced productivity, but it will also help deliver better environmental outcomes by avoiding unnecessary inputs and minimising losses to the environment. In many instances, enhanced productivity (if well managed) and environmental sustainability are complementary objectives. (Daera, 2018, p. 36)

In cognitive terms, all four territories in the UK continue to exhibit broad continuity with the CAP in terms of policy ideas, especially around competitiveness, supporting farm incomes (although in different ways), promoting environmental sustainability and tackling climate change. This suggests re-engagement rather than de-Europeanisation or disengagement.

Analysis and conclusion

The general proposition put forward in this paper is that Brexit is not putting an end to the EU's influence over public policies on agriculture in the UK. In many ways the picture is consistent with broad re-engagement, not least because in general terms there are three factors that work against de-Europeanisation in agriculture: the need for UK farmers to compete with EU farmers receiving CAP payments; the need to export to the EU if only as a balancing mechanism; and the costs and difficulty associated with developing new policy instruments to replace those used in the CAP as evident with the difficulties that have been encountered with ELMS.

Overall, the picture is mixed, with rhetoric about 'new approaches' and doing things differently sitting alongside continuity with the CAP, especially in terms of the cognitive dimension and policy visions. In England there are political motivations to exaggerate the extent of change; in Scotland there are tensions between using devolution to do things differently and remaining aligned with the CAP. Using Wolff and Piquet's four pathways, there has been disengagement rather than de-Europeanisation in relation to policy agendas. Certainly, outside the EU, the UK and its component territories have enjoyed much greater leeway and flexibility in setting policy agendas. The UK is no longer constrained by the EU's formalised agenda process and cyclical CAP reform episodes. On the other hand, many of the issues on the agricultural policy agenda have been carried over from the CAP, and there are striking similarities in content between the UK and EU agendas, such as in relation to payment for the provision of public goods including environmental sustainability and reduction of the carbon footprint of the agricultural sector. For both the UK and the EU, climate change must be an increasingly important imperative driving policy choices.

On the programmatic dimension there are notable differences between the four territories in their plans for agricultural support, especially on policy instruments such as direct payments. England and Wales have gone farthest in moving away from the CAP with the abolition of direct payments – which might be located as de-Europeanisation or at least disengagement. On the other hand, with their intention to retain some form of direct payment, Scotland and Northern Ireland seem to be disengaging or re-engaging rather than de-Europeanising. Indeed, the explicit intention of the Scottish government to remain aligned with the CAP might even be interpreted as a form of re-engagement despite formal withdrawal from the EU acquis. On regulation there are again interesting differences and while Scotland wants to remain close to the EU, the other territories have stressed developing a new approach.

In procedural terms there is perhaps less scope for dismantling because national administrative structures and approaches to policymaking were never really Europeanised. There is continuity in the domestic structures, although with a greater emphasis on citizen participation in the devolved territories. In England Defra can be viewed as a 'hollowed out' department that has lost policy capacity to the devolved territories. In recent times it has experienced substantial staff cuts despite having a wide range of functions and often lacks influence with major policy decisions being influenced by the Treasury. On the Cognitive dimension the 'visions' for agriculture developed by the four departments share similarities but also continuity with the CAP. This in part reflects the fact that agriculture within the UK and the EU faces a set of common challenges such as boosting productivity and enhancing food security while pursuing environmental goals.

Political factors are a basic influence on the extent of de-Europeanisation. The approach of the Scottish Government is fundamentally shaped by the fact that party in power – the Scottish National Party (SNP) – aspires for an independent Scotland to re-join the EU and wants to align with the CAP as far as possible. In Northern Ireland policy development in important elements of the agricultural sector will be fundamentally influenced by the Ireland/Northern Ireland Protocol under which EU law continues to apply. This covers areas including animal health and welfare, plant health and protection, fertiliser and pesticides regulation, GMO's, animal identification and traceability, and swathes of the food sector such as hygiene rules for food of animal origin, food additives, and novel foods, as well as rules for state aid. Crucially under Article 13(3) of the Protocol, policy will be subject to 'dynamic alignment' in which future changes to EU law will automatically apply in Northern Ireland. So as regulatory divergence between the UK and EU increases, then there may be increasingly substantial divergence on agricultural regulation between Northern Ireland and the other territories (see Hayward & Komarova, 2022, pp. 131–132). Under changes to the operation of the Protocol agreed between the UK and EU in The Windsor Framework in February 2023, the introduction of a 'Stormont Brake' mechanism ostensibly will give local institutions a say in whether rules on agricultural goods applied in Northern Ireland are amended or replaced, but it is unclear how much practical effect this will have on the process of dynamic alignment (HM Government, 2023; Murray & Robb, 2023).

Brexit has led to some further erosion of 'agricultural exceptionalism' in terms of the perception that agriculture is a sector that requires special and privileged treatment. However, there has not been a switch to a neoliberal model in which returns are secured from the market which some versions of Brexit would imply. There is an underlying tension between a Brexit that embodies a neo-conservative protectionism that limits the exposure of domestic farmers to world markets and a neo-liberalism based on deregulation and the elimination of trade barriers. The UK Government has a strong rhetorical commitment to the latter but faces practical difficulties in putting this into effect. The prize of a trade deal with the US has proved elusive, while attempts to reduce environmental regulations have encountered considerable political resistance. Mooted de-regulation under the Truss government was strongly criticised by environmental groups and in 2022 three leading conservation organisations with mass memberships (the National Trust, the Royal Society for the Protection of Birds and the Wildlife Trusts) declared that government policies represented 'a threat to nature' and pledged to oppose them by a variety of means including direct action. There also was considerable churn in policy ideas under the May, Johnson, Truss and Sunak governments. For example, under the Johnson and Truss governments the countryside was increasingly pictured as a 'place of

business' rather than as a public good recreational asset open to urban dwellers, as demonstrated in the abandonment of proposed legislation on animal welfare and public access to the countryside. There remains considerable uncertainty about the shape of future agricultural policy, especially in England. So far, the extent of change promised by supporters of Brexit has not been matched by policy innovation, but the final shape of policy remains to be developed.

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