

Submitted to Delivering our Vision for Scottish Agriculture. Proposals for a new Agriculture Bill
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1. Future Payment Framework

1 Do you agree with the proposal set out above, in relation to the Agriculture Bill including a mechanism to enable payments to be made under a 4 tiered approach?

Yes

Please give reasons:

We think the four-tier system can work, provided that it is used strategically to deliver the transformation needed. However, this will mean considerable disruption to the status quo.

Tiers 3 and 4 (which in some ways correspond to Pillar 2 of the old scheme) must have much greater spend than previously and must be seen as equally important in delivering change. We need always to keep in mind that the purpose of the Bill is wider than replacing the current payment system - it's to deliver the Vision for Agriculture.

We set out below the background/context for our viewpoint

Nourish Scotland supports the Scottish Government Vision for Agriculture. Delivering on the ambition of the will require – among other things - significant reform of the way in which public funds are used to support farming and crofting.

We would argue for the current level of support for food and farming to be retained but fundamentally redirected. There is a case for a higher level of investment during the transition period – as there has been with other programmes such as renewable energy, electric vehicles or home insulation. There are opportunities to blend public and private investment to help the sector get 'over the hump' in the transition. At the same time, justifying the existing level of subsidy requires much greater clarity and transparency about what is being delivered, and an end to the current flows of public money which increase landowner wealth with no discernible public benefit.

In particular, we support the clear statements by Scottish Government that farming and nature are not in opposition. The right sort of farming can protect and restore nature, and farming can only do its other job of producing food if we protect and restore nature. In general, we support a 'land sharing' - combining food production and environmental benefits on the same land - rather than land sparing, where food is produced in deserts, and nature confined to oases.

Farmers on our most productive land have the capacity and the duty to manage their land in a nature-rich way, while small farms and crofts in some of Scotland's most challenging locations have the capacity and the desire to produce some food for people while working alongside nature.

We support the commitment to growing more of our own food sustainably. However, for reasons of health, climate, nature and the profitability of the food and farming industry, this doesn't mean doing more of the same.

We should be thinking 10 years ahead in terms of what we'll be able to sell both domestically and as exports. For red meat and milk production in particular that will increasingly mean grass-fed, optimum welfare, demonstrably low carbon and nature positive.

We should be changing the balance of what we produce in Scotland, with less land used for growing crops to feed to animals and more domestic fruit, vegetable and pulse production. We want to see:

a wider variety of home-grown cereals and protein crops feeding people directly, with value added in Scotland

an expansion of market gardens supplying local markets directly with fruit and vegetables

the development of a Scottish glasshouse sector at different scales and locations, to provide the bulk of our 'Mediterranean vegetables' (such as tomatoes that need warmer temperatures) and more of our fruit, using renewable energy

more beef coming from the dairy herd, less reliance on imported animal feed, and a shift to a 'low opportunity cost livestock' approach (with livestock predominantly eating food which is not edible by humans), alongside an investment in low methane breeding

and overall, a transition to agroecological, in particular to organic farming, with at-scale adoption of agroforestry

Agroecology also has an important social dimension, as it is about making food for people, not simply producing commodities.

A massive increase in the integration of native trees on farms and crofts should be a priority. Trees on farms can provide a range of benefits to farmers, crofters and to wider society. They can be used to regulate growing conditions for the benefit of crops and animals, provide shelter from wind, rain and heat, regulate soil temperature, support important populations of pollinators, enhance water conservation, produce fruit and nuts, reduce soil erosion, sequester carbon and enrich soil fertility. We support tree-planting which complements agricultural activity – whether that's hedges, shelter belts, riparian planting, alley planting, planting to prevent soil erosion/water run-off, grazed woodlands etc.

We would want to see substantive measures included in the Bill alongside enabling powers. Specifically, these would include:

1. A statement of purpose for the Bill – the outcomes government seeks to achieve through support for agriculture, the principles which underpin the new system and the intervention logic for the key elements of the new scheme.

In terms of purpose, we want to see an explicit connection with the Good Food Nation agenda and the right to food. We welcome the Scottish Government's intention to 'produce more of our own food sustainably'.

While fair trade is essential for food security and prosperity, a stronger domestic food economy reconnects us with our land and sea, adds value to our primary produce and invites us to enjoy a greater diversity of less processed food. Brexit, the impacts of COVID-19, and the current crisis in Ukraine have reminded us of the need to balance openness to trade with a more resilient domestic food system which relies less on imported inputs of feed and fertiliser.

Support for farmers should bring benefits to the whole population in terms of access to healthy sustainable food – to Scotland's larder. We should do more to connect production and consumption.

Principles

The new system must have fairness at its heart. Schemes should include elements which are designed to tackle the pervasive inequalities in the current

system of farming and land management. They should promote equity:

- gender, age and racial equity (avoiding direct and indirect discrimination), for example including a New Entrants Scheme that actively encourages minorities into farming.
 - between owners and other land users - tenants and also graziers, contract farmers, for example introducing measures which encourage all parties to work together to deliver for climate and nature and to share risk and reward fairly.
 - between farming types so that those farming on poor land, on small areas or in remote locations are supported fairly.
 - between farmers and crofters, avoiding very high payments for some and very low payments for others.
 - between new entrants and incumbents - new entrants should be able to access support from the day they occupy the land. Scottish Government should seek more imaginative ways to help new entrants overcome the high capital threshold to enter the industry.
 - between those who are already doing the right thing (for nature, climate, animal welfare) and those who need more encouragement to do so. It would be unfair to reward those who need to improve from a low baseline more than people already delivering a high level of ecosystem services. Many participants in the consultation workshops made this point.
- between farmers and crofters and those who work on their land, including migrant workers, helping to ensure best practice in labour practices. We welcome the Scottish Government's commitment to consider options to see agricultural workers paid the living wage.
- Between current and future generations

Leverage

Schemes should complement rather than crowd out private investment and support blended public-private finance. They should not support business investment which would have happened anyway, or provide the lowest effective intervention rate. They should leverage co-benefits such as Fair Work, health, and a just transition to net zero, and should aid the elimination of tax avoidance.

Differentiation

Elements of the scheme should be specific to a particular sector, context or locality. There is a case for some investment in local food (Objective 2 of the Scottish Government's vision) to be delivered by local authorities (on the basis of their Good Food Nation plans), or by enterprise agencies. Regional Land Use Partnerships should have a stronger role in developing priorities and allocating resources. There is also a case for island-specific measures.

Deliverability

The costs of administering the scheme and due diligence should be proportionate.

Transparency

Payments should go only to named individuals and to companies whose directors and major shareholders are readily identifiable individuals. The list of beneficiaries including municipality of residence should continue to be published as per current CAP guidelines.

Co-benefits for communities

The growing private market in carbon and ecosystem services will increasingly influence decisions about how best to use finite public funds to tackle the climate and nature emergencies through farming and other land management. We note the Scottish Land Commission's Rural Land Market Insights report, and its findings on the potential impact this could have on diversity and accountability of ownership, as well as community engagement.

Managed change

Delivery of better outcomes for climate and nature must take precedence over ensuring continuity of current levels of public funding for existing farming and crofting businesses. While change must be managed to ensure a just transition, the focus must be on value for money.

2 A requirement on Scottish Government to produce and lay before Parliament a rolling five-year plan for agriculture. This would set out targets in relation to sustainable food production coherent with the biodiversity strategy and climate change plan as well as the resilience and resource efficiency of the sector. For example, targets could include full system nitrogen use efficiency, overall greenhouse gas emissions and emissions intensity, the percentage of food sold through short food chains - and specific targets for public procurement of organic food, welfare, mortality, native woodland on farms, antibiotic use, on-farm waste, farmland birds, food grown in and around towns, pesticide use, decarbonisation of energy on farm and so on. Targets - for example for reductions in the usage of chemical pesticides and nitrogen fertiliser, and the proportion of land managed organically - should be in line with the EU Farm to Fork strategy and the EU Organic Action Plan.

Studies have shown that organic farming can deliver emissions reductions of 20% on average, while also increasing biodiversity on-farm by 30%. Organic farmers and crofters are likely to meet many of the requirements under Tier 2, The new framework must provide a clear incentive for entering organic conversion.

We suggest that the Scottish Government follows the example of the Irish Government, which has recently announced a significant increase in funding to support organic farming, including the introduction of 'participation payments' on top of higher payment rates for conversion and maintenance. The Irish Government are also investing in advice, supply chain development and marketing.

This five-year plan for farming, crofting and growing would be informed by the large-scale modelling work being undertaken through RESAS.

3. Transparent monitoring and evaluation of progress against the plan

While we understand that this is a consultation on framework legislation, there remains very little detail on what specific measures are likely to fall within the individual tiers, and what the balance of funding is likely to be across the four tiers. Nourish wants to see these measures and budgeting decisions developed in a transparent and inclusive way over the next year or so, drawing on the views and experience of a wide range of farmers, crofters, land owners and land managers as well as the views and expertise of civil society and researchers - and looking beyond Scotland to see what we can learn from the other UK nations, EU countries and further afield.

The system should be progressive, ratcheting up the standards over time. It is impossible to get a new system right the first time and to guard against all perverse incentives, unintended consequences and loopholes. With this in mind, we would expect the new system to leave considerable room to evolve and adapt. It would also make sense to establish a formal stakeholder mechanism to monitor implementation and advise on changes.

Certainty is a benefit for businesses (though arguably in scarce supply over the last few years) and as part of the plan we would expect Government to set out indicative spend on farm support over a 5-year programming period. However, to allow for flexibility and evolution this plan should combine ring-fenced envelopes (of say 50-70%) for each budget heading with ability to trim, increase or shift money from one pot to another. The plan should be integrated across former Pillar 1 and Pillar 2 areas - in other words there should be a single plan which also includes all the wider elements previously forming part of the SRDP.

We also want to see a proportion (say 5%) of the agriculture budget allocated directly to local authorities on a population basis. This would help them to implement local Good Food Nation plans, invest in urban and peri-urban agriculture, short food chains, public procurement, new entrants and so on. There is no mention of powers to create/regulate PGIs and PDOs. These are an important element of creating a more diverse and prosperous food and farming system, and we would support the Scottish Government having powers over this area, if this is not already the case.

Finally, much of the detail on specific schemes will be set out in secondary legislation. It's vital that the affirmative procedure is used by Parliament, not least because the new scheme must secure cross-party support to ensure long-term stability and coherence.

The new support framework is vital in helping the sector play its part in meeting statutory climate targets, including the immediate need to reduce emissions from agriculture by 31% from 2019 levels by 2032. Based on current progress, meeting this target will be challenging and will require the transformation outlined in the Vision for Agriculture to happen at pace.

We support the Scottish Environment LINK's campaign, Farm for Scotland's Future, and want to see 75% of the support budget spent on measures which help farmers and crofters reduce emissions and restore nature, with the balance of 25% to support market and supply chain measures, innovation, data, occupational health services, new entrants and so on. We recognise concerns around worsening mental health of farmers and feelings of alienation

We do not see the logic of area-based base payments – payments which do little more than reward land ownership and inflate land values. We want to see a rapid reduction and rebalancing of Tier 1 payments so that they effectively operate as a flat-rate participation payment for businesses, covering costs of compliance, certifications, data collection, producing the whole farm plan and participation in knowledge exchange and CPD.

The minimum threshold of 3ha should be abolished. Scotland's small-scale market gardens are delivering healthy local food and should be seen as a key part of the agricultural ecosystem, with access to funding and support across all tiers. If someone is producing food for the market as a significant part of their income, they should be eligible to apply for support.

We note the Cabinet Secretary's statement to parliament on November 8th, and the commitment to maintaining the existing payment regions in the early part of the transition, with a further commitment to review the current three region model. We would encourage this review to happen as quickly as possible.

Meanwhile, we propose that the requirement for farmers and crofters to keep stock on Region 2 and Region 3 land should be removed. There is no logic to this requirement if we want to encourage land use change and a reduction in greenhouse gas emissions. We should not equate the keeping of sheep and cattle with 'active farming', and we should encourage diversification into other sustainable farming and non-farming enterprises

As stated above, we would want to see Tier 1 base payments reduce in significance and budget share as soon as possible. Funding needs to be moved out of Tier 1 and into Tiers 2,3 and 4 This ambition should be communicated clearly and there should be a commitment to reducing Tier 1 payments to a flat rate participation payment by the end of the next parliament.

However, a system of 'weighting' land is needed to produce maximum public benefit from investments of public money at Tiers 2 and 3. This could include several elements, for example:

A 'challenge' weighting for land in areas where farming/crofting/growing is particularly challenging and where maintaining agricultural activity can play a key role in preventing or reversing depopulation or supporting a local food economy

A degressivity weighting, along with capping of maximum base payments, to deliver redistribution to smaller farms and crofts and to reflect the higher relative costs of undertaking some measures on a small farm. For agroforestry, organic conversion, species conservation etc this weighting would be linked to economies of scale.

A 'land use' weighting, with payments reserved for land which is used for producing food or restoring nature rather than biofuels or alcohol

An 'opportunity cost' mechanism which prioritises nature-enhancing measures on highly productive land (while recognising work by RSPB and others showing that nature can be greatly enhanced without loss of production)

A 'co-operation' premium for participants in landscape-level schemes.

We would argue against any mechanism (such as that proposed by NFUS) for a weighting system to be tied to livestock units. This would have the effect of incentivising overstocking (which can have implications for animal health and welfare), retention of unproductive animals, and 'gaming' the system.

As a general principle, farms/crofts in receipt of public support above a minimum level should submit accounts showing how the grant (capital or revenue) has been spent. This would bring agriculture into line with other sectors which receive public funding.

2 Do you agree that Tier 1 should be a 'Base Level Direct Payment' to support farmers and crofters engaged in food production and land management?

No

Please give reasons:

The basic payment is sometimes referred to as 'income support', but that is inaccurate. Transfers range from a few pounds a week to more than a thousand pounds a week – and are unrelated to need.

The bulk of payments go to the largest landowners on the most productive land, rather than with those struggling to make a living on a small acreage. At present, the top 20% businesses take 63% of the budget, while the bottom 40% only receive 4.8% of the budget.

We need to move away decisively from the current area-based payment system, which is inequitable and inefficient. It simply rewards land ownership and encourages inertia.

At the same time, farm incomes are significantly lower than median incomes. This is particularly the case for smaller farms in more challenging areas. This, along with disproportionate land prices resulting in part from basic payments, discourages new entrants.

Targeted income support could be provided to supplement farm incomes in specific contexts for example in remote areas and small islands, or for new entrants in market gardening or crofting.

Tier 1 should be reduced over time to become a participation payment and a gateway to receiving additional public support under Tier 2 (provided the business meets the additional conditions)

The conditions for Tier 1 should be robust enough to ensure farmers and crofters are engaging with the transition at a minimum level (soil testing, carbon footprint, whole farm plan). It's important to ensure data compatibility so we can start to produce the sort of benchmarking data which Ireland's Origin Green project has had since 2012.

Other base level requirements should include:

1% of land in hedges or tree cover (except on farms/crofts where it is impossible to establish trees)

Not being in breach of environmental, clean water or animal welfare regulations

Deer stocking levels at a science-based level to allow natural regeneration

Peatland being in good condition or under active restoration

3 Do you agree that Tier 2 should be an 'Enhanced Level Direct Payment' to deliver outcomes relating to efficiencies, reducing greenhouse gas emissions and nature restoration and enhancement?

Yes

Please give reasons:

We welcome the idea of a 'threshold' which farmers and crofters must meet to secure the balance of their annual maintenance payment. This 'balance' must be at least 50% of the total payment, and should be increased over time.

This will need to do most of the 'heavy lifting' to make Scottish farming and crofting deliver more for climate and nature targets. It is therefore essential that Tier 2 payments are conditional on achieving a threshold of actively delivering for climate and nature, rather than only halting harming practices. This threshold should be signalled well ahead of implementation (ie by the end of 2023 for a 2026 scheme year start).

The threshold should be raised over time and must be set at a level matched to the targets - so that if a certain percentage of farmers and crofters are receiving Tier 2 payments in 2032 the targets for nature and climate will be being met. This requires effective large-scale modelling of likely uptake, and the impacts of management changes on nature, climate and food production.

Where this threshold is set initially, and how it is raised over time, will be key to the effectiveness of the new support scheme in driving change. It is tempting to define this threshold on the basis of discrete on-farm optional actions which can be shown and measured on a map and which each carry a number of points towards the threshold.

While these actions are welcome, they are not enough to deliver for nature and climate. The greatest gains come from system change at farm level - eg converting to organic production, destocking to a 'minimal input' carrying capacity, integrating trees into the whole farm system: and from a wider industry shift towards optimising human nutrition, resource circularity, processing and marketing co-operation, agricultural knowledge and innovation. Achieving this threshold may include combining a number of activities and outcomes to achieve a certain score. However, some elements of the threshold should be mandatory.

Mandatory elements could include:

Minimum tree cover - say 4%

Minimum access to pasture for different species - for example 1500 hours for dairy cows

Participation in high health schemes

Use of high-identity preserved soya in animal feed

Tier 2 conditionality for livestock businesses should include minimum performance standards, averaged over, say, a three-year rolling period. These could include for example, calving and lambing percentages, calving interval, daily liveweight gain, GHG emissions per kg meat or milk, antibiotic use, carcass classification, mortality etc relative to climate and breed etc. While all these standards have a positive financial impact and should already be the focus of farm management, the 'long tail' of livestock producers suggests that focus is needed on improving performance. Standards should be ratcheted up over time.

Optional elements for Tier 2 could include

Additional tree cover

Additional access to pasture

Pasture-fed or organic certification

Intercropping, poly-cropping, undersowing and catch crops

Minimum tillage

Herbal and multispecies leys

Minimal pesticide use

Good nitrogen balance, complying with NVZ requirements outwith NVZ areas

Participation in low methane breeding

Involvement in local environmental monitoring - e.g. health of pollinators / wild bird populations

It will be essential to ensure that the Tier 2 threshold cannot be achieved by the majority of current farms and crofts by continuing with business as usual or by only adopting a number of 'easy' measures.

4 Do you agree that Tier 3 should be an Elective Payment to focus on targeted measures for nature restoration, innovation support and supply chain support?

Yes

Please give reasons:

Tier 3 payments should be designed to encourage actions by farmers and crofters which go above and beyond the threshold for farming and crofting established under Tier 2. Tier 3 should include provision for loans as well as grants, and for both capital and revenue payments.

Farms and crofts should apply for these payments, making the business and environmental case for them. While in this sense the payments would be competitive rather than automatic, the Tier 3 budget should be set at a level to allow large numbers of farmers and crofters to be successful if their applications are robust.

Tier 3 could include for example support for:

Organic conversion and maintenance

Integrating trees on farms, specifically whole farm agroforestry

Transitioning to cow with calf dairying

System change to rotation/mixed farming, destocking, changing breed to smaller cows

Protein crops, especially for human consumption

On-farm processing

Plant and animal species conservation and enhancement of biodiversity (e.g. wild bird populations)

Glasshouses and polytunnels, to extend the range and yield of fruit and vegetable crops grown in Scotland.

Buildings and/or equipment to enhance animal welfare and health, or reduce emissions.

Natural regeneration through excluding stock

Peatland restoration (to meet Tier 1 conditions)

Production of food from heritage breeds and varieties
Woodland expansion for commercial use, for example for quality timber products that lock carbon long-term.

Renewable energy installations, to promote a revival in onshore wind and solar energy projects following changes in UK energy strategy arising from the Ukraine crisis. As a general principle all farms should be net energy producers.

Support for farm diversification to promote resilience, as diversified farms generate £16,000 extra income on average.

Low carbon equipment provided to individual farmers or machinery rings, for example minimum tillage seeders, slurry separators and injectors, precision guidance, drones, dryers.

Mobile or temporary fencing, or no-fence grazing technology to support a return to rotations in all-arable systems.

Creation of hay meadows

Enhancing public access, providing educational visits, and working with social prescribers

5 Do you agree that Tier 4 should be complementary support as the proposal outlines above?

Yes

If so what sort of Complementary Support do you think would be best to deliver the Vision? Please give reasons:

These 'horizontal' actions which channel resources into sector-wide or industry-wide measures can make an important contribution to the productivity of the whole system. These could include:

Facilitation of landscape level co-operation, whole island plans etc

Support for new entrants and 'handover' schemes, including acquisition of farms by government to rent out to new entrants

Investments in animal health schemes and animal breeding, including low methane genomics

Processing sector and collaborative supply chains (including for example mills, fruit and vegetable processing, modular abattoirs)

Support for producer organisations and co-operatives

Enabling resource circularity, helping by-products from one process become valuable inputs to another

PGIs

Occupational health. Farming is a notoriously dangerous occupation, and farmers are also likely to suffer poor mental health. Farmers should have access to a state-run occupational health service (as operates in Sweden for example), and lone worker monitoring systems as used in forestry

CPD and knowledge exchange

Training for horticulture, including market gardeners and production under cover

Agroecology mainstreamed in SRUC / agricultural education

Refocused advisory service, climate and nature as core to the mission

Money for local authorities to support public procurement of local and organic food, and the local food economy more generally

Support for machinery rings to make the latest eco-technologies (such as precision farming and no-fence) available to farmers either for hire or on try-before-you-buy basis

Investment in agroecological research and development (R&D) funding

As well as existing national efforts to reduce or eradicate diseases, the enhanced Scottish Veterinary Service might provide a core level of publicly-funded support to help farmers improve animal health. This could include the use of technicians to provide AI assistance to beef and sheep farmers to support low methane genetics.

Support for Areas of Natural Constraint (or LFASS) and coupled support for beef and sheep sectors should be dealt with through direct payments rather than through Tier 4. We do not agree with coupled support as a way to support producers in remote areas.

6 Do you agree that a 'Whole Farm Plan' should be used as eligibility criteria for the 'Base Level Direct Payment' in addition to Cross Compliance Regulations and Greening measures?

Yes

Please give reasons:

A 'Whole Farm Plan' should be required for farmers and crofters to be eligible for payments under Tier 1 and other tiers.

The whole farm plan should include

Business objectives and financial projections for a five-year period

Animal health and welfare plan

A statement of natural capital assets, including farm woodland, soil test results and where available a biodiversity assessment

An up-to-date carbon footprint including greenhouse gas emissions per unit of produce and a note of any measures planned to reduce overall emissions and emissions intensity

A nutrient-management plan

Other key indicators as they become available – for example nitrogen use efficiency

Scottish Government should consider a simplified application process for small-scale farmers and crofters, such as a Small Farms Scheme (although that should still require some form of whole farm planning).

7 Do you agree that the new Agriculture Bill should include a mechanism to help ensure a Just Transition?

Yes

Please give reasons:

There are several elements of Just Transition to be considered.

First, there should be support for individual farmers/crofters/households to adapt to changes in the focus of public support where these changes have a major effect on livelihoods. This should include proactive help with advice, exit, handover within or outwith the family, retraining, diversification within or beyond farming, and housing.

Second, there should be support for tenants to share benefits and risks of the change with landowners, and to have greater freedom in the way they manage the land.

Third, there should be wider industry measures to ensure that the costs of change are borne fairly, through effort-sharing in the supply chain. Retailers and manufacturers benefit from farmers reducing the pre-farmgate emissions of their products, and should provide financial and technical support to their suppliers.

Fourth, the use of private or blended finance should reflect the principles for responsible investment in natural capital and ensure wider community benefit.

There has been a recent boom in acquiring land in Scotland for carbon offsetting through afforestation. Carbon credits are being used as an alternative for effective action. Some companies are claiming to be "carbon neutral" but rather than changing practices that are detrimental to our nature and climate, they are buying carbon credits to offset the harm they continue to cause. These large-scale land use changes operate outside any local authority planning powers; require no community engagement, consent or benefit; do not have to deliver biodiversity net gain and often produce net loss, and reduce opportunities for future generations to take on farms and produce food.

Fifth, Just Transition should create opportunities for new entrants and mitigate pressures for consolidation. It is vital that the industry offers an attractive career opportunity for people a diverse range of genders, ages and new entrants, including those not from farming backgrounds.

However, it is important to recognise the need for transition. Livestock protein consumption levels – especially red meat - are set to decline both domestically and in our main export markets. We should not be investing public funds in promoting consumption of meat or milk. Instead, we should be promoting consumption of vegetables, fibre, whole grains etc.

The transition to producing and consuming less and better meat in Scotland can go along with strengthening local markets and short supply chains, with a higher proportion of our animals being slaughtered and processed in Scotland (at high animal health and welfare standards). Reducing stocking on farms to 'maximum sustainable output' levels will on many farms both increase profitability by reducing inputs and reduce farm emissions while restoring nature.

8 Do you agree that the new Agriculture Bill should include mechanisms to enable the payment framework to be adaptable and flexible over time depending on emerging best practice, improvements in technology and scientific evidence on climate impacts?

Yes

Please give reasons:

The payment framework should adapt so that it encourages adoption of best practice. Once that practice is widespread (for example use of sexed semen) payments are no longer needed.

Similarly, it is essential that the scheme can flex to reflect new science and inventory revisions. For example, the estimates for emissions from degraded peatland were revised upwards, making this a higher priority for investment. As we learn more for example about carbon sequestration in grassland or ammonia mitigation measures we will want to support different techniques and policies.

9 Do you agree that the new Agriculture Bill should include mechanisms to enable payments to support the agricultural industry when there are exceptional or unforeseen conditions or a major crises affecting agricultural production or distribution?

Yes

Please give reasons:

Under the new CAP, there is provision for a 'crisis reserve' to cope with future shocks, and there is an argument to be made for flexibility within the Scottish Agriculture

One of the lessons from the war in Ukraine is that we need to build more resilience into our food systems. Despite some of the rhetoric around the threat to food security, what the Ukraine crisis has really shown is that our farming system is overly reliant on fossil-fuel-based fertiliser and grain-fed animal production. The solution is a shift towards agroecological farming, with the use of legumes to fix nitrogen and reduce the need for nitrogen fertiliser, more expansive pasture-fed livestock systems and less land used for growing crops to feed to animals.

If we have a more resilient food production system, we will be better placed to cope with future shocks, whether in terms of extreme weather events or rises in input costs.

2. Delivery of Key Outcomes: Climate Change Adaptation and Mitigation

1 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change mitigation objectives?

Yes

Do you have any views on specific powers and/or mechanisms that could support such alignment? Please give reasons:

We support the proposal for the Agriculture Bill to include powers and other mechanisms to allow future payments to farmers, crofters and land managers to support delivery of national climate change mitigation objectives, including the statutory greenhouse gas (GHG) emissions reduction targets

and duties set in the Climate Change (Scotland) Act 2009.

The World Wildlife Fund (WWF) Scotland report, Reaching Net Zero in Scotland, from 2019 examined 37 different measures to reduce GHG emissions. The measures with the most potential were identified as: reduction in nitrogen fertiliser use; the use of legumes in grasslands; rotational grazing in species diverse grassland; feed additives for ruminants; improved animal health and breeding; organic farming; and agroforestry. All these measures should be encouraged and incentivised by Scottish Government policy, backed up by advisory service support.

There is also potential within the proposed funding structure to provide capital grants or loans for low-carbon farm equipment such as minimum tillage seeders or drones, or investment in 'no-fence' grazing technology to help encourage a shift, for example, from specialist arable to more mixed farming systems.

2 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change adaptation objectives?

Yes

Do you have any views on specific powers and/or mechanisms that could support such alignment? please give reasons:

We agree that the Agriculture Bill should include powers and other mechanisms to allow future payments to farmers, crofters and land managers to support delivery of national climate change adaptation objectives including building resilience to relevant risks identified in statutory Climate Change Risk Assessments.

As noted in previous responses, we must focus on building more resilient food systems. The solution is a shift towards agroecological farming, with the use of legumes to fix nitrogen and reduce the need for nitrogen fertiliser, more expansive pasture-fed livestock systems and more land freed up from growing crops to feed to animals.

We have also previously commented on the need to shift the balance of what we produce in this country. That includes an increase in domestic production of vegetables, fruit and pulses. To help facilitate this change, capital grants or loans could also be made available to encourage growth in the glasshouse sector, or more polytunnels to accommodate diverse vegetable and fruit production.

3 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including a mechanism to enable payments to be made that are conditional on outcomes that support climate mitigation and adaptation measures, along with targeted elective payments?

Yes

Please give reasons:

Making some payments conditional on outcomes can be an effective way to drive change. For example, including minimum levels of efficiency in the Tier 2 threshold for livestock farmers is likely to improve performance and improve incomes (and in some cases lead to reduced stocking). Other outcomes - such as achieving good enough ecosystem services on farm - may take years to deliver and it can be hard to measure incremental year on year improvements.

4 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures that support integrated land management, such as peatland and woodland outcomes on farms and crofts, in recognition of the environmental, economic and social benefits that it can bring?

Yes

Please give reasons:

The new schemes should be designed to encourage farms to take an integrated land management approach. At the minimum, this means not being penalised with respect to any area-based payment for land which is used for grazed woodland, extended hedges, trees in fields, field margins, riparian planting, scrub, wetland, ponds etc - provided this land is not treated with any pesticides.

2.1 Nature Protection and Restoration

1 Do you believe the new Agriculture Bill should include a mechanism to protect and restore biodiversity, support clean and healthy air, water and soils, contribute to reducing flood risk locally and downstream and create thriving, resilient nature?

Yes

Please give reasons:

There is a clear role for using public money to prevent environmental harm, but regulation is often the fairest and most effective way to achieve the desired outcome, thus freeing up funds to be spent on delivering environmental enhancement. The polluter pays principle should therefore be much more central to thinking about future public spending in agriculture.

For example, we welcome the forthcoming changes in the General Binding Regulations to end the use of splash plates for slurry spreading. This is much more effective than voluntary measures.

We support further regulation of nitrogen use, for example extending nitrate vulnerable zones to include the whole of Scotland. An estimated 55% of the nitrogen fertiliser used in Scotland is applied to grassland, often with low levels of nitrogen use efficiency.

Similarly, we would argue for a more robust approach to degraded peatland, soil compaction and soil erosion, strengthening GAEC to require land owners to restore peat soils and minimise soil erosion and compaction.

In addition to regulation this objective can be further achieved through support for organic farming, for destocking especially where soils are vulnerable to erosion, and for agroforestry.

2 Do you believe the new Agriculture Bill should include a mechanism to enable payments that are conditional on outcomes that support nature maintenance and restoration, along with targeted elective payments?

Yes

Please give reasons:

Payment by outcomes can work well, for example the ongoing Hen Harrier Programme which began in 2017 in Ireland. The Programme provides financial support to farmers who take steps on their lands to protect hen harrier populations.

There are some measures that are beneficial for nature maintenance and restoration that won't bring any tangible commercial benefit, but nevertheless deliver outcomes that have a clear justification for public support. For example, the creation of hedges, destocking on peatland, riparian management, or land management practice to protect particular species.

More funding needs to be made available for these types of projects under Tier 3 of the proposed system.

3 Do you believe the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration?

Yes

Please give reasons:

Enabling co-operation on a landscape/catchment scale can generate additional benefits for ecosystem services including water quality, flood prevention and species conservation. The regional land use partnerships should be well-placed to propose landscapes/catchments where co-operative schemes can be developed.

Landscape/catchment level schemes also lend themselves to blended public and private investment, and provide an opportunity to secure community engagement and community benefit. For example, Investment Ready Nature Scotland is a grant scheme to help organisations and partnerships develop projects that use private investment and market-based mechanisms to help finance the restoration of the natural environment in Scotland. They recently funded projects to set-up a landscape-scale but locally-led initiative to help restore peat bogs across the Flow Country in Sutherland and Moss of Cree in southwest of Scotland.

2.2 High Quality Food Production

1 Do you agree that the powers in the Agriculture and Retained EU Law and Data (Scotland) Act 2020 should be extended to ensure Scottish Ministers have flexibility to better respond to current, post exit, circumstances in common market organisation and easily make changes to rules on food?

Yes

Please give reasons:

Scottish Ministers should have flexibility to respond to circumstances in common market organisation.

However, we are not sure what is intended by 'easily make changes to rules on food'. The Scottish Government has made commitments to align with EU standards and laws (Programme for Government 2021) so we would expect that to continue. If this ability to make changes is limited to technical fixes or necessary updates to retained EU law, then we would support that.

2 Do you agree that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets?

Yes

Please give reasons:

Based on the narrative within the consultation document, we see no problem with this, as long as a clear statement of purpose is included in the Bill

3 Do you believe the new Agriculture Bill should include a mechanism to enable payments that support high quality food production?

Yes

Please give reasons:

Mostly food is not what leaves the farm gate. High quality food includes several elements

Taste

Animal health and welfare

Positive environmental impact – or minimisation of negative impact

Nutrient composition – so for example meat from grass-fed systems has a healthier balance of fatty acids, while organic vegetables may have higher antioxidants and better soil health can lead to greater nutrient density in wheat and other crops

Absence of contaminants including pesticide residues and harmful additives

Labour standards and fairness of transactions along the supply chain

Way in which ingredients are processed, preserved and packaged for sale, with a recognition that too much of the food we eat in Scotland is ultra-processed. Fermented products including sourdough may have specific health benefits

Transparency of labelling – places of origin, production methods, ingredients etc

It is essential for Scotland's future as a good food nation that more of the food we sell, serve and eat is high quality. Measures in this Bill should support that objective, encouraging organic and pesticide-free agriculture, pasture-fed systems, high labour standards throughout the supply chain, short food chains and traditional processing between the farmgate and the plate.

We welcome the Scottish Government's ambitions to incorporate human rights into domestic legislation in this parliament. We would like to see this Agriculture Bill aid progress towards the realisation of the right to food for everyone in Scotland. The right to food states that:

food should be available from natural resources by cultivating land, animal husbandry or through other ways of obtaining food such as fishing.

Food should be affordable for individuals to have an adequate diet without compromising on other basic needs such as heating or rent

Food should be accessible to all, including physically vulnerable (e.g. children, sick, disabled, or elderly people). Access to food should be guaranteed for people in remote areas or victims of natural disasters

Food must satisfy dietary needs, and must be safe for consumption

Food must be accessible for present, as well as future generations, and must therefore be sustainably produced

We ask that the Scottish Government mainstream a human rights-based framing when considering 'high quality food'

It's important to align our future subsidy scheme with our broader public health and planetary health objectives.

4 Do you believe the new Agriculture Bill should include a mechanism to provide grants to support industry in the agri-food supply chain to encourage sustainability, efficiency, co-operation, industry development, education, processing and marketing in the agri-food sector?

Yes

Please give reasons:

It's essential that the Agriculture Bill should include a mechanism to provide grants and loans to support the whole food and farming sector. Specific opportunities include:

Support for renewable energy and decarbonisation on farm

De-carbonisation in the processing sector, where smaller operators may struggle to raise the capital they need to convert or renew equipment

Support for modular abattoirs with peripatetic staff and remote vet surveillance

Support for short food chains e.g. for local authorities to support public procurement of local and organic food, and the local food economy more generally

Support for further co-operation in marketing, distribution, research and development, sourcing inputs etc – as has already been achieved in several farmer co-ops.

Support for low-methane genomics

Support for CPD and new training programmes, in particular training in market gardening, glasshouse production, agroforestry, organics and farming with nature

5 Do you believe the new Agriculture Bill should include powers for Scottish Ministers to declare when there are exceptional or unforeseen conditions affecting food production or distribution?

Yes

Please give reasons:

6 Do you believe the new Agriculture Bill should include powers for Scottish Ministers to provide financial assistance to the agri-food sector and related bodies whose incomes are being, or are likely to be, adversely affected by the exceptional or unforeseen conditions described in the declaration referred to above?

Yes

Please give reasons:

7 Do you agree that the new Agriculture Bill should include the powers to process and share information with the agri-food sector and supply chains to enable them to improve business efficiency?

Yes

Please give reasons:

2.3 Wider Rural Development

1 Do you agree that the proposals outlined above should be included in the new Agriculture Bill?

Yes

Please give reasons:

We support the continuation of support for rural and island communities.

In particular, we welcome the proposals for 'community led local development' and for financial support for communities to collaborate and to influence policy. This approach should dovetail with the work of regional land use partnerships to allow rural areas to tailor farm/croft support and wider economic

support to local circumstances and opportunities. Local authorities should be key players in this process. In particular, we support the development of 'whole island' plans which give communities a say and a stake in land use, food and farming – linked to local good food nation plans that will be coming forward as part of the implementation of the Good Food Nation (Scotland) Act 2022

2 Are there other areas relating to non-agricultural land management such as forestry that you would like considered for support under the Agriculture Bill to help deliver integrated land management and the products produced from it?

Yes

Please give reasons:

As set out above, we support integrated land management and a land sharing rather than a 'land sparing' approach. We want to see a major investment (possibly blended finance) in expansion of agroforestry across Scotland to become a key feature of our land management in both upland and arable areas. This investment would include advice, research and development as well as capital/revenue support for establishment and maintenance of agroforestry systems.

Woodland/forestry grants within the agriculture budget should support only tree-planting which complements agricultural activity – whether that's hedges, shelter belts, riparian planting, alley planting, planting to prevent soil erosion/water run-off, grazed woodlands etc. Within the context of area-based support, any areas which are planted or maintained in this way should form part of the farm's eligible area.

Commercial forestry activity – which takes land out of agricultural production – should be viable without grants.

We also note that Scottish Forestry has announced a consultation on the 'refresh' of the FGS, opening in January next year. We will be engaging with that process and feeding our thoughts on the future of forestry policy and support more widely, in due course.

3 What other powers may be required to enable rural development in Scotland's rural and island communities?

Yes

Please give reasons:

Planning powers to support new low impact housing for new entrants earning much of their living from working on the land (similar to the One Planet Development Policy (OPD) in Wales which enables people move to protected areas to live ecologically sustainable lifestyles

Powers to support development of a thriving glasshouse sector including the power for local electricity pricing (or pricing of heat from groundwater)

Powers to support on-land (closed loop) aquaculture to provide a more resource-efficient and less polluting approach to farming salmon and trout

Powers to require landowners to maintain deer numbers at science-based levels to allow regeneration

Powers to require land managers to remediate peatland or exclude stock from peatland/areas at risk of erosion

Powers to support village shops and community shops to stock local food (as an alternative to supporting farm shops)

Powers to pay a 'peripherality/disadvantage' uplift on any payments

Powers to support 'generational renewal' – for example combining exit/handover payments to existing farmers/crofters with long-term support for new entrants

Powers for Government or its agents to enter into long-term (50 year plus) leases with farmers and crofters to undertake woodland creation and management directly

Other powers – such as the power to create new forms of tenancy (including crofting tenancies outside the crofting counties, woodland crofts) should be taken as part of the land reform legislation.

4 What potential social, economic or other impacts, either positive or negative, would such powers have on Scotland's rural and island communities?

Please give reasons:

Helpful impacts if used well

2.3.1 Animal Health and Welfare

1 Do you agree that the new Agriculture Bill should include powers to establish minimum standards for animal health, welfare as a condition of receiving payments?

Yes

Please give reasons:

Animal welfare is one of the top public concerns associated with farming.

Minimum standards should include membership of quality assurance schemes. Tier 2 payments should be conditional on participation in high health schemes.

No farmer/crofter should receive base payments if:

They have been found in breach of animal welfare standards (minimum exclusion period of say 2 years)

Their livestock have no access to pasture during their lifetime

Housed stocking densities exceed science-based levels (except in an emergency)

All farmers/crofters who keep livestock should have an animal health and welfare plan agreed with their vet and reviewed annually as part of their whole farm plan under Tier 1. This should include a wide range of issues, including for example choice of bull to ensure ease of calving, selection of breed appropriate to local terrain and climate, and so on.

To achieve Tier 2, antibiotic use per kg meat/milk should be required to be under a level set by the Chief Veterinary Officer

There should be a Tier 2 option for farmers to meet organic livestock welfare standards.

2 Do you agree that the new Agriculture Bill should include powers to make payments to support improvements in animal health, welfare and biosecurity beyond legal minimum standards?

Yes

Please give reasons:

Please give reasons for your answer.

Much of the improvement needed in animal health, welfare and biosecurity should be achieved through regulation, advice and training, and there have been significant improvements for example in control of BVD. Improving animal health improves business profitability and so does not always require public funding.

Method of production labelling – for example in the Danish pork scheme – is a way to drive higher welfare standards, though again the base standard should not be set too low. The supply chain in Scotland should also be requiring producers of day-old chicks to use modern methods of testing so that eggs with male chicks can be screened out at an early stage before hatching.

There are strategic interventions which could also help promote positive animal welfare and animal-centred farming, including for example, supporting cow with calf dairying and the use of dual-purpose hens, keeping hens for two seasons and redesign of housing/gates to allow animals more autonomy. In areas with a very high incidence of fluke, at least until vaccines are more effective, farmers should be able to apply for destocking support to reduce overall stocking density and ensure that the most fluke-prone areas are taken out of production at least for a number of years.

We regard the provision of shade/shelter/browse through agroforestry systems as an animal welfare issue and would argue that no animal should be in a field without access to shade/shelter.

3 Do you agree that the new Agriculture Bill should include powers to collect and share livestock health, welfare and biosecurity data?

Yes

Please give reasons:

This is essential for disease surveillance and control and for benchmarking. The converse is that farmers should get back real time data on their own performance.

2.3.2 Plant Genetic Resources and Plant Health

1 Do you agree that Scottish Ministers should have powers to provide support for the conservation of Plant Genetic Resources, including plants developed and grown for agricultural, horticultural or forestry purposes and their wild relatives?

Yes

Please give reasons:

We agree that Scottish Ministers should have powers to support for the conservation of Plant Genetic Resources and agree that should include support for community seed banks.

Scottish Ministers should have equivalent powers in relation to livestock genetic resources and livestock health

2 Do you agree that Scottish Minister should have the power to provide support to protect and improve plant health?

Yes

Please give reasons:

Plant breeding and the varieties we grow play a crucial role in sustainable agricultural systems. There is increasing evidence, for example, that evolutionary plant breeding in organic and agroecological farming systems can help address the complexities of climate change while stabilising yields and decreasing agrochemical use, reducing climate-damaging emissions, and producing healthy food.

We will need new, resilient and thrifty plant varieties to achieve a more sustainable and resilient agriculture.

We should also be investing in breeding for dual purpose livestock.

3. Skills, Knowledge Transfer and Innovation

1 Do you agree that support should continue to be provided in this area?

Yes

Please give reasons:

Agricultural Knowledge and Innovation Systems are a key element in delivering the step change needed to a more sustainable farming system.

Additional investment will be required. At the same time, future advisory services must be much more clearly focused on supporting change towards more sustainable farming methods and systems. This means a change of culture for the existing service, with the new contract more closely focused on delivering climate and nature outcomes. Recruitment of new advisors and retraining of existing advisors will be required. The advisory service should be connected more closely with RESAS and SEFARI. The role of advisors will also need to focus on supporting and co-ordinating peer learning groups where

farmers are learning from each other in a supportive and non-judgemental atmosphere, with access to expert advice. This model is more effective at delivering on the ground practice change (compared to 1-to-1 support or more traditional talk/webinar format).

Alongside advice services, there should be multi-year investment in knowledge exchange programmes and CPD. A range of different approaches will be needed, including support systems for new entrants, farmer-led trials, topic groups looking at different issues such as livestock health, soil health, agroforestry and so on.

2 Is there any particular gaps in delivery that you can identify?

Yes

Please give reasons:

There are no formal learning/traineeship programmes for market gardening, for horticultural production under glass or plastic.

Training is also needed in organic production and in agroforestry.

Formal training for advisors and CPD for advisors is also needed.

RPID staff should also have opportunities for training, since the new system requires them to understand and enable a very different approach to farming.

If Scotland is to be a world leader in sustainable and regenerative agriculture, its main training institution for farmers and land managers must also have this mission at its heart.

3 Are there any alternative approaches that might deliver better results?

Yes

Please give reasons:

There's some evidence that moving courses and events online during COVID was helpful in engaging a wider range of farmers and crofters. However, for farmers to make significant changes to their business it's also helpful to have face to face contact both with advisors and with other farmers. Nourish Scotland currently co-ordinates a knowledge exchange project with other organisations (Soil Association, Propagate, Nature Friendly Farming Network, Pasture for Life, Land Workers Alliance) which is combining facilitated small group discussions and in-person farm visits with online engagement through Whatsapp zoom meetings and webinars.

A CPD programme would recognise/provide credit for engagement in knowledge exchange as well as formal training sessions.

Funding for attendance at international conferences and trade shows is also a key element in learning about and sharing best practice. Funds could be made available through sector bodies or through one of the agricultural charitable trusts.

4 Do you have any ideas as to how engagement/participation in advisory services, knowledge transfer or skills development might be improved?

Yes

Please give reasons:

As above, CPD should be part of core eligibility for receipt of public funds.

It's likely that setting minimum production standards as part of the Tier 2 threshold will encourage some farmers and crofters to seek out advice.

It's important to ensure that the way services are delivered encourages equal participation by women. Our recent KTIF project achieved 50:50 participation, in part because it was delivered by women facilitators.

5 Do you agree that Scottish Ministers should have the power to establish a national reserve and regional reserve if/when required to ensure the equal treatment of farmers and to avoid distortions of the market and of the competition?

No

Please give reasons for your answer:

The idea of a 'reserve' is rooted in the old system which put most of the money into area-based direct payments with minimal conditions. It goes alongside the outdated concept of 'entitlements' linked to the quality and quantity of land being managed.

It's essential that Scottish Ministers maintain some budgetary flexibility to address inequities. However, a decisive shift in both thinking and language is needed to move away from the focus on incumbency rather than delivery of public value.

4. Administration, Control, and Transparency of Payment Framework Data

1 Do you agree that Scottish Ministers should have the power to create a system that provides for an integrated database, to collect information in relation to applications, declarations and commitments made by beneficiaries of rural support?

Yes

Please give reasons:

This will be essential for the functioning, monitoring and evaluation of the new payment system. This system should include reporting by beneficiaries on how grants and loans have been used. The data on how much businesses receive should continue to be in the public domain.

2 Do you agree that Scottish Ministers should have the power to create a system that collects and shares information for the purposes of carrying out management, control, audit and monitoring and evaluation obligations and for statistical purposes, subject to General Data Protection Regulation (GDPR) requirements?

Yes

Please give reasons:

Scottish Government must have the ability to monitor and evaluate what is happening across the farming sector to ensure best value for public money, to monitor the impact of policy and regulatory changes, and to make improvements or more targeted interventions where and when required.

3 Do you agree that Scottish Ministers should have the power to share information where there is a public interest in doing so, and subject to complying with the General Data Protection Regulation GDPR?

Yes

Please give reasons:

Yes, where public money is being spent there should be transparency.

4 Do you agree that Scottish Ministers should have the power to create a system that provides a mechanism that aligns with the principles of the Scottish Public Finance Manual?

Yes

Please give reasons:

We are calling for the Scottish Government to shift more funding towards payment for public goods, so we would welcome alignment with principles of the Scottish Public Finance Manual. It is right that the use of public money is subject to tests for economy, efficiency and effectiveness, as well as promoting good practice and high standards.

5 Do you agree that Scottish Ministers should have the power to create a system that provides the data required to undertake administrative checks on applications / claims made by beneficiaries for rural support?

Yes

Please give reasons:

Yes, it is important the new system is robust and that checks are in place to ensure the best use of public funds. The administrative checks should be accompanied by checks on compliance for those in receipt of public funds.

6 Do you agree that Scottish Ministers should have the power to create a system whereby on-the-spot-checks should be undertaken to further verify applications / claims made by beneficiaries for rural support?

Yes

Please give reasons:

Yes, as above, and where necessary.

7 Do you agree that Scottish Ministers should have the power to create a system that would provide for cross compliance, conditionality that covers core standards in relation to sustainable environment, climate, Good Agricultural and Environmental Condition (GAEC), land, public and animal health, plant health and animal welfare, Soil health, carbon capture and maintenance?

Yes

Please give reasons:

All of this must be monitored to ensure best value for public money and effective implementation of conditionality. GAEC should be both strengthened (for example to require restoration of degraded peatland) and more effectively enforced.

8 Do you agree that Scottish Ministers should have the power to create a system that provides a mechanism to support the delivery of practices aligned to receipt of elective payments, for targeted outcomes?

Yes

Please give reasons:

Yes, as above.

9 Do you believe that Scottish Ministers should have the power to monitor and evaluate outcomes to ensure they meet the agreed purpose and help better inform future policy?

Not Answered

Please give reasons:

Yes, the power and also the duty to monitor and evaluate outcomes and report publicly on these

10 Do you believe that Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately?

Yes

Please give reasons:

11 Do you agree that Scottish Ministers should have the power to enable the publication of details pertaining to recipients who receive payments including under the future payment model (outlined above) and set a level above which payment details will be published?

Yes

Please give reasons:

It is important to have transparency around the use of public funds, provided relevant data protections are in place. We also believe that all payment details should be in the public domain, not just those above a certain level.

12 Do you agree that technical fixes should be made to the Agriculture and Retained EU Law and Data (Scotland) Act 2020 to ensure Scottish Ministers have all requisite powers to allow CAP legacy schemes and retained EU law to continue to operate and be monitored and regulated and also to ensure Scottish Ministers have flexibility to better respond to current, post exit, circumstances?

Yes

Please give reasons:

5.1 Agreement to Diversification

1 Do you agree that Scottish Ministers should have a power to be able to determine what is an acceptable diversification?

Yes

Please give reasons:

Tenant farmers should have the same opportunities to take action on their holdings to mitigate climate change and improve biodiversity as other farmers – and in particular, should not be prevented from planting trees as part of well-planned agroforestry systems.

At the same time, we have concerns that including tenancy reform in this Bill may distract from full consideration by Parliament of the CAP replacement schemes. There is an argument for including necessary tenancy reforms in land reform legislation.

2 Do you think that if this power is given to Scottish Ministers that the Tenant Farming Commissioner should have the ability to issue guidance to assist tenant farmers and landlords understand this.

Yes

Please give reasons:

5.2 Waygo and Schedule 5 of the Agriculture Holdings (Scotland) Act 1991

1 Do you agree that Scottish Ministers should add new activities and items onto Schedule 5 of the Agricultural Holdings (Scotland) Act 1991; to enable tenant farmers to support biodiversity and undertake climate change mitigation and adaption activity on their tenant farms?

Don't know

Please give reasons:

as above - not sure that this is the right Bill to do this in

2 Do you agree that Scottish Ministers should have a power to amend Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 by secondary legislation to enable Schedule 5 to be changed to meet the future challenges?

Don't know

Please give reasons:

surely they have this power already

3 If you do not agree that Scottish Ministers should have the ability to vary the activities and associated items listed on Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 please explain why, including any alternative approach you have to address this issue.

Please give reasons and alternatives:

4 Do you agree that when an agricultural tenancy comes to an end a tenant farmer should have certainty about the timescale by when they will receive any money due to them, and their landlord should also have a similar certainty?

Yes

Please give reasons:

natural justice

5.3 Amendment to Rules of Good Husbandry and Good Estate Management

1 Do you agree that the Scottish Ministers should be able to amend the rules of good husbandry and good estate management defined in the Agricultural Holdings (Scotland) Act 1948 to enable tenant farmers and their landlords to be able meet future global challenges?

Yes

Please give reasons:

We propose the introduction of an 'Environmental Quality Assessment' for land, similar to the Environmental Performance Certificate for houses. As with houses, and could not be sold or rented without a certificate. This assessment would include a range of indicators and result in an overall 'score' relevant to the type of land. This score could be used for a variety of regulatory purposes including Tier 2 eligibility and determining waygo.

5.4 Rent Reviews

1 Do you agree that adaptability and negotiation in rent calculations are required to meet the global challenges of the future? Please explain why.

Yes

Please give reasons:

2 Are there any other relevant considerations that should be included in part of a rent review? Please explain why including any practical examples.

Don't know

Please give reasons:

5.5 Resumption

1 Do you consider that Scottish Ministers should amend the resumption provisions on compensation for disturbance to include a new valuation formula? And if you agree with this proposal, what do consider to be the appropriate method of valuation?

Don't know

Please give reasons :

6. Scottish Agriculture Wages (Fair Work)

1 Do you agree that Fair Work conditions, including the real Living Wage, should be applied to all Scottish agricultural workers?

Yes

Please give reasons:

Fair work conditions and the real Living Wage should be applied to all Scottish agricultural workers. This could be challenging for some farming and crofting businesses, but agricultural workers should, like any other sector of the Scottish economy, be fairly remunerated for their work. Jobs and careers in farming need to be attractive to new entrants

2 What do you consider the implications would be on individual businesses and the Agricultural sector more broadly, if the minimum wage for agricultural workers was to align with the real Living Wage?

Not Answered

Please give reasons:

It would be a challenge for some businesses which are currently not profitable. Shifting towards more agroecological methods could enable savings for businesses. For example, from the reduction of chemical inputs such as fertiliser) which can help businesses to meet employment costs. In some settings jobs and apprenticeships can be shared between farms.

Investments in buildings and technology which raise labour productivity should also be supported by grants or loans.

Chapter 4

Assessing the Impact

1 Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Please give reasons:

Yes. Inevitably there will be additional implementation costs, especially as elements of the old area-based system will be running alongside new elements and schemes. It's therefore essential to model agent behaviour (using a set of farm 'personas' or farms involved in Track 2) to make best guesses about uptake etc and reduce the risk of gaming any new scheme.

Significant leverage for change can be achieved by working more proactively with the supply chain, intervening primarily to ensure just transition and effort-sharing.

Regulation in many contexts is cheaper and simpler than subsidies, but does require adequate support for compliance and enforcement

A light touch small farm/croft scheme would reduce administrative costs, as would moving as many payments as possible to a five-year agreement.

2 Are you aware of any examples of potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment?

Please give reasons:

Used well, the powers in this Bill could support a step change in reducing the negative impact and increasing the positive impact of agriculture on the environment – in line with the Scottish Government's Good Food Nation ambitions, here and in the countries from which we import feed and food

3 Are you aware of any examples of particular current or future impacts, positive or negative, on young people, of any aspect of the proposals in this consultation? Could any improvements be made?

Please give reasons :

Used well, these powers could lead to more young people becoming new entrants

4 Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?

Please give reasons :

no

5 Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

Please give reasons :

Used well, these powers could lead to a greater diversity of new entrants – including women, disabled people and new Scots

6 Are you aware of any examples of how the proposals in this consultation might have particular positive or negative impacts on groups or areas experiencing socioeconomic disadvantage? These could be households with low incomes or few resources; families struggling to make ends meet; people who experienced poverty while growing up; or areas with few resources or opportunities compared with others.

Please give reasons :

Yes. If used well, these powers could connect people living on low incomes with a wider range of affordable local produce, and improve the quality of food in the public kitchen, including schools, nurseries, nursing and residential homes, leisure centres and so on. This would be positive movement towards making the right to food real for more people in Scotland.

However, this requires shifting support from land ownership to local food economies, and in particular providing funding to local authorities to support this. This would be in line with the Scottish Government's vision for Local Food, and the Good Food Nation Act.

7 Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

Please give reasons :

Yes, the proposals on rural development have the potential to support the development of flexible and locally-led use of agricultural support funds, connected with a regional land use plan.

About you

1 What is your name?

Name:

Pete ritchie

2 What is your email address?

Email:

pete@nourishscotland.org.uk

3 Are you responding as an individual or an organisation?

Organisation

4 What is your organisation?

Organisation:

Nourish Scotland

5 What is your occupation?

Third sector (including charities)

6 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

7 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

8 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

1 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very dissatisfied

Please enter comments here.:

The consultation is a series of closed questions relating to powers. It does not set out the policy context and challenges relating to the forthcoming Bill in a way which allows stakeholders and the wider public to engage with the issues and express their views.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.:

As always the technology works well