

CONSULTATION

Response Document



**Delivering our Vision for Scottish Agriculture. Proposals for a new
Agriculture Bill**

5 December 2022

Scottish Government

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 6,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 720 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our [Scotland Policy Group](#).

We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

Consultation Questions

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.

There is important recognition of the role of farmers and land managers in contributing to non-food production objectives of the Scottish Government, particularly net zero and biodiversity. This is a major step forward at policy level. Addressing the biodiversity crisis and climate emergency requires a radical change to the way we manage and use land in Scotland. We need a visionary approach focussed on land use that provides public goods, recognising the need for a diversity of approaches to suit the diversity of agricultural situations around the country and greater engagement of communities of interest in addition to farmers.

We strongly support payments to farmers to support climate change mitigation and adaptation, integrated land management, protection and restoration of biodiversity, air water and soil quality, nature maintenance and restoration.

The 4 tiered approach laid out provides a clear structure. However, the tiered payments have been around for a long time and we would welcome justification of this approach especially as it relegates some actions by farmers to a lower level and it means that the lower the tier the less likely that there will be resources available for its implementation. See further comments under Tier 1 Base Level Direct Payment question.

How does this link to the existing Scottish Rural Development Programme? In particular will the Less Favoured Areas Support Scheme (LFASS) be subsumed within it? Some farms in LFAs may have a good potential for tier 2 and 3 support so will in effect no longer be in a Less Favoured Area.

The basis for environmental measures is still the GAEC, but this needs updating to reflect new knowledge, for example what drives greater biodiversity and climate change benefits¹.

Payments and monitoring need to be conducted over the relevant time period. Clear timescales need to be laid out for measures undertaken and payment schemes clearly linked to that. Payments can't be linked to short term measures that don't contribute to long term nature recovery. If payments are made there needs to be long term support and management so that the measures implemented are not undone or reversed by lack of maintenance and management.

We need to ensure that the payment schemes do not penalise people who are already doing the right things. Some agricultural businesses will already be near the optimum and should not be

¹ Stafford, R., Chamberlain, B., Clavey, L., Gillingham, P.K., McKain, S., Morecroft, M.D., Morrison-Bell, C. and Watts, O. (Eds.) (2021). *Nature-based Solutions for Climate Change in the UK: A Report by the British Ecological Society*. London, UK. Available at: www.britishecologicalsociety.org/nature-based-solutions

penalised for failing to do even better. At the very beginning of the Agri environment schemes farmers, who had already put in ponds and hedges were penalised because their neighbour who had already filled in the ponds and grubbed up the hedges got money for putting them back and that can't be right. It is important that the farmers and crofters with existing high-quality habitats are supported so that these areas are maintained in good condition.

It is also important to recognise that providing support to farms may not be as effective as expected as higher rents and indeed input prices may result from increased income.

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

The case for the tiered payments is not at all convincing and as indicated under our answer to the previous question is of doubtful benefit in a new system with much broader objectives than previously. The basic payment tier shouldn't just be a repeat of the previous basic payment scheme. Payments should go beyond standard practice. The cross compliance and the conditionality measures must provide significant benefits for the environment and go beyond standard practice to encourage more positive benefits for nature and ecosystem services.

There seems to be an emphasis on base level direct payment which we consider does not match the wider government objectives. The basic payment should include funding to support and deliver for nature and climate change alongside other measures for environmentally sustainable food production. If the government insists on retaining the tiered scheme of payments then **funding should be prioritised to Tiers 2, 3 and 4 to support and deliver for nature and climate.**

We appreciate that there will need to be a period of transition. In the interim, base payments must be associated with Whole Farm Plans. Although the basis for environmental measures will still be the GAEC, additional requirements could be incorporated such as carbon and biodiversity audits. Support should be provided via Farm Advisers.

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

Tier 2 must support nature- and climate-friendly farming, with outcomes ambitious enough to meet our legislative targets.

Timescales for implementation and management are crucial. If measures are contributing to carbon sequestration there needs to be a long term management plan outlined. Payment schemes should not support people growing short rotation coppice, cutting it down and then starting it again. There is a place for such activities but they should be self-supporting financially.

Some of the proposals should be accompanied by clear targets for example in relation to tree planting (including % natural regeneration), organic farming, agrochemical reduction. For example,

the Vision for Agriculture sets an ambition to 'encourage more farmers to farm and produce food organically'. A specific target should be set to reach 10% of land farmed organically by 2030, with this change driven by the new system. This target should be included in the Agriculture Bill. Clarity of nature conservation outcomes and what they mean on the ground are essential to delivery. Note that the term 'organic farming' has shifted in meaning over the years. The originators of the concept had a clear holistic and ecological focus involving, for example, closing nutrient cycles. More recently, there seems to have been a stronger commercial focus on not using particular inputs and not considering the consequences of transporting food long distances.

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

Building on the action taken for nature through Tiers 1 and 2, nature restoration measures should be at the forefront in Tier 3. Farmers and crofters should be supported to create and maintain nature rich habitats over the long-term. Specific habitat measures should be targeted at species-rich grassland, wetlands, heath and moorland, field margins. We would like to see outcomes related to Nature Networks included to recognise the importance of the restoration of habitats within the agricultural landscapes for wider ecosystem connectivity.

Many habitat restoration measures will also support species recovery but species specific management should also be supported. Farmers and crofters have a crucial role in the management of invasive non-native species and this should be approached at the catchment scale. Likewise, for catchment scale water quality and interventions to mitigate flooding.

Farmers need well-informed support and feedback to achieve agreed outcomes for nature. Flexibility is needed over how the agreed outcomes are achieved, so that what is not seen to work for nature can be changed. A scheme which is well-resourced in terms of skilled field staff e.g. CIEEM accredited ecologists and experienced professionals for NGOs etc. will achieve more and be more equitable, particularly when it builds on the accumulated knowledge of farmers and crofters in an area.

The biggest weakness seems to be that there is no indication of the likely resources available and the likely allocation to the four tiers. The concern is that Tiers 1 and 2 will be heavily financed leaving very little for Tiers 3 and 4. That is why we consider that the measures proposed in Tiers 3 and 4 should be encapsulated in the basic scheme under Tier 1. There needs to be sufficient funding, long-term protection and collaboration with knowledgeable people to ensure appropriate measures are being employed in the right places.

5. Do you agree that Tier 4 should be complementary support as the proposal outlines above? If so, what sort of Complementary Support do you think would be best to deliver the Vision?

Yes

We would question why tree planting and woodland management, and peatland restoration and maintenance are not in Tier 3? Tier 4 looks like a mix of measures that have not been included in other tiers rather than strategically laid out with clear justifications.

Farmers must have access to advice that is professional, objective and evidence-based from advisors who are competent to deliver this. CIEEM has developed a Farm Environment Advisor Competency Framework² with sixteen areas of competency for farm advisors. There must be much more investment in advice, knowledge exchange, research, and CPD to support the transition to nature-friendly and climate-friendly farming. Supporting sharing of best practice between farmers is incredibly important. Effective CPD to help ensure better outcomes for nature and climate should be mandatory but retain flexibility to ensure that the training is fit for purpose to reflect the farmers specific needs and circumstances.

Agricultural advice must be delivered by qualified professionals with expertise in each aspect. For example, anyone assessing the condition of existing habitats in terms of biodiversity, identifying those which are in good or poor condition, and subsequently advising on how to improve condition, would require input from a competent ecologist in each relevant habitat. Other specialist professionals required include: agroforestry, carbon management, woodland management, and environmental sustainability. Advisors should abide by a code of professional conduct.

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

We are supportive of a whole farm plans approach as it gives overview of the whole operation and provides the context for measures of importance to nature and environment. It also enables recognition that different parts of the operational unit can contribute in different ways to the variety of policy objectives.

A 'one size fits all' scheme fits no-one - A scheme must operate at a local level, with bespoke flexible options and with flexibility to change what isn't working for nature. Measures to support land managers with implementation of plans particularly access to ongoing advice and support - should be available at all stages.

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

Yes

As professional ecologists we welcome the approach being adopted to develop ways for moving forward to a sustainable future for agriculture and other land uses. As with the climate transition, this must be a democratic and just process.

² Farm Environment Adviser Competency Framework – October 2021. <https://cieem.net/resource/farm-environment-adviser-competency-framework/>

The agricultural sector, including crofting and horticulture, is vulnerable to a range of impacts such as diseases and trading conditions which mean that investing in change is a risk.

There is a need for funding for maintenance of good practice rather than just changes.

We would like to see a plan for promoting green jobs in the agriculture sector, especially supporting those entering the profession. CIEEM has developed a Green Jobs for Nature website³, featuring the diversity of careers, routes into the profession and a vast number of job profiles. Alongside the website we will be launching an outreach campaign, using the website as the platform, but particularly targeting young people of colour, those with disabilities and those from under-represented backgrounds which is key in this sector. We welcome input and support in this work.

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

Things will continue to change, as they have over the generations and probably more rapidly as the impacts of climate change worsen. There may, for example, be new crops and cropping systems. Environmental security underpins food security, and climate change is already having an impact on farming, with extreme weather and water shortages impacting food production. In 2017 alone extreme weather contributed to losses of up to £161 million for Scotland's farmers⁴.

There is a long history of experimentation by farmers and land-owners and this will continue. The Bill should do nothing to inhibit such experimentation.

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 crisis affecting agricultural production or distribution?

Yes

Exceptional and unforeseen circumstances can have a catastrophic effect on the industry and thus on food security and achievement of Government goals.

2. Delivery of Key Outcomes;

Climate Change Adaptation and Mitigation

³ <https://greenjobsfornature.org/>

⁴ Lampkin, N., Smith, L. & Padel, K. (2019). Delivering on Net Zero: Scottish Agriculture A report for WWF Scotland from the Organic Policy, Business and Research Consultancy Authors: <https://www.wwf.org.uk/sites/default/files/2021-04/WWF%20Net%20Zero%20and%20Farming.pdf>

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

Yes

Agriculture is Scotland's third largest source of Greenhouse Gas emissions, yet emissions from farming have fallen at a significantly slower pace than almost all other sectors. To meet the Scottish Government Targets of a reduction in emissions by 31% from 2019 levels by 2032⁵ changes need to occur much faster. As outlined in a SRUC article farming must be a part of the climate change solution⁶. Ammonia from farms still continues to be a big issue with a study just published showing that ammonia from farms is behind 60% of the particulate air pollution⁷.

To ensure that the new farm funding system adequately responds to the need to reduce emissions, the Bill should commit to future payments schemes being subject to independent advice and scrutiny, which should measure the impact of payments against emissions reduction targets.

Major land use changes will be required to sequester more carbon and thereby offset the emissions that will continue to be associated with our food production even if the levels are reduced. In delivering a wide range of public goods, there is a potential for unintended consequences, if not planned strategically. Climate measures should not negatively impact biodiversity. The stated purposes of meeting Scottish Government's net zero target and increasing levels of carbon sequestration through land management, must be delivered in tandem with the ambition to increase biodiversity and ecosystem resilience. Strategic opportunity mapping for woodland expansion, is part of the process however site specific Environmental Impact Assessments provides the detail required to ensure planting will not harm existing biodiversity of conservation importance or to achieve biodiversity net gain/positive effects for biodiversity.

Any tree planting should follow the principle of 'the right tree in the right place', i.e. using native species of local provenance where possible and avoiding 'planting up' of key open habitats that are not only important for biodiversity, but may also have a higher carbon capture capacity. Planting with non-native single species monocultures should be avoided and planting with low intrusive methods rather than ploughing or industrial style mounding should be followed.

Any tree planting programme on existing habitat of conservation value should be subject to an Environmental Impact Assessment. Woodland expansion can also be achieved through natural regeneration. This can significantly reduce costs, maintain local adaptation to conditions and, in woodlands, create a varied age structure. Consideration will need to be made of the means to financially support natural regeneration through the Tiers.

Tree planting targets should not override the importance of other habitats for carbon sequestration and biodiversity. Other habitats are very important for carbon sequestration such as

⁵ <https://www.gov.scot/policies/agriculture-and-the-environment/agriculture-and-climate-change>

⁶ <https://www.sruc.ac.uk/all-news/farming-must-be-part-of-the-climate-change-solution/>

⁷ Gi, B., Zhang, L., van Dingenen, R. (2021). Abating ammonia is more cost-effective than nitrogen oxides for mitigating PM2.5 air pollution. *Science*, 374, 758-762. <https://www.science.org/doi/10.1126/science.abf8623>

peatlands and grasslands. Action to address the climate emergency through Nature-based Solutions must utilise the full suite of high-carbon habitats. When they are degraded, peatlands act as a source of greenhouse gases, and have reduced biodiversity and capacity to improve water quality⁸.

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

Yes

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

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

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

Biodiversity will tend to be greatest where the intensity of production is low and there is a mosaic of semi-natural habitats as part of the overall farm, agroecological practices need to be incorporated into all farming systems.

There are numerous measures that should become mandatory:

- Increasing the amount of semi-natural habitat (woodland copses and new riparian woodland, shrubs, ponds, field margins, hedgerows) as a mosaic within agricultural land.
- Livestock excluded from watercourses and river margins which would provide water quality and biodiversity benefits.
- Winter cover crops to reduce soil erosion issues and resilience to flooding.
- Reduction in sheep numbers where there are biodiversity and erosion issues (detailed example below).

⁸ The IUCN reports 10% of all Carbon emissions from land use worldwide comes from degraded and damaged peatlands. <https://www.iucn.org/resources/issues-brief/peatlands-and-climate-change>

- A move back to mixed farming systems with greater heterogeneity.
- Maintaining appropriate grazing and cutting regimes for the benefit of invertebrates and farmland birds, abandonment is equally a risk.
- Support to tackle invasive non-native species on a landscape scale.

Some of these measures should not be optional, everyone should be doing them so concern over wording on conditional payments as part of the basic payment. Minimum standards required. Need to be really clear and strong about what the minimum standards should be and linking to other environment targets. Hence the need to review and update the GAEC in the light of new evidence.

There needs to be clear links to other strategies e.g. Land Use Strategy, Scottish Biodiversity Strategy and Regional Land Use Frameworks and Partnerships. Strategic land use change needs to be considered at local, regional and national levels through Regional Land Use Partnerships and Frameworks embedded in NPF4. For the effectiveness of Land Use Partnerships to be assessed, as laid out in the Programme for Government, adequate resources and effective personnel are essential to coordinate strategic collaboration and cooperation. Decisions on individual parcels of land cannot be made in isolation if we are to create resilient ecological networks and seek to prioritise landscape scale projects and nature-based solutions approaches.

A farmer can do all the right things but not necessarily achieve the desired outcomes e.g. the recovery of a certain bird species. There may however be other wider benefits. The focus is to ensure that the habitat is right to support the species - you cannot guarantee that the species will arrive. The outcome should be the condition of the habitat rather than the presence of a certain species. However, there are circumstances where the presence of the desired habitat is insufficient to achieve the species goals. These might include situations where disturbance or predation plays an important part. For example, the actions of neighbouring land owners can determine the success of any measures implemented. The creation of wet grassland areas for waders would not be successful if a tree plantation is put next to it because the waders recognise the risk of predation from raptors and corvids attracted to the trees. Therefore, measures need to be designed to fit within the local landscape and nature networks. One size will not fit all across Scotland and so localised measures are required that fit within the local landscape and one person not doing something completely different to their neighbour.

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?

Don't know

Measures that support nature maintenance and restoration are welcome. However, results may take several years to be seen and this needs to be recognised. There does need to be an inspection regime that ensures that any new habitat, for example, remains in good condition.

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

There is great potential for collaboration and creation and management of habitats across many farms. This would facilitate delivery at the landscape and/or catchment scale, as well as reflecting the Lawton principles: in four words, these essentially mean 'more, bigger, better and joined up'⁹. Whilst this wording came out of a 2010 review of England's wildlife sites and ecological networks, it supports building an ecosystem resilience approach in the agricultural landscape.

Landscape/catchment scale payments could also deliver nature networks. There may be challenges in how landscape scale payments would work effectively. Regional Land Use Partnerships may have a role.

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?

No

Any changes to changing rules on production needs to be subjected to appropriate scrutiny to ensure that there aren't any inadvertent negative outcomes for biodiversity. Therefore, we have concerns how any changes in rules would be implemented.

2. Do you agree that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets?
3. Do you believe the new Agriculture Bill should include a mechanism to enable payments that support high quality food production?

Don't know

In an ideal world the market would ensure higher payments for high quality food.

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

⁹ Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.J., Tew, T.E., Varley, J., & Wynne, G.R. (2010) Making Space for Nature: a review of England's wildlife sites and ecological network. Report to Defra. <https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

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?
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?
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?

2.3 Wider Rural Development

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

Yes

There needs to be more detail on the mechanisms for delivery. Demonstration sites for good practice are very important.

Solar farms - how do we make sure they are balanced with other demands. How can they work in synergy with grazing and benefits for pollinators?

There needs to be clear links to NPF4, which will be the determinant of when a farm adopts other uses. Diversification of farms means that many deliver tourism benefits and other deliverables.

Land managers have a legal duty under the Land Reform (Scotland) Act 2003 to respect access rights. The inclusion of "Activity in and financial support for public access and the understanding of land use" is welcomed as facilitating public access does not deliver direct benefits to farmers but is very much a public good deliverable. Please see CIEEM consultation response to Land Reform in a Net Zero Nation Consultation¹⁰.

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

Funding should be directed to allow the integration of trees into farming systems and not a wholesale replacement of farms by woodland and forestry.

We would like to see the importance of community orchards and small scale horticulture highlighted and supported. At one time, Scotland was a major exporter of orchard fruits to the rest

¹⁰ <https://cieem.net/resource/land-reform-in-a-net-zero-nation-consultation-response/>

of the UK and could do so again. Food-producing trees planted as part of an agroforestry approach should receive far greater support and be implemented more widely - with particular emphasis on adopting these systems in areas where they would maximally enhance landscape connectivity for wildlife.

In terms of forestry, consideration will need to be made of the means to financially support natural regeneration. Woodland expansion can also be achieved through natural regeneration. This can significantly reduce costs, maintain local adaptation to conditions and, in woodlands, create a varied age structure. The loss of agricultural land which is also important for species such as wide ranging raptors, to commercial forestry monocultures needs to be avoided. Higher Nature Value areas are known and these should be given specific safeguarding.

As mentioned in response to a previous question, any planting should follow the principle of 'the right tree in the right place', i.e. using native species of local provenance where possible and avoiding 'planting up' of key open habitats which may have negative effects on both biodiversity and carbon sequestration¹¹. An assessment of carbon losses and gains should be made.

3. What other powers may be required to enable rural development in Scotland's rural and island communities?
4. What potential social, economic or other impacts, either positive or negative, would such powers have on Scotland's rural and island communities?

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

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

This is important but surely there are existing mechanisms to do this.

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

¹¹ <https://cieem.net/wp-content/uploads/2021/08/Carbon-and-Habitats-Position-Statement-FINAL.pdf>

Yes

This should tie in with the Plant Strategy¹².

¹² <https://www.nature.scot/doc/building-plant-biodiversity-strategy-scotland>

3. Skills, Knowledge Transfer and Innovation;

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

Yes

As with the NE Scotland transitional funding, farmers and crofters must be supported by investment in training, sharing best practices and innovation. Advice from other farmers (shared knowledge, skills and equipment) and farm advisors (advice and training) are very important.

Green Jobs for Nature¹³ is our new campaign to make careers geared towards restoring and replenishing our natural environment more visible and achievable for all those thinking about their future work. We would be happy to support promoting green jobs within the agricultural sector.

Continued investment in further and higher education institutions like SRUC is essential and should be particularly targeted at supporting the skills and knowledge for green jobs within the agriculture sector.

Whilst we support the drive for innovation that will reduce emissions and resource use to deliver outcomes for the wider environment, there must also be support for low input practices that have benefited the environment and recognition of the knowledge and experience of land managers who have been custodians for many years.

The level of support that different farmers will need will vary widely and this should be acknowledged. Some farmers may need support in assessing water quality and management, others looking at soil management and how to reduce erosion and effective fertiliser usage, others how to improve practices to benefit nature, others how to improve their emissions through nature-based solutions.

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

Yes

The Climate Emergency Response Group recommended the realignment and upscaling of the Farm Advisory Service, including through focused investment in Continuous Professional Development on climate mitigation, adaptation and nature for all existing farm advisors. CIEEM creates industry standard guidance for assessments of biodiversity and has developed guidance on Farm Advice alongside a competency framework for Farm Advisors¹⁴. We are interested in discussing how we can support the delivery of the proposed Advisory Service, particularly in relation to biodiversity. We are keen to ensure that farmers receive advice that is professional, objective and evidence-based from advisors who are competent to deliver this.

There is a trend driven by social influencers to encourage people to become vegetarian or vegan. One of the reasons given is to reduce greenhouse gas emissions. Clearly, deforesting the Amazon to

¹³ <https://greenjobsfornature.org/>

¹⁴ Farm Environment Advisor Comptency Framework <https://cieem.net/resource/farm-environment-adviser-competency-framework/>

raise cattle has a large impact. However, circumstances are different in Scotland. It is important to have and publicise evidence showing the circumstances in which the raising of ruminant animals does not lead to an increase of greenhouse gases, for example through increased carbon sequestration in soils. Cattle and sheep also play valuable roles in recycling nutrients, particularly in organic systems. In the old Norfolk four course rotation, the grass and forage crops were included to increase nutrient recycling through the sheep and cattle - the money was made from the cereal crops. Also, sheep and cattle are used to graze grasslands to encourage biodiversity.

3. Are there any alternative approaches that might deliver better results?
4. Do you have any ideas as to how engagement/participation in advisory services, knowledge transfer or skills development might be improved?

Yes

CIEEM has worked with Plantlife and other members of the Back from the Brink partnership to produce new guidance for farm environment advice¹⁵ covering undertaking farm visits and communicating effectively with farmers and land managers, management and monitoring of environmental interventions and developing a directory of habitat and species management advice. In addition, CIEEM has developed a Farm Environment Adviser Competency Framework¹⁶ that covers sixteen key areas of expertise including farm management practice, economics, advice and funding for environmental land management as well as ecological surveying, assessment and mapping skills. Farmers must have access to advice that is professional, objective and evidence-based from advisors who are competent to deliver this. CIEEM would be happy to work with the Scottish Government and NatureScot to develop appropriate training.

CIEEM believes that the proposed advisory service needs to be free at the point of delivery for aspects relating to ecosystem benefit or biodiversity/ecological management. For income generation aspects of farming – for example, food production – we consider it reasonable to charge for advice. Appropriate advice and support should be introduced at the earliest opportunity to set a clear regulatory baseline and provide certainty.

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 competition?

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?

¹⁵ <https://cieem.net/i-am/current-projects/farm-environment-advice/>

¹⁶ <https://cieem.net/resource/farm-environment-adviser-competency-framework/>

Yes

An effective data system is needed to understand that the measures being undertaken are having the desired effect and that progress is being made towards national outcomes.

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

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

In the past there has been too much secrecy about the award of support under the CAP to farms, but now is the time to allow the public to know the levels and the type of public assistance given to farm units.

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 (SPFM) that ensures proper handling, reporting, and recovery, where proportionate, of public funds, the need for economy, efficiency and effectiveness, and promote good practice and high standards of propriety?
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

The ability to check and where necessary enforce conditions and ultimately to demand repayment of public support is essential if there is to be a fair and transparent system for supporting farmers that is publicly acceptable.

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

This is essential and should be included on the face of the Bill. It is part of the need for greater transparency in public support and part of accountability by the recipient to acknowledge that support and that they are undertaking what they have contractually agreed through the whole farm plan approval system.

7. Do you agree that Scottish Ministers should have the power to create a system that would provide for cross compliance, conditionality that covers essential 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

Clear monitoring requirements and enforcement measures are essential to build credibility of the system and regulations. We would like to see much greater detail on enforcement and the process of spot checks strengthened. There should be a formal contract between the Scottish Government and the farmer for the payments and scrutiny by independent assessors of the farm outcomes. Enforcement must also include powers to enforce management where inaction has led to deterioration of protected areas of habitat.

Good practice guidance encouraging farmers and land managers to go above and beyond is also essential to deliver the urgent changes required, but should be clearly separated from regulatory compliance measures to avoid confusion.

There needs to be proper resourcing of regulatory bodies for monitoring and enforcement.

There should be close working between the Scottish Government and all the relevant organisations with regards to the biodiversity aspects to ensure the outcomes are based on the best data and evidence available. Organisations include NatureScot and NGOs (such as the Woodland Trust, RSPB, Wildlife Trust, NNNFN, National Trust, Buglife, Plantlife etc), as well as academic/research institutions (such as CEH and the universities) and the Local Environmental Record Centres (LERCs). Organisations that already run projects and have existing relationships with landowners will be of huge value in terms of the expertise and evidence they can supply.

A lot of data is already collected but is often considered in isolation for the purpose it was collected. In considering data collected as part of a wider package of data evaluation will help inform which farm management measures are particularly beneficial in reducing greenhouse gas emissions and improving outcomes for nature. An audit of what data is collected by farmers and other data holders is essential e.g. SRUC¹⁷, James Hutton Institute soil maps¹⁸, Centre for Ecology and Hydrology land cover maps¹⁹, the long-running Countryside Survey²⁰, BTO's Breeding Bird Survey²¹ and much more collected by statutory organisations such as NatureScot and SEPA. Improved mechanisms and infrastructure for 'recording, managing, sharing and using wildlife data' as highlighted in the Scottish Biodiversity Information Forum (SBIF)²².

¹⁷ <https://pure.sruc.ac.uk/en/datasets/>

¹⁸ <https://www.hutton.ac.uk/learning/soilshutton/soil-data-and-maps>

¹⁹ <https://www.ceh.ac.uk/ukceh-land-cover-maps>

²⁰ <https://countrysidesurvey.org.uk/>

²¹ <https://www.bto.org/our-science/projects/bbs>

²² <https://nbn.org.uk/about-us/where-we-are/in-scotland/the-sbif-review/>

The need for monitoring, up to date and accessible data is crucial to guide management decisions and evaluate the success of these so can continually adapt based on shared good practices. The data will support Scotland's Third Land Use Strategy, Scottish Biodiversity Strategy, Scotland's Forestry strategy and can guide Regional Land Use Frameworks and Partnerships. Integrated, cross-sectoral working will be key to drive improvements.

Remote sensing approaches can be useful but need to be accompanied by a level of ground truthing by competent ecologists, to ensure both accurate data gathering, and a local approach to engaging farmers is not lost, i.e. a balance must be struck between remote approaches and site-specific engagement.

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

This should be transparent and publicly available

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?

Yes

To allow thorough evaluation of the impact of changes in agricultural methods baseline data collection is important. Quite a lot of data is already collected, this needs to be considered as a whole farm evaluation rather than considered in isolation. Any baseline data requirements should not be onerous to collect at the expense of making progress but build on the existing data collected. The baseline audit will help inform where actions should be taken to improve biodiversity, sustainability especially soil and water management and greenhouse gas emissions. These baseline evaluations can feed into regional land use partnerships so that farms and agricultural businesses are not considered in isolation but a crucial component of overall regional land use strategies as well as measuring progress against national levels and targets. This farm level data could be used by the Scottish government to inform schemes and payments to help address the dual biodiversity and climate crises.

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

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?

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

In accordance with the Continuity Act the expectation is that the Scottish Government is able to keep pace with EU law and policy.

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?
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

5.2 Waygo and Schedule 5 of the Agricultural 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?
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?
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.
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?

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?

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

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 you consider to be the appropriate method of valuation?

6. Scottish Agricultural Wages (Fair Work).

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

Assessing the Impact

Please use these questions to tell us your views on these issues.

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

Any tree planting should follow the principle of 'the right tree in the right place', i.e. using native species of local provenance where possible and avoiding 'planting up' of key open habitats that are not only important for biodiversity, but may also have a higher carbon capture capacity. Any tree planting programme on existing habitat of conservation value should be subject to an Environmental Impact Assessment.

The availability and connectivity of habitats within a landscape, identified using habitat maps such as B-Lines, needs to be taken into account when considering where to locate tree planting.

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

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?