



**Scottish
Wildlife
Trust**

Consultation response to Scottish Government

Proposals for New Agriculture Bill

Scottish Wildlife Trust

5 December 2022

The proposed new Agriculture Bill has the potential to make significant changes to the way we manage a vast amount of Scotland's land. It is essential that the Bill ensures nature and climate are prioritised when producing sustainable food for the nation and beyond.

The Scottish Wildlife Trust welcomes this opportunity to respond to the Scottish Government's consultation on proposals for a new Agriculture Bill.

Our Response

Future payment framework

Q1. Do you agree with the proposal set out in relation to the Agriculture Bill including a mechanism to enable payments to be made under a 4-tiered approach?

Yes - In summary we support the Scottish Government's vision for Agriculture and the proposals here, but we need to see more detail. We have concerns that significant amounts of public money will be used in ways which could potentially exacerbate the climate and nature emergencies, thereby undermining the vision. The four tiered approach is workable but, in the context of the diagram provided, we need to see the money moving from the left-hand side (direct payments) to the right (greater support for public goods).

We are looking for clear read through between agricultural policy with the Scottish Government's Draft Biodiversity Strategy, Draft National Planning Framework 4, Land Use Strategy and the Economic Strategy. As things stand the consultation paper does not even mention them. In a declared climate and biodiversity crisis we need to make sure all of our policies and support mechanisms, across Government, are aligned to solving this huge challenge and our agricultural policy is no different. A sustainable agriculture sector, and all the benefits that provides, are wholly dependent on a healthy and functioning natural environment. Well managed agriculture can provide certain environmental benefits, but the environment is not dependant on agriculture.

Farmers, crofters and landowners are custodians of the majority of our land, and their actions have wide ranging impacts that will not only affect our some of our food production but also the wider health of people and the planet. As such, it is essential that we fully support sustainable land management that is climate and nature positive and equally penalise actions that have negative impacts.

World renowned economist Sir Partha Dasgupta published his seminal report on the economics of nature in 2021. It demonstrated that our economy is embedded in nature and that we need to transform the way we manage our natural assets. Dasgupta highlights how subsidies that harm the environment far outweigh those that benefit them, with fossil fuel and agricultural subsidies being two of the biggest that he chooses to highlight. We must make sure that new policy in Scotland solves the climate and nature crisis and does not exacerbate it.

The new vision and draft policy presented by the Scottish Government move us in the right direction. However, from what is presented here we are unsure if what is presented here will deliver "*high quality food production, climate mitigation and adaptation, and nature restoration.*" It appears a significant portion of public money invested (tier 1 and 2) will go out the door without easily identifiable public benefit attached. Without further detail on what "essential standards" are we are concerned that this will be little more than the old "cross compliance".

We also seek further detail on what the "Whole Farm Plan" will actually contain in practice and how biodiversity will feature.

We would like to see more detail on how the Agriculture Bill and the Scottish Biodiversity Strategy and nature targets are interlinked. More information is needed to understand how the proposed

agriculture payment scheme will be influenced by the Scottish Biodiversity Strategy and nature targets so that policy goals are connected and mainstreamed to avoid contradiction.

A central part of the Scottish Government's vision for Agriculture is food production, this is clear to see from both this consultation and the vision. However, we think there needs to be greater clarity around what food production actually is, and is not, and what is desirable – is public money best spent subsidising grain production for alcohol or to make biscuits? A definition of food production and what the Scottish Government expects from its investment of public money should be included in the detail around these proposals.

The Scottish Wildlife Trust strongly suggest including a duty in this act similar to the Forestry and Land Management act, with a duty on Scottish Ministers to promote sustainable land management.

Q2. 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 - Even with conditionally attached we remain concerned that, in a declared nature and climate emergency, a very traditional approach to basic payments is adopted. There is a very strong argument to say that all public money should have meaningful conditions attached to it, especially given the climate and nature emergencies.

The Government's Draft Scottish Biodiversity Strategy has a short-term target of "reversing" declines in nature by 2030. To achieve this ambitious but entirely necessary objective we must see money transition from the proposed Tier 1 into 2, 3 and 4.

We strongly support the suggestion that Tier 1 payments should be conditional on "essential criteria" such as 'whole farm plan' and 'cross compliance regulations and greening measures.' However, as above we need to see more clarity and detail on the criteria and how compliance will be implemented.

It is essential that farming does not negatively impact the natural environment and more should be done to prevent further decline in soil health, biodiversity and climate change, in part to avoid further decline in sustainable food production. Due to the climate and biodiversity crises that we are experiencing it must be a necessity for farmers, crofters and land managers to make changes to their business to increase biodiversity, soil health and mitigating and adapting to climate change. The Scottish Government has previously pledged to take a "Four Capitals" approachⁱ (natural, human, social and produced/financial) and a simplified version of this would be a very useful way to approach whole farm planning in a well-being economy context, especially when this planning is tied to the receipt of public money.

During the transition phase towards Tier 2, 3 and 4, the basic payments should not reward large land owners for simply owning land, it should support small and medium sized farms in places where it is difficult to farm economically but often provide wider social value.

The "essential criteria" for tier 1 should address the vision statement for Scottish Agriculture's commitment to "minimise, reduce and remove the use of agrochemical inputs". This should have policy coherence with the targets contained for nitrogen use in the "Farm to Fork" strategy.

Q3. 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 - Ambitious, but entirely necessary, nature and climate targets will necessitate big changes to the way we manage land and the policy that influences land management must change as well. Tier 2 must support nature positive and climate friendly farming.

We would look to see outcomes relating to:

- landscape scale ecological restoration, as part of the local "Nature Network" as described in the draft National Planning Framework 4 and Draft Scottish Biodiversity Strategy, should be considered at both the whole farm plan stage and during specific scheme design by Government. The fact that we have successfully missed opportunities to enable co-operative action is not only disappointing it is giving us an ever increasing challenge regarding nature commitments.
- Enabling large scale delivery of nature-based solutions with benefits to farmers and wider society. Nature-based solutions offer ways in which to adapt and mitigate climate change and restore and enhance nature all while having a positive effect on the productivity of the farmland. Tier 2 funding should support farmers, crofters and land managers wishing to implement nature-based solutions on their land. Examples of interventions which would fit into this support package include agroforestry, cover cropping, natural field margins and no-till management.
- A focus on increasing trees on farms, particularly in the riparian zone.
- Support for agroecological principles and organic production.

We agree that there should be a considerable incentive for improving efficiency, reducing greenhouse gas emissions, and nature restoration and enhancement. We are eager to see further detail on what these conditions will be and how compliance is monitored and assured.

Both tier 2 and 3 proposals need further consideration and detail around how the Scottish Government envision this payment interacting with private sector funding for nature and carbon investments.

Q4. 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 - We are eager to see further detail on what the conditions for Tier 3 payments will be, especially around the proposed targeted support for species and habitats.

Action in Tier 3 must be geared towards reversing nature loss. We strongly recommend that this payment is tied to local nature networks opportunity mapping so that the best opportunities to work at landscape scale are acted upon. It has been noted and we are disappointed that no one from the Scottish Government Agriculture team has attended the Nature Scot stakeholder groups on Nature Networks or 30x30. This makes us fearful of a disconnect between different parts of government and risk of policy "incoherence".

Tier 3 offers the most potential to deliver for species and habitats and cooperative action at scale is vital. However, it is important that there is also room for species specific initiatives and funding. Given ecological restoration is not a quick process we recommend that long time funding periods, allowing proper farm planning and ecological processes the time they need, are adopted i.e. 10/15 years or longer.

Our initial thoughts on schemes include:

- Ecosystem restoration at landscape scale with high weighting for cooperative action and coherence with local nature network mapping
- Management and habitat management for keystone species such as beaver
- Management of deer including unique lowland situations with high weighting for cooperative action
- Other specific species management initiatives e.g., waders and red squirrel
- Specific habitat restoration and management i.e., coastal marsh
- River re-naturalisation and riparian habitat management
- Agroforestry – intermixing agriculture with trees over and above “trees on farms” work
- Tackling Invasive non-native species (INNS) with high weighting for cooperative action
- Nature-based solutions approaches to water management

Nature-based solutions offer a means to restore nature while also benefiting the farm business and wider community. For example, restoring a riverbed and flood plain would increase biodiversity and reduce the risk of flooding and drought, protecting productive farmland and residents and businesses downstream.

We are pleased to see that this proposed level of support would be made available to more than just those traditionally in receipt of payments. Supporting wider community groups and other individuals outside of traditional land management will encourage a more diverse outcome for rural land in Scotland and increase community resilience. Increasing the access to these payments will also benefit and help facilitate a landscape scale approach to nature restoration, which is essential if we are to see meaningful change to tackle the climate and nature emergencies. However, this would be much more useful and a better use of public funds if it were linked to opportunity maps being produced by each local authority.

Both tier 2 and 3 proposals need further consideration and detail around how the Scottish Government envision this payment interacting with private sector funding for nature and carbon investments.

Q5. Do you agree that Tier 4 should be complementary support as the proposal outlines? If so what sort of complementary support do you think would be best to deliver the vision?

Yes - We agree that there needs to be support for professional development and knowledge sharing in agriculture. We would like more detail on the training that will be supported by Tier 4. We believe that there should be substantial opportunities for farmers, crofters and land managers to learn about possible nature-based solutions to issues they, the community and wider society are facing, as well as how to implement these solutions.

The advisory service is absolutely vital to the success of the Scottish Government's vision and it must be well funded and supported. However, crucially advisors must be upskilled to deal with the land use change that is needed to tackle the nature and climate crisis whilst also providing advice for producing high quality, high welfare sustainable food.

Continuous personal development must be encouraged within farming. This will create new jobs and encourage the “green-collar” revolution needed.

All of the public money spent on farming must be subject to monitoring and evaluation and farmers should be assisted to undertake this as well as relevant experts and assessors.

Q6. 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 - The Scottish Government has previously pledged to take a "Four Capitals" approachⁱⁱ (natural, human, social and produced/financial) and a simplified version of this would be a very useful way to approach whole farm planning in a well-being economy context, especially when this planning is tied to the receipt of public money.

The whole farm plan should be a basic condition for funding in any of the proposed Tiers. Farmers, crofters and land managers need to understand the wider implications of their business decisions, whether this is on other areas of the business, the local community or the natural environment. A whole farm plan will ensure these considerations have been taken and changes are made before any damage is done or changes can be made to improve wider efficiency and benefits across the business and natural environment. It will help farmers, crofters and land managers find areas where nature-based solutions can be used to improve business and local resilience. Whole farm plans should be developed with cognisance and integration with landscape thinking around local nature networks and Land Use Frameworks.

The Trust agree with the proposals put forward by Scottish Environment LINK in this regard:

- Plans are based on the priorities of the individual holding, guided by local, targeted priorities.
- Plans delivered by suitably qualified, skilled advisers and farmers / land managers with appropriate skills.
- Plans are produced with an emphasis on land manager input and involvement to promote ownership of the desired outcomes.
- The planning approach makes effective, efficient use of a single, integrated IT platform that holds relevant, holding level, information based on an online mapping tool.
- Measures to support land managers with implementation of plans – particularly access to ongoing advice and support - are available.

Lower Tiers

Advisory support for lower tiers of funding should focus on a basic plan requirement. This basic plan would utilise information on workable integrated IT platform. It would focus on farmer self-assessment linked to a compulsory training requirement. This would involve 'one-to-group' advice linked to the relevant needs of the land use type. This could include attendance at farmer meetings, monitor farms themed events, and online training events. It should be linked to a compulsory CPD requirement.

Upper Tiers

The production of detailed plans should initially focus on those seeking higher level support payments. All financial support for upper funding tiers should require the production of an environmental plan covering habitat, species, peatland status, woodland condition, water quality, carbon/greenhouse gas emissions and soils. The plan would include a comprehensive assessment of all aspects the holding's environment and underpin any application for funded management. It should draw on previous plans such as agri-environment, Integrated Land Management Plans (ILMPs) and whole farm plans.

The plan would be based on existing information, data and local priorities, and would be combined with a walkover survey and land manager discussion. Priorities for the next 10 years would then be agreed with the land manager. The plan would be based on local / regional priorities set by RLUPs (or similar) and be well integrated with land manager priorities and farm type / farm environment.

The development and implementation of the plans needs to be well resourced otherwise these will not work.

Q7. Do you agree that the new Agriculture Bill should include a mechanism to help ensure a just transition?

Yes - This just transition must be towards net zero *and* nature positive. It is important that we focus equally on the transition part of this mechanism.

A just transition is essential to ensure that those working in a nature friendly way are supported and more is done to deliver greater climate action. Farmers, crofters and land managers (and wider communities) need guidance to invest in a sustainable future and sufficient support to reduce emissions, restore nature, and ensure benefits are shared fairly.

The "whole farm plan" provides an excellent opportunity to help move farm businesses rapidly along the trajectory needed.

Nature-based solutions can support a just transition due to the multiple benefits provided that will benefit the agriculture business as well as local communities and wider society.

Q8. 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 - It must be so that we can move rapidly away from basic payment approaches towards payments for delivery of wider public benefit.

We are always learning more about how our actions impact the natural world and should more information come to light on the impact of farming practices we need to be able to adjust and make sure there is the support to make the necessary changes. Having a level of flexibility will allow agricultural businesses to do what best suits their situation and encourage diversity and innovation.

Q9. Do you agree that the new Agriculture Bill should include mechanisms to enable payments to support the agriculture industry when there are exceptional or unforeseen conditions or major crises affecting agricultural production or distribution?

Yes - However, further detail around what would exceptional or unforeseen conditions might look like would be welcome.

Preparation, insurance and contingency plans should be in place where possible to deal with disruptions etc. The agriculture industry should not be encouraged to rely on public money when the industry could have prepared for some circumstances.

Building in climate and nature resilience into the "whole farm plan" will help business to cope with changing weather events and extreme circumstances.

Delivery of key outcomes

Climate change mitigation and adaptation

Q1. 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 - We must recognise and continue to emphasise that the nature and climate crises are inextricably linked and so need to be tackled in tandem. Payments should encourage an ecosystem approach to land management to ensure that national food production is sustainable and has a positive impact on nature and the climate.

To make the biggest impact on the climate and biodiversity crises measures need to be implemented at scale. This proposal must go beyond considering the farm in isolation. Payments should support landscape scale collaboration, encouraging farmers, crofters and landowners to work with neighbours to ensure cross boundary connectivity. Regional Land Use Partnerships offer a means to deliver key targets under the Scottish Government's National Performance Framework, particularly for climate and biodiversity.

Future payments schemes and any secondary legislation must be subject to scrutiny.

Q2. 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 - To make the biggest impact on the climate and biodiversity crises measures need to be implemented at scale. This should be beyond considering the farm in isolation. Payments should support landscape scale collaboration, encouraging farmers, crofters and landowners to work with neighbours to ensure cross boundary connectivity. Regional Land Use Partnerships offer a means to deliver key targets under the Scottish Government's National Performance Framework, particularly for climate and biodiversity.

Future payments schemes and any secondary legislation must be subject to scrutiny.

Q3. 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 - Payments need to be conditional on outcomes for climate change mitigation and adaptation. The mechanisms should enable farmers, crofters and landowners to implement actions that help tackle the climate and biodiversity crises in tandem as part of sustainable food production and providing public goods.

Q4. 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 - We must see greater read through with the Scottish Government's Draft Biodiversity Strategy, Draft National Planning Framework 4, Land Use Strategy and the Economic Strategy. There is a vital role for the Regional Land Use Frameworks and Nature Networks to play in scaling up action but also ensuring just transition.

Opportunity mapping produced under Nature Networks will highlight the best places to make these interventions and avoid unintended consequences .ie. planting trees on wader habitat etc... There needs to be further thought around how private sector investment can help fund some of these actions whilst using public money to pay for actions that are hard to ascribe market values to i.e. management for rare species etc...

Nature protection and restoration**Q1. 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 - The Trust believes that the protection and restoration of nature is one of the most important areas to focus on. Nature is vital to our ongoing survival and prosperity. The Agriculture Bill needs to fully support farmers, crofters and land managers that are protecting and restoring nature and help them make the best changes for a positive impact on biodiversity and supplying ecosystem services to wider society.

For the greatest benefit to be afforded to tackling the climate and biodiversity crises measures need to be implemented at scale. This should be beyond considering the farm in isolation. Payments should support landscape scale collaboration, encouraging farmers, crofters and landowners to work with neighbours to ensure cross boundary connectivity. Nature networks, and the opportunity mapping they will provide, offer the best means to ensure that interventions to improve biodiversity are at an appropriate scale for meaningful change.

There needs to be further thought around how private sector investment can help fund some of these actions whilst using public money to pay for actions that are hard to ascribe market values to i.e. management for rare species etc...

Q2. 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 - It is essential that farmers, crofters and land managers that make positive changes for nature are supported. The benefits provided by protecting and restoring nature will provide multiple ecosystem services that benefit the local communities and wider society. These payments need to be conditional on outcomes to ensure the greatest effort is afforded to the interventions and the greatest impact is achieved. The natural capital value of the restoration and maintenance of nature needs to be measured and monitored with payments reflecting the ecosystem services provided by the natural capital assets that are protected and enhanced.

It is important that the Scottish Government specifically considers payments for management of beaver and associated habitat, not addressing this will lead to negative outcomes for species, ecosystems and society but also leave farmers and land manager disenfranchised.

Q3. Do you believe the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration?

Yes - Landscape scale nature protection and restoration is essential if there are to be meaningful positive changes. Payments need to be made available to facilitate large scale interventions where multiple landowners and other stakeholders, including communities are involved. Nature needs to be considered on a national scale through community lead, place-based approaches that will help meet national nature targets introduced as part of the Natural Environment Bill. Implementing nature networks using opportunity mapping will help ensure the land is used in the most appropriate way.

It is important that INNS eradication is considered at a landscape scale.

There needs to be further thought and engagement around how private sector investment can help fund some of these at scale actions.

High quality food production

Q1. 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?

Don't know - Any flexibility must not result in a fall in environmental safeguards or the decline in nature and climate. It is essential that a high-level of protection and restoration of nature continues to be upheld if we are to ensure sustainable food production and food security in Scotland.

Q2. Do you agree that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets?

Don't know - Any powers must not have the ability to undermine environmental safeguards and must continue to support the protection and restoration of nature and climate positive actions. It is essential that nature and climate positive actions continue if we are to ensure sustainable food production and food security in Scotland.

Q3. Do you believe the new Agriculture Bill should include a mechanism to enable payments that support high quality food production?

Don't know - What is the definition of "high quality food"? There must be an aspect of sustainability and environmental standards associated with food we consider "high quality" so that nature and climate standards are not impacted when achieving high quality food production.

Q4. 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?

Don't know - It is essential that there is a requirement for food production to be sustainable, rather than it being "encouraged". If food production continues to be unsustainable there will be further disastrous decline in nature and the climate, which will continue to significantly impact Scotland's food security and our quality of life.

Q5. 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?

Don't know - Any emergency measures put in place must not have a detrimental impact on nature or the climate and must be coherent with legally binding nature and climate targets.

Q6. 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?

Don't know

Q7. 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

Wider rural development

Q1. Do you agree that the proposals outlined above should be included in the new Agriculture Bill?

Don't know - We would like to see greater reference to the skills gap in the rural sector, we need a range of expertise to meet net zero and nature positive.

Q2. 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 - Support should be provided for land management that benefits nature and the climate. This may be planting of native trees and restoring wetlands, which may not fall under agricultural land management.

We agree with Scottish Environment LINKs answer to this question:

We would need further details to understand how being part of Tier 4 impacts the future Forestry Grant Scheme. LINK members would like to see the following considerations take into account when the new FGS is designed:

The FGS should be rebalanced to include greater emphasis on management of existing woods, with targets and budgets to match.

Deer control remains an issue. With significant funds spent on fencing, we recommend that the drain on the FGS budget is progressively reduced and the balance allocated to underfunded options and deer culling.

Any future schemes will also need to be enabled and designed to address issues that impact forestry and woodlands outside of forested land, such as rhododendron ponticum and sitka seeding into open ground.

The FGS should also be made more accessible for customers, support the tree nursery sector development, address the workforce and skills shortages.

This should also include support for the management of areas that are primarily for nature conservation, rather than agricultural production such as designated sites (SSSI, Local Wildlife Sites) and NGO-owned land including practices such as conservation grazing with rare breeds.

Q3. What other powers may be required to enable rural development in Scotland's rural and island communities?

There is scope to put the Scottish Governments Principles of Natural Capital Investment on a statutory footing and do examine more closely how public funding interacts with private natural capital investment.

Q4. What potential social, economic or other impacts, either positive or negative, would such powers have on Scotland's rural and island communities?

Greater powers around Natural Capital investment would help ensure a just transition and wider environmental benefit.

Support to develop nature and climate positive projects will have significant impact on the social and economic environment of rural and island communities. Projects can bring communities together, improving social inclusion and make communities more resilient to climate change. Climate change will have a significant impact on rural and island communities' ways of life. If changes are not made to mitigate and adapt to these impacts many communities will not be sustainable.

Plant genetic resource and plant health

Q1. 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 - We must massively reduce imports of plants and trees to reduce risk of INNS and disease but also to foster native tree production and our own industries using sustainable growing media.

Q2. Do you agree that Scottish Minister should have the power to provide support to protect and improve plant health?

Yes - It is vital for our biosecurity. Avoiding the massive costs associated with INNS and associated plant diseases also make massive economic sense, particularly in the current economic crisis.

Skills, knowledge transfer and innovation

Q1. Do you agree that support should continue to be provided in this area?

Yes – knowledge sharing is essential for ongoing development, improving efficiency and ensuring climate and nature positive practices.

Q2. Is there any particular gaps in delivery that you can identify?

Greater understanding is need on the benefits that nature provides for us and the ways in which nature can help us deal with climate change and further societal problems. Training and resources should be available to help practitioners appreciate the importance of leaving space for nature and how this can improve their business if done correctly.

Q3. Are there any alternative approaches that might deliver better results?

Encouraging far greater continuous personal development and a chartered farmer qualification.

Q4. Do you have any ideas as to how engagement/participation in advisory services, knowledge transfer or skills development might be improved?

The use of trusted actors in the field to demonstrate innovative, best practice ways of working.

Q5. 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?

Don't know

Administration, control and transparency of payment framework data

Q1. 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 - Data is essential to ensuring that farmers, crofters and land manager are best informed to produce high quality, sustainable food on their land while also making meaningful changes for nature and climate. Data is needed to understand the progress being made to achieving national goals and ensure that the measures being undertaken are having the desired effect.

Q2. 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 - It is essential that records are kept to ensure compliance with the necessary requirements of payments.

Q3. 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 - The public have a right to know and understand where their money is being spent. There should be a level of transparency so that the public are informed to comment on agricultural policy issues.

Q4. 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?

Q5. 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 - This data will be essential to monitoring compliance.

Q6. 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 - In situations where beneficiaries are suspected of not complying with the terms of the payment.

Q7. 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 - Vital to make sure that tier 1 fulfils the Scottish Government's stated aims

Q8. 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

Q9. 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 - We need to ensure lessons learned are not lost and there is sufficient information to adapt appropriately

Q10. Do you believe that Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately?

Yes

Q11. 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 - There needs to be a level of transparency that allows the data to be analysed to interrogate the impact of payments – in keeping with GDPR

Q12. 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 - Scotland should keep pace with or exceed any improvements in EU Environmental standards and not regress.

Modernising agricultural tenancies

Q1. Do you agree that Scottish Ministers should have a power to be able to determine what is an acceptable diversification?

Yes - It should be easier for tenant farmers to improve and diversify their farm business. To ensure there are flexible opportunities for tenant farmers and allow them to make positive changes for climate and biodiversity.

Q2. 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.

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

Q1. 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?

Yes - More should be done to allow tenant farmers to make positive changes for climate and biodiversity.

Q2. Do you agree that Scottish Ministers should have a power to amend Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 by 45 secondary legislation to enable Schedule 5 to be changed to meet the future challenges?

Yes - There need to be significant flexibility for tenant farmers to adapt to the changing climate and consumer demands and make ongoing positive changes for climate and biodiversity.

Q3. 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.

Q4. 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?

Amendment to rules of good husbandry and good estate management

Q1. 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?

This will allow tenant farmers to be supported to undertake land management for biodiversity and climate change benefits. There needs to be a strong aspect of sustainability, and positive actions for climate and biodiversity included in the rules of good estate management.

Rent reviews

Q1. Do you agree that adaptability and negotiation in rent calculations are required to meet the global challenges of the future? Please explain why.

Q2. Are there any other relevant considerations that should be included in part of a rent review? Please explain why including any practical examples.

Resumption

Q1. 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?

Scottish agricultural wages (fair work)

Q1. Do you agree that Fair Work conditions, including the real Living Wage, should be applied to all Scottish agricultural workers?

Q2. 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

Q1. Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Yes - The cost of any inaction by farmers, crofters and land managers with regards to climate change and biodiversity loss will be considerable and experience by the whole of society. It is essential that the urgency and scale of the change needed is understood, appreciated and acted upon by all involved.

There will be costs to farmers of changing practices and we must look at both private and public sources of funding to ensure a just transition.

Q2. 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?

Ill-defined policy around “high quality food” needs to be tightened up and we need a better read across with key policy such as the Biodiversity Strategy.

If farmers, crofters and land managers are sufficiently supported, via both payments, training and knowledge transfer, to make positive land management changes for nature and climate there will be a significant positive impact on our national climate resilience, biodiversity, quality of life and food security. It is essential that the changes made are informed by best available evidence and there is ongoing monitoring to detect and avoid detrimental impacts as soon as possible.

Q3. 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?

Q4. Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?

Q5. 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)?

Q6. 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.

Q7. 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?

ⁱ <https://www.gov.scot/publications/wellbeing-economy-monitor/pages/3/#:~:text=The%20well%2Destablished%20four%20capitals,term%20progress%20towards%20collective%20wellbeing.>