



Response to call for views by the Rural Affairs and Islands Committee

Agriculture and Rural Communities (Scotland) Bill

Scottish Wildlife Trust

24 November 2023

The proposed Agriculture and Rural Communities 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 Rural Affairs and Islands Committee call for views on the Agriculture and Rural Communities (Scotland) Bill.

Do you think a framework bill is the right approach?

Yes.

We understand the necessity of creating the Bill in this way and detail being developed within secondary legislation. However, it is vital that the Bill sets out its clear purpose and how it will deliver against wider National Outcomes. It is vital we see policy coherence between the Agriculture Bill and the wider aims of Government. We elaborate further below.

Does the bill provide a clear foundation for future rural policy and support?

No.

Scottish Government policymaking has a clear source in the National Outcomes and National Performance Framework and, along with the Vision for Agriculture, set the long-term expectation for a shift towards regenerative and sustainable farming. This Vision, which the Trust supports, states that,

'Scotland should be a global leader in sustainable and regenerative agriculture. We will ensure the sector makes the emission reductions required to contribute to Scotland's world-leading emissions targets, to support and deliver nature restoration and a just transition to net zero, and to produce high quality food.'

The Agriculture Bill and the secondary legislation that follows should flow from these sources and be built on the broader outcomes we need from land heading into the mid-21st century. This means delivering meaningful social and economic benefits, derived from the land, to communities, as well as reducing greenhouse gas (GhG) emissions. Scotland has a legally binding target of meeting net zero by 2045 and to protect nature by 2030 and restore it by 2045.

The majority land use in Scotland is agriculture (80%). Farmers, crofters and land managers are at the forefront of threats on multiple fronts, from climate change and the loss of biodiversity to global political and economic volatility. These intersecting crises have wide-ranging impacts for them, from failed crops and stressed livestock to prohibitive fertiliser costs. These threats look set to remain and worsen without urgent and decisive action: the devastation caused by Storm Babet is a harsh reminder that extreme weather events are now a part of life and set to worsen.

The choices and actions of those managing Scotland's land can unlock solutions for the climate and nature crises at the same time as producing high-quality food. But a paradigm shift is needed – a shift away from business-as-usual food production, and from the template of the Common Agricultural Policy (CAP).

The main driver of decision-making for farmers and land managers for over 50 years has been the CAP. The CAP has also been a key driver of decline for nature and GhG emissions, with agriculture now the second highest GhG emitter in Scotland. Direct Payments, which account for over three quarters of payments to farmers under the CAP, are a key culprit and are an inequitable and inefficient use of public funding (Scottish Environment LINK, 2023a).

We do not believe that the Bill as it stands will be an effective delivery mechanism for the Scottish Government's policy ambitions and legal targets. This is because it is trying to achieve two contradictory goals: of a smooth transition from, and perpetuation of, the CAP; and of transformation, by enabling the realisation of the Scottish Government's Vision for Agriculture and climate and nature targets on land.

We believe that the foundation for future agriculture policy should be to safeguard and utilise the natural assets upon which food production depends by providing the driver for farmers, crofters and land managers to harness nature-based solutions (NbS) and meet the joint challenges of producing food, climate change and biodiversity loss.

Therefore, we want to see a commitment on the face of the Bill to the Vision for Agriculture that states that that the Bill is 'to enable Scotland to become a global leader in sustainable and regenerative agriculture.'

For commitment to be meaningful, the Bill should place a duty on Ministers to deliver this, rather than simply providing enabling powers. Further, it should quantify the national targets that should be delivered by agriculture, across different sectors, and design the support scheme accordingly through secondary legislation. Levels of financial support should be directed on this basis, rather than on historic levels of support, for example, if the current agriculture budget were to be maintained it would not meet the scale of the challenge. Research suggests that £1.2bn a year is needed in Scotland to meet environmental land management commitments (The Wildlife Trusts, 2023). This is in comparison to the current £30-40m annual spend on AECS, the total £65m Nature Restoration Fund and the projected £25m per year spend over 10 years of the Peatland Restoration Fund.

Do you think these are the right objectives? Please explain and if you have answered 'no', please set out what other objectives should be set out in the Bill.

No

The Trust believes that the following objectives are missing from the Bill:

Delivering nature restoration and climate change targets

Agricultural and land management practices on the 80% of Scotland which is farmed are critical to achieving Scotland's legally binding climate and nature targets. There should therefore be an objective for agriculture policy to deliver these. Outcomes and metrics for agriculture policy should be aligned with Scotland's National Outcomes and Performance Framework. This will require quantifying the contribution of agriculture policy towards net zero and nature recovery targets, and a requirement for the allocation of the necessary budget to deliver these.

An objective should therefore be added to the Bill for agriculture policy to deliver its share of national climate change and nature targets. Within secondary legislation, tiered budgets should then be weighted and apportioned according to their contribution towards the delivery of these national outcomes and targets.

Defining terms

Neither 'sustainable' nor 'regenerative' have one agreed definition and both terms need defining. Farming with nature and utilising nature-based solutions (NbS) is both sustainable and regenerative,

and The Trust want to see NbS form a central part of the definition of sustainable and regenerative practices.

NbS aim to maximise the ability of nature to provide ecosystem services that help address human challenges, from climate change adaptation and mitigation to nature's recovery and food security, and supporting people's mental and physical health. They address more than one challenge at once, providing multiple benefits. These benefits may be private to an individual or business, e.g., trees providing shelter for livestock; benefits to wider society, e.g., carbon sequestration through peatland restoration; or – like most NbS – provide both private and public benefits, for example, riparian planting protecting against soil erosion, enhancing water quality, sequestering carbon, boosting freshwater biodiversity and providing shelter for livestock. NbS flow from healthy ecosystems and therefore much of the work involved in implementing NbS is about working with nature and natural processes.

In agricultural settings, NbS can help farmers, crofters and land managers to buffer the impacts of a changing climate by enhancing soil health and water retention, reducing soil erosion and providing protection against wildfires, floods and heatwaves. They can help reduce the need for expensive and polluting imported artificial feeds, fertilisers and pesticides and enhance food and nutrition security through diversified production systems and sources of income.

NbS can help reduce carbon emissions through adapting livestock management practices and changing arable practices to help keep carbon in plants and soils. At a global scale, it is estimated that 37% of global emissions could be mitigated by NbS (UNEP and IUCN, 2021). They can also help restore biodiversity and intact ecosystems by increasing the amount and diversity of habitat and restoring freshwater habitats.

In economic terms, investment into nature restoration adds €8 to €38 in economic value for every €1 spent, thanks to the ecosystem services that support food security, ecosystem and climate resilience and mitigation, and human health (European Commission, 2022). The Office of National Statistics estimates that even when considering just a limited number of ecosystem services, Scotland's natural capital had an overall asset value in 2016 of £196 billion, and supported nearly 200,000 jobs (Scottish Government, 2021).

There is huge potential for NbS across Scotland's uplands and lowland farming systems, from peatlands and woodlands to grasslands and arable land. Through deploying NbS, farmers, crofters and land managers can leverage the natural environment to increase their farm business resilience and enhance its productivity, whilst also mitigating climate change and helping nature to recover.

Enabling the uptake of NbS is vital for the success of wider government policy and we believe should be integrated as an objective into the Bill.

Part of defining terms will be the inclusion of what doesn't constitute 'sustainable and regenerative practices': if a key objective of the Bill is to enable sustainable and regenerative practices, what do unsustainable and non-regenerative agricultural practices comprise? How are these defined? And how will these be unincorporated through both regulation and financial support? We would argue that the perpetuation of a Tier 1 Direct Payments scheme as currently proposed in the Agricultural Reform Programme directly contradicts the overarching objective of supporting regenerative farming practices.

'High quality' is another term which is open to interpretation and needs defining. Does it mean subject to certain trade conditions, health and safety, animal welfare, nutritional, or environmental (itself a very broad term)?

Spatial prioritisation

The need for spatial targeting and prioritisation to ensure that the right actions are happening in the right place and limited public funds are used for maximum effect flows from integrating national nature and climate outcomes within the Bill. This will involve leadership at a regional level to deliver integration and accountability in land use planning and priorities – and a need for strengthened regional land use planning. Regional Land Use Partnerships (RLUPs) have a key role and should be empowered to integrate the priorities and funding of land use planning at a regional scale, as per the recommendations of the Scottish Land Commission. Spatial prioritisation will help to establish which activities can and should happen in specific areas due to the different habitats and ecosystems across the country.

An objective in the Bill should therefore be that facilitation and support for practices that deliver nature restoration and climate mitigation should be spatially prioritised through regional land use planning.

Nature restoration, climate mitigation and adaptation between farms

The facilitation of 'on-farm nature restoration, climate mitigation and adaptations' misses the potential for delivering climate change and nature restoration between farms. Lost ecological connectivity is one of the major global threats to biodiversity (IPBES, 2019). A crucial response to this threat is the concept and implementation of Nature Networks. These coherent ecological networks connect areas of good quality habitat so that wildlife can move easily across the landscape, thereby decreasing the risk of extinction, increasing genetic exchange and improving ecosystems' health and resilience to climate change (Scottish Environment LINK, 2020).

Nature Networks, which the National Planning Framework 4 directs Local Authorities to deliver as Part of Local Development Plans, include core areas of good quality habitat, buffer areas beyond core areas and linking corridors between the core and buffer zones. They are a key component of helping to deliver the Scottish Biodiversity Strategy and its commitment to protect at least 30% of land and sea for nature by 2030. Nature Networks also align with the EU Biodiversity Strategy which proposes to integrate ecological corridors, as part of a Trans-European Nature Network.

cross varied upland and lowland farming systems, connectivity lends itself to:

- whole farm approaches, considering what happens within and around the field, including field and riparian margins and agroforestry;
- along riverbanks, across and between fields in mosaics of pollinator strips and continuous corridors of hedgerows;
- working at landscape level, for example, riparian creation across river systems, peatland creation across whole catchments.

Achieving ecological connectivity across fields, farms, catchments and landscapes should therefore be an objective within the Bill.

Supporting collaboration across multiple landholdings will also help to leverage investment. This means being clear about who benefits and how, the mechanisms for aiding collaboration across land

parcels, and how to blend and stack public and private finance. The Scottish Wildlife Trust Riverwoods initiative could provide learning on this.

Riverwoods is an initiative to create a network of riparian woodland and healthy river systems throughout Scotland, delivering a range of benefits including flood protection, improved water quality and improvements for salmon fisheries, as well as helping to tackle the twin challenges of climate change and biodiversity loss. It illustrates how NbS can be enabled at scale. For example, Riverwoods is supporting landowners to carry out practical work, identifying and addressing evidence gaps, showcasing best practice and exploring novel forms of financing to enable riparian restoration to be carried out at scale. At the heart of the initiative is the creation of a practical guide for river woodland restoration across Scotland which aims to deliver:

- 100 hectares of tree planting
- new funding mechanisms to support development of woodland creation and restoration projects at different scales
- a digital centre for excellence to share knowledge and data, best practice guidance and centralised resources, including financial and advisory opportunities
- standardised measuring and monitoring

Riverwoods' Investment Readiness Pioneers project stream is looking at how communities, landowners and other stakeholders can work together to identify Riverwoods projects that have the potential to be financed using new mechanisms beyond traditional grants. It is investigating how to bundle and sell the benefits of natural flood management, water quality, biodiversity and engagement with nature and carbon. The project will provide investment readiness and project development support and support a just transition through community engagement. For example, through participatory, community informed selection process, two development projects were selected on the Upper Tay and River Ericht.

Do you agree with the provisions on a Code of Practice on Sustainable and Regenerative Agriculture?

No

A Code of Practice will not deliver change to agricultural practices. Financial incentives, regulation, aligning the Bill with the delivery of national targets on climate and nature and placing a duty on Ministers to deliver the changes needed will; along with setting long-term and sufficient budgets to deliver the scale of change needed to meet the triple challenge of food production, climate change and biodiversity loss.

Do you agree with the provisions around continuing professional development?

Yes

We believe that farming industry should be on a level pegging to other professions and as such support provisions for continuing professional development (CPD) and of accreditation – being a chartered agriculturalist, for example, could and should be source of professional pride.

Farmers and land managers do not automatically acquire knowledge and learning and CPD could be a good way to learn additional skills and modernise practice.

Recent research (The Wildlife Trusts and the Nature Friendly Farming Network, 2023) presents robust analysis of a 'sweet spot' called the Maximum Sustainable Output (MSO) which benchmarks improvements to commercial returns by assessing a farm's revenue, variable, and fixed costs. If farming at the level of MSO, the study finds that the staged reduction of costly inputs, such as artificial fertiliser, pesticides, and imported feed concentrate, makes farmers significantly better off across all farm systems studied. The predicted commercial returns, before farm support payments, sees an average increase of 10% - 45%. By farm sector, the commercial return is 45.3% for lowland livestock, 39.1% for upland livestock, 32.7% for dairy systems, and 9.5% for lowland arable farms. Integrating knowledge such as the work of this study into CPD could provide farmers, crofters and land managers with valuable skills to boost their profit and help nature and the climate.

The Just Transition Land Use and Agriculture Discussion paper states the 'Scottish Government must ensure farmers and crofters are prepared and supported well in advance of changes to future farm support, by increasing public investment in technology and training, including expanded capacity for rural advisory services and training for advisors'. We support this.

The Climate Emergency Response Group (CERG) made proposals for increasing land-based skills which the Trust also support, and which include:

- refresh and extend mandatory CPD on climate and biodiversity for all new and existing farm advisors
- mandatory advice into farm-level support and capital grants (including through the National Test Programme)
- kickstart the strengthening of the land-based training and education system in response to the Commission on Land-based learning
- include training of trainers approach to roll out to other local trusted professionals (e.g., vets, agronomists) to cascade knowledge, reinforce messaging, and provide follow-up
- increase year-on-year combined budget for training, knowledge sharing and advice – scaling up to reach £20m per annum by 2027.

Beyond CPD, but still within the realm of developing the skills based of farming and land management, we want to see the Scottish Government:

- Prioritise and integrate NbS into research institutes and government programmes such as the Monitor Farm Scotland Programme and the Strategic Research Programme 2022 – 2027 to provide stronger evidence on how NbS can improve agricultural practices to develop a resilient, productive sector that is abreast of transformative opportunities.
- Prioritise knowledge sharing and peer-to-peer learning within the ARP's National Test Programme (e.g., through Monitor Farms) and as an integral part of the ARP roll out. Farmers, crofters and land managers need to know how NbS can support their businesses; not just how NbS can deliver government targets on climate and nature.
- Increase the number of skilled advisors by clear signalling to the advisory sector about the direction of travel in agriculture policy regarding a pivot towards NbS. This includes the Farm Advisory Service (FAS) through the content of Scottish Government advisory contracts, and to institutions offering agricultural and land-based training (e.g., SRUC) that climate and nature must be integrated within 'standard' agriculture courses with NbS as a golden thread.

Is there anything missing from the Bill that you expected or wanted to see? You may wish to consider issues discussed in the Agriculture Bill consultation which are not explicitly referenced in the Bill.

A Scottish Government report released this week assessing the economic benefits of natural capital reiterates the Scottish Government's commitment to developing a values-led, high-integrity market for responsible investment in natural capital (Scottish Government, 2023).

The report estimates that public and private investment forthcoming to address the GFI nature finance gap for Scotland (over the period 2022-2032) could be **£12.5bn** and that deploying this capital on nature restoration activities would generate an estimated output effect of **£17bn** into the Scottish economy, meaning every £1 invested in nature recovery would generate £1.35 for the economy. The Green Finance Institute (GFI) has estimated the nature finance gap to be in the order of £15 - £27 billion, in addition to public funding (Green Finance Institute, 2021).

Given the huge importance that the Scottish Government has placed on high-integrity community-led nature finance in helping to bridge the considerable gap between our aspirations for climate and nature and how much funding is currently available, we are disappointed that there is no mention of this within the Bill and only a fleeting mention within the Financial Memorandum. Given the vital role that farmers and land managers have in Just Transition, Net Zero and Nature Positive, this is a concerning omission, and we would be grateful if the Committee could raise this.

We have set out what we think is missing from the Bill and refer back to our answer to previous questions:

- Does the bill provide a clear foundation for future rural policy and support?
- Do you think these are the right objectives?

The Trust also support Scottish Environment LINK's submission of evidence to this Committee and LINK's proposals (Scottish Environment LINK 2023d), which state that to tackle the climate and nature emergencies, the Agriculture Bill must:

- Set a clear purpose for support that will drive transformational change and address the nature and climate emergency.
- Set clear targets in relation to nature and climate friendly farming activities e.g. organic farming.
- Enable 5 yearly programming periods to be established, facilitating alignment of budgets.
- Require a Delivery Plan to be published for each programming period and laid before Parliament for a period of scrutiny.
- Define the 'Sustainable Farming Standards' that must underpin all payments
- Introduce requirements for monitoring and evaluation and inspection and penalty regimes
- Include a redistributive mechanism for any underpinning (Tier 1) support scheme to help smaller farms and crofts
- Include provisions to enable an upper limit (capping) to be imposed on Tier 1 direct payments
- Take a title appropriate to the actual scope and intention of the Bill e.g. 'Sustainable Agriculture and Land Use Bill'

Is this Bill an appropriate replacement for the EU's CAP regime in Scotland?

No

The Agriculture Bill provides a once in a generation opportunity to create a domestic agriculture policy for Scotland that arrests biodiversity loss, curbs climate change and its impacts, secures food production for future generations and provides value for money. The CAP has driven decision-making for Scottish farmers since the UK joined the European Economic Community (EEC) nearly 50 years ago. We believe the CAP regime should be overhauled, and as such, this Bill is not an appropriate replacement as it perpetuates rather than transforms the CAP regime.

The CAP has presided over a subsidy regime of which over three quarters of the farming budget in Scotland goes to direct payments, paying farmers based on the amount of agricultural land owned. Direct payments have been variously justified as:

- contributing to higher farm incomes
- a necessary support for food security
- providing a safety net for farmers against unexpected market shocks
- compensating for higher regulatory standards
- ensuring more sustainable management of natural resources.

Yet paying a lump sum for every hectare of agricultural area is a scattergun, generalised, approach to boosting the income of farmers which is both inequitable as payments go to those farmers who own the most land and who may already be profitable without income support and inefficient as direct payments are not targeted on specific outcomes (Scottish Environment LINK 2023a). Whilst the CAP regime is not solely responsible for, it has presided over the following:

- The State of Nature for Scotland report showed that over the last 10 years (2010 – 2020) 43% of terrestrial and freshwater species have had moderate or strong decline (State of Nature, 2023).
- Agriculture is now the second largest source of GhGs in Scotland.
- Peatlands store around 3 billion tonnes of carbon in the UK but are emitting an estimated 23m tonnes of carbon dioxide equivalent (CO₂e) annually (c. 5% of all UK emissions) as a result of drainage and degradation. An estimated 80% of Scotland's peatlands are damaged (British Ecological Society, 2022).

Aside from Direct Payments, the Agri-Environment and Climate Scheme (AECS), forms part of the CAP and is cited by NatureScot as 'the most important investment for securing environmental benefits for Scotland's land', yet the amount of funding it receives and the level of uptake of AECS contracts by farmers and land managers do not reflect this. AECS receives just 6-8% of the £500m farming budget and less than a fifth of CAP claimants hold AECS contracts on around 20% of total farmland area.

The relatively low take up and low spend of AECS points to wider issues that have been identified with agri-environment schemes in general which include poor design, inadequate systems and processes, a dominance of low value for money options and poor targeting, amongst others. In terms of woodland management, research highlights the complexity of applying for grants, the length of time that it takes, the cost that this involves, and the uncertainty that an application will be approved rather than rejected at an unrecoverable cost to the applicant. Further, unless a substantial area is involved, the Forestry Grant Scheme and AECS grant for deer control are generally considered inadequate to sufficiently reduce deer numbers (Scottish Environment LINK, 2023b).

There are inconsistencies between the ambitions for net zero and nature recovery and the reality of what is happening on the ground. On peatland, for example, the current voluntary status of the Muirburn Code means it can easily be ignored without consequences, which places the large amounts of public money invested in peatland restoration to help deliver net zero targets at risk (Scottish Environment LINK, 2023c). Wildlife Management and Muirburn legislation will need to be effectively implemented and enforced to address this.

Another example of policy discord is evident in Scotland's rainforests. Research on deer management in the rainforests highlights that whilst Scottish Government recognise that sustainable deer management is essential, deer numbers continue to rise, and there is a hesitant approach to enforcing existing regulations when deer management works against its stated principles (Scottish Environment LINK 2023b).

The Scottish Government has a target of restoring 20,000 hectares of peatland a year, yet the latest review indicates that restoration rates are less than half this and significantly off track; and the recommendation of the Climate Change Committee (CCC) is that restoration rates were 45,000 per year by 2022. The CCC recently concluded that the impact of Scotland's lower restoration ambition is significant, resulting in 1m tonnes of CO₂e greater emissions than the CCC's Balanced Pathway in 2030, rising to 3m tonnes of CO₂e in 2045 (Climate Change Committee, 2022).

New woodland creation figures are falling short. In the year to March 2022, just under 10,500 hectares of new woodlands were created in Scotland – a dip on the 10,660 hectares planted in 2020/21 and 3,000 hectares off the annual 2021/22 target of 13,500 hectares. In existing woodland features, ineffective deer management is contributing to recent increases in unfavourable condition status. Around a third of ancient woodlands are under threat of eradication due to being subject to heavy grazing so that natural regeneration does not occur (Scottish Environment Link, 2023b).

The Trust will release a research report on 30 November 2023 which explores the potential of Nature-based Solutions (NbS) on Scotland's farmland. For the report we conducted 20 interviews with policy makers, funders, farmers, land managers and crofters, academics and sector leaders. They commented on this disconnect between policy and practice including in relation to the 'co-design' approach of the ARP. Many comments were made from interviewees that there needed to be more involvement of farmers, crofters and land managers in the design of the agricultural support scheme for the Scottish Government's ambition of co-design of the ARP to be meaningful.

Reiterating our earlier point, we do not believe that the Bill as it stands will not be an effective delivery mechanism for the Scottish Government's policy ambitions and legal targets. This is because it is trying to achieve two contradictory goals: of a smooth transition from, and perpetuation of, the CAP; and of transformation by enabling the realisation of the Scottish Government's Vision for Agriculture and climate and nature targets on land.

Do you have any further comments?

The Trust will release a research report on 30 November 2023 which explores the potential of Nature-based Solutions (NbS) on Scotland's farmland. For the report we conducted 20 interviews with policy makers, funders, farmers, land managers and crofters, academics and sector leaders. The Agricultural Reform Programme (ARP), which the Agriculture Bill will enable, was criticised by interviewees as lacking political leadership due to: (a) its content, which is an adaptation of, rather than a departure from, the CAP; (b) the timetable, which was felt to be too slow given the urgency of

the climate and nature crises; and (c) the uncertainty of the overall budget and split between the tiers. These issues interviewees point to a political leadership vacuum on the ARP.

Winning the hearts and minds of the farming, crofting and land management sector, its sector bodies and the sector press is key to increasing the uptake of NbS, and in doing so meeting the triple challenge of food production, climate change and nature loss. We urge the Scottish Government to:

- Communicate what is expected from the sector, and by when, within the ARP. It is currently unclear and creating inertia and entrenchment.
- Gear Scottish Government communication to the sector about NbS towards the business benefits they bring, such as providing resilience to economic and climatic volatility, supporting food production and increasing profit. Rhetoric in sector media of NbS being an add-on rather than core to the farm business needs to be challenged with compelling stories of those using NbS in their farm businesses being made available to media outlets such as Scottish Farmer and Landward.
- Include more people with farming, crofting and land management experience in the ARP policy design and testing process.

We are concerned that the level of technical knowledge required to submit a thorough response to consultation on the Bill is of a level that excludes most of Scottish society. Yet we know that

85% of the Scottish public want more spending on farming to support methods that restore nature and tackle climate change as well as producing food (Scottish Environment LINK 2022). We want to see some more fundamental questions being asked and debated at a high level which help to democratise the debate and give people a voice to express their preferences and wishes for policy on climate change, land use planning, biodiversity and nature recovery and agriculture.

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