

Land Management Contracts Menu Scheme LINK Agriculture Task Force response September 2004

Scottish Environment LINK (LINK) is the umbrella forum for Scotland's voluntary organisations working together to care for and improve Scotland's heritage for people and nature. Its member bodies have interests spanning nature conservation, recreation, landscape and archaeology. LINK Agriculture Task Force (ATF) is the working group focusing LINK members' efforts on agriculture policy.

LINK member organisations have over 500 000 members across Scotland and have much expertise in farming. Member bodies farm over 70 000 ha for biodiversity, landscape and rural development objectives directly, and through payment to farmers and crofters. We also work with farming and the wider environment by providing advice to land managers, promoting education to schools and colleges, undertaking policy research that places agriculture in the context of sustainable development, and developing dialogue between stakeholders.

The following members of Scottish Environment LINK support this statement:

- Biological Recording in Scotland (BRISC)
- Butterfly Conservation
- Council for Scottish Archaeology
- National Trust for Scotland
- RSPB Scotland
- Scottish Wildlife Trust
- Woodland Trust Scotland
- WWF Scotland

Additionally, the British Association of Nature Conservationists (BANC) Scotland would like to support this statement.

General comments

LINK ATF strongly welcomes this important consultation from the Scottish Executive. Agriculture policy has huge potential to shape the future of Scotland's environment – either harmfully or beneficially. Scotland's environmental losses to agriculture in the last 50 years have been catastrophic. They have largely been driven by the CAP. The future of most of Scotland's remaining semi-natural farmland and woodland habitats, outside protected areas such as SSSIs, depends almost exclusively on changes to current agriculture policy.

The mid-term review of the CAP is a unique opportunity to see Scottish farming become *“a leading player in the protection and enhancement of our environment”*. We urge the Minister to make the most of all opportunities available through designing the CAP MTR package for Scotland to tackle the environmental impact, and environmental potential, of an industry that manages over 71% of Scotland's land.

LINK ATF believes that these initiatives will only be truly successful in achieving their aims if there is a significant shift in Scottish farming policy, away from production support and towards encouragement of the delivery of public goods such as environmental improvements by farmers. This consultation on the new Tier 2 Land Management Contract scheme is a first step in achieving this shift in policy. Such action will increasingly be demanded by taxpayers, who will not accept public money being spent on industry support for no apparent public gain.

The stakeholder process during this consultation

LINK ATF has welcomed the considerable efforts of the Scottish Executive to design a comprehensive stakeholder involvement in this important area of agriculture policy, particularly given the short timescales involved. LINK has found the revived LMC Working Group to work particularly well in this respect.

We encourage the Scottish Executive to continue and increase their efforts to consult stakeholders more widely in the next stages of Land Management Contract development and implementation.

Responses to specific questions in the consultation paper

Q1 Is the range of proposed measures about right?

No. LINK ATF is concerned that, following the concentrated period of work undertaken by a number of stakeholders on the LMC working group and its various strands, the proposed set of 13 measures is too minimal and far too limited to meet the Scottish Executive's stated aspirations for Tier 2 of Land Management Contracts.

In particular, LINK ATF feels strongly that the range of agri-environment measures should be expanded substantially, within the constraints of the European CAP rules and practicalities for introduction of measures in 2005. At present the measures are heavily biased in favour of lowland / arable farms, with few environmental options for the upland farmer. An increased number of appropriate agri-environment measures would help to redress the balance of measures to reflect the upland nature of much of Scotland's farmland.

LINK ATF is disappointed that the current proposals contain no measures which relate to the protection and maintenance of culture features or the wider landscape. Such an omission is inconsistent with the Scottish Executive's own historic environment policies and must be addressed to demonstrate joined-up thinking behind the proposals.

LINK ATF has the following comments on the agri-environment measures proposed in the consultation:

1. Land Management Plan (LMP) and elements of this

We feel strongly that the Land Management Plan is an essential part of any scheme, to ensure that action is identified and targeted appropriately, and also as a means of structured monitoring on progress.

Provision of support for agri-environment benefits does not preclude access to these areas and, generally, access should be actively encouraged. Where fencing is required adequate provision must be made to maintain access.

2. Buffer strips and field corners and 3. Field margins on improved grassland

LINK ATF recommends that these measures are combined to give a flexible option for margins and buffer strips, based on opportunities identified in the Land Management Plan (see above). It should include 3-6m wide strips and uncropped field corners of not less than 0.1 hectares.

As part of this option, we recommend that provision should be made for buffering of individual, in-field and ancient trees on the landscape, and also buffering of archaeological sites. Prominent individual, in-field and ancient trees in the landscape are important biodiversity, landscape and historic features. These trees provide a habitat for many invertebrates and birds and often have developed an individual appearance, forming strong links between people and place. The following conditions should apply in these cases:

- A buffer strip reaching the length of the canopy should be established
- Pesticides and fertilisers must not be applied on the buffer strip
- Do not carry out supplementary feeding of stock, storage of materials or machinery, cultivation or chemical weed control under the canopy
- Fallen timber should be left on the buffer strip
- The buffer strip may be maintained through appropriate grazing or mowing
- If the tree falls it should be replaced to provide continuity on the landscape, although the deadwood should be left behind.

4. Retention of winter stubbles

LINK ATF supports this measure.

5. Undersown spring cereals

LINK ATF queries the amount of new conservation benefit that will be achieved through this measure, given the low level of payment proposed.

6. Biodiversity cropping on in-bye

LINK ATF queries the amount of conservation benefit that will be achieved through this measure, given the low level of payment proposed and the limited application possible per farm. However, we appreciate that it may have some benefits for small farms and crofts.

7. Out-wintering cattle

LINK ATF recommends that this option is **removed** from the scheme. Although out-wintering of cattle may, in certain specific cases, provide limited biodiversity benefit if managed correctly, we feel strongly that in many other circumstances it could be of detriment to biodiversity and habitat quality. It is therefore inappropriate for inclusion as a widely-applicable, basic environmental measure in the Tier 2 scheme.

8. Farm woodland management

LINK ATF is happy with these proposals.

11. Improving access

We welcome the option to improve access opportunities and that to take up this option farmers will also have to take up the option of a land management plan for the farm. There should be a requirement to consult with interested parties (e.g. community, local access forum, local authority access officer). This should help ensure that access improvements are of a suitable type and location and that they are used by the public.

We do have some concerns over how this option will operate:

- The payment rate may be too low for it to be taken up extensively.
- The total amount available per farm is low.
- What will farmers be required to do for the payment? (e.g. maintenance, surfacing, drainage, signs, waymarking, gates...). What we would regard as appropriate depends on what is included in GAEC and on the available budget.
- Can support provide for both capital items and maintenance?
- There should be a requirement for low key publicising of access locally.
- Is there a commitment to maintaining improvements beyond one year?
- There must be no suggestion that access elsewhere on the farm is jeopardised as a result of this – i.e. there must be no implication that access should not be taken elsewhere.

LINK ATF also strongly recommends that the following measures are **added** to the Tier 2 scheme as a minimum:

1. Hedgerow management

- Leave a 1m uncultivated grass strip next to hedgerows as a buffer from farming operations (dependent on the conditions to be announced as part of GAEC) . This should be measured from the edge of the hedge. Do not apply fertiliser, manure and pesticides.
- Maintain them at a height and width characteristic of the local area, and in order to maintain a dense structure, with as few gaps as possible. Where the hedge includes gaps, these may be included in the length measurement, providing they amount to no more than 20% of the total length of that hedge.
- Do not cut the same hedge/hedgebank every year.*
- Avoid cutting all hedges in the same year.
- Do not cut during the bird breeding season (28 February- 31 August). Ideally cut in January or early February.
- Hedge coppicing/laying is allowed, based on suitable advice.
- Saplings may be left at intervals.

*Ideally, we would want to see a measure that allowed no more than one third of hedges to be cut in any one year, but given the potentially limited scope of mapping/planning available for tier 2 for 2005, this could be considered as an inclusion for the future. For the time being, accompanying guidance could state that this is best practice for hedgerow management.

2. Management of Ditches

- Covering all ditches on the farm, as an improvement on the basic best practice that could be contained within GAEC (to be announced).
- Clean ditches no more than 2 in 5 years, to be carried out between 31 July and 31 Jan.
- Clean only one side of a ditch each year, with only half the length of a ditch bank to be cleaned in any one year. The lower section to be cleaned first.
- Leave a 1 metre uncut grass strip between the top of the ditch bank and the adjoining crop (Dependent on the conditions announced as part of GAEC).
- Where possible and appropriate the ditch sides should be shallow, not steep, as this encourages greater plant/insect diversity and may provide feeding opportunities for wading birds amongst others.
- Any spoil should be spread onto the field or levelled along the bank and not left to accumulate.

3. Management of permanent in-bye grassland with low inputs

Inbye grassland managed with low inputs of fertilisers and sprays will sustain higher numbers of plants, butterflies and insects than that subject to greater intensification. Grassland offers the best protection for archaeological features and is an important part of landscape character. The more extensively managed the grassland, the less likelihood of run-off of nutrients into watercourses. This measure could result in considerable environmental benefit.

- Livestock manures can be applied at rates supplying no more than 100kg/ha per year of total nitrogen. Where livestock manures are not used nitrogen fertiliser can be used to supply no more than 50 kg/ha nitrogen. Do not apply between 15 March and 30 June.
- Do not cultivate
- Supplementary feeding is allowed, but do not feed on or next to archaeological sites, steep slopes, footpaths or watercourses.
- Manage by light grazing and/or cutting.
- Do not cut or top between 15 March and 30 June.
- Do not harrow or chain roll between 15 March and 30 June.
- Apply herbicides only to spot treat or weed wipe for the control of pernicious weeds or invasive alien species.
- Lime application should be allowable to 5 tonnes/ha every five years, on the assumption that most inbye land in Scotland will have been treated with lime in the last 15 years.
- Lime application should be based on soil analysis.
- A rush topping measure for wet grassland should be included as follows:
 - Annual cutting between 1 August and 1 April of up to one third of the dense rush area.
 - Cutting should be in random patterns rather than blocks.
 - Aftermath grazing by cattle should be encouraged, although not too heavy.
 - Where conditions allow, late season cutting can prove beneficial in controlling dense areas of rush.

4. Moorland management

Following our recent LINK meeting with SEERAD, SWT understands that SNH are working with SEERAD to draw up a suitable measure for moorland management under Tier 2. SWT supports this in principle, subject to the detail of the measure.

We largely support the other proposed measures to develop social and wider economic benefits on farms – in some areas these measures are past the limits of SWT's expertise. We feel strongly that these should be linked to the needs and opportunities outlined in the Land Management Plan if they are to be of true value and demonstrate public benefit. In particular, SWT recommends that measure (9) – development of skills and knowledge – contains environmental training as a major component, linked with the requirements identified in the Land Management Plan, and ideally linked with local Biodiversity Action Plan (LBAP) priorities.

5. Wild Bird Seed Mixture

This type of crop will feed seed-eating birds in arable landscapes, where there is little remaining food source. It is a much more targeted measure than unharvested crops, and seed mix and location can be advised upon. It may be the only arable operation in an upland situation, and will benefit a wide range of Birds of Conservation Concern, as well as game species, insects and arable plants.

- Sow a mixture (or a mix of rows) of at least three seed bearing crops (e.g. a cereal, kale, quinoa).
- Sow in strips at least 6 metres wide at the edges of fields and/or in blocks. Blocks should not exceed 0.5 hectares and you should have no more than one block per 20 ha.
- To maintain seed production, re-sow at least every other year.
- Only apply fertiliser or manure if necessary for establishment.
- Apply herbicides only to spot treat or weed wipe for the control of pernicious weeds, (e.g. creeping, spear or field thistle, curled or broadleaved dock, and common ragwort), or invasive alien species (e.g. Himalayan balsam, rhododendron or Japanese knotweed). However, Glyphosate may be used prior to spring re-sowing to facilitate re-establishment.
- Do not apply any other pesticides.
- The area should not be used for access, turning or storage. Do not graze.
- Crops are best sited close to hedgerows or other areas of cover.

Q2. Should producers have a free hand in choosing from the menu, or should there be a mechanism for ensuring that producers adopt a spread of measures?

LINK ATF strongly recommends that the Land Management Plan is mandatory for all farmers entering the Tier 2 scheme. It should be available with sufficient advice to ensure that the farmer is making appropriate and balanced decisions for his farm.

Where possible, measures that each farmer chooses should be informed by the findings of the Land Management Plan. In particular, LINK ATF would like to see all farmers taking up some agri-environment measures as part of the Tier 2 package. It would be better if this could be ensured through guidelines or financial mechanisms, rather than by enforcement of certain options over others.

Training with respect to environmental management on the farm is particularly important. LINK ATF recommends that, at the very least, the guidance available to farmers on the Tier 2 scheme makes recommendations for available training on each of the agri-environment options in the Scheme.

LINK ATF also recommends that a desk-based historic environment audit, carried out by local authority archaeology services, is offered as an element in the LMP process, similar to the Woodlands element. An agreed specification for the existing audit can be seen on the CSA website at http://www.britarch.ac.uk/csa/rural_land_man/Rss%20Spec.pdf. Introducing this element now will accelerate the process of getting archaeological & historic audits done for those farms that have not yet had environmental audits carried out under the agri-environment programme. This will make it easier for the majority of farms considering full LMCs in 2007 to have access to adequate data. It will also reduce the effect of cross compliance regulations being more onerous on those farmers who have already paid for environmental audits under the agri-environment programme. LINK ATF recommends that this should be set at the rate of £60 minimum and £200 maximum.

Q3. What is the best way of implementing a hectare limit at farm level?

Ideally LINK ATF would prefer no financial limit on Tier 2 schemes. However, given the current financial constraints we recognise that a hectare limit may be the only fair (and permitted) way of limited the spend per farm for Tier 2.

Banding payments by allocating hectare limits would seem to be a reasonable way of applying this. However, we would welcome further discussion with SEERAD about the way this would apply to measures in practice, and how their environmental benefits could be maximised: e.g. if the farmer chooses to manage hedgerows sensitively on a certain area of the farm, would he choose these using the Land Management Plan and any identified priorities within it?

4. Should we introduce the Scheme in 2005 or delay until 2006?

LINK ATF feels strongly that the scheme should be introduced in 2005. Given all the changes that will be occurring in 2005, it is important that SEERAD demonstrates all farmers will have access to a certain amount of the increased Pillar 2 money raised through modulation.

LINK ATF does not feel that this scheme has realised its full potential yet: it has been developed in a short period of time and with no actual 'on-farm' trials. However, if it is made clear to farmers that the next two years are a 'trial' for the Tier 2 approach, and that the Scottish Executive are committed to ongoing development of this scheme with stakeholders as part of the Land Management Contract package, then we see no reason why the roll-out of the scheme should be delayed until 2006. In fact, application of the proposed scheme to farms for two years will give us valuable lessons and data to 'fine-tune' the scheme in the future.

It is essential, however, that appropriate links with various sources of farm advice are made with the Tier 2 scheme ready for its introduction in 2005.

5. Do you have comments on how this further integration work should be taken forward?

As stated above, LINK ATF considers it essential that the introduction of this 'embryonic' Tier 2 scheme is considered by the Scottish Executive and by stakeholders as a 'first step' in the development of Land Management Contracts. Much more work is needed, particularly over the next year, to develop the concept further and make it work in reality.

LINK ATF sees Land Management Contracts as a delivery mechanism for the entire CAP subsidy package, not just for a portion of the Pillar 2 /rural development funding. From the environment point of view, a balance will need to be reached on the environmental functions of agriculture carried out through Tier 1 (cross compliance against GAEC), Tier 2 (basic environmental stewardship and enhancement) and Tier 3 (the provision of additional benefits such as improved access, more advanced restoration and re-creation of habitats). Sufficient funding must be made available for all farmers to have access to these tiers, otherwise LMCs will clearly fail in their objectives.

Consultation with stakeholders is therefore essential for prescriptions and payment rates across all three LMC tiers, with 'unpacking' needed of current schemes and how their purpose and prescriptions might fit in to the new requirements. For example, different prescriptions from the current Rural Stewardship Scheme may fall in all three tiers, as we have started to see over the last few months with development of GAEC and the Tier 2 scheme. Discussions with organic sector interests must be conducted in order to determine how Organic Management Schemes would best fit within the proposed structure.

LINK ATF therefore calls for an early and full consultation process on all aspects and all tiers of Land Management Contracts. This must include consideration of issues such as adequate monitoring, justification of public goods delivered and transparency in the use of taxpayers' money. It must also include schemes such as the LFASS, which could be argued at present to be delivering economic goods and production support in itself.

LINK ATF advises that one important element within LMCs that should be debated and developed is a more targeted, regional approach. As legislation such as the Nature Conservation (Scotland) Act 2004, the Land Reform (Scotland) Act 2003 and the Water Environment and Water Services (Scotland) Act 2003 is implemented, there will be a more and more pressing need for regionally targeted approaches using local Biodiversity Action Plans, Core Path Plans and River Basin Management Plans. This must be reflected in the structure of LMCs and the advice available to farmers for their implementation.

In this way, and according to the new Rural Development Regulation and LFA rules yet to be agreed, Land Management Contracts can be developed as the major vehicle for delivering Scotland's new Rural Development Plan in 2007.

LINK ATF has been a key stakeholder in the development of LMCs so far: we would be pleased to continue contributing our views and expertise to their further development in the future.

For further information, please contact:

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