



Scottish  
Environment



**Response by Scottish Environment LINK to the  
Scottish Government Consultation on the  
Implementation of the Common Agricultural  
Policy Health Check in Scotland**

**Scottish Environment LINK** is the forum for Scotland's voluntary environment organisations - 31 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. LINK assists communication between member bodies, government and its agencies and other sectors within civic society. Acting at local, national and international levels, LINK aims to ensure that the environment is fully recognised in the development of policy and legislation affecting Scotland.

This response is supported by the following organizations which make up LINK's Agriculture Task Force:

- Archaeology Scotland
- Buglife – The Invertebrate Conservation Trust
- Bumblebee Conservation Trust
- Butterfly Conservation Scotland
- National Trust for Scotland
- Plantlife
- Ramblers Scotland
- RSPB Scotland
- Scottish Wildlife Trust
- Woodland Trust Scotland
- WWF Scotland

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## Introduction

Scottish Environment LINK's vision for the future of land management funding is laid out in the document "Beyond the CAP"<sup>1</sup>. LINK believes that all public subsidies should fund the provision of public goods. We were disappointed that the European requirements introduced through the Health Check did not go further towards meeting this vision. However, we believe that the Scottish Government does have opportunities to ensure payments are better directed towards the provision of environmental and other public services provided by particular types of land management.

We agree with many of the Scottish Government's suggestions for changes to Good Agricultural and Environmental Condition but think that attention should also be given to the implementation of existing measures. While these are in many cases good, the requirements are not sufficiently clear to make breaches easily detectable. A thorough assessment of GAEC should look at the environmental benefits it provides and how these can be increased. We also believe that replacement measures for set-aside are needed. Set-aside provided considerable public benefits funded through pillar 1 of the CAP. GAEC is therefore the correct mechanism to replace these without reducing funds available through the SRDP.

## Answers to consultation questions

LINK has already submitted a response to questions 1-8.

### **Q9: What are your views on any future use of a National Reserve in Scotland? Do you support its use in Scotland to help new entrants, the priority area identified in the new legislation? What level of "top-slicing" (deduction from existing SFPs) for a National Reserve would you support?**

LINK believes that the current historical model for distributing the Single Farm Payment is unjustifiable in the future. Changes should be made as soon as possible to link the largest part of agricultural support to the delivery of public goods. However, in the meantime, supporting new entrants to farming is important and a national envelope is necessary.

### **Q10: In principle, do you support Scotland introducing a siphon on future sales and to use this funding to supplement the National Reserve? Please give reasons for your decision.**

We support the provision of additional funding to the National Reserve and a siphon on sales could be a reasonable way to augment funds available.

### **Q11: GAEC measures relating to water issues are compulsory under the Health Check legislation. The two new measures suggested above (Options A and B) are based on existing legislation. Do you have any comments on these two measures? The legislation requires us to implement GAEC measures relating to "buffer strips along water courses" between 1 January 2010 and 1 January 2012. When should these measures be introduced in Scotland and why?**

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<sup>1</sup> <http://www.scotlink.org/pdf/LINKBeyond-the-CAPReportSept08.pdf>

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Yes, LINK supports both these measures. In some areas where there are serious diffuse pollution problems, 2m margins may not be sufficient and there should be a provision to increase these where necessary. Research suggests that trees can also help buffer watercourses so where tree-buffers already exist, these should be maintained. We believe these measures should be introduced rapidly as most of the requirements already exist through the GBRs.

### **Q12: Which of the proposed changes to GAEC measures relating to soils issues do you think should be implemented in Scotland and why?**

LINK supports the introduction of option C. This is already a requirement through GBRs and so would not imply additional work for land managers. We do not believe other amendments to GAEC 4 are necessary if the current measure is properly implemented.

LINK supports clarification of guidance.

### **Q13: Which of the proposed changes to GAEC measures relating to activity issues do you think should be implemented in Scotland and why?**

LINK supports measures to encourage environmentally appropriate levels of grazing. We believe these measures could promote good practice if implemented sensibly. We would be concerned if the requirement to prevent encroaching scrub and ensure land is not undergrazed encouraged land managers to destroy all scrub on their land as in some cases this may provide valuable habitat. Provision should therefore be made to allow for a certain percentage of scrub on grazed land.

Severe cases of overgrazing should also result in an immediate breach. Where overgrazing has occurred over a limited time period then this should not result in a breach but a management plan should be agreed between the land manager and SGRPID to restore any damage.

### **Q14: Which of the proposed changes to GAEC measures relating to land management issues do you think should be implemented in Scotland and why?**

LINK supports the introduction of Option J. Currently SSSIs not underpinned by European designation may receive poorer protection than those that are. We believe that land managers should also be required as part of GAEC, to follow SNH's advice on how a site can be brought into good condition where this relates to farming practice.

We support Option K. Boundary features should already be protected by GAEC and it makes sense to strengthen this provision to include trees with Tree Preservation Orders. Where the presence of ancient, veteran trees have been verified by an expert such as an SNH case officer, these should also be protected.

We support Option L. As part of the original consultation on CAP reform in 2004, it was proposed that a measure to "avoid damaging or destroying features or areas of known historic or archaeological interest" should be included under retention of landscape features standard. While there was no objection to this proposition, it was subsequently restricted to designated historic and archeological features without the agreement of Historic Scotland, the Scottish Executive policy lead on the historic

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environment. Where features that do not have statutory protection have been independently verified by an appropriate official such as a local government archaeologist, it seems reasonable that land managers should be expected not to damage these.

We support option M if this is rewritten as a new measure which simply requires the compliance with Agricultural EIA regulations.

We believe option N is not a good idea. This would not result in a simplification as the measures are quite different.

We support Option O. While keeping a 2m margin from field boundaries is required in England, in Scotland, this is merely suggested in the guidance. This means that hedgerows and other boundary features receive a lower level of protection and, particularly since the loss of set-aside, examples of damage to these features have been observed. We would therefore advocate changes to GAEC 15 so that use of machinery, crop protection products or fertilisers within 2m of a field margin or the base of a hedge is defined as damaging. There should be a derogation for small fields where this measure would take a significant proportion of land out of production.

While we support this option, it would not be sufficient to mitigate for the environmental benefits provided by set-aside. More details are provided in response to question 16.

### **Q15: Do you have any other comments about options to modify GAEC as it is set out in the new regulation?**

Yes, we believe the consultation should cover how GAEC is enforced. Currently, some options are difficult to enforce because the requirements are vague. Changes should be made, for example to GAEC 15 as described in response to question 14. We would also believe wetlands should be mentioned specifically in GAEC 16 as a feature to be protected.

### **Q16: Should Scotland take special steps to mitigate the loss of environmental benefits that have accrued under set-aside? How might this be best done? Please give your reasons?**

Yes. Set-aside provided valuable environmental benefits in terms of habitat for various insect, mammal and bird species, protection of water resources, climate change mitigation and access for walkers.

The benefits set-aside provided were funded through pillar 1 of the CAP. They were widespread across the cultivated landscape and compulsory for all farmers in these areas receiving the SFP. We therefore believe that agri-environment options alone will not be enough to replace the benefits provided by set-aside.

LINK supports the idea of a requirement through GAEC to manage around 5% of the cultivated landscape "for environmental benefits". This could include wider field margins but also in-field measures. Land managers would have a choice of either leaving an area of land fallow, to regenerate naturally or in permanent grass or they



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could use specifically targeted agri-environment options to increase the environmental value of their land. Other potential measures would be to allow some encroachment of scrub where this had environmental value and small groups of trees could also be included.

**Q17: What criteria could Scotland use to make sure that SFPs in Scotland go only to businesses which are actively farming?**

This issue could be addressed through GAEC measures as suggested in this consultation. Under current distribution models for the SFP, we see no other way to address it.

**Q18: Which minimum threshold do you think should be introduced in Scotland and why?**

We do not support minimum thresholds. Since they are a European requirement, we recommend going for the limit which excludes the smallest number of land managers.

**Q19: When do you think Scotland should decouple the Protein Crop Premium scheme? What year do you think should be chosen for the reference period? Please give reasons for your answers.**

We support decoupling this scheme as soon as possible.

For more information please contact the LINK Agriculture Task Force convenors:  
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