



Scottish
Environment
LINK

5 Atholl Place

Perth

PH1 5NE

T: 01738 630804

E: enquiries@scotlink.org

W: www.scotlink.org

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs and Islands
Scottish Government

Dear Cabinet Secretary

Thank you very much for your time on 13th September and for the discussions on the direction of travel of the forthcoming Agriculture Bill. We discussed the following points.

Agriculture Bill

We discussed the need for change from our current system and that status quo will not deliver for food security nor nature and climate. We need farmers to be producing high quality food whilst, at the same time, playing an important part in restoring nature and reducing emissions. However, a better system must be implemented.

While the proposed framework has the potential of delivering better outcomes for nature and climate, so much will depend on the political decisions that are made around the budget and the detail of scheme design. On the budget, we acknowledge that you have already stated direct payments will remain and that there will be no “cliff edges”. That being the case, LINK believes that it is vital that a more substantial portion of the budget be directed towards Tiers 2, 3, and 4 - the parts of the framework that will deliver positive outcomes. We expect that the “no cliff edges” position will mean that the starting point for the new framework will not be too dissimilar to the existing distribution of support. A clear and comprehensive pathway illustrating how budget allocation will change over time is vital so that the support will be better directed towards achieving the desired outcomes.

On scheme design, we believe that the framework that the government has proposed has the potential to deliver better outcomes, but the degree to which it actually does deliver will depend on the detail of how the framework operates. For example, Tier 2 can potentially deliver positive outcomes but it will be important to learn the lessons from previous experience elsewhere. Notably the English Entry Level Scheme demonstrated that offering free choice in menu-type schemes can limit outcomes and we urge the government to adopt a more directive approach. Similarly, we urge the government to require recipients to reach a specific threshold for receipt of Tier 2 funding rather than allow a sliding scale, as it offers a stronger incentive for more substantial commitments.

LINK also believes that High Nature Value (HNV) Farming and Crofting should hold a significant place within the framework. As currently proposed, we believe that Tier 2 measures will struggle to adequately support farms and crofts in extensive areas because it is more difficult to design measures that apply in the uplands than in the lowlands. Our recommendation to the government is to develop the HNV category, which can serve as an incentive for HNV farmers and potentially inspire others to adopt these practices. We believe that once the complexities surrounding HNV identification have been overcome, an HNV element to the framework could represent a form of simplification because it would mean many farmers avoiding having to submit a plethora of measures that would themselves need auditing.

All farmers and crofters will be vital in meeting net zero and supporting them all in a just transition is key. Capping payments can be a short term measure to reallocate funds to enhance Agri-Environment Climate Schemes (AECS) and integrate it into the future framework. This strategy, in our view, would rectify the inherent inequities within the current system and promote a fairer distribution of resources.

Wildlife Management and Muirburn Bill

LINK has long supported the full implementation of the recommendations in the independent "Werritty" Grouse Moor Management Review Group, including current proposals to licence both grouse shooting and muirburn and enhanced powers for the Scottish SPCA to investigate and report wildlife crime incidents. Our response to the Bill consultation contains some of the issues we discussed with you; <https://www.scotlink.org/publication/wildlife-management-consultation-response/>.

Licensing: The protection of raptors, a long-standing issue, has been in place since 1954. However, illegal killing of some raptor species has persisted, impacting both their populations and range. While the Scottish Government has made incremental improvements to wildlife protection legislation over the past two decades, particularly concerning wildlife crimes, the issues, notably on grouse moors, persist. Licensing is viewed as a proportionate response and a meaningful deterrent, common practice in many European countries where gamebird shooting is licenced. Further detail is in our consultation response.

The range of offences that will lead to a suspension of a licence, so far only cover offences against raptors. However, this needs to be extended to include breaches to muirburn legislation, Badgers Act and Animal Welfare Act.

Muirburn, as a land management activity, carries inherent risks, particularly in terms of its impact on peatlands. Given the priority placed on peatland protection for climate change mitigation and achieving Net Zero commitments, it is vital not to jeopardise these efforts. A significant portion of peatlands, approximately 80%, is degraded due to historical practices such as burning, drainage for agriculture and overgrazing. While we support a precautionary approach to muirburn on peatlands, we acknowledge the need for tightly controlled exceptions to prevent wildfires.

The perspectives of landowners have been considered and accommodated in various aspects of the Bill, including provisions allowing burning in specific cases for wildfire prevention. Recent public relations efforts have raised concerns about the potential impact on local rural businesses, giving the

impression that grouse shooting might cease. However, it is essential to clarify that the intention of the legislation is not to end grouse shooting but to introduce a "light touch" licensing application process, with severe consequences for breaches. We welcome that both Scottish Government Ministers and Officials have made that point very clear in public responses.

There is a discussion on whether there should be a complete ban on burning on all peatland soils, as recommended by the Werritty report and supported by the Scottish Government's response. However, if a peat depth definition is adopted, it should align with the Peatland Code and international peatland definitions, of 30cm depth.

The Bill must strengthen compliance with Codes of Practice for grouse moor management and muirburn, altering the wording of the legislation to include 'must comply' instead of 'have regard to'.

Regarding the investigation status and circumstances under which a licence could be revoked by NS, we suggest instigating due process when Police Scotland has logged an incident as a confirmed crime, aiming to provide clarity in the legislation.

Areas where the Bill could be improved and strengthened include the need for tighter regulations to prevent the circumvention of wildlife protection legislation. There is also a proposal for a more focused amendment to disapply invasive non-native species legislation in the WANE Act 2011 for specific land areas, considered a more stringent approach.

Deer Management

LINK is disappointed at the decision by the Rural Affairs and Islands Committee to not support the removal of the seasons for male deer. This blocks a key part of the Scottish Government's move towards a modernised system of deer management. For decades, there has been a growing consensus that we need strong action to reduce deer numbers to protect our natural heritage, curb damage to crops and forestry, reduce road accidents.

Four out of five political parties included in their 2021 Scottish election manifestos a commitment to implement the recommendations of the Deer Working Group. It is disappointing, therefore, that at the very first hurdle, a key recommendation of the Group has been voted down.

At a time when we face a climate and nature emergency, we need urgent action to reduce Scotland's one million strong deer population. We will not meet our targets for peatland restoration, woodland expansion, and biodiversity without taking the necessary action to reduce grazing pressures on our land. This is also firmly emphasised in the Scottish Biodiversity Strategy.

Once again, thank you for your time. We look forward to meeting you again once the Bill has been published.

Yours sincerely



Dr Deborah Long
Chief Officer



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