



Agriculture and Rural Communities (Scotland) Bill, November 2023

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Food & Farming Group.

Response

1. Do you think a framework bill is right?

Yes

Explain

We recognise that it is appropriate for many of the functions contained in the Bill to be pursued through secondary legislation. However, starting from first principles, it is also important that the Bill sets a clear direction for the future of agriculture policy and ensures that Ministers are required to act in the long-term interests agreed by parliament. Agriculture policy is a vital driver in reaching Net Zero and tackling the nature emergency, and it is the process of primary legislation that best allows for scrutiny and the development of consensus. The Bill should be much more explicit about how the Scottish Government will use the new powers to achieve specific goals.

Prior to the publication of the draft Bill, Scottish Environment LINK highlighted a range of ways in which framework legislation could be strengthened, including through the adoption of a clear purpose clause, requirements for a programming period and delivery plan, and a process of regular monitoring and reporting, including external evaluation. An important way of ensuring scrutiny should be in requiring the Rural Support Plan to be subject to parliamentary approval.

2. Does the Bill provide a clear foundation for future rural policy and support?

Don't know

Explain.

The Bill itself, read alongside the policy memorandum, does not demonstrate that it will drive the transformative change required to adapt to the environmental challenges we face and the need to future-proof food production. Key decisions are, by design, left for Ministers to take in future. While flexibility is required and



important, the Bill would be strengthened by the adoption of statutory targets that would require Ministers to make progress towards key metrics.

The proposed four-tier system can, in principle, work. The fundamental issue that will determine its success will be how money is distributed across the system. If the majority of money continues to be distributed through direct payments then we will not see the pace of change required. LINK believes that at least three quarters of public spending on farming should directly support methods that restore nature, tackle climate change, and measures which benefit people, as well as producing food.

The question refers to “future rural policy”; strictly, this Bill says little about wider rural policy. As a basis for agriculture policy it provides what is required for payments to be made.

Purpose and objectives s1

1. Do you think these are the right objectives?

Yes

If answering No, please set out what other objectives should be set out in the Bill.

Though we broadly support the Bill’s overarching objectives, the current drafting is too weak to meaningfully assist future interpretation of the intention of the legislation. Terms including “high quality” food are not defined. While the objectives refer to the adoption of “sustainable and regenerative” practices and to “on farm nature restoration, climate mitigation and adaptation” this is done without any indication as to the pace or scale of these intended outcomes. This fails to set a clear direction of travel for the funding system. This could be improved by making specific reference to the responsibility of agricultural funding to contribute towards achieving Net Zero, Nature Positive and a Just Transition. The Welsh Act is a useful comparison, as this includes broadly similar, but more specific, objectives, as well as additional objectives around public access, cultural heritage and the historic environment.

Although the Vision for Agriculture says that the Scottish Government will 'continue delivering high standards, including enhanced animal health and welfare', this ambition is not referred to as an objective of the Bill.

Purposes and Objectives s2

2. Do you think the requirement that Scottish Ministers must prepare a five-year rural support plan is the right approach?

Yes.

Explain.

There is a clear need to balance flexibility in policy implementation with clarity for the farming and land management sector. A programming period of fixed 5 years duration, starting in 2025, would allow for four programme periods of policy leading to 2045. This ensures farmers know that there is a certain degree of constancy for a defined period. A programming period would align with the approach in the EU. It would not remove the ability to modify things within the period. The Plan should be more than just a tick box exercise; it should outline clear and specific measures that allow all stakeholders to understand what, and how, agricultural funding will deliver.



There is a need to ensure flexibility and give farmers time to respond to changes in agricultural market and to plan for the future (e.g. investing in equipment for improving management practices).

3. Do you agree with the matters to be considered when preparing or amending a rural support plan, as set out in section 3?

No

Explain- if no, set out what other matters you think should be considered by Ministers when preparing or amending a RSP.

As this is a framework Bill, the content of the Rural Support Plan will be central to the success of the new scheme in delivering agreed policy objectives. The Bill should therefore require significantly more detail of Ministers than it currently does, including indicative multi-year budgets and detail of each payment scheme, including objectives, rationale and expected uptake. Ministers should be required to set out how the impact of this funding will be monitored. The Plan should also include a stock take on greenhouse gas emissions with an outline of actions to reduce emissions.

We strongly support the reference to the climate change plan and to any other statutory duty, which will in time include the statutory nature targets to come in the Natural Environment Bill. It is vital that there is coherence between agricultural funding and our environmental targets. We also support the requirement to consider developments in EU law and policy. This section would be stronger if the objectives referred to in 3(2)(a) were more explicit in setting the direction of travel for the sector.

Key provisions Part 2

1. Are the powers in Part 2 sufficient to provide for a new RS programme?

Yes.

Explain.

We support the power to cap payments which can improve the fairness and efficiency of agricultural spending. We would expect that capping direct payments would be explicitly linked to ensuring money delivers public goods, including environmental outcomes, by redirecting payments out of the direct payment envelope.

We support the inclusion of the powers around exceptional market conditions as a way of ensuring flexibility. However we would note market shocks should not be used to justify weakening of environmental outcomes.

Key provisions s26

1. Do you agree with the provisions on a code of Practice for Sustainable and regenerative Agriculture?

Yes

Explain.

We support the adoption of a Code of Practice if clarity and detail is provided to encourage sustainable and regenerative agricultural practices. We note that the definition of regenerative farming in the explanatory notes as “broadly any form of farming activity which both generates production and improves the environment” is



lacking in specificity. It is important for the development of future policy and its role in achieving climate and nature goals that terms such as “sustainable” and “regenerative” are not framed too broadly.

2. Do you agree with the power- set out in s7- for the ministers to make regulations about the guidance contained in a Code of Practice on Sust and regen ag?

Yes

Explain.

Key provisions s27

1. Do you agree with the provisions around CPD?

Yes

Explain.

We would encourage the Committee to consider the recommendations in this area of the Climate Emergency Response Group (CERG). These include:

Refresh and extend mandatory CPD on climate and biodiversity for all new and existing farm advisors.

Build in mandatory advice into farm-level support and capital grants

Commit to action to kickstart the strengthening of the land-based training and education system in response to the Commission on Land-based learning

Include a ‘training of trainers’ approach to roll out to other local trusted professionals (vets, agronomists) to cascade knowledge, reinforce messaging, and provide follow-up.

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

Targets:

The Bill should establish specific targets showing how agriculture and land use will contribute to current ambition on biodiversity and net zero. This could for example include increasing organic farming, reducing pesticide and reducing synthetic fertiliser use. These targets would set a focussed ambition for change and ensure that Scotland remains aligned to the European Union in terms of agricultural policy. Though the detail of the targets could be set in secondary legislation, the Bill should establish a duty on Ministers to set and achieve any such targets. Research from WWF Scotland (WWF Scotland, Reaching Net Zero in Scotland, 2020) has shown that organic farming has huge potential to reduce Scottish agriculture’s contribution to climate change.

Frontloading of payments for small farmers:

The Common Agricultural Policy 2023-27 includes a mandatory redistribution of income support, with EU countries required to dedicate at least 10% of their direct payments to the redistributive income support tool, increasing the income of small and medium sized farmers. LINK supports a frontloading approach, with payments in Tier 1 higher for the first few hectares claimed. We believe this would be possible through the tapering powers



contained in section 9 of the Bill, however Ministers are currently under no obligation to take such an approach. The Bill should be strengthened to require such a mechanism.

Duty to seek advice:

In preparing the rural support plan, the draft Bill requires Ministers to “have regard to” both the objectives established in section 1 of the Bill and other factors, including the climate change plan and other statutory duties, which will include nature targets established through the Natural Environment Bill. However, there is no requirement for Ministers to demonstrate that the plan will deliver on these objectives. There is precedent set in the Climate Change Act 2009 for a duty on Ministers to “seek advice from the relevant body”, allowing for independent expert advice to help shape policy making. Due to the importance of agriculture funding in meeting our climate and biodiversity targets, as well as food production, we believe a similar duty to seek independent advice should be adopted in this Bill.

HNV scheme:

LINK has encouraged the Scottish Government to consider introducing a High Nature Value scheme, which would be of particular benefit to many crofters.

3. Is this Bill an appropriate replacement for the EU’s CAP regime in Scotland?

Don’t know

Explain.

The framework proposed could deliver for climate, nature and food production. As discussed in previous answers, the Bill itself could be strengthened to ensure a clear direction for the industry. The distribution of funding will be central in the success of the new scheme in achieving its stated objectives.

4. Are there any issues arising from the interaction of this Bill with other UK and Scottish legislation?

Provide response

There are a range of other relevant pieces of legislation, notably statutory climate and upcoming statutory nature targets and the Good Food Nation Act, which are inextricably linked to the success of the new farm funding system. We will not meet our wider environmental ambitions without successfully supporting our farmers, crofters and land managers to do so.

Further comments

1. Please use this box to set out any further comments you wish to make about the Bill.

A Survation opinion poll conducted on behalf of Scottish Environment LINK found that 85% of people in Scotland want public spending on farming to support methods that restore nature and tackle climate change in addition to producing food. 2645 people signed our petition calling on the Scottish Government to ensure that at least three quarters of public spending on farming supports methods that restore nature and tackle climate change.

The Bill should include clear definitions of sustainable and regenerative agriculture.

We would encourage the Committee to seek a broad range of views, including from those outside of Scotland - both in the rest of the UK and those working in an EU context - to understand the experiences of our neighbours.



You may also wish to invite those able to comment on the relationship between the Bill and climate targets, such as the Climate Change Committee.

This response was compiled on behalf of LINK Food & Farming Group and is supported by:

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