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

By email to: [cabsecralri@gov.scot](mailto:cabsecralri@gov.scot)

Dear Cabinet Secretary

### **Maintain GAEC, greening rules and other regulations to benefit nature and climate**

Over the last few years, Scottish Environment LINK members have welcomed your commitment to bringing forward new farming policy and payments. You, and most recently the First Minister, have made it clear that farmers '*will be expected to deliver far more for nature and climate in return for this funding*'. Farmers across Scotland are already being encouraged along this path and we support this.

It is with some alarm therefore that we note calls by NFU Scotland for the Scottish Government to suspend, allow derogations from, or review various environmental rules and regulations that apply to farming currently. To respond positively to such calls would, in our view, have the effect of undermining, not securing, the future of food production given the dependence of crop and livestock production on a healthy natural environment and a stable climate. It would put your vision of sustainable and regenerative agriculture in jeopardy.

Some of these rules and regulations, such as Good Agricultural and Environmental Conditions and Greening, are also the foundations on which you are building your new farming policy and payments, for example in relation to Tiers 1 and 2. Dismantling or watering them down now would hinder policy evolution and future delivery of your overall stated intentions. It will also give mixed signals as to the Scottish Government's future direction of policy, impacting those who are already farming or who want to farm in a sustainable, regenerative manner.

In considering these matters, we urge you to reject any such calls to remove or weaken various existing requirements that apply to farming and the environment. Specifically, we ask you:

- To reject calls for the suspension of all farm-based inspection requirements, even a temporary one. Such inspections are necessary to maintain the environmental, food safety, animal welfare and other standards that Scotland rightly champions in relation to food production. The recently published farm health and safety statistics are a stark reminder of the importance of proper compliance and enforcement. Suspending inspections would increase the risk for government of non-compliance by farmers with relevant Scottish laws and regulations and fuel a race to the bottom.
- To ensure your officials in RPID and relevant agencies continue to enforce environmental regulations including Good Agricultural and Environmental Conditions (GAEC), the Diffuse Pollution General Binding



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Rules (GBRs) and the Nitrate Vulnerable Zone (NVZs) Action Plans. Your officials already take a pragmatic and proportionate approach to enforcement.

- To reject calls for further watering down of Greening rules and a derogation of Ecological Focus Area (EFA) Fallow requirements. This would be consistent with your rejection of similar calls made following Russia's invasion of Ukraine. Fallow, alongside other EFA requirements, has agronomic as well as environmental benefits.
- To ignore the call for a review of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (the 'CARs') to allow water course management. These Regulations are not an impediment to farmers taking action to reduce flood risks; water course management is already possible within certain parameters.
- Recognise there is already an extensive framework available to land managers experiencing issues with beavers plus a team at NatureScot dedicated to providing advice. NatureScot also has an annual budget that can be used to cover the costs of mitigation in certain circumstances. Greater riparian planting and the setting back of embankments in low lying farmland areas would be of greater benefit in many situations in the face of climate change and the increase in extreme weather events than attempts to exclude beavers from certain areas.

We note an allied call for the return of £46 million of outstanding committed funds to the Agriculture and Rural Economy Portfolio and for this to be spent as a top-up to BPS and on a capital grant scheme. We encourage the Scottish Government to return this funding to the ARE Portfolio but instead ensure all of it is spent on supporting farmers to take greater action for nature and climate. This should include providing funding to help farmers build resilience to the climate crisis and extreme weather events through advice, knowledge exchange, nature-based solutions for flood protection and drought mitigation. The 'Preparing for Sustainable Farming' platform should support farmers to undertake carbon and biodiversity audits and funding for the Agri-Environment-Climate Scheme should be increased to ensure more agreements are approved from this year's application round.

We would be very happy to discuss these matters further if that would be helpful. We look forward to meeting with you about the Bill in due course.

Yours,

Pete Ritchie, Convenor of Scottish Environment LINK's Food and Farming Group



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