

Delivering our Vision for Scottish Agriculture: Proposals for a New Agriculture Bill

Response by the Scottish Crofting Federation



Submitted on the 25th of November 2022

A. Future Payment Framework

a) Do you agree with the proposal set out in the consultation paper, in relation to the Agriculture Bill including a mechanism to enable payments to be made under a 4 tiered approach?

- Yes
 No
 Don't know

Please give reasons for your answer.

SCF recognises the need for a new agricultural framework, but it is not possible to agree with this statement without further details.

It is unclear how the 4-tiered approach will function in practice and how funding is delivered, how the approach will make improvements vis-à-vis the structure of the CAP (whilst Scottish Government is also committed to staying aligned with EU law), what total funds are and how funds are divided between and within tiers.

There is potential for a tiered structure to incentivise improvements to businesses to help deliver environmental and other outcomes. Yet is crofting really on Scottish Government's mind when designing and implementing this framework? The bar will need to be set high enough to stimulate change but low enough for crofters to be able to participate in all the tiers. This is a big worry. That the focus will be on getting quick and big (environmental) gains to meet targets by focusing measures at big business, instead of ensuring the survival of those that are often already delivering nature and climate outcomes, (local) food production, and other (social) benefits for rural communities, and that – with the right support – could do so much more. Careful thinking will need to go into design to make sure that no one is left out. Does Scottish Government have the capacity to design and implement a completely new framework with trialled-and-tested measures that are able to deliver the vision and outcomes by 2026, and which works for everyone including those operating at small scales? As well as fix anomalies in the current system, e.g., around distribution of payments?

Crofting is "overwhelmingly a small scale system" (Crofting Commission 2018), and a commitment to supporting small scale production should be explicit in this framework: including provision on mandatory redistributive

payment for sustainability in line with the new EU CAP (Article 29 Regulation (EU) 2021/2115).

It is also unclear what the exact differences are between tiers, notably 3 and 4, and how certain schemes such as VCS, LFASS/ANC, the Crofting Agricultural Grant Scheme and the Croft House Grant Scheme fit in. It is unclear how coherence will be achieved across all measures. Scottish Government is committed to alignment with the 10 CAP objectives, yet only focuses on 4 outcomes to guide action across tiers. CAP objectives to ensure a fair income for crofters and farmers and support generational renewal should be explicit in the framework, linking up with land reform, crofting law and Scottish future policy on local food. More clarity is also needed on rural development as an outcome and how it links up with agricultural policy. E.g. vibrant rural areas require support for agriculture in marginal areas and at small scale.

b) Do you agree that Tier 1 should be a 'Base Level Direct Payment' to support farmers and crofters engaged in food production and land management?

Yes

No

Don't know

Please give reasons for your answer.

A base level direct payment should be part of the future Scottish Agricultural Policy, but there needs to be a much more open and transparent discussion on how such payments are distributed to make them work for Scottish Government's vision for agriculture. It is a complete misunderstanding that just because base payments only have minimum top-down requirements attached, that such payments do not help deliver for a wide range of policy objectives and public goods. Current base payments in support of crofting may help to maintain active biodiversity management at appropriate stocking densities in areas of High Nature Value (HNV); the continuation of traditional activities such as the use of seaweed for fertilisation and the use of heritage grains for animal feed, practices that are key for closed cycles and climate change mitigation and adaptation. There are also significant other (rural development) benefits such as local food production, population retention, local employment, community building and preservation of local and traditional knowledge and language.

Where crofting is often undertaken alongside part-time and full-time employment, base level payments with low administrative burdens are crucial to securing accessibility of funds and thereby continuation of crofting activities with significant public benefits. Yet, the way direct payments and top ups such as LFASS and VCS have been distributed in Scotland – favouring the largest and often most productive businesses – is

feeding the myth that basic payments are always a bad use of public money. So, this needs to be a priority for reform: by mandatory redistribution of payments for at least 10% of the total basic payments budget in line with EU alignment (Article 29 Regulation (EU) 2021/2115); by abolishing the 3ha min. eligibility requirement for direct payments; by making sure that payments are based on current agricultural activity rather than historic entitlements; and by adopting a two-region model combined with capping. A specific minimum bureaucratic scheme for the smallest recipients (e.g., <1000 pounds) could also be useful as an optional scheme to secure access to payments for small crofters, but should not distract from the need for wider reform. Commitment to support small scale production incl. min. redistribution should be part of the Ag Bill. Better support for small-scale horticulture needs to be a priority for reform.

c) Do you agree that Tier 2 should be an 'Enhanced Level Direct Payment' to deliver outcomes relating to efficiencies, reducing greenhouse gas emissions and nature restoration and enhancement?

- Yes
- No
- Don't know

SCF recognises the need for a new agricultural framework, but it is not possible to agree to this statement without further details.

The answer depends on the types of conditions that will be attached to enhanced direct payments, and the way funds will be distributed (see Q1b). Proportionality and diversity are key – conditions that are imposed on big businesses may not necessarily work for small businesses, nor may top-down conditions work across all regions and sectors. Whilst SCF is supportive of payments that help deliver environmental outcomes, halving current direct support and making the other half inaccessible to small crofts and farms is not an option. Much thought will need to go into the design of conditions to ensure that they are workable for those that are operating at small scales, as well as for common grazings – which are often only an afterthought – and at the same time there needs to be an open and transparent discussion on how payments are distributed (see Q1b). Also, in line with the report of the Committee of Inquiry on Crofting, measures targeted at outputs rather than prescriptive management, could be preferable to make sure they work across regions and sectors. Where does the Piloting an Outcomes Based Approach in Scotland (POBAS) project fit in - which saw involvement of crofters in Skye and Lewis? Results should be central to the design of nature-focused measures. Outcome payments are also trialled on large scale in Ireland (with much success, and with support from farmers because they can use their skills and include nature and climate outcomes as concrete and economic outputs for their businesses), and Wales is currently seeing some work on outcome based trials for

commons. All this info is relevant and comparative work - learning lessons from others - should be central to ScotGov's strategy.

We have significant concerns about the design and implementation of measures, not helped by the fact that at this stage – more than six years after the Brexit vote – we are still only asked a vague question on necessary powers. Significant questions still to be answered such as: which are the conditions that Scottish Government is planning to put in place; how do these follow from the data and evidence that has been generated through the NTP and the Farmer Led Climate Change Groups; what is its plan to keep involving crofters at every step of the design of conditions and will appropriate resources be made available to allow relevant organisations like SCF to engage on an equal footing and share a wealth of knowledge with policymakers? As pointed out by SCF in the past: if crofting is not viable, crofters will not croft. Increasing regulation without increasing viability will not work. If crofting is not viable, and crofters cease to croft, the results are devastating in exacerbating the hollowing out of communities in the crofting counties: economically, socially, culturally, environmentally and demographically.

Please give reasons for your answer.

d) Do you agree that Tier 3 should be an Elective Payment to focus on targeted measures for nature restoration, innovation support and supply chain support?

- Yes
 No
 Don't know

Please give reasons for your answer.

SCF recognises the need for a new agricultural framework, but it is not possible to agree to this statement without further details.

SCF is in favour of support for nature restoration, innovation support and supply chain support, but details are necessary for us to know whether measures are fit for purpose and proportionate for crofting. It is also unclear how tier 3 differs from tier 4, e.g., could peatland restoration and woodland management and associated supply chain support be considered to be part of both tier 3 and tier 4 in some instances and how is coherence between the tiers assured? What is the benefit of these two tiers compared to previous Scottish rural development programmes? Where support is provided on a competitive basis, how are decisions made? What is more important: corncrakes in Lewis or Curlews in Shetland? How will Scottish Government make sure that small projects in remote areas are not undervalued for impact and thus under supported?

Nature restoration: *a joint publication by SCF's predecessor and RSPB from 1992 already stated that: "crofting has always provided society with a*

whole suite of public goods, from maintaining the culture of crofting and the Gaelic language, to maintaining a rich and varied environment". Much of Scotland's High Nature Value (HNV) land is found within the crofting counties and the potential of HNV areas to contribute to nature and climate is reliant on low intensity agricultural methods. Yet, statistics show that most of the agri-environmental support since then has failed to properly support crofting, with the uptake of schemes being extremely low (Crofting Commission 2018,

<https://www.efncp.org/download/SupportforCrofting-FULLREPORT.PDF>).

There is an opportunity under the proposed tier 3 to move away from largely a one-size-fits-all and poorly funded scheme, to something that is more targeted at the potential of crofting in different areas of the Highlands and Islands. Yet, schemes will need to be adaptive and continuous, and they need to link up with other measures for biodiversity management. For example, lack of geese management on some islands has made it unviable to stay involved in biodiversity schemes due to significant crop losses when harvests are delayed, whereas in other instances the short-lived nature of some support schemes may mean that areas are taken back into production. In addition to previous schemes, better support for extensive grazings, the use of the common grazings (including summer hill grazing), support for agroecology and agroforestry practices, small-scale horticulture, rare breed animals and heritage gains should all be part of elective nature restoration measures.

Innovation support: The document lacks any detail on the type of innovation support Scottish Government is aiming to provide. It is important that elective funding does not only reward new development, but also maintenance of good practices and that innovation is not only understood as top-down and high-tech but could include revitalisation of traditional practices and use of local, traditional and indigenous knowledge in innovative ways. Where 'innovation' includes support for the uptake of technologies, they need to be suitable or adaptable to small scales, e.g., support for the use of no-fence technologies for better use of the common grazings. The scheme needs to be linked up with support for R&D that is more targeted at the needs of crofters and others working at small scales, e.g., regarding on-farm and food waste-based animal feeds and horticultural and low emissions equipment. Where some KTIF-like funding becomes part of these support schemes, they should support innovation beyond primary agriculture to include inputs (e.g., heritage seeds), processing and marketing.

Supply chain support: The current Food Processing, Marketing and Co-operation Scheme has largely been inadequate to support the needs of crofters, as it seems to be targeted at big investment and big businesses. A scheme that is specifically targeted at small-scale and local food production should be introduced. In saying that, the Scottish Government must recognise that individual supply chain support is completely undermined if no public investment is made in shared infrastructures such as local and mobile abattoirs. The Scottish Government should ensure there is sufficient

flexibility in the new subsidy control (formerly EU State Aid) system to allow for sufficient support for this infrastructure. This kind of infrastructure is vital in order to achieve the supply chain outcomes that are necessary to reduce food miles and support Scotland's journey to net zero. Joint applications for shared facilities, e.g., micro-butcheries, should be made possible to avoid duplication of investments.

e) Do you agree that Tier 4 should be complementary support as the proposal outlines in the consultation paper? If so, what sort of Complementary Support do you think would be best to deliver the Vision?

- Yes
 No
 Don't know

Please give reasons for your answer.

SCF recognises the need for a new agricultural framework, but it is not possible to agree to this statement without further details.

SCF is in favour of complementary support, but details are necessary for us to know whether measures are fit for purpose and fit for crofting. It is also unclear how tier 3 differs from tier 4, e.g., could peatland restoration and woodland management and associated supply chain support be considered to be part of both tier 3 and tier 4 in some instances? What is the benefit of these two tiers compared to previous rural development programmes, and how is coherence between the tiers assured? How will the Scottish Government make sure that small projects in remote areas are not undervalued and under supported? Where do existing schemes that are vital for crofting - VCS, LFASS/ANC, the Crofting Agricultural Grant Scheme and the Croft House Grant Scheme – fit in? And crucially – how does tier 4 contribute to rural development as a key policy outcome as it is not explicitly in the guidance document.

It is important that tier 4 support is targeted at supporting active farmers. Where large sums of private funding are currently channelled to tree planting (carbon credits and commercial forestry) which is impacting on land prices (Land Commission 2022), public funds should be used sensibly in light of the proposed outcome of this Bill to support high quality food production, which may involve integrated management such as agroforestry and agroecology. Measurement tools should be easily accessible for small producers and appropriate for small and diverse businesses, and support funds should not flow into the pockets of intermediaries. Where some KTIF-like funding becomes part of these support schemes, they should support innovation beyond primary agriculture to include inputs (e.g., heritage seeds) and processing.

f) Do you agree that a 'Whole Farm Plan' should be used as eligibility criteria for the 'Base Level Direct Payment' in addition to Cross Compliance Regulations and Greening measures?

- Yes
 No
 Don't know

Please give reasons for your answer.

The proposals for a 'whole farm plan' in the consultation are completely out of sync with what whole farm plans are generally understood to mean: a way to look at businesses in an integrated way to identify good practices and opportunities for improvements. See also, for example, Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Section 35 on a whole farm approach which cites agroecology as one form of a whole farm approach "to land and resource management which integrates the production of food with restoration and maintenance of the natural environment and other social benefits, taking into account the wider impact of the farm's activities". Explicit links between the Climate Change Act 2019 and the Agriculture Bill are crucial. Some of the listed required 'declarations' (e.g., Fair Work Declaration, Equality Duty Declaration' including opportunities for women) are not appropriate for those working in solitude, whereas other declarations could have significant admin burden attached, and significant cost if they require external auditing and they may risk becoming a box-ticking exercise. Already there have been reports of increases in prices of some audits due to a (policy-driven) increase in demand. Payments should go to agricultural producers not to consultants and middlemen. We doubt there is the capacity to put monitoring in place for every declaration across all 19.000+ businesses registered for agricultural support. And we believe that these types of measures are only truly effective if crofters and farmers themselves understand their added value and when measures are designed from the bottom up.

Crucially, some of Scottish Government's current measures have not supported a whole farm approach. Our members have raised concerns about carbon audits calculations excluding some crofting best-practices, such as the use of seaweed as a natural fertiliser, and about audits that make crofting businesses that deliver holistic biodiversity, local food and social benefits for communities "look bad" (contrary to Scottish Government's commitment to the establishment of a whole farm approach to emissions accounting on Scottish farms under the Climate Change Act 2019).

If redesigned, whole farm plans could, however, be a valuable but voluntary tool in tiers 3 or tiers 4, if appropriate financial support is provided to help the drafting of such a plan, if necessary, with an external advisor or, alternatively, through peer-to-peer support and learning. Mandatory declarations including those listed in the consultation document could be appropriate for the largest recipients of public money.

g) Do you agree that the new Agriculture Bill should include a mechanism to ensure a Just Transition?

- Yes
- No
- Don't know

Please give reasons for your answer.

Whilst SCF agrees that a more environmentally conscious and friendly agricultural sector is important, we are concerned that crofters may lose their livelihoods and fundamentally change their way of life if no appropriate safeguards are put in place. A just transition is not just about a transition phase for adaptation or financial support. It is about making sure that the "benefits of investment in carbon sequestration are felt as widely as possible" (Just Transition Commission Report 2021, p 35); that climate focused payments and schemes are accessible to everyone including small producers, and the same can be said for nature restoration. Agricultural policy needs to make good management viable and bad management less viable.

The report by the Just Transition Commission also emphasised that in the context of agriculture : "Action over the next ten years will be crucial. Clarity about what action is required and how support can be accessed is essential to ensure these changes can be made fairly". Yet, Government's action and communications on agricultural policy, including this consultation, have been anything but clear. Lack of any clarity regarding a potentially drastic change of approach, less than three years before implementation, is unacceptable. Impacts of increasing uncertainty in midst of crises (e.g., pressures from input markets, changes in climate) may make crofting unviable. When it comes to the design and implementation of the proposed frameworks - although a level of flexibility and adaptability may be desirable - it risks disregarding the realities of the sector and the farming calendar which requires clarity and predictability over longer periods of time. E.g., to make investments, including in relation to climate and biodiversity improvements, and to allow for changes to take effect.

Lastly, Scottish Government needs to be much more aware that uncertainties around future agricultural support payments is only one pressure on crofting businesses and communities. Other pressures follow from rising costs of inputs, rising costs of living, rising costs of land and crofting tenancies and the complete lack of clarity and sound advice for crofters around emerging but unregulated markets for carbon credits and potentially future biodiversity credits (as part of the Net Zero strategy). There needs to be a much more joint up and coordinated approach by Scottish Government to ensure that crofters will be able to keep crofting and deliver public and community benefits.

h) Do you agree that the new Agriculture Bill should include mechanisms to enable the payment framework to be adaptable and flexible over time depending on emerging best practice, improvements in technology and scientific evidence on climate impacts?

- Yes
 No
 Don't know

Please give reasons for your answer.

The proposals that are on the table are already so vague that this would leave more than enough room to adapt. Any further changes to the tiered structure and the key outcomes should be scrutinised fully by the parliament and by stakeholders organisations and the public through formal consultation. Cyclical reviews such as those that existed under the EU CAP should be conducted to adapt to changing circumstances - including a check on alignment with EU legislation.

i) Do you agree that the new Agriculture Bill should include mechanisms to enable payments to support the agricultural industry when there are exceptional or unforeseen conditions or a major crisis affecting agricultural production or distribution?

- Yes
 No
 Don't know

Please give reasons for your answer.

Yes, but mechanisms need to ensure that crisis payments are targeted at real needs – if the market is already rewarding sectors through increased demands, e.g., for cereals due to the war in Ukraine, there is no need for additional public support for this sector but there may be a need for support of sectors that are disadvantaged by this (e.g., increased feed prices for livestock). It should also be clear where emergency budgets come from and they should not impact on other agricultural support payments under this Bill. Covid has shown that most small producers including crofters show great resilience when faced with crises and supply chain shocks, and they should be supported in their efforts as part of emergency measures.

B. Delivery of Key Outcomes

Climate Change Adaptation and Mitigation

a) Do you agree with the proposal set out in the consultation paper, in relation to the new Agriculture Bill including measures to allow future payments to support climate change mitigation objectives? Do you have

any views on specific powers and/or mechanisms that could support such alignment?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree to the proposals without any indication of how Scottish Government is planning on using its powers in the foreseeable and long-term future. There should have been an opportunity in this consultation to challenge the proposed key outcomes, which should include a fair income for farmers and crofters, to improve the position of farmers in the food chain and to support generational renewal in line with the aims of the new CAP as cited in the consultation document. It should also be clear how the outcomes speak to each other and how coherence will be assured.

SCF recognises the importance of putting measures in place to support climate mitigation and adaptation in the agricultural sector in accordance with Scottish Government targets. The National Plan for Crofting states that: "Crofting activities can help address climate change through actions such as the appropriate management of arable land, grassland and woodland; renewable energy development and peatland restoration and management; and woodland regeneration and creation. Furthermore, through low intensity, high nature value agricultural practice, crofting can help support biodiversity". This means that better support for crofting could make significant contributions to the climate and biodiversity crises. Yet, crofting is also a sector at significant risk of weather changes and rising sea levels as a result of climate change.

Many mechanisms in support of climate change mitigation and adaptation (across tiers 1 to 4) have been outlined in the provisional report by the farmed-led groups (HUCG) and may include production-base efficiencies, peatland restoration, woodland creation and management, deer management and changes to existing support schemes to better targets payments. Considerable time and efforts have gone into drafting - and further work was undertaken in the context of the Farming and Food Production Future Policy Group. At this stage, Scottish Government should be working together with stakeholders and ARIOB/ARD to further develop and implement recommendations. We should have been presented with concrete proposals from Scottish Government that follow from the work that has been done so far. For crofting, support should, among others, include specific funds for low input/closed systems, including support for use of seaweed and on-croft grown feed and on-croft grown seed to produce feed, heritage grains/rare breeds, and extensive grazing systems.

- b) Do you agree with the proposal set out in the consultation paper, in relation to the new Agriculture Bill including measures to allow future

payments to support climate change adaptation objectives? Do you have any views on specific powers and/or mechanisms that could support such alignment?

- Yes
- No
- Don't know

Please give reasons for your answer.

Same as above (a).

c) Do you agree with the proposal, in relation to the new Agriculture Bill including a mechanism to enable payments to be made that are conditional on outcomes that support climate mitigation and adaptation measures, along with targeted elective payments?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree to the proposals without any indication of how Scottish Government is planning on using its powers in the foreseeable and long-term future.

SCF recognises the importance of putting measures in place to support climate mitigation and adaptation in the agricultural sector in accordance with Scottish Government targets.

Yet, a lot depends on what those conditions and targeted elective payments are, and whether they were designed with crofting and small-scale agriculture in mind. Of great concern is the fact that the updated Climate Change Plan requires agriculture to reduce its emissions by 31% by 2032. Four years after its adoption we are still debating the Ag Bill, with implementation starting from 2026 and beyond only leaving a handful of years to make the required changes. What does this mean for the conditions that Scot Gov will have to put in place to reach the 2032 targets? Are we risking a situation similar to the Netherlands where radical changes - too much too soon, because action was put off for too long - is risking destroying many livelihoods?

d) Do you agree with the proposal set out in the consultation paper, in relation to the new Agriculture Bill including measures that support integrated land management, such as peatland and woodland outcomes on farms and crofts, in recognition of the environmental, economic and social benefits that it can bring?

- Yes
- No
- Don't know

Please give reasons for your answer.

This is a leading question. It depends on what measures that support integrated land management are, and such management should not be limited to peatland and woodland outcomes only. Specific support for the creation of woodland crofts should be included. Yet, where significant private investment is currently available for forestry (commercial forestry and carbon credit projects), and in some cases for peatland restoration, this has proven impacts on land markets (Land Commission 2022). This may not only create competitive disadvantages for certain land-based sectors but may also put up significant barriers for new entrants, and may create challenges for crofters and farmers who are already struggling to stay afloat amidst uncertainties around future agricultural payments and the rising costs of inputs such as feed, heating, electricity, building materials, fuel, fertiliser etcetera. Safeguards will need to be put in place to make sure that other integrated ('land sharing') approaches including agroforestry, agroecology, and extensive grazing systems, with "environmental, economic and social benefits", are not losing out, but that they are adequately supported too.

Nature Protection and Restoration

a) Do you believe the new Agriculture Bill should include a mechanism to protect and restore biodiversity, support clean and healthy air, water and soils, contribute to reducing flood risk locally and downstream and create thriving, resilient nature?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to design such a mechanism for the foreseeable and long-term future. There should have been an opportunity in this consultation to challenge the proposed key outcomes, which should also include a fair income for farmers and crofters, to improve the position of farmers in the supply chain and to support generational renewal in line with the aims of the new CAP as cited in the consultation document. It should also be clear how the outcomes speak to each other and how coherence will be assured.

The consultation document refers to the outcomes of the recent consultation on a Biodiversity Strategy to help decisions on a mechanism, but that consultation was almost as vague as this one without any concrete targets, which are not to be expected until a future Natural Environment Bill. What will be guiding and driving action under a new Agriculture Policy mechanism for nature in the meantime? We hope that the forthcoming

Natural Environment Bill will be subject to wide consultation on the details, including targets, which should not be left to secondary legislation.

As we have stated in our response to the Biodiversity Strategy Consultation, a decline in biodiversity is not just a reflection of the dominance of intensive practices in Scottish land use, but also the significant loss of traditional and sustainable practices. Opportunities exist under a new Agricultural Policy to better recognise, value and support crofting, as a 'land-based culture', not only for its productive capacity and potential value for local communities (e.g., population retention and community building) but also for conservation of natural and semi-natural habitats and biodiversity. The mainstreaming of nature and biodiversity into Scotland's new agricultural framework is crucial, but this means taking full account of obligations that follow from international biodiversity law. Notably, Aichi Target 18 requires that "the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected". Rather than seeing nature as something that is separate from farming, any mechanism should include support for those that often produce at small scales, or through extensive systems, but that generate significant benefits for biodiversity.

Some mechanisms in support of nature (across tiers 1 to 4) have been outlined in the provisional report by the farmed-led groups (HUCG) and may include production-base efficiencies, peatland restoration, woodland creation and management, deer management and changes to existing support schemes to better targets payments. Considerable time and efforts have gone into their preparation and at this stage Scottish Government should be working together with stakeholders and ARIOB/ARD to further develop and implement recommendations. We should have been presented with concrete proposals from Scottish Government that follow from the work that has been done so far. For crofting, payments should also include specific support for agrobiodiversity/plant and animal genetic resources, extensive grazing systems, use of common grazings, including summer hill grazing, support for agroecology and agroforestry, support for conservation of the machairs. In terms of reducing flood risks, support measures should complement, integrate with, and contribute to local flood risk management measures. Support for natural flood management in terms of increased biodiversity should include watercourse restoration, improving and conserving riparian woodland and vegetation, slowing water in areas such as upland moor and peat land, and reducing sediment flow into rivers through increased croft and farm storage.

All support needs to be adaptive but continuous, to allow for changes in practices but also for long-term and lasting impact.

- b) Do you believe the new Agriculture Bill should include a mechanism to enable payments that are conditional on outcomes that support nature maintenance and restoration, along with targeted elective payments?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to design such a mechanism for the foreseeable and long-term future.

It depends on what those conditions and targeted elective payments are, and whether they were designed with crofting and small-scale agriculture in mind.

Several crofters have had direct involvement in the project 'Piloting an Outcomes Based Approach in Scotland (POBAS)' <https://www.nature.scot/doc/piloting-outcomes-based-approach-scotland-pobas-project-phase-1-report>. We want to see evidence that the results of this important project are integrated in the design of mechanisms under the Agriculture Bill. Scottish Government should also take full account of work done elsewhere, e.g., Ireland and Wales, on result- and outcome-based approaches and not duplicate efforts.

c) Do you believe the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to design such a mechanism for the foreseeable and long-term future.

It depends on what this mechanism would look like. There are no details in the consultation document on landscape/catchment scale payments. The Crofting Commission stated: "Crofting's low intensity form of land management has had a significant positive impact upon landscape and biodiversity. However changes in crofting practices have meant that these benefits are declining in many cases and under threat" (Crofting Commission 2018). Support for crofting should be an explicit and targeted part of a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration, in particular, for the common grazings.

High Quality Food Production

- a) Do you agree that the powers in the Agriculture and Retained EU Law and Data (Scotland) Act 2020 should be extended to ensure Scottish Ministers have flexibility to better respond to current, post exit, circumstances in common market organisation and easily make changes to rules on food?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use its powers.

What are the technical fixes that are necessary to allow Scottish Ministers to readily amend retained EU law and related legislation on common market organisation in the area of food and drink? What other changes to rules on food is the Scottish Government foreseeing? How do the suggested powers differ from the powers that the Scottish Government has currently? How does this sit with Scottish Government's commitment to stay aligned with the EU? How does the above relate to obligations under the UK Internal Market Act? Not enough clarity in the consultation document, so we are unable to give a detailed answer to the question. Scottish Government should commit to maintaining high standards on food in line with its commitment to EU alignment.

- b) Do you agree that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets?

- Yes
 No
 Don't know

Please give reasons for your answer.

How do the suggested powers to amend the CMO regulations differ from the powers that the Scottish Government has currently, and why are current powers insufficient?

SCF agrees that tailoring support to the Scottish context could be helpful, but it is not clear from the consultation document how Scottish Government will aim to do that while maintaining the objective of EU alignment. So far, Scottish Government's spending has primarily supported export and commodity markets rather than local markets for fruit, vegetables and meat products so how will the suggested powers change this in line with the suggested objective in the consultation document.

c) Do you believe the new Agriculture Bill should include a mechanism to enable payments that support high quality food production?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to design such a mechanism for the foreseeable and long-term future.

The consultation document lacks any detail on how high quality food production is understood and what a support mechanism looks like. High quality production is not the same as high volume production (often on the contrary) but includes both the characteristics of the end-product (e.g., nutritional value and taste) as well production methods that are appropriate for the specifics of the natural environment. Quality production is also not necessarily linked to assurance schemes and support should not be made dependent on belonging to an assurance scheme. So far, Scottish Government's spending has primarily supported export and commodity markets (which a strong focus on alcohol) rather than local markets for fruit, vegetables and meat products and the suggested powers should change this to ensure high quality food production for local markets. Competitive grant schemes with one-off payments for bits of infrastructure are often not enough to support high quality and local production, especially at small scales or in remote and marginalised areas. An overhaul of the distribution system is necessary to ensure that funds across tiers 1 to 4 are all supporting high quality food production, and structural investment in rural infrastructures and processing facilities is key to shortening supply chains. Better support for small-scale horticulture should be a priority for reform under the new agricultural support framework.

d) Do you believe the new Agriculture Bill should include a mechanism to provide grants to support industry in the agri-food supply chain to encourage sustainability, efficiency, co-operation, industry development, education, processing and marketing in the agri-food sector?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to design such a mechanism for the foreseeable and long-term future.

The current Food Processing, Marketing and Co-operation has largely been inadequate to support the needs of crofters, as it seems to be targeted at big investment and big businesses. A scheme that is specifically targeted at small-scale and local food production should be introduced, for small amounts of funding but with little bureaucracy and no barriers (such as match funding or payment in arrears). At the same time, some supply chain support may be meaningless if no further public investment is made in key shared infrastructures, such as local and mobile abattoirs. Joint applications for shared facilities, e.g., micro-butcheries, should be made possible without formalisation of cooperative structures to avoid unnecessary duplication of investments. Funding for successful agri-food education projects should last for multiple years or should be continuous, to avoid loss of investments (finances, knowledge and time). This includes funding for our very successful Crofting Connections project: "a programme of activities and events that inspired over 1,000 young people aged 5-16 living in remote rural communities throughout the Highlands & Islands about crofting past, present and future".

The Crofting Agricultural Grants Scheme (CAGS) should be complemented by a scheme that allows for investment in development, processing, marketing etc. in relation to crofting businesses. The last rural development programme explicitly included an uplift for cooperation which could have supported use of the common grazings, but was never implemented. Scottish Government must look at the potential of this scheme again in regard of its aim to encourage sustainability and co-operation.

e) Do you believe the new Agriculture Bill should include powers for Scottish Ministers to declare when there are exceptional or unforeseen conditions affecting food production or distribution?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

It is unclear what those exceptional or unforeseen conditions are and what the powers would be. Public support should not be targeted where private markets are rewarding increases in demand, but should be targeted at market failures to reward public goods. Covid has shown that most small producers including crofters show great resilience when faced with crises and supply chain shocks, and they should be supported in their efforts as part of emergency measures. Currently, increases in costs of inputs (notably feed from concentrate) has seen insufficient government recognition and support. We ran a short survey for our members, and key

concerns for members were rising costs of Feed - Concentrate, Fuel – Vehicles/Machinery and Electricity, with reduction of stocking numbers being given as a key attempt to stay afloat. Would the powers that are sought guarantee that Scottish Government would tackle a crisis like this before people reach breaking point? Where would the required budget come from? There needs to be a guarantee that an emergency budget will not be used to support the most productive units in times of crisis to the detriment of those working hardest towards Government’s vision and the outcomes under the new Agriculture Bill.

f) Do you believe the new Agriculture Bill should include powers for Scottish Ministers to provide financial assistance to the agri-food sector and related bodies whose incomes are being, or are likely to be, adversely affected by the exceptional or unforeseen conditions described in the declaration referred to in the consultation paper?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

Ensuring a fair income for crofters and farmers should be a key and explicit objective of the Agriculture Bill, in line with Scottish Government’s commitment to stay aligned with the EU Common Agricultural Policy. Yet, it is unclear from the question and consultation document what these exceptional or unforeseen conditions could be, and how they differ from the emergency circumstances under e. Crofting is already largely a part time activity, and in response to the rising costs of inputs survey (above e), many of our members indicated having to seek additional employment to stay afloat. Would the powers that are sought guarantee that Scottish Government would tackle a crisis like this before people reach breaking point? Where would the budget come from?

g) Do you agree that the new Agriculture Bill should include the powers to process and share information with the agri-food sector and supply chains to enable them to improve business efficiency?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

There is no information on the type of information that would be processed and shared in the consultation document. Results of audits (carbon/soil/biodiversity and beyond) and wider aspects of land-based enterprise – community, community involvement, local economy – should be made widely available, categorised (including separate categorisation for crofts) and made widely available not just to the supply chain.

Wider Rural Development

a) Do you agree that the proposals outlined in the consultation paper should be included in the new Agriculture Bill?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

The entire consultation seems to be focused on agricultural policy with rural development only an afterthought. Rural development - although listed here as a key outcome - is not mentioned once in the schematic overviews so where does it fit in as an objective? Rural development is an outcome that should inform decision-making and design of mechanisms across all tiers, which would support a case for much better and more equitable distribution of funds (incl. base payments) in favour of crofting which delivers on significant rural development objectives such as population retention, rural employment, language and dialect, local food production, community involvement, local economy etc. Similarly, a more equitable distribution of LFASS/VCS (on a needs basis) would follow if rural development in marginal areas informs all actions under the new Agriculture Bill. In particular, LFASS should be reformed to a scheme for Areas of Natural Constraint (ANC) in line with obligations under EU law.

Yet rural development seems to be presented as an outcome only relevant for tiers 3 and/or 4, with funding available on a competitive basis. The question refers to the consultation paper but it is probably most poorly developed in the context of rural development, which refers to EU rural development policy and some specific programmes under previous SRDP rounds. What are the "principles" of rural development that Scottish Government keeps referring to? What are the economic activities related to land management other than agriculture that will be supported? Will

support for knowledge exchange and innovation finally be extended to include inputs (e.g., heritage grains), processing and marketing? There is not near enough in this section to secure coherence across agricultural and rural policy. Inspiration should be taken from the objectives of the Welsh Ag Bill which includes: "to conserve and enhance the countryside and cultural resources, and promote public access to and engagement with them, to sustain the Welsh language and promote and facilitate its use". Gaelic should be prominent in Scottish Rural Development.

Clear connections need to be made between rural development under the Agriculture Bill and other key policy areas such as planning and land reform. Rural development has to really address the main drivers of population retention/loss/recruitment which includes adequate affordable housing. Remote working has provided more opportunities for rural employment and should be actively supported and encouraged by Scottish Government. Yet, housing shortages remains a key issue.

When it comes to the use of rural development-related powers in tiers 3 and/or 4, at the very very least we would expect an explicit commitment to schemes that have been crofting and rural development more widely - Crofting Agricultural Grant Scheme and the Croft House Grant Scheme - whilst also taking the opportunity to work with SCF to fix any issues with those scheme. LFASS should be redesigned as ANC payment targeted at the areas that truly face natural and geographical constraints (and in accordance with EU law), and neither a new ANC scheme nor VCS should be awarded under a competitive basis but as a standard top-up to secure viability of crofting. LEADER-type funding (currently administered under the Community Led Local Development (CLLD) banner) is also key to many crofting communities and there needs to be an explicit commitment to see this funding continued in support of the outcome of rural development.

b) Are there other areas relating to non-agricultural land management such as forestry that you would like considered for support under the Agriculture Bill to help deliver integrated land management and the products produced from it?

- Yes
- No
- Don't know

Please give reasons for your answer.

This is not a yes or no question.

It is important that agricultural support is targeted at active farms and crofts, yet above we have outlined several areas that require wider rural development support above a) and below c). There seems to be a strong focus in the proposed framework on payments for large scale tree-planting, it needs to be considered that significant private investment

is currently available for forestry (commercial forestry and carbon credit projects), and in some cases for peatland restoration, and that this has proven impacts on land markets (Land Commission 2022). This may not only create competitive disadvantages for certain land-based sectors but may also put up significant barriers for new entrants, and may create challenges for crofters and farmers who are already struggling to stay afloat amidst uncertainties around future agricultural payments. Preference should be given to integrated management, such as agroecology and agroforestry (both recognised as whole farm approaches under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Section 35. There is currently provision for agroforestry grants within the Forestry Grant Scheme (FGS), but uptake is low due to very restrictive eligibility requirements. Overall the FGS seems to be targeted at the forestry sector, rather than planting at small scales or natural regeneration. A simple, accessible scheme with specific support for the creation of woodland crofts should be included to address some of these key issues, with schemes such as CAGS extended to include support for woodland crofts.

c) What other powers may be required to enable rural development in Scotland's rural and island communities?

- Yes
- No
- Don't know

Please give reasons for your answer.

This is not a yes or no question.

There should be an explicit commitment to schemes that have been crofting and rural development more widely - Crofting Agricultural Grant Scheme and the Croft House Grant Scheme - whilst also taking the opportunity to work with SCF to fix any issues with the administration of those schemes. Crofting is the backbone of many rural communities, whilst providing significant benefits in terms of rural development objectives such as population retention, rural employment, language and dialect, local food production, community involvement, local economy etc. Powers in support of crofting should be specifically and explicitly be recognised in the context of this Bill. Inspiration should be taken from the objectives of the Welsh Ag Bill which includes: "to conserve and enhance the countryside and cultural resources, and promote public access to ad engagement with them, to sustain the Welsh language and promote and facilitate its use". Gaelic should be prominent in Scottish Rural Development.

The Crofting Agricultural Grants Scheme (CAGS) should be complemented by a scheme that allows for investment in development, processing, marketing etc. in relation to crofting businesses. The last rural development programme explicitly included an uplift for cooperation which could have supported use of the common grazings, but was never

implemented. Scottish Government must look at the potential of this scheme again in regard to its aim to encourage sustainability and co-operation.

Clear connections need to be made between rural development under the Agriculture Bill and other key policy areas such as planning and land reform. Rural development has to really address the main drivers of population retention/loss/recruitment which includes adequate affordable housing. Remote working has provided more opportunities for rural employment and should be actively supported and encouraged by Scottish Government. Yet, housing shortages remain a key issue.

d) What potential social, economic or other impacts, either positive or negative, would such powers have on Scotland's rural and island communities?

- Yes
- No
- Don't know

Please give reasons for your answer.

This is not a yes or no question.

This completely depends on what the powers are, how they are implemented and with what budgets. Rural development should be a crosscutting objective (bringing together tiers 1 to 4) and not only be a consideration for the design and implementation of discretionary and potentially underfunded schemes.

Animal Health and Welfare

a) Do you agree that the new Agriculture Bill should include powers to establish minimum standards for animal health, welfare as a condition of receiving payments?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

SCF agrees that minimum standards or animal health and welfare is key to a future Agriculture Bill for Scotland. Yet, there should have been an opportunity in this consultation to respond to specific proposals for minimum and enhanced standards, to ensure that those are appropriate, proportionate and have been designed with crofters and small producers in mind. We do not believe that payments should be made conditional on participation in assurance schemes although some standards in schemes such as QMS could be appropriate for minimum and enhanced conditions as long as such requirements are discussed with all stakeholders before implementation.

b) Do you agree that the new Agriculture Bill should include powers to make payments to support improvements in animal health, welfare and biosecurity beyond legal minimum standards?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

SCF agrees that support for improvements in animal health, welfare and biosecurity beyond legal minimum standards is key to a future Agriculture Bill for Scotland. Yet, there should have been an opportunity in this consultation to respond to specific proposals for payments in support of such improvements.

The old Land Managers Options scheme provided opportunities that can be revitalised, including payments over and above basic payments or animal health plans, blood testing, faecal eggs counts, benchmarking.

c) Do you agree that the new Agriculture Bill should include powers to collect and share livestock health, welfare and biosecurity data?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

SCF agrees that collection and sharing of data is important, but it needs to be much clearer who data is shared with, what the purpose is and how data will be anonymised.

Plant Genetic Resources and Plant Health

- a) Do you agree that Scottish Ministers should have powers to provide support for the conservation of Plant Genetic Resources, including plants developed and grown for agricultural, horticultural or forestry purposes and their wild relatives?

- Yes
 No
 Don't know

Please give reasons for your answer.

We see the explicit inclusion of Plant Genetic Resources in this consultation document as a positive development, and we agree that powers to support conservation of PGR should be included in this Bill.

SCF was disappointed to see no mention of agrobiodiversity in the Biodiversity Strategy Consultation so we are hopeful that inclusion in the Ag Bill would translate to better recognition of its importance across all biodiversity relevant law and policy. Prime examples of plant genetic resources conservation are the landraces of the machair, researched for their exceptional tolerance of harsh conditions, which play an economic role in a circular island economy from seed to feed. And as ingredient for human food such as bere meal, which can be a part of a healthy diet. Plant Genetic Resources are also protected under international law, including Aichi Target 13 that requires that "the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity." Support should extend to protection of traditional and farmers' knowledge in relation to genetic resources. Inspiration could be taken from the Agriculture Act 2020 in England, Clause 1, Subsection 1, Paragraphs (i) that provides for powers for "conserving plants grown or used in carrying on an agricultural, horticultural or forestry activity, their wild relatives or genetic resources relating to any such plant conserving plants grown or used in carrying on an agricultural, horticultural or forestry activity, their wild relatives or genetic resources relating to any such plant".

Support should, however, not be limited to PGR but should include agrobiodiversity more widely. The Agriculture Act 2020 for England explicitly includes powers for "conserving native livestock, native

equines or genetic resources relating to any such animal” (Clause 1, Subsection 1, Paragraphs (g). The EU Regulation on CAP Strategic Plans is also allowing for support for “genetic resources” more generally to fulfil its objectives, which may include rare breeds. In Ireland, for example, a result-based approach is taken under the Strategic Plan to target support at those with rare breeds. For Scotland there should be recognition of the many rare sheep breeds on crofts, the Shetland kye and other native cattle breeds, many of these with importance for conservation grazing, in agroforestry settings, or whilst living on natural vegetation producing biodiversity benefits alongside high quality produce, whilst also having benefits for climate change adaptation.

b) Do you agree that Scottish Minister should have the power to provide support to protect and improve plant health?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

C. Skills, Knowledge Transfer and Innovation

a) Do you agree that support should continue to be provided in this area?

- Yes
 No
 Don't know

Please give reasons for your answer.

Support should continue to be provided but where support is granted under a KTIF-like fund, this should include support for innovation and knowledge beyond primary agriculture to include inputs (e.g., heritage seeds), processing, selling and marketing. It should also be more transparent why certain projects are chosen over others, especially in light of Scottish Government's vision and objectives that are much wider than current funding rounds (e.g., including high quality food). Small projects should be given an opportunity to show their worth and - if successful - grow into bigger projects. Match funding should not be an absolute requirement if the long-term public benefit of the project for Government's vision can be shown.

b) Is there any particular gaps in delivery that you can identify?

- Yes
- No
- Don't know

Please give reasons for your answer.

As above, funding should not be limited to projects related to agricultural activity only but should target the whole food/fuel/fibre supply chain. Training should also be explicitly included. We have successfully run an introductory course to crofting for many years, which participants have agreed is absolutely key to a good start in crofting (practices/policy/schemes/networking) and of a level that should but can unfortunately not be expected from a public body such as the Crofting Commission. Yet, funds were not continuous and capacity to chase funding has been limited. The need for accessible and long-term public funds is high.

c) Are there any alternative approaches that might deliver better results?

- Yes
- No
- Don't know

Please give reasons for your answer.

Too much focus has been on top-down learning and innovation. There is huge opportunity for peer-to-peer and community-based learning, KE and innovation.

d) Do you have any ideas as to how engagement/participation in advisory services, knowledge transfer or skills development might be improved?

- Yes
- No
- Don't know

Please give reasons for your answer.

Forced professional development does not work. – the experiential quality of a CPD event or course is lessened if participants are there "because I have to be". It should be encouraged, incentivised – outcome-based. There should be much more focus on community-based knowledge exchange and skills development and support for facilitated peer-to-peer learning. Support for accessing advisory services is important, but you should not be needing a degree to access basic, enhanced payments or schemes - they should be easily accessible for anyone without needing an advisor. Poor use of money if consultants are required.

e) Do you agree that Scottish Ministers should have the power to establish a national reserve and regional reserve if/when required to ensure the equal

treatment of farmers and to avoid distortions of the market and of competition?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

Use of reserves to support equal treatment of farmers (e.g., support for new entrants to overcome barriers to crofting and farming) is important, but further details are required on how Scottish Government is aiming to use reserves.

D. Administration, Control, and Transparency of Payment Framework Data

- a) Do you agree that Scottish Ministers should have the power to create a system that provides for an integrated database, to collect information in relation to applications, declarations and commitments made by beneficiaries of rural support?

- Yes
- No
- Don't know

Please give reasons for your answer.

We understand that Scottish Government will have to have a system to administer schemes across the tiers. The big question is whether the computer system will be up for all the envisaged changes.

- b) Do you agree that Scottish Ministers should have the power to create a system that collects and shares information for the purposes of carrying out management, control, audit and monitoring and evaluation obligations and for statistical purposes, subject to General Data Protection Regulation (GDPR) requirements?

- Yes
- No
- Don't know

Please give reasons for your answer.

c) Do you agree that Scottish Ministers should have the power to share information where there is a public interest in doing so, and subject to complying with the General Data Protection Regulation GDPR?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

It needs to be clear what the public interest is. It would be in the public interest to share information on payments (e.g., amounts under specific tiers) to recipients. Data collection should allow for analysis of data specific to crofting counties.

d) Do you agree that Scottish Ministers should have the power to create a system that provides a mechanism that aligns with the principles of the Scottish Public Finance Manual (SPFM) that ensures proper handling, reporting, and recovery, where proportionate, of public funds, the need for economy, efficiency and effectiveness, and promote good practice and high standards of propriety?

- Yes
- No
- Don't know

Please give reasons for your answer.

e) Do you agree that Scottish Ministers should have the power to create a system that provides the data required to undertake administrative checks on applications / claims made by beneficiaries for rural support?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

What is rural support, and is it different from the support provided under tier 1 to 4? The administrative checks should not be onerous on beneficiaries, which requires a system that is easily accessible both for

claiming and reporting on results, with any administrative burden proportional to the amount claimed under the tiers.

- f) Do you agree that Scottish Ministers should have the power to create a system whereby on-the-spot-checks should be undertaken to further verify applications / claims made by beneficiaries for rural support?
- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

What is rural support, and is it different from the support provided under tier 1 to 4? The administrative checks should not be onerous on beneficiaries, which requires a system that is easily accessible both for claiming and reporting on results, with any administrative burden proportional to the amount claimed under the tiers.

- g) Do you agree that Scottish Ministers should have the power to create a system that would provide for cross compliance, conditionality that covers essential standards in relation to sustainable environment, climate, Good Agricultural and Environmental Condition (GAEC), land, public and animal health, plant health and animal welfare, Soil health, carbon capture and maintenance?
- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

It is not clear how the listed conditions relate exactly to the minimum and enhanced conditions as outlined in the schematic overview to tier 1 and 2. For example, soil health is not mentioned at all in the context of the proposed outcomes (including biodiversity). The proposed system is a radical change from what we have, and although change is important to achieve Scottish Government's vision and targets, we do not yet see how a

workable and stress tested computer system will be in place by 2026 considering the challenges with new software under the last CAP reform.

h) Do you agree that Scottish Ministers should have the power to create a system that provides a mechanism to support the delivery of practices aligned to receipt of elective payments, for targeted outcomes?

- Yes
 No
 Don't know

Please give reasons for your answer.

Although it is crucial that Government has a system in place that administers the proposed framework, it needs to be clearer if the mechanism to support the delivery of practices aligned to receipt of elective payments, for targeted outcomes is separate to tier 1 and 2 (and 4) and how coherence across tiers is assured.

i) Do you believe that Scottish Ministers should have the power to monitor and evaluate outcomes to ensure they meet the agreed purpose and help better inform future policy?

- Yes
 No
 Don't know

Please give reasons for your answer.

Monitoring and evaluation should be integral to the whole system and not come as an afterthought, as this could risk significant burdens upon completion. Easily accessible technologies such as mobile apps may be crucial to deliver streamlined monitoring.

j) Do you believe that Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

The answer to this question depends on what independent assurance is. An inspection may be necessary in some instances but should not be too onerous, or top-down/punitive but rather seen as an opportunity for

mutual learning. Inspections and checks should be proportional to amounts received under the tiers.

- k) Do you agree that Scottish Ministers should have the power to enable the publication of details pertaining to recipients who receive payments including under the future payment model (outlined in the consultation paper) and set a level above which payment details will be published?

- Yes
 No
 Don't know

Please give reasons for your answer.

Transparency in relation to recipients of public money is key, provided that data protections are in place. Details should be made available for all recipients regardless of payments levels, and collection should allow for analysis for the crofting counties.

- l) Do you agree that technical fixes should be made to the Agriculture and Retained EU Law and Data (Scotland) Act 2020 to ensure Scottish Ministers have all requisite powers to allow CAP legacy schemes and retained EU law to continue to operate and be monitored and regulated and also to ensure Scottish Ministers have flexibility to better respond to current, post exit, circumstances?

- Yes
 No
 Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

It is important that long-term schemes are safeguarded to ensure continuous positive impacts, e.g., for the environment. However, it is completely unclear how Scottish Government is aiming to use its powers to 'better' respond to current, post exit, circumstances and why such a response should not warrant scrutiny.

E. Modernising Agricultural Tenancies

Agreement to diversification

- a) Do you agree that Scottish Ministers should have a power to be able to determine what is an acceptable diversification?

- Yes
- No
- Don't know

Please give reasons for your answer.

It is not possible to agree without any indication of how Scottish Government is planning to use the suggested powers for the foreseeable and long-term future.

SCF believes that crofting has worked very well as a protected land use system, in particular a system that supports sustainable and diverse land use and that puts more people on the land. We see no reason to reinvent the wheel. The crofting system was intended to work across Scotland and we strongly argue that restrictions on this are lifted so that crofting legislation can work across Scotland. In this regard, lessons should be learned from diversification rules under crofting legislation.

- b) Do you think that if this power is given to Scottish Ministers that the Tenant Farming Commissioner should have the ability to issue guidance to assist tenant farmers and landlords understand this.

- Yes
- No
- Don't know

Please give reasons for your answer.

Waygo and Schedule 5 of the Agricultural Holdings (Scotland) Act 1991

- a) Do you agree that Scottish Ministers should add new activities and items onto Schedule 5 of the Agricultural Holdings (Scotland) Act 1991; to enable tenant farmers to support biodiversity and undertake climate change mitigation and adaption activity on their tenant farms?

- Yes
- No
- Don't know

Please give reasons for your answer.

- b) Do you agree that Scottish Ministers should have a power to amend Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 by secondary

legislation to enable Schedule 5 to be changed to meet the future challenges?

- Yes
- No
- Don't know

Please give reasons for your answer.

c) If you do not agree that Scottish Ministers should have the ability to vary the activities and associated items listed on Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 please explain why, including any alternative approach you have to address this issue.

- Yes
- No
- Don't know

Please give reasons for your answer.

d) Do you agree that when an agricultural tenancy comes to an end a tenant farmer should have certainty about the timescale by when they will receive any money due to them, and their landlord should also have a similar certainty?

- Yes
- No
- Don't know

Please give reasons for your answer.

Amendment to rules of good husbandry and good estate management

a) Do you agree that the Scottish Ministers should be able to amend the rules of good husbandry and good estate management defined in the Agricultural Holdings (Scotland) Act 1948 to enable tenant farmers and their landlords to be able meet future global challenges?

- Yes
- No
- Don't know

Please give reasons for your answer.

Rent Reviews

a) Do you agree that adaptability and negotiation in rent calculations are required to meet the global challenges of the future? Please explain why.

- Yes
- No
- Don't know

Please give reasons for your answer.

b) Are there any other relevant considerations that should be included in part of a rent review? Please explain why including any practical examples.

- Yes
- No
- Don't know

Please give reasons for your answer.

Resumption

a) Do you consider that Scottish Ministers should amend the resumption provisions on compensation for disturbance to include a new valuation formula? And if you agree with this proposal, what do consider to be the appropriate method of valuation?

- Yes
- No
- Don't know

Please give reasons for your answer.

F. Scottish Agricultural Wages (Fair Work)

a) Do you agree that Fair Work conditions, including the real Living Wage, should be applied to all Scottish agricultural workers?

- Yes
- No
- Don't know

Please give reasons for your answer.

b) What do you consider the implications would be on individual businesses and the Agricultural sector more broadly, if the minimum wage for agricultural workers was to align with the real Living Wage?

- Yes
- No
- Don't know

Please give reasons for your answer.

Assessing the Impact

a) Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Please give reasons for your answer.

This depends completely on the way proposals are implemented, and whether measures are proportional to and workable for small-scale agriculture. There is a potential that excessive burdens or costs associated with top-down nature and climate requirements restrict access to funds, and that funds will flow into the hands of intermediaries and advisors.

Proportionality of measures (that have to be designed with small producers in mind), easy access/simplicity and adaptation of measures to the commons are all key considerations in scheme design.

b) Are you aware of any examples of potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment?

Please give reasons for your answer.

This depends completely on the way proposals are implemented, and whether measures are proportional to and workable for small-scale agriculture. There is significant risk that legislative measures are designed to obtain quick gains in relation to large agricultural units, in order to meet fast-approaching climate targets. Negative environmental impacts may follow if insufficient support is provided for crofters under the proposed tiered-system or if funding is difficult to obtain due to the nature of measures or the associated admin burden. Notably, much better support for grazing of the commons at appropriate stocking levels is required in support of biodiversity in these areas (often High Nature Value areas).

- c) Are you aware of any examples of particular current or future impacts, positive or negative, on young people, of any aspect of the proposals in this consultation? Could any improvements be made?

Please give reasons for your answer.

There is far too little commitment in the consultation document to support young farmers and new entrants. Also, much better linkages need to be made between the agricultural reform and land reform to secure better access to land for young people. A joint approach is also required in relation to planning and housing law, with significant investment required to ensure adequate housing is available in rural areas in support of crofting and rural development more broadly, and to avoid depopulation.

- d) Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?

Please give reasons for your answer.

- e) Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

Please give reasons for your answer.

- f) Are you aware of any examples of how the proposals in this consultation might have particular positive or negative impacts on groups or areas experiencing socioeconomic disadvantage? These could be households with low incomes or few resources; families struggling to make ends meet; people who experienced poverty while growing up; or areas with few resources or opportunities compared with others.

Please give reasons for your answer.

This depends completely on the way proposals are implemented, and whether measures are proportional to and workable for small-scale agriculture. There is an opportunity under the new Ag Bill to redistribute funding in support of smaller scale production (in line with obligations

under EU law - see Part 1), and to better support systems that are already delivering significant environmental and social benefits such as crofting, agroecology, agroforestry etc. At the same time there is a risk that the reform will favour those that can 'improve' quickly through large technological investments, in order to meet high level targets.

Not nearly enough attention is given in the consultation document to rural development and the disadvantaged position of rural communities, which are faced with significant extra costs due to peripherality and natural constraints. An explicit commitment to ANC support and wider support or peripherality is required to ensure that those groups in areas that may be socioeconomically disadvantaged are better supported.

g) Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

Please give reasons for your answer.

Same as f. Note that some mainland areas may face similar barriers and competitive disadvantages as those on the islands, due to distance to market, transport costs etc., e.g. Ardnamurchan and North West Sutherland.

About SCF and Contact Details

Established and run by crofters themselves, SCF is the only organisation dedicated to campaigning for crofters and fighting for the future of crofting.

By actively engaging with public authorities, we influence policy on rural, agricultural, social and environmental issues. Originally set up in 1985 as the Scottish Crofters Union, the organisation continues to protect and promote the interests of crofters and the crofting community.

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