

Response ID ANON-XEE5-9TH3-Y

Submitted to Delivering our Vision for Scottish Agriculture. Proposals for a new Agriculture Bill
Submitted on 2022-12-05 09:15:14

1. Future Payment Framework

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

Don't know

Please give reasons:

We want to take the opportunity to provide some wider comments on the contextual information included in the consultation. Many of the pressures on Scotland's water environment are of direct interest to the members of Fisheries Management Scotland (District Salmon Fishery Boards and Rivers and Fisheries Trusts). The majority of these pressures, are out with the direct control of fisheries managers, but impact on the ability of DSFBs to discharge their duties and powers. We are therefore dependent on effective regulation and standards to ensure good water quality and drive improvement and restoration of degraded habitats. Many of the current issues in our aquatic environment arise from land-use, including past and current agricultural practices. We therefore welcome the focus in the consultation on climate mitigation and adaptation, and nature protection and restoration. We also welcome the reference to building on minimum regulatory standards. It is the view of our members that the current General Binding Rules (GBRs) and Good Agricultural and Environmental Conditions (and the current lack of cross-compliance between these mechanisms) are failing to have the desired positive effects on the water environment. It is therefore vital that at least a proportion of the future payment framework is predicated on the recipient meeting or exceeding regulatory standards. This should also be coupled with a greater emphasis on enforcement of the GBRs in their own right.

We agree with the bullet points listed at the bottom of page 7, but we would also include water scarcity in this list. Water scarcity is not only a risk to agriculture in Scotland, but far more effective management of abstraction is required to prevent damage to the wider environment. The current approach adopted by SEPA is inadequate.

With regard to the specific question, whilst we are comfortable with a tiered approach in principle, we have some concerns about the approach set out in the consultation document. These concerns are set out in the answers to the following questions.

2 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

Please give reasons:

We are content with this proposal, but in common with our view on all such payments, full payment should be predicated on compliance with all regulatory requirements, including General Binding Rules. We therefore suggest that compliance with all regulatory requirements should be an important part of the 'eligibility criteria' mentioned on page 14. As part of the criteria there should also be a requirement for 'no further deterioration', such as the new cultivation of unsuitable land, draining of land, or spread of invasive plants onto new land.

We believe that tier one funding should be conditional on developing a 'whole farm plan' and that the plan should identify areas for riparian woodland creation - areas where native trees can be included strategically to provide cooling shade, and prevent soil erosion and nutrient runoff.

3 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?

Don't know

Please give reasons:

We are in broad agreement with this tier, but we would like to see a stronger emphasis on nature restoration here. This is closely linked to our response to the previous question regarding meeting all regulatory requirements. Fisheries Management Scotland are founding partners in the Riverwoods initiative, and there is a key opportunity to encourage and facilitate restoration of riverbanks through setting back of flood embankments, green bank restoration, reestablishment of native trees and vegetation and other measures that can help improve water quality and increase climate resilience in our rivers. The provision of wider buffer strips around watercourses should also be specifically supported. We would like to understand better why this vital activity falls under 'additional' measures rather than being included as part of the Base Level Direct Payment.

The enhanced payment should be only for additional works that exceed good practice, and should not be used for works which are required simply to meet current regulatory standards. There is a risk that an enhanced payment for nature restoration will simply be used to repair or undo previous environmental damage caused by inappropriate farming methods, which the current regulatory system has failed to address.

4 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?

Don't know

Please give reasons:

Whilst we welcome the fact that this element of the payment will facilitate nature restoration, we would like to understand how the competitive element of this funding tier will be directed to the areas with the greatest need. We would advocate that there should be an element of prioritisation here, whilst still permitting opportunities to be grasped where there is local willingness to act. In the case of reestablishment of native trees next to rivers in order to mitigate climate-induced warming, we would hope and expect that this would be closely linked to the modelled outputs of the Scottish River Temperature Monitoring Network which identified priority areas for such work.

5 Do you agree that Tier 4 should be complementary support as the proposal outlines above?

Not Answered

If so what sort of Complementary Support do you think would be best to deliver the Vision? Please give reasons:

Tier 4 specifically mentions tree planting and peatland restoration, but floodplain/wetland restoration is equally worthy of highlighting, particularly given the historic draining of floodplains to provide rich agricultural land. It is a vital tool for water management given the climate crisis. All three actions are required to be maintained for the long-term and this should be a clear condition of payment.

6 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

Please give reasons:

As highlighted above, we believe that cross-compliance with regulations designed to protect the environment is fundamentally important. Whilst SEPA have been relatively successful in achieving greater compliance with General Binding Rules in some catchments, this has been enormously labour-intensive and we are concerned that the lack of ongoing compliance monitoring has led to standards slipping, once SEPA's focus shifts to other catchments. In the face of the biodiversity crisis, we should be using every opportunity available to ensure ongoing compliance with these regulations across Scotland – not just in 'priority catchments'. We would emphasise that this would not remove the necessity for SEPA to enforce the current regulations robustly And SEPA should have a formal role in reporting any regulatory/compliance issues to the farm payments assessment, with payments withheld or stopped until compliance is achieved.

As stated above, we believe that tier one funding should be conditional on developing a 'whole farm plan' and that the plan should identify areas for riparian woodland creation – areas where native trees can be included strategically to provide cooling shade, and prevent soil erosion and nutrient runoff

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

Yes

Please give reasons:

No specific comments.

8 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

Please give reasons:

No specific comments.

9 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 crises affecting agricultural production or distribution?

Yes

Please give reasons:

We agree with this in principle, but we would seek assurances that the term 'exceptional or unforeseen' is properly defined. For example, we see water scarcity as an important issue that needs to be addressed, but this will involve the agricultural sector to put in place measures now to minimise the need to abstract water in the lead up to water scarcity situations. Current climate predictions mean that future water scarcity scenarios are not considered to be exceptional or unforeseen. We have also seen situations where inadequate slurry storage has meant that slurry spreading takes place in suboptimal or inappropriate conditions, with associated impacts on the water environment. In our view, protection of the environment requires a greater emphasis throughout. Public funding should not be contributing to environmental issues, particularly where that funding could be directed towards avoiding such issues in the first place.

2. Delivery of Key Outcomes: Climate Change Adaptation and Mitigation

1 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change mitigation objectives?

Not Answered

Do you have any views on specific powers and/or mechanisms that could support such alignment? Please give reasons:

Our answer is a qualified no. We are supportive of payments supporting climate change mitigation objectives, but we are concerned that the consultation considers climate change and nature restoration separately. This is contrary to the preamble to this section, which makes specific mention of the twin climate and biodiversity crises. We are also concerned that in the overall introduction, it appears to be implied that restoring biodiversity is important only in the context of reaching net zero and adapting to climate change. We would argue that restoring our natural environment is fundamentally important in its own right.

There are many examples of measures that will help to support climate mitigation, but which can also have significant benefits for nature protection and restoration. For example, reestablishment of native trees next to rivers provides dappled shade, which can help to cool rivers, whilst also providing a range of other benefits to the natural environment. A focus on commercial planting of non-native, tree species would not have the same positive impact for nature. In the case of peatland restoration, peatlands are vital carbon sinks, but restoration of peatlands can also have major benefits for water quality in our rivers. We would prefer climate mitigation and nature restoration to be considered together wherever possible, accepting that some elements, such as emissions reductions on farms would not fit well with this overall ambition.

2 Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change adaptation objectives?

Not Answered

Do you have any views on specific powers and/or mechanisms that could support such alignment? please give reasons:

See our comments above. We would prefer to see this linked with nature protection and restoration.

3 Do you agree with the proposal set out above, 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?

Not Answered

Please give reasons:

See our comments above. We would prefer to see this linked with nature protection and restoration.

4 Do you agree with the proposal set out above, 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?

Not Answered

Please give reasons:

2.1 Nature Protection and Restoration

1 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

Please give reasons:

We would strongly support, this, but as highlighted above, we believe that this should be integrated with measures to mitigate and adapt to climate change.

District Salmon Fishery Boards and Rivers and Fisheries Trusts (<https://fms.scot/about-us-2/our-members/dsfb-trust-map/>) are ideally placed to help identify and deliver work at a catchment-scale that, if appropriately resourced, could add significant value to the ambition set out in the consultation.

2 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

Please give reasons:

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

Yes

Please give reasons:

We consider that this is fundamentally important. In our response to the recent consultation on the biodiversity strategy, we made the point that the focus on 'broad landscape types' was not the correct approach to addressing the biodiversity crisis. We are strongly of the view that a catchment-scale approach is the optimal way to restore our environment and we would support catchment-scale payments to support delivery of this work at scale.

2.3 Wider Rural Development

1 Do you agree that the proposals outlined above should be included in the new Agriculture Bill?

Yes

Please give reasons:

We are pleased to see that the benefits of wider rural development are also included in the Bill. Fisheries Management supports local economies and our native fish populations are key to thriving local communities. The inclusion of support mechanisms that go beyond direct land management are therefore welcomed. A number of our members benefited from LEADER funding for both coordinated riparian management and economic support for their businesses. Fisheries Management is a local management process and therefore the opportunity for there to be local decision making is also welcomed. We welcome the extension to other 'water' based managers to be also recognised as part of this process.

In addition to LEADER the consultation document makes reference to the Forestry Grant Scheme in the introduction to this section. There is an urgent need for the Scottish Government to set the right policies and funding mechanisms to support and facilitate the delivery of biodiversity targets. The Scottish Forestry Grant Scheme is a good example of this. Whilst this scheme is effective for large scale forestry, it does not readily support small woodland creation and does not adequately support efforts to create targeted riparian woodland. Such barriers to accessing funding schemes, which would otherwise be beneficial to biodiversity, need to be urgently considered alongside this consultation and the current issues addressed if we are to make progress.

2 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

Please give reasons:

We would welcome the inclusion of river/fishery managers being explicitly stated as non-agricultural managers to help deliver integrated management.

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

Not Answered

Please give reasons:

We would welcome the inclusion of support for river/water management to ensure an integrated approach to innovation and funding.

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

Please give reasons:

River catchments are integral to Scotland's efforts to protect and restore biodiversity and the suggestions we have made above would be a major contribution to the delivery of Scotland's Biodiversity Strategy.

2.3.1 Animal Health and Welfare

1 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?

Not Answered

Please give reasons:

Whilst we do not intend to respond in detail to this section, we will make the following points:

Whilst animal health and welfare are not within the locus of Fisheries Management Scotland, any impacts on the water environment resulting from treatment (including prophylactic treatment) of animal health issues are an important consideration. Aquatic and terrestrial invertebrates have seen a sharp decline in recent decades and we consider that the strategy for use of parasiticides (both for animal and crop health) requires further consideration. Where the same, or similar, chemicals are used by the fish farming industry, the quantity released into the environment is rightly tightly controlled by SEPA. We believe that a similar approach should be adopted on land. Where bath treatments, such as sheep-dip are used, there should also be a requirement to keep animals out of the water environment after treatment in order to minimise negative impacts on aquatic biodiversity. This would also facilitate compliance with the General Binding Rules relating to riverbank poaching.

2 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?

Not Answered

Please give reasons:

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

Not Answered

Please give reasons:

2.3.2 Plant Genetic Resources and Plant Health

1 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?

Not Answered

Please give reasons:

See comments above in relation to animal health and placing a high priority on the protection of the environment in the regulation and use of pesticides.

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

Not Answered

Please give reasons:

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

1 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?

Not Answered

Please give reasons:

2 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?

Not Answered

Please give reasons:

3 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

Please give reasons:

4 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?

Not Answered

Please give reasons:

5 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?

Not Answered

Please give reasons:

6 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

Please give reasons:

7 Do you agree that Scottish Ministers should have the power to create a system that would provide for cross compliance, conditionality that covers core 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

Please give reasons:

Yes – we consider that this is fundamentally important. Effective management of the environmental impacts of agriculture must be a prominent part of the payment framework. We would like to see specific reference to the General Binding Rules under the Controlled Activities Regulations here. We are now in the third cycle of River Basin Management planning and in some catchments compliance with the GBRs is still unacceptably low. Even in priority catchments where SEPA have undertaken significant and resource-heavy engagement with farmers, it is relatively easy to identify breaches of the GBRs. We would emphasise that the rural payment scheme should not replace adequate enforcement action by the regulator – rather it should aid compliance with current minimum standards.

In addition, in the light of the ongoing declines in biodiversity in Scotland, we believe that GBRs and GAEC need to be urgently reviewed to assess whether compliance with these standards actually results in the desired improvements in the water environment. Regulation must be outcome-based and we seek assurance that the current regime is effective. From the perspective of the water environment, the appropriate width of buffer zones, installation of riverside fencing to prevent poaching of livestock (see also our comments above regarding livestock treated for ectoparasites), watering points away from rivers, and appropriate regulation of spreading of slurry and artificial fertilizers (including regulation of the quantities permitted to be used) should all be reviewed. Regular unannounced inspections should be a feature of the system.

8 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?

Not Answered

Please give reasons:

9 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

Please give reasons:

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

Yes

Please give reasons:

11 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 above) and set a level above which payment details will be published?

Not Answered

Please give reasons:

12 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?

Not Answered

Please give reasons:

5.3 Amendment to Rules of Good Husbandry and Good Estate Management

1 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

Please give reasons:

About you

1 What is your name?

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2 What is your email address?

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3 Are you responding as an individual or an organisation?

Organisation

4 What is your organisation?

Organisation:

Fisheries Management Scotland

5 What is your occupation?

Third sector (including charities)

6 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

7 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

8 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent