



15/12/2022

LWA response to the Scottish Agriculture Bill Consultation

[Delivering our vision for Scottish agriculture - proposals for a new Agriculture Bill](#)

Section One

a) 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?

- Yes
- **No**
- Don't know

Please give reasons for your answer.

The Landworkers' Alliance welcomes the Scottish Government's Vision for Agriculture, and strongly supports many of the goals outlined in this. However, we do not believe that the 4-tiered system outlined in current proposals will deliver the change needed to bring this vision into reality.

We need to see truly transformational change in our agricultural system in order to meet the challenges of the climate and biodiversity crisis, while also improving justice in the farming and land work sector.

There is real concern from our members that current proposals for agricultural payment reform in Scotland are actually less ambitious than the most recent CAP, and will be unable to help us meet our climate change targets while supporting the agricultural sector through this challenging time.

As agriculture falls under one of the largest discretionary budgets within the Scottish Government's control, there is huge potential for positive change to be brought about. We believe strongly that this budget should be, at the very least, maintained at current levels. However, public money should be spent for public good, and we believe all of this budget should be used for initiatives which support climate change mitigation and adaptation, restore nature and biodiversity, develop local food systems, create good jobs, increase

equity in the farming sector, contribute to rural regeneration, improve health and wellbeing and promote food sovereignty in Scotland.

The proposed continuation of an area-based payment system, as confirmed by the Cabinet Secretary in her recent announcement, is of particular concern to our members. A just transition demands an end to area-based payments. Area-based payments have discriminated against small-scale farmers, and have resulted in a positive feedback loop in which owning more agricultural land means more public support, which in turn means more possibilities to finance and acquire more land. Area-based payments are supporting many businesses that do not need support or that have become reliant on subsidies.

By centering the future agricultural subsidy system around objectives like protecting biodiversity, addressing climate change and providing greater equity, there is an opportunity to properly reward those farmers who have until now provided public goods with little financial return - and often against all the odds - and to help others make sustainable transitions. Small tweaks to the existing system, as is proposed in this consultation, will not achieve this.

The lack of concrete targets in this proposed legislation is also a cause for concern. Framework legislation can and should contain clear targets, such as those in the Climate Change Act (Scotland) 2009. In addition, specific targets are needed as part of the Agriculture Bill in order to ensure agricultural policies contribute sufficiently to meeting the already agreed emissions reduction targets of the Climate Change Act. In order to reduce agricultural emissions by 31% from 2019 levels by 2032, as outlined in the Act, the Agriculture Bill must set out clear interim sector specific targets. Immediate transformational change with clear goals is required if we are to meet these targets.

In addition to lacking in specific objectives and targets, many proposals in this bill remain vague and unclear at this stage, with much of the detail to be left to secondary legislation. This is concerning for our members, as this may mean that much of the policy which affects their livelihoods will not be adequately consulted on.

There are major gaps in the proposed 4-tiered payments system, with no clear support for several important aspects of Scotland's agricultural sector. Support for small farms and crofts is lacking under this system, with no information available about how small-scale food production will be supported under each tier. In addition, there is no support offered for new entrant farmers, who will be essential to deliver on the Vision for Agriculture's aim for diversification of the farming sector, and meet the challenge of an increasingly ageing farming community. Recent research by the LWA has shown that there is interest and enthusiasm for entering into the sustainable farming sector, but that a lack of financial support and land access pose major barriers to new entrants (See Styles, G., Talks, I and Tomlinson, H (2022) [The Attraction of Agroecology](#). Landworkers Alliance.)

The horticultural sector is also neglected in these proposals, and must be better integrated into the farming support system if we are to improve food security and sovereignty in Scotland. Fruit and vegetable production is specifically supported under the EU Common Agricultural Policy, and should be similarly valued by the Scottish government. Increasing production of locally grown fruit and vegetables in Scotland is also essential from a health perspective, as well as to meet the goals of the Good Food Nation Act (2022).

We welcome comments from the Cabinet Secretary that “those pioneering best practice now” will be “recognised and rewarded” for actions they are already taking. Our members, often working at very small-scales, are breaking new ground in the use of innovative agroecological and regenerative farming methods for food production. While it is essential for support to be offered to all farmers to transition towards more sustainable practices, this must not disadvantage those who have led the way.

In order to ensure that the upcoming Agriculture Bill delivers on the promises laid out in the Vision for Agriculture, we suggest the bill should clearly set out and define some of the terminology used. In particular, a robust definition of the term “regenerative agriculture” is needed to ensure agricultural transition really does help us meet our climate mitigation and nature restoration goals. This term is colloquially used to mean many different things in different contexts, and without clear definition it can be easily co-opted and applied to farming practices which are not coherent with a sustainable and equitable farming system. In addition, as we describe in the relevant section, we suggest that terms such as “high quality food” must also be defined in order to have any legislative meaning.

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.

We welcome the inclusion of income support for farmers and crofters in the Agriculture Bill. Primary producers are completely essential to our food system, to our rural communities, and to the management of Scotland’s land. They also have huge potential to lead the way in improving our food and agricultural system. We fully support measures to allow farmers and crofters to earn a decent living and work with dignity.

However, if the Tier 1 payment is intended as income support, as stated in this consultation, then it should be awarded equally to all active farmers, rather than awarded per hectare of land farmed. There is no reason why those with larger amounts of land should require higher incomes than those with smaller amounts of land. An area-based payment system such as this is discriminatory against small-scale farmers and crofters.

Under the current area-based system, the majority of payments go to the largest landowners on the most productive land, rather than to those most in need of support. The top 20% businesses receive 63% of the budget, while the bottom 40% receive only 4.8%. This is an extremely inefficient and unfair allocation of public money, and must not continue.

An area-based payment system does not adequately support small-scale farms and crofts. Globally, it is well recognised that small agriculture plays a key role in society. For example, the European Parliament recently stated that small units: “allocate larger shares of their

production to food and have a more diversified produce portfolio than larger farms”.¹ Several UN Special Rapporteurs on the Right to Food have emphasised both the great environmental and community value of production at small scales, including the potential of job opportunities and the fact that many small-scale units are more productive than large farms when productivity is calculated per hectare rather than per worker.² The Scottish government should be supporting and incentivising this type of agriculture, and ensuring small-scale producers can make a decent living.

In place of an unjust area-based payments system, we propose a system of universal basic income (UBI) for farmers and crofters, awarded equally to all those who are actively farming. We understand that UBI is something the Scottish government intends to trial, and suggest that tier 1 of the new agricultural payments system could be an ideal starting point for this.

A key step necessary for reducing inequity in the agricultural sector is the removal of the 3 ha minimum size threshold for receiving basic payments. Many small-scale horticulture operations and market gardens provide local, healthy food for hundreds of families on very small plots of land, as well as offering employment opportunities and strengthening rural communities. For example, our members at the ... Falkland Kitchen Farm or East Neuk market garden in Fife feed over a hundred families for 11 months of the year from just 2 ha of land. Small-scale fruit and vegetable producers such as these should be supported under every tier of the new agricultural payment system, and should be eligible for the same basic payments as those with large amounts of land.

In Ireland, there is no minimum size threshold for farmers to receive basic payments. Anyone who manages land and is involved in agricultural activity is eligible. This removal of minimum size thresholds should be replicated in Scotland to encourage and support small-scale agriculture.

If we are to have a system of agricultural payments based on area of land farmed, it is essential that tier 1 payments are both frontloaded and capped. Under the new EU Common Agricultural Policy, redistributive payments are mandatory, and must make up a minimum of 10 % of the direct payments budget. These payments aim to relieve some of the inequality introduced by an area-based system by giving farmers more money for the first few hectares of land farmed. In order to remain in-line with EU policy, Scotland must include a similar redistributive payment system in the Agriculture Bill. This consultation mentions that legislation can be adjusted to include this in future, however, we believe that redistributive payments and caps on basic payments should form a core part of the framework legislation now and not be left to the discretion of ministers. This is the only way in which an area-based direct payment system can be implemented in a just and equitable manner. We suggest that current direct payments should be capped at £100,000 per farmer, with a clear framework for this number to shift with changing economic conditions. Without frontloading and capping, the majority of funding will continue to go to the largest businesses, at the expense of small and medium scale farms which are most effective in producing food for Scotland's people.

¹ 'Small farms' role in the EU food system' (European Parliament 2022).

² O De Schutter and G Vanloqueren, 'UN special rapporteur on the right to food calls for a new Green Revolution based on agroecology' (GRAIN 2011).

In the long-term, the LWA believes that all direct payments to farmers, including income support, should be subject to enhanced conditionality. This may not be possible immediately, as farmers must be supported through their transition to regenerative agriculture. However, there should be a clearly communicated expectation that all farmers and crofters gradually move beyond the minimum requirements currently suggested for tier 1 payments, with all direct payments subject to enhanced conditionality by the end of this parliament. Current cross-compliance measures have resulted in very few prosecutions, while farming in Scotland continues to be unsustainable. These measures are not fit for purpose, and much more stringent conditionality on payments is needed to change this. No public money should be used to support practices which are harmful to climate, nature or communities.

In addition, we propose that conditionality on direct payments should include social responsibilities. For example, financial support for employers should be conditional on them meeting certain standards for workers rights on their farms, including paying the real living wage, setting fair policies around holidays and sick pay, and ending exploitative zero hours contracts. We cover this in more detail in our response to questions ... to ... The introduction of social conditionality is one of the key updates to the EU CAP, with beneficiaries of funding expected to meet certain EU labour standards for their workers. Social conditionality must form a part of Scotland's Agriculture Bill in order to ensure that the necessary agricultural transition really is just for everyone.

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

Please give reasons for your answer.

In general, we support the principle of direct payments with enhanced conditionality, which are designed to deliver on outcomes related to climate, nature and social benefit. However, it is not possible to agree with the above statement without knowing further details.

It is concerning for our members to have so little clarity at this stage about what criteria will be used to assess outcomes relating to efficiency, emissions reduction and nature restoration, as well as how these will be measured, how much bureaucracy is likely to be involved, and who this payment tier will apply to.

Enhancing biodiversity and sequestering carbon should be key objectives of the new agricultural payments system, and farmers should all be incentivised to take actions in this regard. However, there are different ways of going about this and we advocate for a 'land-sharing' rather than a 'land-sparing' approach. Where 'land sparing' would involve the intensification of agricultural production in some places to allow for biodiversity conservation in others (e.g. through 'rewilding'), 'land sharing' involves farming practices that also have

environmental (including biodiversity) benefits. Agroforestry provides a good example of how carbon sequestration can be improved without removing land from agricultural production. Intensive farming, involving synthetic fertilisers and pesticides, to enable more land to be “spared” is counterproductive in terms of reducing emissions and enhancing biodiversity associated with agricultural land. The LWA believes that agroecological and organic practices are best placed to provide holistic benefits for nature, climate and people in line with the principles of “land sharing”.

Agroecological farming and land management is place based, sustainable and deeply integrated with local ecology and environment. It is farming with nature, but also seeks to ensure that food producers are valued and can make a decent living. Agroecology is recognised by the Food and Agriculture Organisation of the United Nations (FAO), and has been endorsed by the former UN Special Rapporteur on the Right to Food and The International Panel of Experts on Sustainable Food Systems. Practices include - but are not limited to - ecological pest control (e.g. through intercropping), nutrient recycling and fertility building (e.g. through crop rotations), agroforestry (combining trees with arable/horticulture/livestock), on-farm breeding to enhance agrobiodiversity (including rare breeds), natural productivity/quality boosting (e.g. creation of habitats for pollinators alongside managed areas). It is essential that tier 2 funding supports and incentivises agroecological farming.

Taking an outcome-based approach, as suggested in these proposals, allows farmers to develop and adapt their own practices within the specific context of their farm, rather than being obliged to use specific one-size-fits-all practices in a disjointed manner. Outcome payments have been trialled in Ireland, where they have been successful and well received by farmers who are able to use their own knowledge of their land to make holistic and place-based management decisions. Lessons from this, as well as the Piloting An Outcomes Based Approach in Scotland project, must be integrated into the design of the new agricultural payment system.

The Tier 2 payment system must be both applicable to and workable for small-scale farmers, crofters and horticultural producers. There is concern from many of our members that due to working at small-scale, the carbon emissions reductions and biodiversity enhancement achieved on their farms would not be considered significant enough to qualify for tier 2 funding. It is essential that all businesses benefit from funding for regenerative practices, not just large-scale industrial farms. Small-scale producers have pioneered the use of sustainable practices such as agroforestry, and must not be excluded from this payment system. There should be no minimum land size threshold to qualify for tier 2 payments, and farmers should be rewarded for good practice at every scale. In addition, the tier 2 payment system must be straightforward and simple, without placing too much bureaucratic burden on small farmers and crofters.

Payment rates should also reflect the fact that horticulturalists, including market gardens, field scale vegetable growers and fruit growers operate more intensively than broad scale agriculture, and the opportunity cost of taking land out of production is significantly higher. The productivity of these growers and farmers, the quality and cost of land that they are operating on, and the input costs (including labour) are all higher. To have an effective

impact on improving environmental land management, Tier 2 payments must be pitched sufficiently high to incentivise participation and compensate for loss of productivity.

As discussed in our response to question a), farmers must be compensated for action already taken and supported to continue with good practice. The system for baselining and measuring outcomes for tier 2 payments should take this into account, so as not to disadvantage those who have pioneered the use of sustainable practices at their own risk and without government support.

With many details of the tier 2 payment yet to be developed, co-design will be essential to ensure this system is fair and workable for farmers, as well as achieving desired outcomes. We look forward to working closely with the Scottish government on this in the coming months. We commend the Tests and Trials programme that Defra have run for co-designing the Tier 2 payment system. Savings could potentially be made through sharing of insights arising from the English Tests and Trials.

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.

We thoroughly support the inclusion of funding for targeted measures for nature restoration, innovation and supply chain support. However, there are currently insufficient details available of how this will be implemented in practice for us to agree fully with the proposal of the Tier 3 payment system.

In particular, clarity is needed on the size of the budget, the coherence of the payment structure, and overall holistic aims of the Tier 3 payment, as well as who will make decisions between competitive applications, and which practices fall under this tier and which fall under Tier 4.

Tier 3 of this proposed payment system offers great potential to bring about necessary transformational change in our agricultural system, but can only achieve this if it is properly resourced. Practices covered under this tier should not be treated as an added bonus, but as key to the agricultural transition. The proposals suggest payments under this tier will be awarded on a competitive basis. In order to bring about transition, we need to see many applications for grants under this tier accepted, which will require sufficient funding. We suggest that at least 30 % of agricultural funding be allocated to this tier to ensure maximum benefit.

We are concerned that organic farming is only referred to under this tier of the proposed payment system, and given just a passing mention along with other 'alternative' farming practices. Organic and agroecological practices will be key to the transformational change

we need to see in our farming system, and should be explicitly supported under every tier. These methods should no longer be considered 'alternative', but instead seen as a goal for the entire agricultural sector. We suggest that the Scottish government's target to double organic farm land to a mere 3.8 % by 2030 could be stalling ambition in this area. While we recognise that organic conversion takes time, the addition of clear longer term targets for a more fundamental shift towards organic practices is essential to ensure organic farming gets the investment it needs.

Under the current AECS system, most applications for funding for organic conversion and certification are granted. In order to meet its targets on organic land, the Scottish government must ensure this continues under the incoming payment system, and not discourage organic conversion through high levels of competition for funding.

In order to be effective, it is essential that the Tier 3 payment system is simple, coherent, and applicable at every scale. Our members currently struggle with the bureaucratic burden of having to use multiple different funding schemes, often with different deadlines, timescales and criteria, to fund sustainable projects on their farms. This creates a huge amount of work on top of running a farm, and discourages many people from transitioning to more regenerative practices. For example, we have members who have been unable to convert to organic farming due to the prohibitive bureaucracy of applying for AECS, on top of the other funding streams they work with and the challenges of running an agricultural business.

We therefore suggest that the Tier 3 payment must be one coherent system, rather than a collection of different grants and funding streams. Applications should be rolling and always open, rather than subject to specific deadlines. This allows diverse agricultural businesses to apply at suitable time points in their own agricultural calendars. Having an accessible and easy to use system is essential to encourage farmers to take the positive actions detailed under this tier.

The Tier 3 payment system must be workable for small-scale farmers and crofters. There should be no minimum farm size threshold for eligibility for this funding. As there is currently no minimum size threshold for initiatives funded under AECS, this should be straightforward to carry over to the new payment system. The proposals put forward above for a simple coherent system with rolling, open applications would make Tier 3 payments more accessible to small-scale producers. The competition process for funding must ensure that small-scale projects, including those in remote areas, are not undervalued for impact. We would welcome more detail from the Scottish government on how decisions will be made on applications such that small scale farmers and crofters are not disadvantaged.

In addition to the measures outlined in the consultation document, we suggest that capital grants for horticulture should be included under Tier 3 of the payment system. Fruit and vegetable growers should be explicitly supported under every tier of the new payment system, with tier 3 offering the opportunity for targeted support for horticulture. The Welsh government's Horticulture Development Scheme and Horticulture Start Up Scheme provide excellent examples of how this support can be offered.

We have some concern about the lack of any representation from the horticulture sector on ARIOB, and fear that this may hold back investment in this area. A high proportion of the Landworkers' Alliance members in Scotland are involved with small-scale horticulture, so

this is of particular relevance to us. The dividends from supporting and expansion to small scale horticulture, selling through farmer focussed routes to market (eg box schemes, food hubs, community supported agriculture) could extend far beyond agriculture resulting in the health benefits associated with increasing availability of fresh produce and public engagement in its production. We would be more than happy to engage further with the Scottish government on this matter, to ensure that horticulture is not forgotten in the new agricultural payments system.

The consultation document does not detail what would be included in 'innovations' supported by the Scottish government.

We welcome support for supply chains under this tier of the proposed payment system. Supporting the development of short, local supply chains and making local food accessible to the people of Scotland will help to ensure environmental measures taken in Scotland are not undercut by lower standard imports. There is a strong need for solid and direct investment into the key infrastructure required for short, local supply chains. This could include development of local and mobile abattoirs, appropriately sized facilities for cold storage and packaging, drying and processing food at a local level, and support for distribution hubs and farmers markets. Additionally, policy changes will be required to ensure that legal requirements (e.g. around food safety or hygiene) do not disproportionately impact on small low-risk businesses. Our members have also noted the need for support with facilitating agreements between local producers and retailers, as well as professional support for the formation and management of producers' cooperatives for supplying local markets.

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

The Landworkers' alliance is in favour of funding being available for complementary support, and believes this will be essential to delivering a holistic agricultural transition. However, at this stage it is unclear what measures will be supported under this tier, how funding will be allocated, how this will contribute to wider rural development, and how the government will ensure this funding benefits farmers working at all scales.

Many of the initiatives currently proposed to fit under this tier could be better integrated into other tiers of the payment framework. For example, peatland restoration and woodland development should be considered as a vital part of regenerative farming. Much of the wording of this proposal suggests that farming and nature are incompatible and exist in competition with one another, rather than as integral to one another. We dispute this

narrative, and can offer many examples from our membership of farmers successfully integrating nature restoration into their farming practice.

We suggest that Tier 4 should cover only measures which do not relate to the practices of individual farmers, and which cannot be integrated into the other tiers of the payment system. For example, advisory services, development of local supply chain infrastructure and land-scape level projects could be funded under this tier, while on-farm nature restoration should be covered by other sections of the payment framework.

Tier 4 support should not be directed towards sectors which receive large amounts of private funding, such as large-scale tree planting for carbon credits and commercial forestry. Instead, it should prioritise initiatives which specifically complement and support the farming and crofting sector.

Advice and training will be essential for a just transition to a more sustainable farming system, and several reports on future climate policy relating to agriculture, including Farming for 1.5C and the Climate Emergency Response Group, have recommended significant investment in advisory services. As part of this, significant funding should be made available for network building and peer-to-peer learning amongst farmers. Farming communities are both rich in knowledge of traditional practices and at the forefront of sustainable innovation, with many farmers and crofters in Scotland pioneering agroecological and regenerative methods (reference James Hutton report). Farmers should be encouraged to share their knowledge, financially compensated for their time and skill, and supported to create accredited training for others in the sector. Advisory services should prioritise a farmer-led approach, and ensure that knowledge is relevant and accessible to small-scale producers.

Local infrastructure which supports sustainable agriculture and food production should also be a priority for Tier 4 support. This is essential to the production of high quality food in Scotland, and should include significant support for local abattoirs (discussed further in our response to question...), local grain processing infrastructure and fruit and vegetable packing and processing. Many of our members mention a lack of local infrastructure as a major barrier to their practice, particularly for those working at smaller and more local scales. Cooperative ventures to address this, such as groups of farmers in the same area building and maintaining processing infrastructure, should be supported under this tier of the payment system.

The current proposed payment framework offers no targeted support for new entrant farmers. Proactive support for new entrants is essential for a resilient agriculture sector and a diverse and vibrant rural economy. Farming is one of the least diverse sectors and is extremely challenging to enter for those not from a farming background. The average age of farmers in Scotland is increasing and the number of active farmers decreasing. Scottish Government's Vision for Agriculture includes a desire to "enable more local employment on the land, more women to enter farming and more new and young entrants into farming", which we strongly welcome. In order to achieve this aim, we propose that a new entrant support scheme be included under the Tier 4 payment system. Similar initiatives are included in both the most recent EU CAP and in incoming legislation in England. To be effective, such a scheme should include capital grants for starting up, advice and mentoring, and clear connections with Land Reform legislation to improve access to land for new

entrants. Supporting new entrants will have wide-reaching benefits for the agricultural sector in Scotland, including revitalising rural communities, bringing new ideas and energy into farming practice, and ensuring generational renewal.

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.

Broadly speaking, we support the use of 'whole farm plans' and believe these should be encouraged for all farms. It is essential that these are treated as a way to look at businesses in an integrated manner to identify good practice and opportunity for improvement, and that they do not become bureaucratic box ticking exercises. It is unclear from current proposals what creating a whole farm will entail, or in what way this will be helpful in assisting farmers to improve their practice. What constitutes a 'whole farm plan', and how this is to be used by the farmer must be clearly defined.

Whole farm planning should be as simple as possible and have clear benefits to the farmer by offering a useful holistic approach to managing the farm business. These plans should be designed so as to assist farmers in improving the efficiency and profitability of their farms, as well as mitigating against climate change and enhancing biodiversity. The benefits of whole farm planning should be clearly communicated to farmers, and the process of putting together a plan should not place too great a burden on them.

It is essential that the effect of this proposal on small-scale farmers and crofters is carefully considered. Additional requirements for receiving financial support are likely to impact disproportionately on smaller producers. If they are to be a criteria for funding eligibility, whole farm plans must be designed so as to offer benefits to farmers even at very small scales, and to not present too great a bureaucratic barrier.

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

- Yes
- No
- Don't know

Please give reasons for your answer.

We fully support proposals to ensure a Just Transition in the agricultural sector. Transformational change towards sustainable and regenerative farming must have justice at its heart, and we welcome the Scottish Government's focus on this.

A Just Transition must be just for everyone, and requires an agricultural payment system built around improving equity in farming. An area-based payment system for income support, as is currently proposed for Tier 1, is entirely incompatible with this. It is unjust for those with larger amounts of land to be awarded more government funding than those with less. Small-scale producers, many of whom are leading the agricultural transition, should not be disadvantaged while large-scale landowners are rewarded.

If area-based payments continue under the new payment system, a robust system of capping and redistribution is required to ensure that public funds are allocated in a just manner.

A Just Transition must ensure that all farmers, crofters and farm workers:

- Are earning a living wage
- Are recognised and rewarded for carbon sequestration without being required to sell their carbon credits through off-setting arrangements, thereby losing their ability to market their produce based on its being carbon neutral or negative.
- Are recognised and rewarded for providing healthy food to local people
- Are recognised and rewarded for biodiversity protection and habitat creation
- Are recognised and rewarded for providing meaningful employment in rural areas

All direct payments should be subject to social conditionality requirements as well as environmental conditionality. This will keep Scotland in line with EU policy, and ensure the agricultural transition is also fair for farm labourers and migrant workers.

Agroecological and regenerative agriculture provide ample opportunities for the creation of green jobs. Support for new entrant farmers must therefore form a key part of the Just Transition mechanism. Last year's new entrant support scheme was vastly over-subscribed, highlighting the large number of people interested in pursuing careers in agriculture. With an ageing farming population, supporting new entrants to the sustainable agriculture sector is vital to generational renewal in farming, as well as to the creation of meaningful green jobs in rural Scotland.

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.

While some degree of flexibility will be necessary in the long term, currently farmers and crofters are in urgent need of greater certainty as to what the payment system will look like over the next few years. The proposals outlined in this consultation leave many details unanswered, suggesting a large amount of flexibility remains at this stage.

Farming is already an unpredictable industry, subject to significant shocks from weather, market conditions and global politics. It is therefore important that the agricultural payment system offers some level of stability to farmers and crofters in Scotland. We suggest that, once details have been confirmed, the new agricultural payments system should be altered in 5-7 year cycles, in a manner similar to the CAP. This will allow for flexibility in the longer term, while giving certainty to farmers now.

A mechanism to allow for flexibility in the framework over time must include a process of continual stakeholder engagement and consultation. There is a need for farmer-led research and innovation to form the basis for change, rather than top-down technological changes.

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 crises affecting agricultural production or distribution?

- Yes
- No
- **Don't know**

Please give reasons for your answer.

Investment in a resilient and sustainable local food production system is urgently needed to allow Scotland to be better placed to cope with future shocks, including extreme weather events and rising input costs due to global conflicts. A clear lesson from the effect of the war in Ukraine on Scottish agriculture is that we need to build more resilience into our food system and become less dependent on fossil-fuel based fertilisers and grain-fed livestock. Increasing resilience should be the main focus for supporting the agricultural industry through unforeseen circumstances in the longer term.

In the short term, we recognise the need for a system similar to the new CAP 'crisis reserve' to support farming and crofting during particularly turbulent times. Very clear definitions of what would count as 'exceptional or unforeseen conditions' and 'major crises' are needed to prevent the Scottish government being inundated with requests for support from individual sectors to help them weather the unpredictable nature of the industry.

A crisis reserve should only be used to support initiatives and solutions which are in line with the goals of the Vision for Agriculture.

Section 2

Climate Change Adaptation and Mitigation

a) 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? 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.

The LWA fully supports the inclusion of measures to allow support for climate change mitigation.

In order to ensure this proposal is effective, it is essential that targets related to climate change mitigation are included in the Agriculture Bill. The Scottish Government is already bound by emissions reduction targets set out in the Climate Change Act (Scotland) 2009. The Agriculture Bill must lay out clear interim objectives and measures to ensure that the agricultural sector as a whole is able to meet these necessary targets.

Agriculture is Scotland's third largest source of Greenhouse Gas emissions, yet emissions from farming have fallen at a significantly slower pace than almost all other sectors. Business as usual is not an option.

Many of our members are already engaging in extensive climate mitigation efforts on their farms, and increased government support for this work would be invaluable. The WWF Scotland report, *Reaching Net Zero in Scotland*, from 2019 examined 37 different measures to reduce GHG emissions through changes to agricultural practices. The measures with the most potential were identified as: reduction in nitrogen (N) fertiliser use; the use of legumes in grasslands; rotational grazing in species diverse grassland; feed additives for ruminants; improved animal health and breeding; organic farming; and agroforestry. All of these measures should be encouraged and incentivised by Scottish Government policy, backed up by advisory service support.

In addition to supporting good practice for climate mitigation, the Scottish Government must move away entirely from funding polluting practices. Enhanced conditionality, including measures around reducing carbon emissions, should be applied to 75% of all agricultural payments from the outset, with mechanisms in place for this to increase to 100% as the agricultural transition progresses.

b) 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? 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.

Adaptation to climate change is as essential for Scotland's agricultural system as mitigation. Environmental security underpins food security, and climate change is already having an impact on farming, with extreme weather and water shortages impacting food production. In 2017 alone extreme weather contributed to losses of up to £161 million for Scotland's farmers (WWF Scotland report). The Agriculture Bill should therefore include mechanisms to pay farmers to support delivery of climate change adaptation objectives, including building resilience to relevant risks identified in statutory Climate Change Risk Assessments.

It is unclear from the current proposals which tier of the payment system adaptation mechanisms would fall under, and what practices will be considered as necessary for adaptation. With many of our members already struggling to adapt to the changing climate, and concerned for the future, it is essential that more clarity is given on what support will be available and what payment stream this will fall under. Crucially for many of our members, as well as other small producers across the country, support for adaptation to changing climate must be available and accessible to those farming or crofting at small-scale. Whichever tier of the payment system this support falls under, there must be no minimum size threshold required to access funding for adaptation and bureaucracy surrounding the application process should be kept to a minimum.

Agroecological farming methods, such as those practised by our members, often offer benefits both in terms of climate change adaptation and mitigation. For example, the development of silvopasture and the integration of agroforestry into horticulture systems through tree planting both sequesters carbon and improved flood prevention. The report 'Integrating trees on farms and crofts in Scotland', produced by the Soil Association and Woodland Trust, offers evidence for the adaptation benefits of tree planting on farms. The agricultural payments framework should prioritise funding for holistic practises such as this which are effective both in terms of adaptation and mitigation.

c) 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?

- Yes
- No
- Don't know

Please give reasons for your answer.

We support the use of conditionality related to climate change mitigation and adaptation on agricultural payments. Public money should not be used to subsidise harmful and polluting practices during a climate emergency. The updated Climate Change Plan requires agriculture to reduce its emissions by 31% by 2032. In order to come close to meeting this target, imminent transformational change is needed across the agricultural sector. This will not be possible if the Scottish Government continues to fund practices which are unsustainable and do not contribute towards Scotland's climate and nature goals.

It is essential that this transformation happens in a just manner, and that farmers are fully supported through this process. For this reason we do not believe that enhanced conditionality should be applied to all payments immediately. However, the current proposal of enhanced conditionality on just 50 % of direct payments is low if we are to meet our ambitious climate targets. We suggest introducing enhanced conditionality on 75% of payments initially, with a clear mechanism in place to increase this to 100% as the agricultural transition progresses.

d) 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?

- Yes
- No
- **Don't know**

Please give reasons for your answer.

Whether we can support this proposal depends on further details about what is meant by 'integrated land management', and whether these proposals are limited to woodland creation and peatland restoration on specific sections of farms.

Agroecological practices effectively integrate nature restoration with farming, without taking agricultural land out of production. For this reason, we believe support for agroecological farming should be prioritised in the new agricultural payment system. Integrated land management should include diversification of farming practices, which brings many benefits to both land and farmer in terms of biodiversity enhancement, protection of agricultural genetic resources, and increased resilience.

Woodland creation for commercial forestry and carbon credits receives significant private investment, a factor which is driving up land prices across the country and limiting land access for new entrant farmers. Mechanisms must be put in place to ensure that 'land-sharing' approaches to integrated land management, such as agroforestry, agroecology and regenerative grazing, all of which generate environmental, economic and social benefits, are prioritised in government support systems.

We would also like to note that mechanisms for integrated land management must not forget other important habitats and landscapes, such as species-rich grassland and rare machair. Grass-land should be recognised for its potential for carbon storage and biodiversity enhancement, and specifically included in legislation on integrated land management.

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 essential that the Agriculture Bill contains a mechanism to protect and restore nature and biodiversity in a holistic manner.

While clear targets are set out in the Climate Change Plan for the reduction of GHG emissions in the agricultural sector, there are currently no equivalent goals laid out for biodiversity and nature restoration and these are not expected until a future Natural Environment Bill. While reducing emissions is a key priority in the next few years, it is essential that measures employed to achieve this do not negatively impact on nature and biodiversity. A focus primarily on achieving net-zero emissions, for example through the large-scale planting of forests, will further reduce the resilience of both our natural environment and our food system in the long term. Improving soil health, reducing pollution and restoring biodiversity are all necessary for a thriving food system and country.

Mechanisms developed as part of this proposal should prioritise practices which enhance nature restoration, reduce emissions and produce healthy food for local people. As discussed in many of our answers to previous questions, agroecological approaches to farming can support all of these benefits, without placing farming in competition with climate and nature.

It should also be considered that a decline in biodiversity in Scotland is not just due to the prevalence of intensive industrial farming methods, but also to significant loss of traditional sustainable practices. The new Agriculture Bill should better recognise, value and support traditional land use practices such as crofting and small-scale mixed farming, not only for their productive capacity and value for local communities, but also for conservation of habitats and biodiversity.

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.

We support the proposal that direct payments should be conditional on outcomes that support nature maintenance and restoration, and that elective payments should be available for actions in this area. In many cases, protecting nature may not bring about short-term tangible economic benefits for farmers, but will deliver long-term benefits for Scotland. Support for this is therefore a priority for public spending under the Agriculture Bill.

It is essential that government funding for unsustainable practices which are harmful to nature, such as the heavy use of pesticides, are phased out. We have already seen elective support for environmentally friendly initiatives under the AECS scheme since 2015, with good uptake from farmers. However, nature is still suffering and biodiversity continues to decline in Scotland. Conditionality on direct payments leading to the phasing out of unsustainable practices is therefore required in addition to elective payments in order to bring about the transformational change we need to see.

Both conditions introduced for direct payments and elective payment systems must be accessible to small-scale farmers and crofters.

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.

No details are offered in this consultation as to what landscape/catchment scale payments would look like, and who would be empowered to make decisions at a landscape level. We are therefore not able to agree or disagree with this proposal at this stage.

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.

Scottish ministers should have the power to make small changes to rules on food, in particular to ensure continued alignment with EU regulations moving forward.

We are concerned about the direction of travel of UK food policy, as dictated by Westminster, with environmental, animal welfare and food safety regulations at risk of being significantly weakened. Scotland must not follow this path.

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.

-

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.

The primary focus of agriculture should be the production of high quality, healthy, nutrient dense food, which is accessible to all in the population, and the payments under the Agriculture Bill should reflect this.

In order to achieve the goals set out in the Vision for Agriculture, and for this proposal to be effective, 'high quality food' must be clearly defined. This phrase could be open to many

interpretations, and yet is not currently defined in these proposals or in the Good Food Nation Act.

We believe, for example, that beef, lamb, venison, pork, chicken, fruit, vegetables, pulses and dairy products certified as organic would be “high quality”. Similarly, meat and dairy products produced under Pasture for Life certification would also be “high quality”. There is currently no official certification for food produced in agroecological, regenerative or High Nature Value systems, but clearly those systems are backed up by strong principles and practices that are climate and nature-friendly, so would, in our view, deliver “high quality” food production.

A ‘High quality’ definition must include 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 not necessarily linked to assurance schemes, which may be harder for smaller producers to join, 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 (with 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.

The Agriculture Bill payments framework must not be used to subsidise other forms of production which are already funded through other mechanisms, such as growing biofuels.

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.

While LWA is made up primarily of small scale, agroecological members, as an organisation we are concerned about the impact of the wider agri-food supply chain in driving poor environmental land management. There is an urgent need for education across the supply chain to inform purchasing decisions by super market buyers, caterers and those involved in public procurement on how they can better support sustainable land management. In the fresh produce sector, supermarket contracts regularly drive growers to grow twice or three times as much as necessary to guarantee a crop of specified quality is available in the contracted delivery window, which results in a wasteful use of resources. Better support for seasonal domestic production, rather than buying imports, would be of benefit. A key goal of the Agriculture Bill should be to reduce imports, not just to increase exports. Further, stringent size and quality standards result in crops being rejected and farmers not paid. The cost price increases for farmers are not being acknowledged by supermarket buyers,

resulting in vanishing margins and growers reducing their cropping area. Growers supplying such customers are thus forced into using agrochemicals and using their land extremely intensively simply to remain viable.

Grants to incentivise collaboration and sustainability measures along the supply chain, along with stringent application of a code of conduct for buyers would help create a culture of working together to address environmental problems rather than in a cut throat competitive culture which drives environmental degradation.

In addition, there is an urgent need for improved processing infrastructure to support truly local supply chains and help Scotland become a Good Food Nation. A shortage of local abattoirs is a key issue. These have disappeared across the country, meaning farmers have to transport their animals over long distances to slaughter, and it is increasingly difficult for small-scale producers to find anywhere that will take smaller batch sizes. Smaller scale grain-processing infrastructure is also virtually nonexistent, and there is a need for better local fruit and veg packing and processing capacity. These gaps in infrastructure present major barriers to our members working at small scales and/or in the agroecological and organic sectors, and are holding back the development of resilient local supply chains.

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.

Yes, as long as clearly defined.

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 above?

- Yes
- No
- Don't know

Please give reasons for your answer.

Ensuring a decent and consistent living for farmers and crofters should be a key and explicit objective of the Agriculture Bill. During times of crisis, it is essential that public funding is

used to support primary producers and workers in the food supply chain, and not for propping up large profit-making corporations.

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.

Data collection and analysis can be vital to identifying problems or making improvements in any business, but we are not entirely clear on what is being proposed.

Wider Rural Development

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

- **Yes**
- No
- Don't know

Please give reasons for your answer.

We support the continuation of support for rural and island communities, previously covered under the CAP Rural Development Plan, and recognise that this is important for addressing some of the wider economic and social challenges of these areas.

In addition, we would like to emphasise that support for small-scale food production is key to wider rural development. Small farms and crofts support resilient local food systems, create meaningful rural jobs, and enliven rural culture. The number of people that can be supported on the land, both in terms of jobs and food, is higher with small-scale farming and horticulture. In addition, local food processing infrastructure creates jobs, community and resilience. Real investment in rural regeneration requires investment in small-scale and local food systems.

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.

Agricultural support must be primarily targeted at farmers and crofters. Large-scale tree planting, for forestry or carbon credits, receives considerable private financial investment, and this is having proven impacts on the land market (Land Commission 2022). In addition, the current Forestry Grant Scheme offers generous grants for woodland scale planting, but these are not well suited for farmers.

Support should certainly be provided under the Agriculture Bill for tree-planting on farms, but this should prioritise integrated approaches such as agroforestry and agroecology (both recognised as whole farm approaches under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Section 35). Agroforestry grants under the Forestry Grant Scheme have not had much uptake, partly due to prohibitive eligibility requirements. There is a requirement for a simpler system and greater promotion of and advice on agroforestry amongst farmers. If tree planting were framed as part of farming, rather than as 'forestry', there would likely be considerably more interest in agroforestry. There is understandable push-back from farmers to the idea of taking land out of agricultural production for woodland creation. There is need for a greater focus on the integration of trees into farming systems, through agroforestry and silvopasture, rather than for a complete change of land use to forestry. Specific support for woodland crofts, and extension of CAGS to include woodland crofts would be hugely beneficial.

From a nature enhancement and restoration perspective, it is essential that any woodland created is diverse and native woodland. Government support should not be available for forestry projects which do not meet these criteria.

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.

Many of the key issues faced by rural communities are not addressed by this consultation. Clear connections with other legislation are required for rural development to be tackled in a holistic manner.

Powers are required to address the following challenges:

- Lack of affordable housing for those living and working in rural communities. The proliferation of short-term lets and second homes is reducing availability of rural housing and driving up prices. There is an urgent need for more rural housing, which we propose should be financed by a tax on second homes. Short term lets should be closely regulated, and preferential planning permission should be granted for permanent rural homes. In addition, it is essential that planning permission for accommodation on farms should be relaxed, to allow farmers and farm workers to live in comfort and dignity while producing our food.
- Access to land for new entrant and tenant farmers. Land prices in Scotland have risen dramatically in recent years, driven in part by unregulated carbon speculation. It is extremely difficult for new entrant farmers to access land, even for very small-scale food production. In addition, tenant farmers who are reaching the end of their leases often find themselves with nowhere to go, as the number of secure and affordable tenancies in Scotland dwindles. Indeed, a key issue with the otherwise highly successful Starter Farm project (Forestry and Land Scotland) is that participants have found it extremely difficult to find farms to move on to now that their initial tenancies are ending. Similarly, the interest in crofting far outstrips the number of crofts available. The Agriculture Bill must tie in closely with the Land Reform Bill to address these issues. In particular, we propose that crofting legislation should be extended to cover the whole of Scotland, and landowners should be incentivised to let their land for small-scale farming projects.
- Lack of food system infrastructure. As discussed in our response to other questions in this consultation, a lack of local food infrastructure, such as local abattoirs and small-scale grain processing facilities, is a key barrier to the development of local food systems. Investment in infrastructure for local food systems would create jobs and strengthen community resilience in rural and island areas.
- Unregulated carbon credit projects and carbon speculation, which are driving up land prices and leading to land use changes which are not well considered. We suggest private carbon credit projects should be banned in Scotland, as these have been shown to be ineffective in mitigating against climate change and risk having devastating effects on rural and island communities.

We recognise that many of these challenges are outside the scope of this consultation, but we believe they are essential so that efforts to support wider rural development in the Agriculture Bill are not undermined.

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.

We believe the powers we suggested in our answer to c) would lead to more employment, more housing, and greater local food system resilience in rural and island communities. Young people would be more likely to be able to remain in rural areas, and new entrant farmers and others who wish to live and work in the countryside would be better able to access this.

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.

Animal welfare is an important aspect of agroecological and organic farming, and is very important to our members.

The LWA believes that much of the animal agriculture which takes place in Scotland is too intensive, which poses a problem both in terms of animal welfare and sustainability. Locally produced sustainable meat is essential to Scotland's food system, and we advocate for a less-but-better approach to animal agriculture.

Minimum standards on animal health and welfare should form part of tier 1 conditionality, and with minimum standards increasing over time to ensure "continuous improvement" of animal health and welfare.

In particular, we support an end to factory farming of animals in Scotland, including pigs and poultry. The Agriculture Bill should include plans to transition away from this type of farming entirely, towards sustainable out-door systems and pasture-fed livestock. Funding should be available to enable farmers to make this transition, but should not be available for continuation of intensive indoor farming.

Intensive farming of animals has led to the development of numerous diseases which are dangerous both to humans and nature. Notably, the swine flu pandemic of 2009 and the current avian flu pandemic, which is decimating wild bird populations and devastating ecosystems, are thought to have arisen in intensive farming systems.

One of the biggest challenges associated with overly intensive systems is the routine preventative use of antibiotics. Farm animals consume one third of all antibiotics in the UK, and it is intensive farming systems that use drugs at unnecessarily high levels, putting human health at risk. For example, intensively reared UK pigs and poultry account for 79% of all antibiotic use. The more that antibiotics are used, the less effective they become and anti-microbial resistance is becoming a growing issue across the globe. Soil Association is part of the Alliance to Save our Antibiotics (ASOA), which has warned that 10 million people

a year could die from untreatable antibiotic-resistant infections by 2050 if we fail to take decisive action now. We recognise that significant progress has been made in UK farming in recent years, with an estimated 50% reduction in antibiotic usage. ASOA has a series of policy asks, which we support, including the call for a UK ban on the routine use of antibiotics and all preventative use of antibiotics in groups of animals. We also note the target within the EU Farm to Fork strategy to reduce sales of antimicrobials for farmed animals by 50% by 2030. Powers in this area are reserved to the UK Government, but we believe the Scottish Government can and should take a strong stance on this issue and help to drive improvement across the UK.

In order to move away from intensive livestock systems, support will be required for diversification of farming. This will have additional benefits to Scotland's farming system, including increased resilience to shocks in specific sectors, improved climate mitigation and nature restoration potential, and improving the quality of soils and food.

Organic standards provide a good metric for animal welfare standards, and there should be an intention for all livestock in Scotland to eventually be kept according to these criteria.

As described in our response to previous questions, the lack of local abattoirs in Scotland currently poses a serious threat to animal welfare. Our members look after their livestock to exceptionally high standards on farm, and are concerned that transporting them very long distances to be slaughtered causes significant stress to their animals. This both undermines local food systems and reduces animal welfare standards. There is an urgent need for government support for new local abattoirs.

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.

Support should definitely be included to make improvements to animal health and welfare beyond legal minimum standards, and a mechanism should be in place to allow for continuous improvement in animal welfare such that minimum standards can be raised over time. Minimum standards for receiving government funding should be set high, as public money should not be used to support unsustainable and practices and poor welfare standards in livestock production.

Funding should also be available to maintain good practices in animal health and welfare, rather than just for improvements, so as not to disadvantage those who already keep their animals to the highest standards.

A study from the European Commission looking at the CAP period 2014-20 found that, in most EU member states studied, animal welfare and antimicrobial use were mostly addressed through rural development measures, which proved to be most effective when combining investments in better housing conditions, feeding and health management – for example by increasing awareness among farmers via advisory services and training. Cross compliance was also found to be effective in influencing on-farm practice.

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 will be essential to collect this data to ensure cross-compliance, ensure continuous improvement in animal welfare standards, and to limit biosecurity risks. However, data collection should not place too great a bureaucratic burden on farmers.

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 support the inclusion of powers to support plant genetic resources in this legislation. Agrobiodiversity is essential for improving the resilience of our food system, and increasing food security in the face of increasingly unpredictable conditions. We support funding for both in-situ and ex-situ genetic diversity conservation projects, and believe these should involve Scotland's farmers as much as possible.

Changes to legislation around seed are urgently required to support this work. Many of our members grow diverse and heritage varieties of crops, and are helping to preserve these varieties *in situ*. However, legislation currently complicates and limits the marketing and sale of varieties which are not on specific lists, as well as heterogenous seed material. For example, there is mounting evidence that populations of wheat and barley, made up from a combination of genetically diverse varieties, are extremely effective in reducing disease

burden and improving overall resilience of crops. Organisations such as Scotland the Bread are pioneering work with genetically diverse grains and showing how this can benefit local food systems. However, regulations around the sale of grain varieties which are not genetically homogenous are limiting the scope of this work. Growing heterogenous crops is a key way to preserve and strengthen plant genetic diversity, and should be actively encouraged rather than limited by the Scottish Government.

In addition to support for growing heritage and heterogenous crop varieties, mechanisms must be put in place to encourage farmers to grow more different types of crops on their farms. Such a scheme should be ambitious, and aim to truly diversify cropping systems. Diversification to spring barley, winter barley and winter wheat, for example, will not support the conservation of genetic diversity we need to see. Diverse farming systems have many additional benefits beyond conserving genetic diversity, including improving soil health and fertility through rotations with legumes, reducing the need for chemical inputs, reducing disease burden on crops, improving economic resilience for the farmer, improving diet diversity and promoting natural biodiversity on farm. Growing diverse crops should be explicitly supported under both Tier 2 and 3 of the new agricultural payment system.

This consultation makes no mention of conserving animal genetic diversity, which is also extremely important. Many of our members keep and breed rare traditional breeds of farm animal, which are well suited to conditions in Scotland. Many of these breeds are able to weather the winters outside, with great benefits in terms of sustainability and animal welfare. Genetic diversity is essential in the animal population for the same reason as in plants: to improve resilience and reduce the threat of disease. The agriculture bill should also include support for farmers keeping rare and traditional breeds of animal, and should encourage farming of mixed varieties.

Support for conservation of genetic resources should extend to protection of traditional and farmers' knowledge in relation to this.

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.

The Agriculture Bill must support farmers to transition to practices which lead to improved plant health. Many agroecological and organic practices help to achieve this, and should be considered the primary method for improving plant health. For example, growing population crops instead of monocultures, growing crops in rotation, and planting diverse species and varieties are all effective ways of improving disease resistance and reducing pest burden.

Meanwhile, many modern intensive farming practices have negative impacts on plant health. For example, growing monocultures of grain with pesticides and fungicides is driving a constant evolutionary battle with crop diseases, leading to requirements for ever more complex and expensive chemical treatments. This has caused major issues in the current global context, with chemical input prices extremely high due to the war in Ukraine. In contrast, organic farmers have been able to maintain high levels of plant health without increased input costs. In addition, many modern crop varieties have been bred to be grown with chemical inputs such as nitrogen fertiliser. The Scottish Government should encourage the development and usage of crop varieties which do not require large amounts of chemical inputs to achieve plant health.

As mentioned above, the role of animal genetic diversity in improving animal health should not be forgotten, and this legislation should also contain powers around conserving animal diversity.

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 in this area must be significantly increased and updated if we are to bring about transformational change to our agricultural system.

Knowledge exchange and skills development are key to sustainable agroecological systems. Farmers know the most about farming, so peer-to-peer learning through, for example, farm visits, networking groups and online training are crucial to help farmers build or develop their skill sets. This type of training has been shown to be the most effective in leading to adoption of new sustainable practices.

In partnership with the Soil Association, Pasture for Life, the Nature Friendly Farming Network and Nourish Scotland, the LWA has been coordinating a peer-to-peer training programme on agroecology for the past two years, funded through the Knowledge Transfer and Innovation Fund. This project has reached thousands of farmers and crofters in Scotland, through farmer-led webinars, farm visits, demonstrations and peer-to-peer support groups, and has led to a substantial number of participants saying that they will adopt new sustainable practices on their farms. Projects such as this, which prioritise farmers knowledge and farmers needs, should take precedence for funding. Multi-year funding for skill-sharing projects is essential for such initiatives to be as effective as possible.

Existing advisory services must be updated to reflect the need for agricultural transition. The Farming Advisory Service still offers guidance to farmers on many practices which are unsustainable, and provides little in the way of guidance for agroecological farming. This

may be partly why uptake of FAS resources is not as high as it could be. Farmer-led guidance on agroecological, regenerative and organic farming should be prioritised, and offered to both practising and new entrant farmers at the appropriate level.

Overall, substantial investment is needed in this area, including funding for training in agroecological farming, such as accredited training for existing farmers and traineeships and apprenticeships for new entrants.

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

- Yes
- No
- Don't know

Please give reasons for your answer.

As highlighted in our response to a), our members have identified serious gaps in advice and training available for agroecological and organic farming. FAS resources put little emphasis on these areas, and there are no courses in agroecology or agroforestry available at university or college level in Scotland.

There is a particular need for accredited training in horticulture and market gardening. Many of our members provide excellent training for new entrants to the fruit and veg sector, but have very little in the way of financial resources to support this. Funding should be available for traineeships and apprenticeships on farms, and for farmer-led development of accredited courses.

KTIF offers a great opportunity to expand peer-to-peer education in the farming sector, and should be expanded in the coming years to support a just transition to regenerative agriculture. This must include multi-year funding, so projects can reach their full potential.

Investment in training for new entrant farmers and for young people is essential. Food and agricultural training and education are intrinsically linked. Giving children and young adults the skills necessary to grow, choose and prepare nutritious food provides benefits related to physical and mental wellbeing, and also provides foundations for the creation of a new, diverse generation of conscious farmers, crofters, growers and foresters. Increasing the visibility and accessibility of the food and agricultural sector, especially with regard to young people who may lack exposure, is crucial to increase diversity in land-based work.

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

- Yes
- No
- Don't know

Please give reasons for your answer.

Peer-to-peer learning has been shown to be the most effective way of increasing uptake of new practices in agriculture.

Targeted government action to support knowledge transfer should include:

- Support farmer-led, peer-to-peer learning programmes and networks for agroecological knowledge exchange.
- Prioritising the voices of farmer trainers and educators in the ongoing review of land-based education.
- Reforming farm advisory services to better support agroecological farmers, crofters, growers and foresters in Scotland.
- Providing funding to cover salary and NI payments for interns/trainees employed by small and medium scale agroecological farmers, crofters, growers and foresters.
- Create a National 5 and Higher qualification in organic/agroecological food, farming and forestry in every school.
- Support for the creation of a funded degree course in local and agroecological food.
- Recognise and strengthen the diversity of our farm workforce by providing more support to women and all gender identities, and monitoring ethnicity of the farming population in the Scottish Agricultural Census.
- Support a school recruitment programme including an “Agroecology and Land Based Careers Fair” initiative, to enable secondary school students to meet and talk with farmers, growers and foresters, and gain access to land based work experience.

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.

A less top-down approach to training and skills development, which prioritises farmer knowledge and needs, would be likely to have improved engagement. In addition, farmers should be fairly financially compensated for any work they do providing training and knowledge-sharing with other farmers. A ‘carrot rather than stick approach’ which gives farmers incentives (as well as the space and time) for continuous development of knowledge and skills, and a focus on farmer-led, land-based training, is 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.

We are unclear what is meant by this question. It is essential that equal treatment of farmers is assured through the tiered payment system, and in particular it is essential that small and medium scale farmers are not disadvantaged under any of the new funding schemes.

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.

Yes, this is essential to ensure public money is being used fairly and for public good.

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.

It will be necessary to monitor and audit what is happening on farm to evaluate the effectiveness of policies, ensure best value for money, and make ongoing changes to better target support. The Agriculture Bill deals with a very large amount of public money, and so the effect of interventions must be carefully scrutinised. However, data collection must not place too great an administrative burden on farmers and crofters.

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.

There is a need for transparency about public spending and the effectiveness of government interventions

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.

Yes, as above

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.

Yes, as above

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.

As above.

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.

This is essential to ensure there are sufficient benefits to spending of public money. Some monitoring of beneficiaries will be necessary to ensure they are complying with cross compliance measures. Progress towards the goals of the Vision for Agriculture and the Climate Change Act must be monitored, and conditionality updated over time to ensure continuous improvement.

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.

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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.

-

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 unclear what is meant by assurance in this question. Does this refer to schemes such as Soil Association certification? Different assurance schemes have very different standards and criteria, and the Scottish Government would need to monitor assurance schemes if it was to rely on them to assess outcome delivery.

Joining official assurance schemes can be expensive and heavily bureaucratic, which make this very difficult for small-scale farmers and crofters. While the Scottish government should certainly seek assurance from independent bodies on the delivery of outcomes, certification by specific schemes should not be a requirement for accessing funding under the new agricultural payment system.

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

- Yes
- No
- Don't know

Please give reasons for your answer.

There is a need for transparency around spending of public funds, as long as appropriate data protection procedures are followed

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.

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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 essential that tenant farmers have the same ability to diversify their practice as landowners, especially so that they can take actions such as tree planting and nature restoration which would entitle them to funding under the new agricultural payments system.

Tenant farmers are already at a massive disadvantage by not being able to make all their own decisions about land, and must not be left behind by the new payment system. Payments under every tier of the system should apply to tenant farmers as well as land owners.

It is unclear how this proposal fits with similar proposals under the Land Reform Bill for a Land Use Tenancy. Greater clarity and more joined up thinking on this is required going forward.

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

Waygo

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.

Tenants are already at a disadvantage by not owning their own land, and should have the same opportunities as land owners to undertake climate change mitigation and adaptation on their farms.

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.

Please give reasons and alternatives.

n/a

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.

This proposal would offer considerable benefits to both tenant and landlord. For tenants, in particular, this is very important as certainty is necessary when moving on to new projects.

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 to meet future global challenges?

- Yes
- No
- Don't know

Please give reasons for your answer.

In relation to organic farming and more broadly tenant farming, standards measured at WayGo are derived from the Rules of Good Husbandry and set out in the Agricultural Holdings Act (Scotland). WayGo picks up both Tenant Improvements (as defined by the Act) and includes Unexpired Manorial Values (UMVs) as a broad proxy for the health of the soil and the productive capacity of the land. UMVs and existing models of Good Husbandry are no longer fit for purpose. Understanding of Soil Health has developed markedly since these issues were covered by the Act. It is now recognised that Soil Organic Matter [SOM] and the biological life of the soil are key elements in measuring Soil Health and are key factors in resilience in farming. SOM and Soil Health in general take a long time to develop and organic farming tends to lead to higher levels of SOM and better Soil Health because FarmYard Manure [FYM] is more often returned to the land and there is no use of agrichemicals which are often detrimental to soil health over time. We believe that tenants (on both organic and conventional farms) should be able to claim SOM (as a differential from a starting point) as a tenants' Improvement at WayGo. Other measures of biological Soil Health should also be included. This would encourage tenants to invest in soil health and give them a direct financial return from this investment at WayGo. This will apply to all tenancies but be of particular benefit to organic farms.

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.

With the land market in its current state, and no caps on land rental, tenants will always be at a disadvantage in negotiations with landlords. Strong participation in negotiations from tenant farmer organisations will be essential, along with support and advice for tenants from the Scottish government.

In order to ensure adequate provision of tenancies and prevent rent prices from rising too high, all large-scale landowners should be required to lease a certain percentage of their land for local food production, as we discussed in our response to the Land Reform Bill consultation.

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.

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.

Yes, we agree that the Fair Work Conditions, including the real living wage, should be applied to all agricultural workers. Scottish farms will receive government money via the subsidy system. A system of social conditionality must be introduced where farms must comply with the Fair Work Condition in order to receive subsidy. Additionally, farmworkers will also be connected to the Scottish government via contracts with catering firms. The Fair Work Condition must apply to businesses in the supply chain of companies with direct contracts with the Scottish state.

There are necessary amendments to ensure that these standards can be applied to the specific workforce issues facing migrant agricultural workers. The main additional issues relate to labour market enforcement, employment restrictions placed on Seasonal Worker Visa workers, punitive use of zero hour contracts and piece rate systems, and regulation of employer provided housing. We have been working closely with Focus on Labour Exploitation, whose report on conditions for strawberry farm workers taking part in the Seasonal Workers Pilot in Fife includes a number of policy recommendations for the Scottish government to combat forced labour dynamics and ensure enforcement of labour laws.

To put the Fair Work Condition into practice, the Scottish government must establish clear and effective channels for workers to directly communicate conditions and violations of labour laws to the state. Current labour market enforcement via GLAA and AWI inspector visits lack effective capacity to provide real time monitoring of conditions and need to be supplemented by information provided by workers on the ground.

For this to happen, the workforce needs to have sufficient education of their rights and means of communicating with enforcement agencies. This education should be required as part of the Fair Work Condition's obligation for investment in workforce development. As it stands, many workers do not receive contracts in their language nor sufficient time to digest their contents. The Scottish government should require that all contracts provided by farms be translated into the native language of the worker, and provided to the worker prior to arrival in Scotland. Additionally all workers should be provided with a brochure in their language detailing the rights they are afforded under the Fair Work Condition, and Scottish government funding should be provided to trade unions and migrants organisations for worker engagement, well being programmes, and organising. A commissioner should be appointed to coordinate engagement with migrant workers.

The Scottish government should establish an independent helpline, open 24 hrs, 7 days a week with translation into workers' languages, for farmworkers through which concerns can be raised about potential labour abuse and labour exploitation. This helpline should be used to collate intelligence which can be acted on by enforcement agencies. All workers should receive this number prior to their arrival.

The majority of workers surveyed by FLEX received a piece rate for their work as opposed to an hourly wage. In combination with the use of zero hours contracts, many workers report being denied work in retaliation for not meeting targets. The Scottish government should

therefore introduce regulations relating to the calculation of piece rates in its introduction to the Real Living Wage. This calculation formula should be made public and communicated to workers. It should also legislate a minimum income for farmworkers equivalent to 35 hours a week at RLW, and for a guaranteed minimum number of hours to be included in workers' contracts. If worker incomes or hours fall below this minimum, it should be illegal for farms to charge workers accommodation costs.

Agricultural workers differ from in that the vast majority are provided with accommodation by their employers. 98% of workers surveyed by FLEX lived in employer provided caravans. To ensure decent housing standards, the Scottish government should amend the Caravan Sites and Control of Development Act 1960 so that agricultural caravan dwellings are no longer exempt from local authority licensing. The Scottish government should engage COSLA to develop minimum standards for agricultural caravan dwellings that can be used by local authorities to monitor and inspect sites.

Under the new Seasonal Workers Pilot, it is extremely difficult for workers to change their place of employment from the farm which they have been assigned. Workers also arrive with around £1,000 of debt arising from visa and travel costs related to the programme. Workers arriving in England from Nepal have faced severe hardship where the farms they have been assigned have not provided them work for their full 6 month stay. Until the Scottish government can determine its own migration system, the Scottish government should establish a hardship fund for workers who have been placed on farms unable to provide them with the work they have been promised.

a) 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?

In order to resolve labour shortages in agriculture, it is imperative that wages are increased. In the years following the 2008 financial crisis, the international value of the pound has consistently fallen and the value of currencies in Eastern European countries such as Poland and Bulgaria consistently risen. The real terms value of wages paid to seasonal migrant workers has therefore fallen considerably. Higher wages need to be introduced to both encourage recruitment and to ensure fair remuneration of work.

However, most agricultural businesses exist in a relationship of dependence on a small number of powerful supermarket and corporate buyers. The result of this dependence is many farms operate on very low margins and in a state of competition with other farms to meet the demands of supermarkets for cheap and high quality produce. The result is systemic degradation of working conditions arising from supermarket dominance of the supply chain and low tolerance for necessary improvements in wages.

The Landworkers' Alliance has been engaging with the Coalition of Immokalee Workers, a farmworkers' organisation based in Florida, who have established a successful package of policies to combat these tendencies called the Fair Food Programme. Part of this programme is the Fair Food Premium, where participating supermarkets and fast food companies pay an extra cent per pound ('penny per pound') of tomatoes from Florida to fund wage increases. By leveraging the economic resources of large corporate buyers, the programme rewards rather than punishes farms for paying their workers fairly.