



Soil Association Scotland response to the Scottish Government consultation: *Delivering our vision for Scottish agriculture – proposals for a new Agriculture Bill*

Introduction

The Soil Association agrees with the ambition within the Scottish Government’s Vision for Agriculture to deliver high quality food production alongside climate mitigation, adaptation, and nature restoration. The Vision acknowledges this will require a “transformation journey” for Scottish agriculture. We urge the Scottish Government, in light of the climate and nature emergencies, to ensure that this transformation happens at pace.

We also want to highlight that many farmers and crofters have already adopted nature-friendly farming approaches or have at least started on that journey. Some of those are certified organic by Soil Association, while others are accredited through organisations such as Pasture for Life or are part of the Nature Friendly Farming Network or the Scottish Government-backed Agriculture, Biodiversity and Climate Change Network. With a supportive policy framework in place, these farms and crofts are well positioned to be profitable businesses, producing high-quality and high-welfare food.

It is also clear that there remains much to do. Scotland is by no means immune to the global climate and nature crises. There is mounting evidence, including the 2019 State of Nature report and the Biodiversity Intactness Index, that this is a national as well as an international problem. The Scottish Government has recognised this and has rightly set ambitious targets for emissions reductions from agriculture and has recently consulted on a new draft Biodiversity Strategy with targets for on-farm nature restoration by 2030.

Delivering on the ambition of the Scottish Government Vision for Agriculture will require significant reform of the way in which public funds are used to support farming and crofting. We note the Scottish Government’s stated intention to remain as closely aligned as practicable to changes to EU policy and regulation, and the parallels between the Vision and the 10 new CAP objectives. We believe this alignment can be maintained while developing new policy and mechanisms that work for Scottish farming.

Recent agricultural policy has tended to view productive farming as separate from measures to promote tree planting or measures to protect or restore nature, when sustainable productivity is dependent on maintaining and restoring natural capital. This has to change, and we should be aiming to move trees as a forestry programme to trees as a tool to achieve farming objectives and to move nature from the margins to the middle of the field. At the same time, we should be changing the balance of what we produce, with less land used for growing crops to feed to animals or produce fuel and more domestic fruit, vegetable and pulse production.



The Soil Association has made the case in previous consultation responses to Scottish Government for a transition to agroecological farming and land use as an evidence-based solution that can deliver for climate and nature whilst maintaining high-quality, high-welfare and sustainable food production. Structuring policy to support a transition to agroecological farming offers a way to produce resilient, nutritious food, whilst simultaneously providing good return on investment through the provision of public goods such as improved soil health, water quality, carbon storage and enhanced biodiversity.

We would like to see targets within the Bill, for example for reductions in the usage of chemical pesticides and nitrogen fertiliser, in line with the EU Farm to Fork strategy. We would also like to see the Scottish Government build on its target to double the amount of land farmed organically by 2026 by aiming to reach 10% organic land by 2030. This would be in line with other EU nations such as Ireland and keep pace with the aim within the EU Farm to Fork strategy of 25% organic land across the whole of Europe.

We have welcomed the opportunity to take part in this consultation and have tried to feed some of our thinking on our vision for an agroecological transition into the questions below. While we understand that this is a consultation on framework legislation, there remains very little detail on what specific measures are likely to fall within the individual tiers, and crucially, what the balance of funding is likely to be across the four tiers. We look forward to continuing to engage with Scottish Government, at a ministerial and civil service level, on the detail of the framework outlined below in the coming months.

About the Soil Association

The Soil Association is a membership charity, formed in 1946 by a group of farmers, scientists, doctors and nutritionists who were determined to pioneer a world where we can live in health and in harmony with nature. Our vision is good food for all, produced with care for the natural world.

Today, the Soil Association works to develop, innovate and scale-up solutions for sustainable food and farming. Our Food for Life programme in Scotland, funded by the Scottish Government, now works with 18 of 32 local authorities, encouraging the use of more local and organic ingredients in school meals.

Through our trading subsidiary, Soil Association Certification, we work with over 6,000 businesses including organic farmers, growers and crofters, caterers, food processors and manufacturers across more than 50 countries, and certify over 14 million hectares of forest globally.

The Soil Association is a member of Scottish Environment LINK, sitting on the Food and Farming and Marine and Aquaculture groups. We are also part of the Scottish Organic Stakeholders Group and a founding member of the Alliance to Save Our Antibiotics.



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 x

No

Don't know

We have answered 'yes' to this question on the basis that we think the four-tier framework can be made to work, although that will very much be dependent on the detail and, in particular, the allocation of funding across the four tiers. None of that detail has yet been provided.

What is clear is that the new support framework will be vital in setting the direction of travel for agriculture in Scotland and helping the sector play its part in meeting statutory climate targets, including the immediate need to reduce emissions from agriculture by 31% from 2019 levels by 2032. Based on current progress, meeting this target will be challenging.

We note the Scottish Government commitment in the Programme for Government 22/23 to shift 50% of farm support to climate action and nature restoration and enhancement by 2025. We would question what the rationale or intervention logic is for the other 50% of public support. We have publicly supported the Scottish Environment LINK's campaign, *Farm for Scotland's Future*, that has called on government to go further and allocate at least 75% of the budget towards measures that help farmers and crofters reduce emissions and restore nature. We think this has to happen, and if it is not going to happen immediately, then that should be the clear direction of travel.

At present, three quarters of the agricultural budget is devoted to direct support, with no clear policy objective and limited benefit for the environment. We go into more detail on that point in our response to Question (b). We agree with NFU Scotland that the current system has created 'inertia' in farming practice, and we also agree with NFUS that the budget for agriculture should be, at the very least, maintained. We do recognise, however, that will be dependent upon the settlement from the UK Government, and that long-term budget planning is very difficult for the Scottish Government.

The consultation document rightly talks about the need for the new framework to be flexible, but we also think that farmers and crofters are looking for long term certainty about the shape of public support for agriculture, so there needs to be a degree of stability. The CAP ran in cycles of seven years, and the Scottish Government ideally should be aiming for something similar – or at least the length of a parliamentary term.



We note the Cabinet Secretary's statement to parliament on November 8th, and the commitment to maintaining the existing payment regions in the early part of the transition, with a further commitment to review the current three region model. We would encourage this review to happen as quickly as possible.

We also welcome the comments from the Cabinet Secretary that "those pioneering best practice right now" will be "recognised and rewarded" for actions they have already been undertaking. This is very important and has been a concern for many Soil Association licensees and others who are not certified organic but have been farming or crofting in a nature-friendly way for many years. As the Cabinet Secretary said, "it is only right and fair" that this good, and in some cases, pioneering practice is recognised.

Overall, we accept that the proposals within the consultation are moving in the right direction. The four-tier structure can begin to incentivise change provided the balance of funding allocated within the tiers is sufficiently weighted towards measures that can deliver emissions reduction and nature restoration, including – but not limited to – support for organic farming, investment in agroforestry, measures to reduce agrochemical usage as well as a significant increase in farm advisory services with a focus on the transition to agroecological and organic farming.

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 x

Don't know

The basic payment is sometimes referred to as 'income support', but that is highly questionable when the bulk of payments end up with the largest landowners on the most productive land, rather than with those with the greatest need. At present, the top 20% businesses take 63% of the budget, while the bottom 40% only receive 4.8% of the budget.

Soil Association believes we need to move away from the area-based payment system. We recognise, however, that many farmers would not be profitable without basic payment support. The challenge in the new framework is to use the roughly £600m agriculture budget to support food production while incentivising the change that we need to see to deliver positive outcomes for climate and nature. Economic modelling carried out by Soil Association has shown that policy support would provide best value for money if it were geared towards systemic change. For example, integrating trees and woodland into farming systems will become more widely established if the productivity benefits of agroforestry and



farm-scale forestry are better understood, market development is supported and if schemes effectively facilitate private natural capital investment.

As noted in our response to the previous question, we accept that the Scottish Government has made a commitment to continuing with direct payments for the time being, with, as we understand it, a 50-50% split between the Tier 1 base payment and the Tier 2 enhanced payment. On that basis, it makes sense for the eligibility requirements for Tier 1 to be enhanced to deliver greater environmental outcomes.

We agree that the base payment should only be available to active farmers and should be subject to enhanced cross compliance and greening measures. We think this should also include soil analysis (although we recognise Scottish Government has soil testing built into the National Test Programme, aimed as we understand it at Tier 2). Soil management is critical and healthy soils are the foundation of any sustainable system. We would argue that regular soil testing should be mandatory for any farmer, crofter or land manager in receipt of the base payment.

The Soil Association also supports the suggestion of requiring farmers and crofters to produce a 'Whole Farm Plan', but what constitutes a whole farm plan must be clearly defined. We offer more comment on this in the response to Question (f), including some comments around planning for tree planting on farm within the Whole Farm Plan.

We note that the Welsh Government included in its baseline requirements a minimum of 10% tree cover on farms, inclusive of existing woodland. A significant increase in the integration of trees on farms and crofts should be a priority for Scottish Government, and this ambition should be communicated clearly, with an emphasis on productivity gains. The evidence base is building that the careful and deliberate integration of trees and woodlands into farming systems as a land sharing or agroecological approach can boost productivity, rather than reducing productivity through loss of productive area, which is a concern voiced by many farmers. This is in addition to the benefits for biodiversity, soil health/structure, carbon and flood mitigation. Our view is that all farmers and crofters in Scotland should be making plans for integrating trees within their Whole Farm Plans and should be supported to do that under Tier 2 and 3, either as a direct requirement for payment or with additional grant support.

Over time, we believe that more funding needs to be moved out of Tier 1 and into Tiers 2-4. Our expectation would be for all farmers and crofters to eventually be going beyond the minimum standards required under Tier 1 so that they would all qualify for Tier 2 payments. This ambition should be communicated clearly and there should be a commitment to phasing out the base payment (Tier 1) by the end of the next parliament.

It will, therefore, be vital to strike the right balance in terms of the conditionality applied to base payments under Tier 1. If the requirements are too onerous, it may be difficult to move



many farmers and crofters quickly enough up to qualify for Tier 2. However, there is also a risk of stasis if there is not enough incentive to improve.

We would also like to comment on the threshold for eligibility for the Tier 1 base payment. At present, many small-scale farmers and market gardeners are not able to access payments because they are below the 3ha threshold.

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 may and can be more productive than large farms when productivity is calculated per hectare rather than per worker. Many of the small-scale producers in Scotland have adopted agroecological or organic approaches. Scottish Government should consider lowering the threshold to 1ha, abolishing it altogether or offering a Small Farms Scheme with a simplified process and a one-off flat rate payment, in line with the new CAP (which defines small farms as 10ha or below).

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 x**
- **No**
- **Don't know**

We think this is the part of the framework that will need to do most of the 'heavy lifting' to make Scottish farming and crofting deliver more for climate and nature targets.

It is right that there is a focus on emissions reduction and nature restoration, although we would like to have seen more detail on exactly what measures or mechanisms the Scottish Government plans to use under this Tier.

We have welcomed the introduction of the National Test Programme, however, with soil analysis, carbon audits and biodiversity audits on farm. These are all important for benchmarking the state of Scottish farms and crofts and can help to guide farmers and crofters towards improvements they can make to make their businesses more sustainable and resilient – as well as contributing towards national climate and nature targets.

Much will depend upon what measures are included under this Tier. It is likely that farmers will gravitate towards measures that are easiest to adopt, in order to receive the payment, but that may not deliver the outcomes desired.



It is difficult to tell from the consultation exactly what is meant by the term 'efficiencies' and we are wary of relying on technology or increasing the intensity of farming practices rather than looking at systemic change or at the root causes of problems on farm. We think the best way to deliver on reducing greenhouse gas emissions and nature restoration is farm to agroecological or organic principles.

Studies have shown that organic farming can deliver emissions reductions of 20% on average, while also increasing biodiversity on-farm by 30%. We will discuss organic farming in the response to the next question, but it is worth pointing out that organic farmers and crofters are likely to meet the requirements under Tiers 1 and 2. The greening 'exemption' for organic farmers should be continued.

As noted in the response to Question (c), we think agroforestry and farm-scale forestry should also fall under this Tier. There are significant benefits from integrating trees and farm woodland, and the process of tree planting and developing agroforestry systems would also deliver in terms of emissions reduction and nature restoration and enhancement. This is also in line with the Vision for Agriculture, which includes 'integrating trees on farms'. One scenario modelled by Soil Association and Cumulus in the *Trees and Woodland in the Farmed Landscape* report suggested that a modest allocation (in range of 1-5% of Scottish farmland) would lead to an extra 342,000ha of woodland and trees outside woodland by 2050. This would include a wide range of agroforestry systems, including silvopastoral and silvoarable planting. Examples where this could be particularly effective are shelterbelts in dairy systems, which have been found to reduce thermal stress in animals and increase milk yields, or the use of trees in free range poultry systems, which has been found to reduce stress and lead to productivity benefits compared to intensive systems. There are also opportunities for existing and new woodland on farm to be better integrated into the wider management of the farm enterprise e.g. by providing timber/woodchip for on-farm use, controlled grazing in woodland and off-farm sales of tree products, as well as carbon credits for farm-level net zero and possible off-farm sale to supply chain or third-party investors.

Tier 2 actions could also include a range of other practices that would help farms to reduce emissions or restore and enhance nature. Agroecological practices that should be incentivised in addition to agroforestry include minimising synthetic nutrient and pesticide inputs, use of rotations, minimal tillage, use of cover crops, introduction of herbal leys, use of legumes, integration of livestock into arable systems and higher welfare standards.

The Soil Association is keen to continue engaging with Scottish Government and Scottish Forestry in the design of new policy and payment rates for integrating trees. We note the Cabinet Secretary's commitment in the Nov 8th parliamentary statement to 'co-development' of the Tier 2 Enhanced Payment, and we would be keen to contribute to that process.



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 x**
- **No**
- **Don't know**

We agree with this, although there is a very broad range of measures included in the consultation including nature restoration, innovation support, supply chain support as well as support for organic farming and for co-operatives or groups involved in delivering targeted outcomes who may not necessarily receive support under Tiers 1 and 2.

We would have liked to see organic farming be granted more than just a passing reference within the consultation, given the Scottish Government commitment to double the amount of land under organic management during this parliamentary term. Conversion to organic farming clearly provides benefits in terms of emissions reduction and nature restoration, and organic is a form of 'sustainable and regenerative' farming.

The new framework must also provide a clear incentive for entering organic conversion. It is also important that existing organic farmers, as well as those entering conversion, are rewarded for the public goods they are delivering.

We suggest that the Scottish Government follows the example of the Irish Government, which has recently announced a significant increase in funding to support organic farming, including the introduction of 'participation payments' on top of higher payment rates for conversion and maintenance, as well as investment in advice, supply chain development and marketing. Ireland is a good comparator for Scotland, both in terms of the overall area of organic land (2% vs 1.8% in Scotland) and the fact that Ireland is in the EU, which the Scottish Government has committed to following in terms of policy and regulation, while also aiming to re-join the bloc in the event of a vote in favour of independence.

The Scottish Organic Stakeholders Group report, *Pointing the way to an organic action plan for Scotland*, made a suite of recommendations for investment beyond conversion support, including supply chain development, research and innovation, advisory services and public procurement. Local processing is a huge issue at present that needs to be addressed. The lack of local abattoirs is causing significant problems, admittedly not just for the organic sector, but organic producers are badly affected by this. Ultimately, a lack of regional processing infrastructure will seriously hamper the Scottish Government's ambitions within the Good Food Nation Act and the emerging Local Food Strategy.

Grant support for agroforestry and farm woodland could also come into this category, but given this Tier will be partly competitive, we would suggest that may not deliver the scale of



uptake required, and it may be better to encourage, or mandate, farmers and crofters to develop agroforestry and farm woodland systems under Tier 2.

More broadly, we agree with Scottish Environment LINK that this Tier should establish a nature restoration scheme to support farmers to undertake the creation and restoration of specific habitats such as wetlands, heath, habitat mosaics, species-rich grassland, as well as species and habitat specific management. These options should have the scope to generate a significant and wide range of public goods. That should include improved water quality, flood prevention, carbon sequestration and storage, biodiversity and landscapes. It should operate with longer term timescales (10 years recommended) and should have a significantly enhanced level of ambition compared with previous agri-environment schemes. Where possible, options should have an element of outcomes based, targeted funding with scope for land managers to take the lead on delivering successful outcomes.

These competitive interventions could include (but not limited to):

- Species-specific management (e.g. for corncrake, chough, waders)
- Management of specific habitats such as wetland, heath, habitat mosaics, species-rich grasslands
- Specialist moorland management plans
- Creation/restoration of specific habitats such as species-rich grassland, wetland, peatland, floodplain, coastal saltmarsh
- Conservation grazing
- Management of invasive non-native species
- Nature led ecosystem restoration (rewilding)
- Rewarding management of conflict species (beaver, sea eagle, geese)
- Tree, shrub and/or hedge planting
- Instream/river and on-land interventions to mitigate flooding and to manage sediment for water quality
- Education infrastructure, events and service
- Catchment scale water quality and habitat restoration

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 x**
- **No**
- **Don't know**



Tier 4 is the most difficult to assess from the proposed framework. It includes a very wide range of support, including LFASS and coupled support schemes, in addition to advisory services, which we think will be one of the most important aspects in terms of delivering on the Vision for Agriculture.

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. We strongly agree and would call for a substantial refocusing of support into this area. This will be essential if Scotland is to transition to agroecological farming and land use, and also if the opportunity for integrating trees with farms and crofts is to be fully realised. This investment should include upskilling of existing advisors, building on the work of the Farm Advisory Service and Integrating Trees Network to date, and also the recruitment or training of specialist advisors on organic and agroecological approaches, including agroforestry.

Knowledge exchange and knowledge transfer will also be a very important part of the transition. Previous projects funded by the Scottish Government including the *Agroecology: Facilitating Mindset Change*, with Soil Association, NFFN, PFLA, Landworkers Alliance and Food, Farming and Countryside Commission have proved successfully in reaching several hundred farmers and crofters. That peer-to-peer learning approach needs to be scaled up significantly as we know that farmers learn from other farmers.

If tree planting is to be included as part of complimentary support under Tier 4, then this should be focused on farm-scale forestry and investment in innovation/supply chain development, with support for hedges, shelterbelts, riparian planting and in-field agroforestry systems covered in Tiers 2 and 3.

Support for Areas of Natural Constraint or LFASS and coupled support for beef and sheep sectors are arguably closer to direct payments than 'complimentary support' and we are not sure why these are included in Tier 4. We would be concerned that this could take up a significant amount of the budget for 'complimentary support', but recognise the rationale for providing support, particularly for ANS/LFASS.

The agroecological vision for the uplands, as modelled by IDDRI and the Food, Farming and Countryside Commission, is based on a 'wilder' landscape, extensively grazed by mixed livestock at low stocking rates on wood pasture. This low-input approach is, in our view, in line with High Nature Value (HNV) farming and crofting approaches. This would allow for continued productive agricultural activity in the uplands, with farmers and crofters rewarded for the public goods – including increased biodiversity and flood risk management. We would like to see this supported, but not through Tier 4. It would make more sense in our view for these payments to be folded into Tiers 1-3 on the basis of nature restoration and supporting active farming that delivers for climate and nature.



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 x**
- **No**
- **Don't know**

Soil Association agrees that a 'Whole Farm Plan' should be required as part of eligibility criteria for the base payment, but we think that what constitutes a whole farm plan must be very clearly defined.

Our view of a whole farm plan is that it should be an assessment of the farm's assets, enterprises and constraints, as well as the setting of objectives in the short-term and long-term. The farm's assets should include an inventory of woodland/trees/hedges on farm and consideration given to the outcomes that the farmer wants to achieve from additional tree planting. This is important as the integration of trees must be carefully planned.

We would also argue that soil management should be considered as part of the whole farm plan (and that healthy soils should be considered an asset). In addition, this assessment of assets should include wider environmental challenges and opportunities such as habitats, protected species and water management with Tiers 1 and 2 support then directed to achieving and maintaining favourable condition or enhancements to protect and maintain e.g. water quality and flood risk.

It is, however, important that the whole farm planning requirements are as simple as possible. All farmers are time-poor, and many will feel that this is just an additional burden or more paperwork. It must be clearly communicated that the development of a whole farm plan is ultimately a business planning exercise, considering farm system and natural capital, and all aimed at making the farm more efficient and profitable – as well as being one of the requirements for receiving financial support.

There needs to be careful design to ensure that the benefits of whole farm planning are facilitated in a cost-effective and efficient manner, without becoming a barrier to the farmer.

This design must also be workable for small-scale farmers and crofters. Concerns have been raised during the consultation process that additional requirements for receiving support may disproportionately impact upon smaller producers. As stated in previous response, Scottish Government may consider a simplified application process for small-scale farmers and crofters, such as a Small Farms Scheme (although that should still require some form of whole farm planning).



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

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

The initial report from the second Just Transition Commission, *Making the Future*, set out in its priorities for agriculture that an Agriculture Just Transition Plan needs to be developed at the same time as the Agriculture Bill progresses. It also made the case for increased public investment in training, expanded capacity for advisory services and training for advisors. We would agree and have made the case in responses elsewhere in this consultation of the need for more investment in advisory services for farmers.

It is important, therefore, that there is coherence across Scottish Government policy, from the Land Reform Bill to the Agriculture Bill and the Just Transition Plan for Agriculture.

The consultation paper touches upon the government's support for integrated land management, and changes to land management that contribute to climate and biodiversity goals – in line with the recommendations of the Just Transition Commission.

Future land use change has also been covered by the UK Climate Change Committee and the National Food Strategy, which proposed a 'three compartment model' for the UK. This involved; (a) using the least productive land to provide most greenhouse gas removals and to expand semi-natural habitats for wildlife; (b) producing a significant portion of our food on the most productive land, with support to reduce inputs and increase sustainability without lowering yields; and (c) supporting farmers on the remaining land to boost their incomes from payments to integrate much more space for nature into their farms, even where it results in lower agricultural yields. This is based on the view that the least productive agricultural land (mostly in the uplands) is well suited to nature restoration and carbon removal. Clearly this would have significant implications for Scotland.

The agroecological vision for the uplands, as modelled by IDDRI and the Food, Farming and Countryside Commission, is based on a 'wilder' landscape, extensively grazed by mixed livestock at low stocking rates on wood pasture. This low-input approach is in line with High Nature Value (HNV) farming and crofting approaches. These systems would allow for continued productive agricultural activity in the uplands, with farmers and crofters rewarded for the public goods – including increased biodiversity and flood risk management.

All of these scenarios assume some level of dietary change in the UK, which to date, has not been seriously addressed by politicians anywhere in the UK. In our view, and based on the



TYFA work, this means the consumption of 'less but better' meat, and 'more but better' fruit, vegetables and pulses. The TYFA diet is based on reductions in intensive pig and poultry, alongside a much smaller reduction in the consumption of red meat.

These are all significant challenges that will require a careful, strategic approach from government.

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 x**
- **No**
- **Don't know**

We agree that the framework should not be set in stone and agree that there should be some adaptability or flexibility built in. However, as we have said in earlier responses, farmers and crofters would also benefit from a degree of certainty that could be provided by programmatic cycles of 5-7 years (per the previous CAP).

We also recognise that technological improvements will continue to happen, as well as advances in research and scientific evidence around the impact of climate change.

However, advances in agricultural technology are often designed to enhance reductive measures of performance, such as yield. This has contributed to the intensification of agriculture, exacerbating a range of negative externalities. As noted in the Soil Association *Agroecotech: How can technology accelerate a transition to agroecology* report from 2021, burgeoning technologies may be more aligned with agroecological farming. Innovations are making technologies available that can accommodate the complexities of agroecological systems, which could facilitate a form of agroecological production that is less labour intensive and therefore more scalable.

Soil Association has also repeatedly called for a shift from agrochemical to agroecological research and development (R&D) funding. Historically, agriculture R&D has tended to focus on efficiencies or advances within conventional systems.

There is also a strong case to be made for more farmer-led innovation. Ten years ago, Soil Association launched Innovative Farmers, a not-for-profit membership network for all farmers and growers to run on-farm trials on their own terms. This was based on the idea that, quite often, the best ideas in farming come from farmers themselves. However, farmers often have to go it alone, and what they learn stays on the farm. Innovative Farmers



teams groups of farmers up with academic researchers for practical, hands-on 'field lab' trials on new approaches. Most of the Innovative Farmers work has been in England so far, but there is an opportunity to expand this model further in Scotland.

As the farming and crofting sector transition to 'sustainable and regenerative' farming, there is a strong case to be made for investment in farmer-led innovation, knowledge sharing and scientific research in agroecological approaches.

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 x**
- **No**
- **Don't know**

We are currently in a situation where there are numerous pressures on the agricultural sector, including high energy bills, the rising cost of inputs, the availability and cost of feed and labour shortages. Some of these challenges, particularly around energy costs, affect all sectors of the economy, although agriculture is particularly exposed. Many of the issues facing the sector can be linked to global events such as the ongoing conflict in Ukraine and the Covid-19 pandemic, but there is pressure on national governments to take action to protect or support particular sectors that are suffering at any given time.

We note that under the new CAP, there is provision for a 'crisis reserve' to cope with future shocks, and there is an argument to be made for flexibility within the Scottish Agriculture Bill to allow for similar payments to be made. However, there must also be a very clear definition of what is meant by 'exceptional or unforeseen conditions' or 'major crises'. We would be concerned that Scottish Government would face regular requests for support from individual sectors that could make the case that they were facing a 'crisis' at that time. For example, the Scottish pig sector could have legitimately argued it was facing a 'crisis' this year, while the ongoing challenges around access to seasonal labour could, and has been, described a 'crisis' for the horticulture sector. There would have to be a limit to how often and to what degree the government would be able to intervene.

One of the lessons from the war in Ukraine is that we need to build more resilience into our food systems. Despite some of the rhetoric around the threat to food security, what the Ukraine crisis has really shown is that our farming system is overly reliant on fossil-fuel-based fertiliser and grain-fed animal production. The solution is a shift towards agroecological farming, with the use of legumes to fix nitrogen and reduce the need for



nitrogen fertiliser, more expansive pasture-fed livestock systems and more land freed up from growing crops to feed to animals.

If we have a more resilient food production system, we will be better placed to cope with future shocks, whether in terms of extreme weather events or rises in input costs.

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 x**
- **No**
- **Don't know**

We support the proposal for the Agriculture Bill to include powers and other mechanisms to allow future payments to farmers, crofters and land managers to support delivery of national climate change mitigation objectives, including the statutory greenhouse gas (GHG) emissions reduction targets and duties set in the Climate Change (Scotland) Act 2009.

The World Wildlife Fund (WWF) Scotland report, *Reaching Net Zero in Scotland*, from 2019 examined 37 different measures to reduce GHG emissions. These were focused on agricultural practice, with land use change (such as from agriculture to forestry) and non-agricultural activities (e.g. input manufacturing or food processing) outwith the scope of the study. 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.

The findings of the WWF Scotland report are in line with the IDDRI modelling referred to earlier in this consultation response. IDDRI looked at the impact of an agroecological transition in the UK and found that it could reduce GHG emissions by 38%. Both reports acknowledge the need for dietary change as well as changes to policy. Examples of policy interventions recommended in the WWF report include payment systems for innovative approaches; input reduction and improved soil management; support for advice and investments; regulatory and fiscal options including input taxes or quotas or tradeable carbon quotas linked to input use; carbon, nitrogen and sustainability auditing; training and skills developed; improved GHG monitoring; and targeted research.



Some of these measures have been discussed in previous responses, and others (e.g. carbon auditing) are already underway in Scotland as part of the National Test Programme.

There is also potential within the proposed funding structure to provide capital grants or loans for low-carbon farm equipment such as minimum tillage seeders or drones, or investment in 'no-fence' grazing technology to help encourage a shift, for example, from specialist arable to more mixed farming systems.

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 x
- No
- Don't know

We agree that the Agriculture Bill should include powers and other mechanisms to allow future payments to farmers, crofters and land managers to support delivery of national climate change adaptation objectives including building resilience to relevant risks identified in statutory Climate Change Risk Assessments.

As noted in previous responses, we must focus on building more resilient food systems. The solution is a shift towards agroecological farming, with the use of legumes to fix nitrogen and reduce the need for nitrogen fertiliser, more expansive pasture-fed livestock systems and more land freed up from growing crops to feed to animals. Soil Association has evidenced in recent reports on agroforestry, including one produced with Woodland Trust Scotland, *Integrating Trees on Farms and Crofts in Scotland*, benefits in terms of climate adaptation by improving flood prevention.

We have also previously commented on the need to shift the balance of what we produce in this country. That includes an increase in domestic production of vegetables, fruit and pulses. To help facilitate this change, capital grants or loans could also be made available, for example, to encourage growth in the glasshouse sector, or more polytunnels to accommodate diverse vegetable and fruit production.

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 x**
- **No**
- **Don't know**

We agree with the proposal and have set out much of our thinking on this in responses to previous questions.

However, we would question whether the focus on conditionality for Tier 2 payments should solely be based on outcomes, as the consultation question appears to suggest, or actions. Some outcomes, for example to improve soil health or increase on-farm biodiversity, will not happen overnight and it may take years to accurately measure improvements. We agree it is vital to monitor and measure progress, but it is unclear at this stage how payments would be made in the early years of the new system on this basis.

We suggest that some payments may have to be made for actions taken on farm (e.g. tree planting), while in other cases, it may be more appropriate to make an assessment on outcomes. The 'outcomes' focus will be particularly pertinent to those that have already been farming and crofting organically, agroecologically or in a nature-friendly way for many years. These farmers and crofters will already be carrying out many of the actions likely to be suggested for mainstreaming under Tiers 1 and 2 and should be rewarded for doing so.

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 x**
- **No**
- **Don't know**

The current support mechanisms for tree planting in Scotland focus on woodland expansion which is achieved through tenure change (from farmers to another landowner), some of which will take land out of agricultural production. This overlooks an important opportunity to significantly increase the presence of trees in the farmed landscape through agroforestry and farm woodland managed as part of the farm enterprise, which would complement farming systems, including crofting.

As we have discussed in previous responses, trees on farms can provide a range of benefits to farmers, crofters and to wider society. They can be used to regulate growing conditions for the benefit of crops and animals, provide shelter from wind, rain and heat, regulate soil



temperature, support important populations of pollinators, enhance water conservation, reduce soil erosion and enrich soil fertility.

They can also produce materials for sale or use on farms including timber, fruit, firewood and fodder, allowing for important diversification opportunities. Trees on farms also provide significant ecosystem services – which benefit all of society. They can reduce pollutants entering water courses, help to control flooding downstream, absorb carbon from the atmosphere and provide improved habitats for nature.

The joint Soil Association and Woodland Trust Scotland report, *Integrating Trees on Farms and Crofts*, was endorsed by NFUS, Scotland's Rural College (SRUC) and the Scottish Crofting Federation. Among the recommendations in that report were the development of policies to facilitate the integration of trees and woods, acknowledging the wide range of public goods delivered by trees on farms, including carbon sequestration, water management, soil health, biodiversity and animal welfare. Appropriate funding mechanisms to support tree planting on farms and crofts – but crucially also to incentivise all farmers and crofters to engage in tree planting – were also recommended. We acknowledge the work already underway and led by Scottish Government and Scottish Forestry in terms of the future of the Forestry Grant Scheme. New funding models will have to be incorporated into the new payment structure (Tiers 2-4) alongside specialist advice and support schemes for farmers and crofters and a well-funded knowledge exchange platform and woodland education in agricultural training courses. We look forward to engaging with Scottish Government on the detailed work on funding options for agroforestry options.

Nature Protection and Restoration

Questions

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 x**
- **No**
- **Don't know**

There has understandably been a focus within government on emissions reduction from agriculture, given the impending 31% reduction target for 2032.



However, Soil Association believes that improvements in soil health, plant diversity and improved grassland management (including grazing management, greater diversity and incorporation of legumes) are all as important for building more resilient farming systems as the drive for net zero/emissions reduction.

We therefore strongly support the proposal to include a mechanism to protect and restore biodiversity, support clean and healthy air, water and soils, contributing to reducing flood risk locally and downstream to create thriving, resilient nature.

As we have described in previous responses, this can be achieved via systems change to more agroecological and organic approaches to farming. This should include, as already argued, support for the integration of trees on farms and crofts.

There is also an opportunity to achieve biodiversity and climate benefits through a focus on carbon rich habitat restoration and maintenance e.g. peatland. Some of these habitats, such as native woodland, will also help SG to achieve tree planting targets as well

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 x
- No
- Don't know

There are some measures that are beneficial for nature maintenance and restoration that won't bring any direct commercial benefit, but nevertheless deliver outcomes that have a clear justification for public support. For example, the creation of hedges, destocking on peatland, riparian management, or land management practice to protect particular species.

Agri-environment schemes have helped to fund environmental improvements on farm for many years under various iterations of the CAP. Analysis by James Hutton for NatureScot explored the uptake of the AECS scheme for the 2015 to 2018 rounds and found that almost 20% of CAP claimants have taken part in the scheme and about 20% of agricultural land is managed for biodiversity and climate benefit. AECS also helped contribute towards national performance indicators and national commitments include the Climate Change (Scotland) Act, the Air Quality Strategy and the Nature Conservation (Scotland) Act. However, we are still seeing ongoing declines in nature. We would argue that more funding needs to be made available for these types of projects under Tier 3 of the proposed system, but the design of the schemes, along with monitoring and evaluation, will all be important to ensure the measures are contributing towards the desired outcomes.



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 x
- No
- Don't know

Collaborative landscape/catchment scale restoration and management should be an integral part of Scotland's approach to tackling the biodiversity and climate crises. A large-scale approach will be crucial in achieving a healthy functioning environment which can continue to deliver the ecosystem services we depend upon.

Such funding should also be supported by bespoke advice, guidance and coordination - often groups of farmers and land managers need support to collaborate, in order to demonstrate that collectively they can secure the desired changes while continuing farming operations.

The value of facilitation in supporting collective action by groups of stakeholders was demonstrated in Soil Association's *Landscape Leadership* programme, in which 10 Landscape Leaders were supported to co-develop action plans balancing environmental, social and economic priorities for landscape-scale change and management. Collectively, the group manage over 75,000 acres of land, and despite a diverse set of aims and priorities, all were united in their desire to restore nature and mitigate climate change for Scotland's future generations. They worked together in a mix of residential and then online sessions from January to October, with leadership coaching and input from land managers running large-scale environmental projects, such as assessing natural capital on the Buccleuch Estate and exploring potential carbon markets.

The Rural Innovation Support Service (RISS) is another example of how facilitation and coordination can support groups of stakeholders with diverse and sometimes competing priorities, to navigate these, agree on collective goals and co-develop plans for action. An inclusive and collaborative approach is also key to embedding lasting change – when stakeholders and communities are involved in the decision making and design processes, changes are more likely to be implemented and embedded.

Therefore, the role of facilitation is especially important where multiple stakeholders are involved, and where environmental outcomes require radical land use change, such as afforestation to tackle climate change or protection of cultivated peat land. Care should also be taken to address the cultural and social impacts of such change, and the impacts on the wider systems of supply chain infrastructure and critical mass (for example to avoid stranding farms in areas of rewilding). Opportunities should also be sought to optimise ecosystem services where land use change is already happening, including the integration of



food and timber production where possible and appropriate (for example mixed woodland and food production systems). Such landscape scale change should be funded through a distinct funding strand and would be the one best suited to novel mechanisms and new funding streams (such as carbon credits).

For this support option to be most effective it should be shaped by a strategic approach to land use which will enable efforts to be targeted and coordinated. For geographically specific environmental outcomes requiring landscape scale management, support may need to be awarded on a targeted basis.

High Quality Food Production

Questions

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 x**
- **No**
- **Don't know**

We are answering 'yes' to this on the basis that we agree Scottish Ministers should have flexibility to respond to circumstances in common market organisation. We agree the government should be able to respond via financial support for specific sectors if necessary.

However, we are not sure what is intended by 'easily make changes to rules on food'. The Scottish Government has made commitments to align with EU standards and laws (Programme for Government 2021) so we would expect that to continue. If this ability to make changes is limited to technical fixes or necessary updates to retained EU law, then we would support that.

We remain very concerned about the direction of travel of recent UK Government policy in this area, particularly the introduction Retained EU Law Bill. Many of the environmental, food and animal welfare protections that have been built up over several decades are now at risk, with serious implications for our farming and food production systems.

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 x**



- No
- Don't know

Based on the narrative within the consultation document, we see no problem with this.

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

- Yes x
- No
- Don't know

We believe that a transition to agroecological farming, as described in previous responses, would lead to the production of high quality and high welfare food, which would only enhance the 'green' credentials of Scottish food and drink. This is where we see the need for policy coherence, from the Good Food Nation Act (and the National and Local Good Food Plans), the Local Food Strategy, the Biodiversity Strategy and the Agriculture Bill. This should include measures to strengthen the supply chain and, where necessary, amend retained EU regulation to suit Scottish needs.

We also think that there may be different interpretations of what "high quality" food production means. It is not defined in the Vision for Agriculture, nor in the Good Food Nation Act. Soil Association would argue that the method of production should be a factor in determining quality. For example, beef, lamb, venison, pork, chicken, fruit, vegetables, pulses and dairy products certified as organic should be considered high quality in our view. 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 (although organic would qualify as agroecological), regenerative or High Nature Value systems, but those systems are climate and nature-friendly, so would, in our view, deliver high quality food production. Food products granted Geographical Indicator status could also be designated as high quality. These are just suggestions, but we think that Scottish Government should be clear what is meant by "high quality".

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 x
- No



- **Don't know**

We agree that the Agriculture Bill should include a mechanism to provide grants to support industry in the agri-food supply chain.

There are many challenges facing the agri-food supply chain at present, including rising inflation, energy costs and access to skilled labour. There are also infrastructure barriers to the Scottish Government's ambitions within the Good Food Nation Act and the Local Food Strategy, including a shortage of local abattoirs. Addressing these issues will be crucial to encouraging more short supply chains and direct sales – of which there are many great examples across the country. We would also welcome the encouragement of more local producer groups/co-ops.

On the academic/education side, there are gaps within current provision. For example, there is no dedicated agroecological training in further education, with the closest course the MSc in Organic Farming at SRUC. We would also like to see a Scottish course on agroforestry, in addition to incorporating farm-level tree planting into mainstream agriculture courses. There is also a lack of opportunities for formal training for market gardeners. This is an area where Scotland should be aiming to encourage more growth. There are many great examples, from very small scale to larger producers – many of whom are already following agroecological or organic principles.

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 x**
- **No**
- **Don't know**

We are in a climate and nature emergency and there is a high likelihood of increased extreme weather events in future months and years. There are also global issues that can affect food distribution, such as the ongoing conflict in Ukraine.

We are supportive of Scottish Ministers, on consultation with industry, to have the powers to declare when there are “exceptional or unforeseen conditions”, provided these are clearly defined terms in the declaration.

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 x
- No
- Don't know

Yes, as above.

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 x

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 x
- No
- Don't know

We support the continuation of support for rural and island communities, previously covered under the CAP Rural Development Plan. This has been and should continue to be a way of supporting rural activity beyond farming and crofting, addressing some of the wider economic and social challenges in rural and island communities.

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 x**
- **No**
- **Don't know**

We have outlined our views earlier in the consultation about where we think support for agroforestry and farm woodland should sit within the new structure. There is currently provision for agroforestry grants within the Forestry Grant Scheme (FGS), but there has been very low uptake. The FGS provides relatively generous funding for woodland scale planting, with some opportunities to flex the scheme to support small group planting, shelterbelts and riparian strips. However, the scheme is primarily focused on the forestry sector, primarily facilitates a tenure change approach to land use change and can be complex for farmers to navigate. Although there are two agroforestry options, these are limited to better land and are based on individual tree protection in low density plantings, which collectively rules out many agroforestry systems for Scottish farmers. We are aware that work is ongoing within Scottish Forestry and Scottish Government, with input from key stakeholders including Soil Association, and we will continue to engage with that process and work towards the development and design of a new system of support better suited to on-farm agroforestry systems such as silvoarable and silvopastoral planting.

As an overarching principle, the design for support for farmers to integrate trees and woodland into their farming system should be bespoke and based on a bottom-up design approach, rather than flexing existing forestry schemes.

Further to this design point, we also advise that the framing for the support to integrate trees and woodland into farming system will be important for effective uptake. If the support is clearly framed as support for farming, with trees and woodland as a tool to support farming objectives and farm enterprise productivity, this is more likely to be successful than if framed as 'support for forestry'.

We are aware that the FGS provides funding for many other activities beyond woodland creation, and we would want to see that continue, so we would agree that there is a place for the Agriculture Bill to help encourage more integrated land management.

We also note that Scottish Forestry has announced a consultation on the 'refresh' of the FGS, opening in January next year. We will be engaging with that process and feeding our thoughts on the future of forestry policy and support more widely, in due course.

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

- **Yes**



- No
- Don't know

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

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 x
- No
- Don't know

Animal welfare is one of the most important aspects of organic farming, and the Soil Association has long campaigned for improvements in conventional farming systems. Our organic standards ensure that animals are given plenty of space and fresh air and as far as possible are raised in conditions that suit their natural behaviour. Organic standards also cover living conditions, food quality, the use of antibiotics and rules around transport and slaughter.

Many systems of keeping livestock are, in our view, overly intensive. We want to see a transition away from those intensive farming systems to more extensive, outdoor farming and that ensures a healthy 'good life' for all farm animals.

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 10million 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.

We welcome the ambition within the consultation paper for Scotland to aspire to a “continuous improvement” in animal health and welfare, and the commitment in the Vision for Agriculture to “enhance” animal welfare standards. We also note that improving animal welfare and combatting antimicrobial resistance are included in the ten objectives for the new CAP, “responding to societal demands on food and health”.

While we appreciate that it is unrealistic to expect all farmers and crofters to immediately meet organic standards on animal health and welfare, that level should be regarded as the “gold standard” and the ultimate goal for all. We agree that minimum standards on animal health and welfare should be a part of the universal requirements for Tier 1 payments and look forward to seeing the detail of what is being proposed.

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 x**
- **No**
- **Don't know**

We have answered ‘yes’ to this question, although we would like to see more detail in terms of what is being proposed. In principle, we agree the Scottish Government should have the power to make payments to support improvements beyond the legal minimum standards. However, the caveat would be that we don’t yet know what the minimum standards would be, so it is difficult to gauge how much more improvement would have to be encouraged via payments. Ideally, Scottish Government should not have to use public money to pay farmers to provide high standards of animal health and welfare.

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.

Pressure from civil society can also encourage authorities and farmers to agree to changes in practices. Mandatory labelling of eggs according to the production system, introduced by the EU, has given consumers the choice of buying eggs that are organic, free range, barn or cage, which has subsequently influenced consumer demand.

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

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

Yes, if there is to be any conditionality for payments linked to animal health, welfare or biosecurity, then data will need to be collected and shared. There is also an argument to be made in terms of continuous improvement and for benchmarking for best practice, which can help to lift overall standards.

Plant Health and Genetics

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 x**
- **No**
- **Don't know**

We agree that Scottish Ministers should have powers to support for the conservation of Plant Genetic Resources and agree that should include support for community seed banks.

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

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



We would also like to make the wider point that plant breeding and the varieties we grow play a crucial role in sustainable agricultural systems. There is increasing evidence, for example, that evolutionary plant breeding in organic and agroecological farming systems can help address the complexities of climate change while stabilising yields and decreasing agrochemical use, reducing climate-damaging emissions, and producing healthy food.

Given the mounting evidence of the impact of a changing climate, it is clear that we will need new plant varieties to achieve more sustainable and resilient agriculture. This will also require a change in the current UK plant breeding system.

C. Skills, Knowledge Transfer and Innovation

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

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

The knowledge and skills required to effectively deliver sustainable, regenerative and climate-friendly farming, crofting and food production are diverse and evolving; therefore the range of support available must also be diverse and responsive to changing needs - both in terms of content and mechanism.

The current range of support available for advice, knowledge transfer, innovation and skills development is broad enough to introduce and showcase practices through one-to-many events at one end of the spectrum and facilitate in-depth learning and co-innovation at the other. Both are important.

While the one-to-many approach can be an effective tool in engaging those who are at the start of a journey of change, evaluation of our KTIF-funded projects (such as the Mob Grazing group, Farming for the Future programme and others) supports the idea that embedding lasting changes in attitude and behaviour is more likely to happen in smaller-scale peer groups supported by experts, advisors and innovation services. Around 90% of participants in our Farming for the Future project reported having made one or more changes to their farming practice (and plans for further change) as a result of engaging in a group.

We welcome the inclusion of innovation support in the proposals, which was a central feature of the Rural Innovation Support Service, which supported 53 innovation groups to develop projects and co-innovate practical solutions to address a range of challenges and



opportunities. While expert input was important, facilitation of peer co-design and co-innovation was the key to effective problem-solving and overcoming challenges. This successful programme would not have happened without Pillar II funding. While all groups reported finding the process and outcomes valuable in one or more ways, a number of groups made tangible contributions to the industry, including (but not limited to) PCN control in potatoes, shortening the supply chain of organic rapeseed, PRRS elimination in pigs, and improving habitat for wading birds. While innovation support has been proposed under Tier 3, we strongly recommend that the scheme is linked to the People Development strands in Tier 4, particularly FAS and KTIF – a number of RISS groups went on to receive KTIF funding to further test ideas and innovations through Operational Groups, and/or to inform KTIF and FAS dissemination activity.

Another key element of embedding change is timescale - particularly when working with groups of stakeholders. Learning journeys and real change take time to develop and implement, and we would emphasise the importance of multi-year funding for mechanisms like KTIF in particular. The conclusion of the report from the KTIF-funded *Agroecology: Facilitating Mindset Change* project earlier this year found that the project needed to be continued “on a larger scale and over a longer period of time”.

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

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

There are a number of areas where we believe additional investment is required to deliver on the ambition for a just transition to “sustainable and regenerative” farming.

The Farm Advisory Service offers a significant amount of quality advice and support on a range of topics, however there are gaps in the availability of specialised agroecological and organic advice – which is particularly important to address given the government’s commitment to increasing the amount of land under organic management. More advice and support for designing and implementing agroforestry and farm woodland systems would also be valuable.

Scottish Government should also give priority to KTIF applications which will lead to greater uptake of agroecological and organic farming, lead to emissions reductions, and deliver biodiversity gain from farming. As mentioned above, multi-year funding will be key to delivering change, particularly for increasing uptake of large-scale change such as implementing agroforestry and farm woodland systems.



Another gap which might be addressed relates to our educational institutions – there is currently no course for agroecology, and no course in Scotland for agroforestry. We think it is worth exploring whether these topics could be developed as courses in their own right or included in mainstream agriculture courses at e.g. SRUC and others.

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

- Yes x
- No
- Don't know

As discussed in response to Question (a) above, we suggest more emphasis going forward on knowledge *exchange* rather than one-way transfer – behaviour change is more effectively driven by facilitated peer learning and co-innovation than one-to-many dissemination (although this is still an important gateway to behaviour change). The KTIF scheme supports this approach; and it has worked particularly well in our Innovative Farmers field lab model as highlighted in previous responses. The SEFARI paper *The adoption of agroecological principles in Scottish farming and their contribution towards agricultural sustainability and resilience* discusses the value of small-scale farmer-led peer learning for embedding lasting behaviour change.

We also suggest that FAS could be better linked to UK and EU-level innovation networks like the Farmer Led Innovation Network (FLIN) and the EIP Agri platform. Soil Association regularly benefits from knowledge exchange with EU peers on agroecological approaches and innovations; and suggest that linking into these networks would allow innovation and learning from a wider knowledge base to be disseminated to farmers and land managers in Scotland.

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

- Yes x
- No
- Don't know

Working in partnership with a wider network of farming union and membership organisations, to co-develop, deliver and disseminate skills, knowledge and advice, could be an effective way of mainstreaming a culture of ongoing learning through group participation and promotion through established trusted networks.



For farmers receiving public payments, we also suggest that some form of CPD should be part of the requirement to receive payments – which could include KT and skills development; particularly focussing on areas such as soil management and agroecological approaches.

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 x

We agree, but we would like to see the terms more clearly defined. For example, what might the “specific disadvantages” that farmers or land managers face that would make them eligible for compensation? How do you define “equal treatment” of farmers?

We could make the argument for intervention on behalf of organic/agroecological farmers on the basis that the price of food produced by intensive systems does not reflect the climate and environmental costs of those methods of production. Organic prices reflect the costs of sustainable practices, including, for example, higher standards of animal welfare. That could be seen as unfair competition in the marketplace.

An argument also could be made to intervene on behalf of new entrants; to allow them to upskill quickly into using novel and agroecological approaches, and to encourage collaborative approaches and co-innovation.

A clear statement of the purpose of this power, and under what circumstances it would be exercised, is required.

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

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

- Yes x
- No
- Don't know



This will be essential for the functioning, monitoring and evaluation of the new payment system.

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 x
- No
- Don't know

The Scottish Government must have the ability to monitor and evaluate what is happening across the farming sector to ensure best value for public money, to monitor the impact of policy and regulatory changes, and to make improvements or more targeted interventions where and when required.

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 x
- No
- Don't know

Yes, where public money is being spent there should be transparency.

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 x
- No
- Don't know



We are calling for the Scottish Government to shift more funding towards payment for public goods, so we would welcome alignment with principles of the Scottish Public Finance Manual. It is right that the use of public money is subject to tests for economy, efficiency and effectiveness, as well as promoting good practice and high standards.

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 x
- No
- Don't know

Yes, it is important the new system is robust and that checks are in place to ensure the best use of public funds. The administrative checks should be accompanied by checks on compliance for those in receipt of public funds.

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 x
- No
- Don't know

Yes, as above, and where necessary.

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 x
- No
- Don't know



All of this has to be monitored to ensure best value for public money, to ensure farmers and crofters are complying with the requirements of the schemes, and to monitor progress towards goals e.g. emissions reduction, nature restoration, reductions in agrochemicals.

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 x
- No
- Don't know

Yes, as above.

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 x
- No
- Don't know

Yes, as above

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

- Yes x
- No
- Don't know

In principle, yes, but would require more information on exactly what is meant by 'independent assurance' and how this would be carried out.

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 x
- No
- Don't know

It is important to have transparency around the use of public funds, provided relevant data protections are in place. We also believe that all payment details should be in the public domain, not just those above a certain level.

I) 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 x
- No
- Don't know

We agree with this and have flagged wider concerns earlier in this consultation response about the direction of current UK Government policy in this area, particularly in relation to the Retained EU Law Bill, but also in relation to the UK Precision Breeding Bill and the potential impact on powers in devolved areas as well as the integrity of the organic market.

E. Modernising Agricultural Tenancies

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 x

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 x

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

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

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 x
- No
- Don't know

Yes, there will need to be a degree of flexibility for the future

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

Amendment to rules of good husbandry and good estate management



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

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

In terms of the rules of good husbandry, there is a strong argument for amending or updating some of the issues covered under the Act. Understanding of soil health has developed markedly since 1948. It is now recognised that soil organic matter and the biological life of the soil are key elements in measuring soil health and are key factors in resilience in farming. However, SOM and soil health in general take a long time to develop. For those farming to organic standards, there tends to be higher levels of SOM and better soil health because farmyard manure is being returned to the land and there is no use of agrichemicals. 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 would apply to all tenancies but be of particular benefit to organic farms.

Questions

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

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

Please give reasons for your answer.

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

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

Please give reasons for your answer.



Question

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 x

F. Scottish Agricultural Wages (Fair Work)

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

- Yes x
- No
- Don't know

In principle, we see no reason why farm workers should be treated any differently to workers in any other sector of the Scottish economy. Soil Association wants to see resilient and profitable farming businesses with high quality and well remunerated jobs in farming.

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

The introduction of a Real Living Wage for agricultural workers may well pose a challenge for the business model adopted by some farmers/growers in Scotland. If those businesses are unable to pay a Real Living Wage, then we should be asking why that is the case, and how our food system needs to change so that people working on farms can be paid fairly.

Chapter 4

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

There may be cost implications in some sectors from shifting to more high welfare, high quality systems of food production. However, there will also be savings (for example from



reducing the use of nitrogen fertiliser and chemical pesticides). That's why government support should be targeted to help achieve the desired outcomes for climate and nature, rather than being distributed on an area-based payment basis.

There has been some concern expressed during the consultation about the "burden" of extra compliance or paperwork (e.g. whole farm plans). The benefits of these proposals must be communicated clearly, such as the 'business plan' element of the whole farm plan that can make farms more efficient and profitable. As mentioned previously in this consultation response, consideration also needs to be given to what is being asked of small-scale producers and crofters, to ensure the process is not too onerous.

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

An emphasis on Tier 2 payments (relative to Tier 1), and incentivising sustainable and regenerative farming practices, would likely generate multiple positive impacts through supporting nature restoration and enhancement and reduction of greenhouse gas emissions.

Supporting an increase in organic farming will also have a number of positive impacts, which have been highlighted throughout this response, but we reiterate that key to this will be the level of support for conversion and maintenance rates (and the possible addition of a flat rate payment as outlined earlier in the consultation). Scottish Government has committed to doubling the area of land farmed organically in Scotland – achieving this will require a tangible incentive to convert.

We also suggest that focussing advice, knowledge and skills development on agroecological approaches will support upskilling in these areas, which in turn will support improvements in biodiversity, habitat and ecosystem function as highlighted throughout this response.

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

Please give reasons for your answer.

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

Please give reasons for your answer.

e) Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability,



gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

Please give reasons for your answer.

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

Please give reasons for your answer.

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

Please give reasons for your answer.