

## Consultation on Proposed Agriculture Bill – the set questions and answers from SANA

The consultation paper can be viewed in full at: <https://consult.gov.scot/agriculture-and-rural-economy/proposals-for-a-new-agriculture-bill/consultation/>

In large part, these responses to the set questions follow from what was said by SANA in reply to an earlier consultation. In this, we focussed on water quality and quantity impacts which arise from land use and from changes to land use. A particular concern was rural land being converted from farming to forestry, mainly driven by what we see as false market signals that result in the value of land being driven up by generation of “carbon credits” and spurious claims for the green credentials of other tree growing. However, we have been careful not to criticise true farm forestry and have lauded the possibilities for riparian tree planting as a means of mitigating effects of climate change.

Possibly, the worst outcome (for anglers) that could result from this Bill proposal, is that big swathes of land go out of agricultural use and are used for wholesale tree planting. I hope that this text helps to stop that possibility.

### 1. Future Payment Framework

*Q 1.1. Do you agree with the proposal set out above, in relation to the Agriculture Bill including a mechanism to enable payments to be made under a 4 tiered approach?*

Yes  No  Don't know

A: SANA would support three tiers. See below our responses to questions 1.3 and 1.4.

*Q 1.2. Do you agree that Tier 1 should be a ‘Base Level Direct Payment’ to support farmers and crofters engaged in food production and land management?*

Yes  No  Don't know

A: That topic is primarily a subject for farmers to comment on. SANA has no locus on this matter.

*Q 1.3. Do you agree that Tier 2 should be an ‘Enhanced Level Direct Payment’ to deliver outcomes relating to efficiencies, reducing greenhouse gas emissions and nature restoration and enhancement?*

Yes  No  Don't know

A: As noted below, in response to question 1.4, it is not clear that an “enhanced level direct payment” is a different kind of support mechanism from an “elective payment”. Nor is there

any sense that the purpose of rewarding good works that offer no market returns to farmers is different between the two tiers.

In the proposal, tier 2 is advertised as non-competitive, i.e. all applications will be funded. A simplified application process for combined 2 and 3 level applications could accommodate that aim for designated classes of applications. We recommend that those relating to the water environment be identified for non-competitive funding.

*Q 1.4. Do you agree that Tier 3 should be an Elective Payment to focus on targeted measures for nature restoration, innovation support and supply chain support?*

Yes  No  Don't know

A: On the assumption that the question is posed in the context of competitive tenders for support, it is regrettable that “nature restoration” has been placed in this category. However, we would support the principle of the idea if the range of eligible subjects were extended to include projects and management actions that contribute to water conservation and to the wider water habitat – such as well-planned riparian woodland.

Further, there appears to be some confusion as to whether there is any difference between the purposes of tier 2 and tier three payments, excepting the concept of supply chain development. Perhaps, the budget for on-farm projects should be amalgamated and the supply chain issue should be handled by other means, perhaps within the scope of industrial development through Scottish Enterprise. Three tiers of application for farm support would also offer administrative clarity.

*Q 1.5. Do you agree that Tier 4 should be complementary support as the proposal outlines above?*

Yes  No  Don't know

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

A: That topic is primarily a subject for farmers to comment on. SANA has no locus on this matter.

*Q 1.6. Do you agree that a ‘Whole Farm Plan’ should be used as eligibility criteria for the ‘Base Level Direct Payment’ in addition to Cross Compliance Regulations and Greening measures?*

Yes  No  Don't know

A: That topic is primarily a subject for farmers to comment on. SANA has no locus on this matter.

*Q 1.7. Do you agree that the new Agriculture Bill should include a mechanism to help ensure a Just Transition?*

Yes  No  Don't know

A: That topic is primarily a subject for farmers to comment on. SANA has no locus on this matter.

*Q 1.8. Do you agree that the new Agriculture Bill should include mechanisms to enable the payment framework to be adaptable and flexible over time depending on emerging best practice, improvements in technology and scientific evidence on climate impacts?*

Yes  No  Don't know

A: That topic is primarily a subject for farmers to comment on. However, there is also a public interest aspect in that changing conditions, including climate considerations, should advise how land is used with respect to consequences for water quality and quantity. We suggest that interaction with the River Basin Management Planning process should advise adaptation of support payments to meet new situations.

*Q 1.9. Do you agree that the new Agriculture Bill should include mechanisms to enable payments to support the agricultural industry when there are exceptional or unforeseen conditions or a major crises affecting agricultural production or distribution?*

Yes  No  Don't know

A: That topic is primarily a subject for farmers to comment on. SANA has no locus on this matter.

## [2. Delivery of Key Outcomes: Climate Change Adaptation and Mitigation](#)

*Q2.1. Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change mitigation objectives?*

Yes  No  Don't know

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

A: Association of this proposed bill with other aspects of how government influences land use is very important.

Future agriculture policy for Scotland will affect how land is used and for what purpose. Both of these outcomes can have profound implications for the quality of freshwater and coastal habitats in Scotland for fish – through both the quantity of water available and the quality (chemical composition) of its constituent parts.

A particular concern is the amount of land which might be taken out of agricultural production and planted with trees, in large part influenced by a relatively new income stream,

carbon credits. The net effect could be a substantial loss of water volume to water bodies in Scotland. However, SANA is very much in favour of well-defined new planting as a positive contribution to water quality (buffering) and water temperature (shading).

It is important to the freshwater environment in Scotland that much of the land should remain in agricultural use. True farm forestry and the positive possibilities for riparian tree planting are means of mitigating effects of climate change. Wholesale expansion of forestry is not.

Rural land use is a complicated subject because of the diverse land uses which can impact on water bodies and how they relate to each other. Having a planning preference for how a site should be used excludes other possible uses.

A current issue, which is driven by the climate change agenda, is the search for opportunities to generate carbon credits by overseas corporate bodies through acquisition of farm land in Scotland for planting with trees. It is recognised that there is widespread foreign demand for sites to plant trees on Scottish soil. This is to offset carbon emissions produced overseas. Countries and/or companies have targets to meet and land for tree planting can be scarcer elsewhere\*. Also, within the UK there is official advocacy of growing trees for the purposes of selling carbon credits. See: <https://www.gov.uk/guidance/the-woodland-carbon-code-scheme-for-buyers-and-landowners>

More generally, SANA is concerned that insufficient attention is paid to disbenefits of afforestation, e.g. consumption of water by trees, acting as a vector for acidification of watercourses, contributing to flood events and badly configured drainage leading to deposition of silt in watercourses.

On specifically climate grounds, an issue of good practice should be the design of forests. For instance, an objective of forest design can be to moderate water temperature through shading. However, shading is only good practice for some fish species. Also, there should be a clear distinction between conifers and deciduous trees, with a preference for the latter on or near watercourses. While dense planting of commercial conifer forests is the major concern, dense planting of deciduous forests may cut out most of the light too, other than during winter. In short, forest design, with respect to water, should be integrated with local fishery management objectives.

In general, deciduous woodlands protect water quality, limit bank erosion and bed erosion and minimise siltation problems, not just beneath the tree canopies, but also in the water courses downstream. Densely planted conifers let in so little light that almost all ground cover plants, themselves potentially soil-binding, are absent. Streams in commercial forestry areas tend to be more acidic, sometimes acutely so, also they are flashy in flows and prone to dry up. While these problems are widely understood and accepted, and mitigation measures are available, will these be applied sufficiently to preserve natural riparian and water channel biodiversity? High standards of forest/woodland design and subsequent implementation on the ground are fundamental to mitigation measures. Therefore, there needs to be strict

enforcement and substantial penalties for non-compliance. Deterrents against bad practice are needed. Otherwise, grants for climate mitigation measures could result in frantic tree planting - a numbers game without sensible controls.

\* “We consider land value as a key constraint and there is a pinch point where forestry cannot compete. Our research shows that the average land value in England is just under £8,000 per acre, or £5,000 per acre for poor livestock land. However, in Scotland, where a lot more planting takes place, suitable land is generally below £2,000 per acre, meaning the case for conversion to productive forest is easily made.”

Source: [https://www.savills.co.uk/research\\_articles/229130/239002-0](https://www.savills.co.uk/research_articles/229130/239002-0)

*Q 2.2. Do you agree with the proposal set out above, in relation to the new Agriculture Bill including measures to allow future payments to support climate change adaptation objectives?*

Yes  No  Don't know

A: We see prospective climate change as a key driver of public policy on land use. The experience of increased extremes – viz. heavier rainfall events, more droughts and especially higher water temperatures - is very concerning for the conservation of native freshwater species. The amelioration measures through land use should be: slower discharge to water courses; better water retention and shading of habitats used by juvenile fish.

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

Yes  No  Don't know

A: See comments above in responses to questions 1.4 and 1.5.

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

Yes  No  Don't know

A: See comments above in response to question 2.1.

## [2.1 Nature Protection and Restoration](#)

*Q 2.1.1. Do you believe the new Agriculture Bill should include a mechanism to protect and restore biodiversity, support clean and healthy air, water and soils, contribute to reducing flood risk locally and downstream and create thriving, resilient nature?*

Yes  No  Don't know

A: See responses to questions in section 2 above.

*Q 2.1.2. Do you believe the new Agriculture Bill should include a mechanism to enable payments that are conditional on outcomes that support nature maintenance and restoration, along with targeted elective payments?*

Yes  No  Don't know

A: See comments above in responses to questions 1.4 and 1.5.

*Q 2.1.3. Do you believe the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration?*

Yes  No  Don't know

A: For the purposes of catchment management, the appropriate scale for analysis and oversight of data is local. SEPA local offices might be an appropriate scale but we suggest that District Salmon Fishery Boards and/or Fishery Trusts might be contracted by central government to collate and analyse data that is relevant to the water environment. Likewise, action by farmers should be designed as solutions to issues identified in the River Basin Management Planning process. They should be supported for all costs involved, capital and maintenance and, where relevant, for any loss of agricultural capacity.

## [2.2 High Quality Food Production](#)

There are seven questions on section 2.2, all relating to agri-food issues. It was agreed that we do not answer these. If necessary, we say that these are subjects outwith our interest in the Bill. We have already made the general point about questioning whether it is wise to fund food processing development from the agriculture budget rather than from the industrial development/enterprise budget. That could reduce resources available to the actions which SANA supports.

## [2.3 Wider Rural Development](#)

Section 2.3 is about wider rural development. It proposes that the new Agriculture Bill should provide Scottish Minister's powers and other mechanisms to allow:

- Activity in and financial support for rural development and the rural economy generally.
- Activity related to the delivery of community led-local development to enable delivery of the principles identified above.
- Activity in and financial support for collaboration and the sharing of information, ideas and good practice.
- Activity in and financial support for innovation in agriculture, food production, forestry, and land management.
- Activity in and financial support for farmers, land managers, rural and island communities and stakeholders to influence policy developments.

- Activity in and financial support for public access and the understanding of land use.

There are four associated questions. It was agreed that we do not answer these.

### [2.3.1 Animal Health and Welfare](#)

Ditto – no reply. However, I was struck by the contrasting tone of this section, relative to everything that we have learned about health and welfare in the salmon farming industry. If that sector were defined as part of “agriculture”, I believe that much of it would be closed down.

### [2.3.2 Plant Genetic Resources and Plant Health](#)

Ditto.

### [3. Skills, Knowledge Transfer and Innovation](#)

Ditto.

### [4. Administration, Control, and Transparency of Payment Framework Data](#)

*Q 4.7. Do you agree that Scottish Ministers should have the power to create a system that would provide for cross compliance, conditionality that covers core standards in relation to sustainable environment, climate, Good Agricultural and Environmental Condition (GAEC), land, public and animal health, plant health and animal welfare, Soil health, carbon capture and maintenance?*

Yes  No  Don't know

A: We want awareness about how land management can affect the wider environment to be a prominent part of regulation of the industry as well as compliance being a condition of financial support. The collection of data for reporting, as a condition of support, would have a double benefit: the data in itself and the effect of keeping attention on the implications of land practices.

The key focus should be manure spreading and all chemical inputs to the land, viz. fertiliser, herbicides, insecticides, sheep dip etc..

There have been pronounced and far reaching changes in arable and mixed arable/livestock farming areas of Scotland. Although these areas only comprise around 10% of the land area of Scotland the adverse influences of evolving agricultural practices over the past seventy years have adversely impacted on the water environment of many rivers.

Some of these impacts are apparent to those who have observed them develop over the years while others are not apparent to the naked eye. These many and varied impacts are well known to the authorities and recognition of them is evidenced by regulations coming into play this century. These regulations are welcome but their effect in returning rivers, whose catchments are largely arable, to their former condition can be likened to closing the stable door after the horse has bolted.

In this context, two metre no-plough buffer zones, riverside fencing, hard-standing watering points and the regulated timing of spreading natural and artificial fertilisers will help in controlling diffuse agricultural pollution, siltation and eutrophication in enriched catchments. Inspections to advise land managers on fully complying with regulations should continue and should be more widely carried out. Given that the Scottish Government has a complete database of farm businesses and inspects farms, inter alia for compliance with the requirements of Good Agricultural and Environmental Condition, we suggest that SEPA liaise with the Scottish Government for advice on where and when to carry out inspections in addition to SEPA's current programme. That programme could be usefully extended to random inspections, as opposed to reaction to known pollution events.

#### [5. Modernisation of Agricultural Tenancies](#)

No reply .

#### [6. Scottish Agriculture Wages \(Fair Work\)](#)

Ditto.

#### [\(7\) Assessing the Impact](#)

The paper says: "It is important that we understand in more detail the impacts that the options set out in this consultation paper on the new Agriculture Bill may have.

During the consultation period we plan to contact stakeholders to discuss the potential positive and negative effects of our proposals and those that others may suggest.

Please use these questions to tell us your views on these issues."

It was agreed that we should make summary reference to the issues raised above. I.e., no new text.

These are as follows:

"SANA is concerned that costs and burdens on agricultural enterprises should not be so great that they have the effect of transferring land use to intensive forestry. Were this to happen, less water would be available to rivers and lochs.

This is something that is already happening in many areas."

"We have no objections to farm forestry, especially tree planting which contributes to improvement of riparian habitats. Wholesale loss of farmland to forestry is another matter.

On other aspects of how farmland is managed, the consultation appears to lack prioritisation of measures that mitigate or improve how the water environment is impacted. We suggest that more thought should be given to the distinction between competitive and non-competitive allocation of environmental funding for farms."

