

# **Agriculture Bill - Analysis of Consultation Responses**

**June 2023**

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# Executive Summary

## Introduction

This report presents the independent analysis of responses to the consultation on a new Agriculture Bill.<sup>1</sup> The consultation ran from 29 August 2022 to 5 December 2022. The consultation sought views on proposals which aim to deliver the Scottish Government's Vision for Agriculture, which was published in March 2022.<sup>2</sup>

In total, there were 392 valid responses to this consultation comprising of responses from 225 individuals and 167 organisations.

## Future Payment Framework

The majority of respondents to the consultation agreed with the proposals set out in relation to the proposed four-tier approach.

While respondents were broadly supportive of the proposals, concerns were raised in relation to aspects of the conditionality attached and the potential complexity of the system. There were also calls for more detail on the specifics of the Future Payment Framework.

Views were more mixed on proposals in relation to a 'Whole Farm Plan' being used as eligibility criteria for the Base Level Direct Payment. There were concerns raised regarding the Whole Farm Plan and its potential to further complicate an already complex system. Others felt that a Whole Farm Plan was a positive proposal due to the potential for achieving planning for nature restoration, while being productive.

There was also broad support for proposals in relation to the inclusion of a mechanism to help ensure a Just Transition, though some wanted more detail around what this would entail.

A common theme throughout this section was a call for more detail on the specifics of the Future Payment Framework.

## Delivery of Key Outcomes

### Climate change adaptation and mitigation

The majority of respondents to the consultation were in favour of proposals around allowing future payments to support climate change adaptation and mitigation objectives.

Many were in favour, in principle, to incentivise the adoption of climate change adaptation and mitigation measures. There were also more calls for clarity on how

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<sup>1</sup> [Supporting documents - Delivering our vision for Scottish agriculture - proposals for a new Agriculture Bill: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/2022/08/29/Supporting_documents_-_Delivering_our_vision_for_Scottish_agriculture_-_proposals_for_a_new_Agriculture_Bill_consultation_-_gov.scot)

<sup>2</sup> [Sustainable and regenerative farming - next steps: statement - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/2022/03/03/Sustainable_and_regenerative_farming_-_next_steps_statement_-_gov.scot)

these payments would be made and on what basis with concerns they may complicate existing payment structures.

On proposals related to conditional payments based on outcomes that support integrated land management, there was broad agreement in favour of these proposals. A key argument in favour was that this conditionality could drive outcomes, though others highlighted that the right balance had to be struck between focused conditional payments and up-front payments which would allow landowners to make the required changes to achieve outcomes in this space.

Another common view was that the consultation focused too much on these aspects and not enough of food production, given that farm profitability would be the key to being able to deliver outcomes in this area.

Again, there was a sense that there was not enough information in the consultation document to comment beyond agreement or disagreement in principle. This detail will be considered during the secondary legislation process.

### **Nature protection and restoration**

There was broad agreement with the proposals in relation to nature protection and restoration. Specific points raised were in relation to a recognition of work already done in this space which should be supported further, and that such mechanisms would be vital in the face of a perceived nature and climate emergency.

There was also positivity towards support for conditionality based on outcomes, but again a sense that a balance had to be struck between these and providing enough support for people to attempt to meet outcomes in this space.

### **High quality food production**

There was general agreement among respondents to the proposals set out in relation to high quality food production.

There was a sense that giving Scottish Ministers powers in this space was imperative in a landscape of considerable policy change and global uncertainty. Others who were less supportive stated a lack of confidence in Ministers and Governments to appropriately intervene in a way to make appropriate, sustainable changes to rules on food.

There was wide support for the proposals to declare when there are exceptional or unforeseen conditions affecting food production or distribution, though there was a desire to see what could be seen deemed exceptional or unforeseen as clearly defined with a framework in the Bill.

### **Wider Rural Development**

There was broad support for the proposals on wider rural development set out in the consultation document. However, there were more mixed views on the inclusion of non-agricultural sectors to be considered for support.

Despite the general agreement with the proposals, many questioned the place of this in the Agriculture Bill and raised concerns about whether funding would be diverted away from agriculture.

Those in favour would often point to the symbiotic relationship between rural communities and agriculture and a focus on sustainability.

### **Animal Health and Welfare**

There was broad support for the proposals as set out in the consultation document, with broad recognition of the importance of high standards for animal health and welfare and promoting best practice in Scotland. There was a sense though that the proposals could duplicate efforts given that current welfare standards in Scotland were seen to be high and covered by Assurance schemes.

### **Plant Genetic Resources and Plant Health**

There was widespread agreement with the proposals among respondents. There was a sense that the conservation of existing genetic material was important to maintain crop diversity and ensure food security.

### **Skills, Knowledge Transfer and Innovation**

There was widespread endorsement among respondents that support should continue in the area of skills, knowledge transfer and innovation.

Continued support was viewed as vital to ensure there could be a thriving agricultural sector in future, to encourage new entrants and to encourage new delivery methods and innovative solutions going forward.

It was, however, argued that current support is insufficient and there were gaps in delivery and improvements to certain areas that were identified.

### **National Reserve**

Views were more mixed around the establishment of a national reserve with some believing it was required for the reasons set out in the consultation while others queried this given the costs to administer and called for more detail.

### **Administration, Control, and Transparency of Payment Framework Data**

Respondents generally agreed with the proposals set out in this section of the consultation.

Those in support tended to focus on the usefulness in monitoring and reporting progress, and issues around practicality and considerations that would need to be made were raised in relation to this section.

Respondents broadly agreed with the proposals on powers to create a system that provides a mechanism that aligns with the principles of the Scottish Public Finance Manual. There was a sense that this was a cost-effective way of achieving the principles set out in the Scottish Public Finance Manual and a sense that public funds should be properly handled, reported on, and audited.

There was general support for the proposals for Scottish Ministers to have the power to create a system whereby on-the-spot checks would be undertaken to further verify claims/applications made by beneficiaries for rural support. Views raised were around how important they were to ensure appropriate use of public money, though some did voice conditional support for checks. Others saw on-the-spot checks as an administrative hurdle for businesses.

Generally speaking, respondents agreed that Scottish Ministers should have the power to collect information for the purposes of carrying out management, control, audit and monitoring and evaluation obligations and for statistical purposes to help better inform future policy, have the power to enable the publication of details pertaining to recipients who receive payments including under the future payment model and set a level above which payment details will be published.

There was a sense that these proposals could add value, though some believed such systems were already in existence and that existing systems should be utilised where possible. Others suggested that these systems introduced complexity and that to avoid this that any outcomes had to be specific, measurable and evidence based.

There were also queries over the expertise of Government and independent evaluators. Key reasons to support the publication of recipients were transparency and accountability.

Respondents were broadly supportive of the proposals set out in the consultation document in relation to CAP legacy schemes and retained EU law. This support did not tend to be expanded on much further than the reasoning set out in the consultation paper.

Those who opposed discussed their opposition to CAP with some arguing that as Scotland was no longer in the EU it would be more beneficial to align with UK policy in the future than EU policy.

## **Modernisation of Agricultural Tenancies**

### **Agreement to diversification**

Around half of those who responded to this section of the consultation agreed that Scottish Ministers should have the power to determine an acceptable diversification.

Those who agreed tended to note that Scottish Ministers should be able to determine what diversification is in order to encourage biodiversity and combat climate change.

Others noted that some businesses needed to diversify to survive and these steps towards resilience should be permissible without a link to biodiversity or climate change.

There was also an emphasis on local circumstances which could require rapid and local solutions that Ministers may not be able to adequately provide.

There was majority agreement in relation to the Tenant Farming Commissioner being able to issue guidance in the event that power was given.

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

There were mixed views on the proposals set out in this section relating to Scottish Ministers being able to add new activities and items onto Schedule 5 and amend Schedule 5 by secondary legislation.

Those in support saw these powers as imperative to ensure fairness, creating financially sustainable tenancies and encouraging tenants to make improvements to meet modern-day challenges.

Others felt that the proposals lacked enough detail or thought, and opposed the use of secondary legislation as it did not allow for the opportunity for proper industry, public and parliamentary scrutiny.

There was broad agreement with the proposal that, when an agricultural tenancy comes to an end, tenant farmers should have certainty about timescales and when they will receive any money due to them, and their landlord should have similar certainty. Though, some were hesitant to see any government intervention in this area without a clear understanding of the timeframes proposed.

### **Amendments to rules of good husbandry and good estate management**

The majority agreed that the Scottish Ministers should be able to amend the rules of good husbandry and good estate management defined in the Agricultural Holdings (Scotland) Act 1948 to enable tenant farmers and their landlords to be able to meet future global challenges.

Many responses were supportive of amendments to the rules of good husbandry and estate management. In general, responses referenced a need to modernise the rules so that they were reflective of current best practice.

### **Rent reviews**

Most respondents agreed that adaptability and negotiation in rent calculations are required to meet the global challenges of the future.

While responses were generally supportive of rent reviews, there was little consensus about what best practice would look like in this regard. Some responses discussed following open market value, value based on earning potential, and more.

## **Resumption**

Around a quarter of respondents consider that Scottish Ministers should amend the resumption provisions on compensation for disturbance to include a new valuation formula, while around a fifth do not, and the remainder said that they don't know.

## **Scottish Agricultural Wages (Fair Work)**

The majority of respondents to this question agreed that Fair Work conditions, including the real Living Wage be applied to all Scottish agriculture workers.

Responses in favour of the real living wage made the argument that to pay these wages would be fair, that many agricultural workers were already paid at this level and that it may attract and keep high-skilled workers.

The payment structure for agricultural workers was also discussed and the fact that often accommodation and provisions are part of payment in this sector, therefore, any system making Living Wage a requirement would have to take this into account.

Others argued that a requirement to pay the real Living Wage would have a financial impact on businesses and that many businesses in the agricultural sector would like to pay workers more but it was not financially viable to do so. Such a requirement may lead to businesses having to cut jobs or increase food prices.

The role of the Scottish Agriculture Wages Board (SAWB) which sets wage rates via the Scottish Agriculture Wages Order (SAWO) was questioned in the context of the real Living Wage being implemented.

It was also questioned why the agriculture sector would be enforced to pay the real Living Wage given its status as voluntary initiative for the rest of the economy to be paid by employers that can afford to do so.

There was a desire to see wider consultation on this if such a mechanism or policy were enforced of the wider impacts, implications, and administration of the change.

# Introduction

This report presents independent analysis of responses to the Consultation on a new Agriculture Bill.<sup>3</sup> The consultation ran from 29<sup>th</sup> August to 5<sup>th</sup> December 2022.

## Context

The consultation sought views on proposals which aim to deliver the Scottish Government's Vision for Agriculture which was published in March 2022.<sup>4</sup>

As the Scottish Government stated in the consultation document, the proposals for the new Agriculture Bill aim to provide an adaptive framework to respond to future social, economic, and environmental changes, challenges and opportunities. The consultation sought views on the proposals and powers that the Scottish Ministers require to make this vision become a reality.

The new Agriculture Bill aims to enable flexibility while ensuring that Scotland's people can live and work sustainably on land and aims to deliver the following key outcomes:

- high quality food production,
- climate mitigation and adaptation,
- nature restoration; and
- wider rural development.

The consultation questions covered the following:

- Future Payment Framework.
- Delivery of Key Outcomes:
  - Climate change adaptation and mitigation
  - Nature protection and restoration
  - High quality food production
  - Wider rural development
  - Animal health and welfare
  - Plant genetic resources and plant health
- Skills, Knowledge Transfer and Innovation
- Administration, Control, and Transparency of Payment Framework Data
- Modernising Agricultural Tenancies
- Scottish Agricultural Wages.

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<sup>3</sup> [Supporting documents - Delivering our vision for Scottish agriculture - proposals for a new Agriculture Bill: consultation - gov.scot \(www.gov.scot\)](#)

<sup>4</sup> [Sustainable and regenerative farming - next steps: statement - gov.scot \(www.gov.scot\)](#)

## The Consultation

The Scottish Government promoted an online public consultation with most of the survey responses submitted through the Citizen Space online portal. The remainder were submitted to the Scottish Government directly, for example, by email. Where this was the case, the Scottish Government passed all correspondence directly to the Diffley Partnership for review and logging.

Diffley Partnership exported consultation responses from Citizen Space into Microsoft Excel and manually added non-Citizen Space responses for data cleaning, review, and analysis.

A total of 392 valid responses were received (i.e. excluding duplicate or blank responses). A majority of which were submitted by individuals (57%), Table 1.

**Table 1: Profile of respondents**

<b>Respondent</b>	<b>Number</b>	<b>%</b>
Individual	225	57%
Organisation	167	43%

Respondents were invited to give their occupation; Table 2 below summarises respondents by occupation based on their own answers, this is only available for responses submitted via Citizen Space.<sup>5</sup>

**Table 2: Occupation of respondents (Citizen Space responses only)**

<b>Occupation</b>	<b>Number</b>
Community representative	7
Crofters	21
Environment sector	17
Farmer - owner occupied	68
Farmworker (employee)	4
Farmer – tenant (including seasonal lets)	19
Forestry sector	1
Land manager	9
Landowner	6

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<sup>5</sup> Non-Citizen space responses were not given a designation as this information was not requested by the Scottish Government on the Respondent Information Form

Public Sector	14
Third sector (including charities)	46
Other	47

In addition to being able to respond via the consultation, the Scottish Government hosted 9 in-person workshops and 5 online workshops. Details of the locations and dates for these workshops can be found in Appendix 1.

Approximately 300 people attended the in-person consultation events. further 285 attended the online events.<sup>6</sup> Farmers were by far the most represented group, at just under two thirds of participants. Most events were attended by NFUS representatives, and around half of the events had representation from the local council. Among other attendees were land managers, journalists, consultants, agri-advisors and students.

## **Aim of this Report**

This report presents a robust analysis of the material submitted in response to the consultation. The structure of the report follows the structure of the consultation paper and considers the response to each consultation question in turn.

Appendices 1-4 provide further detail about the consultation questions, the responses, the respondents, and the views expressed.

Appendix 2 contains a link to the full list of consultation questions. The consultation documents are available on the Scottish Government's consultation hub.

Appendix 5 provides a summary overview of campaign responses to the consultation.

## **Approach to the Analysis**

The analysis sought to identify the most common themes and issues that arose. The report does not report on every single point raised in the consultation responses. All responses, where the respondent gave permission for their comments to be published, are available on the Citizen Space website.<sup>7</sup>

Some respondents made comments in relation to a question without ticking a response at the relevant closed question. If the respondent's reply to the closed question could be inferred from their written comments (for example, if their comments began with the words 'yes' or 'no', or if their comments clearly indicated that they agreed or disagreed with a certain proposal), analysts replaced the

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<sup>6</sup> Figures for online events provided by Scottish Government Scottish Rural Network

<sup>7</sup> To add link to responses once published

missing data for the tick-box question with the implied response - i.e., the response was imputed.

Comments made in response to each question were analysed qualitatively. The aim was to identify the main themes and the range of views expressed in relation to each question and highlight clear differences by respondent type where this was applicable.

Equal weighting was given to all responses. This included the full spectrum of views, from large organisations with a national or UK remit or membership, to individuals' viewpoints.

This analysis report quotes and paraphrases some of the comments received in order to illustrate key points and themes. However, this should not be taken as an indication that these comments will be acted upon or given greater credence than others in taking the policy proposals forward.

### **Comment on the Generalisability of the Consultation Findings**

As with all consultations, the views submitted to this consultation should not be considered as representative of the views of the wider public. Anyone can submit their views to a consultation, and individuals (and organisations) who have a keen interest in a topic - and the capacity to respond - are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population. For this reason, the main focus in analysing consultation responses is not to identify how many people held particular views, but rather to understand the range of views expressed and the reasons for these views.

# Section A: Future Payment Framework

## Context

The Future Support Framework proposes mechanisms should be incorporated into the new Agriculture Bill to enable conditional payments under 4 tiers:

- Tier 1 a 'Base Level Direct Payment'.
- Tier 2 an 'Enhanced Level Direct Payment'.
- Tier 3 an 'Elective Payment'; and
- Tier 4 'Complementary Support'.

## Quantitative Overview

Tables 1-5 (Appendix 3) provide the frequency tables and total response counts for Questions A to E of the future payment framework section.

- 62% of respondents agreed with the proposal set out in the consultation paper to include a mechanism to enable payments to be made under a 4-tiered approach while 23% disagreed. Individual respondents were less likely to agree (53%) than organisational respondents (73%).
- 74% of respondents agreed with the proposal that Tier 1 should be a 'Base Level Direct Payment' to support farmers and crofters engaged in food production and land management while 16% disagreed.
- 64% of respondents agreed with the proposal that Tier 2 should be an 'Enhanced Level Direct Payment' to deliver outcomes relating to efficiencies, reducing greenhouse gas emissions and nature restoration enhancement, while 19% disagreed. Organisational respondents (70%) were more likely to agree than individual respondents (59%).
- 64% of respondents agreed with the proposal that Tier 3 should be an Elective Payment to focus on targeted measures for nature restoration, innovation support and supply chain support, while 15% disagreed. Organisational respondents were more likely to agree (71%) than individual respondents (58%).
- 56% of respondents agreed with the proposal that Tier 4 should be complementary support as the proposal outlined, while 19% disagreed. Organisational respondents (65%) were more likely to agree than individual respondents (50%).

## The four-tiered approach

Open responses demonstrated significant agreement with the use of a 4-tiered system for direct and future payments.

Supporters often cited that the use of 4 tiers would be appropriate in this context, adding needed flexibility to allow farmers/crofters to 'opt-in' to conditional payments and providing individualised support.

Given recent events, supporters envisaged a 4-tiered payment system as a suitable solution, with necessary, base support of the agricultural sector to promote food production, and incentivisation of climate sustainability.

However, supporters and opponents alike demonstrated concern that a 4-tiered system was too complicated or unwieldy. Many expressed concerns that the complexity of this system and its operation would require consultants to complete, disproportionately impacting small farmers and crofters – adding further strain to an already struggling group.

A large number of responses felt that the consultation lacked sufficient detail for comment on the 4-tiered payment system. These responses outlined that these details were critical and would inform their overall support of the Bill, particularly around whether payments were weighted towards base supports (Tiers 1 and 2) or tied to results (Tiers 3 and 4).

There were calls for Scottish Government to be clearer on the conditionality attached to each proposed tier of support and how funding would be delivered to each tier, together with the relative allocation of funding to each tier.

A few responses highlighted that the similarity of this system to the previous EU CAP would provide beneficial continuity between prior and future regimes in the agricultural sector. On the other hand, a few responses thought this was an opportunity to diverge from prior systems and devise a more climate-radical, Scotland-specific system.

## Views on tiers

Responses for **Tier 1** discussed the need for payments to be tied specifically to activity on the farm. Responses referenced previous systems that, in their view, acted as a subsidy given to landowners regardless of whether they take care of the land or not, rather than payments to those actively working the land.

Along these lines, many responses highlighted that these payments are often 'unrelated to need', with the bulk of payments going to the largest landowners on the most productive land, rather than with those struggling to make a living on a small acreage. To avoid this, some responses discussed the possibility of decoupling acreage and productivity from qualifications for Tier 1 support.

In discussing Tier 1, many supported payments conditional on environmental or land management standards. Of these responses, a few voiced concern that these conditions might not be sufficient to deliver on carbon emission reduction goals.

However, it is important to note that some responses for Tier 1 preferred payments without conditions tied to land or environmental management whatsoever, or with extremely limited conditions. Concerns were also raised in opposition to Tier 1 payments being conditional on the production of a Whole Farm Plan which was viewed to be complex and costly.

Many responses for **Tier 2** outlined the need to incentivise best practice in reducing greenhouse gas emissions and nature restoration without competition. However, responses also emphasised that many businesses have already adopted good practice in these areas and should be eligible for payments. In their view, withholding such support would punish early adopters.

However, some responses demonstrated opposition to Tier 2, primarily on the grounds that tying payments to these efficiencies would detract or deprioritise food production.

Responses also highlighted ambiguity surrounding the term 'efficiencies', stating a need for concrete definitions of 'efficiencies', coupled with monitoring and assessment, to ensure additions were met. A few responses also mentioned that best practice would inevitably change over time, requiring a measure of adaptability.

In keeping with the theme of flexibility, many responses on **Tier 2** and **Tier 3** mentioned the different sizes and sectors of agricultural outfits, requiring an adaptable payment scheme that is responsive to the different abilities of different farms. Such adaptability was viewed as integral, for the scheme to be accessible to small farms and crofts.

While many responses for **Tier 3** expressed support for elective payments, targeted to support specific populations within agriculture, most responses requested additional detail about who exactly would be eligible for these payments and how these decisions would be made. Many responses specifically mentioned a population that they believe is deserving of this support, such as smaller farms/crofts, younger generations, remote outfits, etc.

Additionally, the mention of supply chain support raised more questions about who would be eligible for elective payments, including large corporations, retailers and grocery outfits. These responses expressed concern that elective payments would be diverted away from agriculture and food producers and towards powerful and wealthy establishments, to the detriment of the agricultural sector and the public purse.

Although **Tier 4**, Complimentary Support, discusses the support of a wide variety of agriculturally related activities, responses primarily emphasised the importance of

education and advisory services. This was framed within the wider conversation about attracting young people and marginalised communities to farming, but also as a means of providing current farmers and crofters with the necessary information to upskill.

Responses underscored the need for accessible advisory services to assist farms in adopting sustainable practices. Such services were viewed as helpful, but generally costly, leading to the emphasis on accessibility. However, accessible services could work with businesses to tailor sustainable practices around their unique characteristics.

Responses also suggested education/training as a potential replacement to costly advisory services, which would endow small farmers with information to make sustainable adaptations on their own, without paying for costly advice services.

“The provision of advisory services and support to enhance skills, knowledge sharing and innovation are necessary to support change”  
**[Organisation, Public sector]**

Outwith education, some responses discussed the need for nature restoration to extend beyond tree planting, recommending promoting other ways to restore biodiversity like floodplain and wetland restoration.

Linked to this theme, some responses were wary of the unattended consequences of incentivising tree planting, which could affect the land available for agricultural production and the cost of land for new entrants.

### **A ‘Whole Farm Plan’**

Table 6 (Appendix 3) provide the frequency tables for Question F of the future payment framework section.

49% of respondents to this question agreed 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, while 33% disagreed. This varied by type of respondents with 41% of individual respondents agreeing compared to 61% of organisation respondents.

Many open responses expressed concern with the requirement of a ‘Whole Farm Plan’ as eligibility criteria for the ‘Base Level Direct Payment’. Responses suggested that the requirement of a Whole Farm Plan would further complicate an already complex payment system, becoming another layer of red tape that needs to be sorted before it is possible to receive support. This issue was brought up most frequently in relation to the cost for small businesses, by a few supporters of a ‘Whole Farm Plan’ requirement as well as opponents.

Some also worried that the requirement of a Whole Farm Plan for payments would attempt to be a one-size-fits-all solution and not sufficiently *‘relevant and proportionate’* to small businesses.

Responses also highlighted that the requirement of a whole farm plan would increase the need for outside assistance, with farms potentially needing to pay a consultant to assist with such a plan. Linked to this theme, some responses were wary of the unattended consequences of incentivising tree planting, which could affect the land available for agricultural production and the cost of land for new entrants.

Additionally, if payments are tied to successfully meeting a Whole Farm Plan, then there are additional administrative costs to measure and monitor Whole Farm Plan criteria which would increase costs to the public purse.

However, many responses still strongly supported the 'Whole Farm Plan', particularly favouring its inclusion of planning for nature restoration as well as productivity.

“A 'Whole Farm Plan' approach to eligibility has the potential to capture the broad range of activities and outputs and so goes beyond food production to include environmental and social 'public goods'. The application of this approach does need to be proportionate and inclusive, with support available to farmers, crofters and land managers of all sizes to develop plans which are appropriate to the scale and nature of the business.” **[Organisation, Public sector]**

### **Payments to ensure a Just Transition, flexibility for emerging best practice and support in a crisis**

Tables 7-9 (Appendix 3) provide the frequency tables for questions G to J of the future payment framework section. The quantitative results among those who responded to these questions are summarised below:

- 73% of respondents agreed that the new Agriculture Bill should include a mechanism to help ensure a Just Transition, while 10% disagreed. Respondents from organisations (83%) were more likely to agree than individual respondents (65%).
- 86% of respondents agreed 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. 5% disagreed.
- 88% of respondents agreed that the new Agriculture Bill should include mechanisms to enable payments to support the agricultural industry when there are exceptional or unforeseen conditions or a major crisis affecting agricultural production or distribution, while 3% disagreed.

A majority of responses were supportive of the new Agricultural Bill including a mechanism to ensure a Just Transition, citing this mitigation as '*critical*' to avoid '*leaving people behind*' while promoting sustainable behaviours.

However, other responses demonstrated confusion with the idea of a Just Transition. For some, this centred around the term 'Just Transition' itself, which was unfamiliar. Others were suspicious of who would be the main focus of a Just Transition and what these proposals would look like concretely.

Many respondents felt apprehensive with the Just Transition as it relates to this Agricultural Bill in particular. This took many forms; some believed a mechanism to ensure a Just Transitions was completely unpractical and not fit for purpose, while some felt the addition was too much all at once.

Among those that believe that the focus of this Bill should be on food production, responses viewed elements of a 'Just Transition' in the Bill as another area that detracts from food production.

Similar to views on a 'Just Transition', many voiced the need for flexibility in the payment framework, especially as scientific consensus on best practice is subject to change over time.

However, responses also requested more detail on how such flexibility would be incorporated into the new agricultural Bill. Many highlighted that the agricultural sector requires consistency and certainty to increase its longevity, which could be compromised if the payment framework was too flexible. To minimise disruptions from adaptations, responses recommended that the agricultural Bill considers changes, but only after a fixed number of 5-7 years, as in the previous EU CAP. This programmatic element was also thought to add to the quality of 'best practice' recommendations, as interventions would be based off longer-term, robust evidence bases.

Additionally, some responses discussed ways to ensure that these changes are beneficial, rather than disruptive, to the industry, favouring assurances that changes would be made only after length and substantive consultation with the industry through this process.

Most responses were supportive of mechanisms to enable support payments when there are exception or unforeseen conditions or a major crises affecting agricultural production or distribution. Given the threat of climate change and the previous challenge of Covid-19, this proposal was generally seen as logical and necessary. Where critical of this proposal, responses expressed concern with the implementation of the crises mechanisms – including definitions of crises and the source of crisis funding.

Without strict definitions of 'major crises' and 'unforeseen circumstances', a few responses thought that the breadth of the agricultural industry – spanning vastly different products – might mean that there were nearly continual crises for this fund to deal with.

Additionally, if funding for emergency payments is reserved from other tiers, crises payments could undermine base level supports. In light of such a possibility, responses were hesitant to agree to crises payments held in reserve from other tiers, and suggested that these payments were taken from a separate pool.

Beyond these challenges, some responses noted tension between this question and the aims of the Bill to promote environmentally safe and sustainable practices. These responses feared that emergency provisions would erode the protections this Bill aims to endorse, leading to more damage to the environment, and encouraged mechanisms that would help the sector in times of crises while ensuring environmental protection.

# Section B: Delivery of Key Outcomes

## Climate Change Adaptation and Mitigation

### Context

The consultation paper discussed a number of proposals relating to climate change adaptation and mitigation objectives including:

- Powers and other mechanisms to allow future payments to farmers, crofters and land managers to support delivery of national climate change mitigation and adaptation objectives,
- A mechanism to enable payments to be made that are conditional on outcomes that deliver climate mitigation and adaptation measures, along with targeted elective payments,
- A mechanism to enable payments to be made that support integrated land management.

### Climate change and adaptation measures

Tables 10-11 (Appendix 3) provide the frequency tables to questions on climate change adaptation and mitigation questions.

The majority of respondents to these questions agreed that the Bill should include measures to support climate change mitigation (77%) and adaptation objectives (76%). Organisational respondents were more likely to agree than individual respondents.

Open responses to these questions focused on the need for support to allow for the delivery of climate objectives, for example providing grants to aid with the cost of replacing machinery.

Others noted their dissatisfaction at what they felt was an over-emphasis on climate change and not enough emphasis on high quality food production which they felt should be the priority. There was also a sense among a number of responses that agriculture was unfairly scapegoated on this issue and that many in the sector were already doing work in this space.

Questions were raised in relation to the detail around the specifics of funding and whether these would complicate payment structures. Another view was that it was sensible that future payments supported climate change mitigation and adaptation given the need to meet statutory targets but that the approach to support payments had to have proper governance and structure so that support could be provided in a timely manner that did not stagnate farming or crofting activity.

There was an argument among some responses that payments should be used to incentivise climate change adaptation and mitigation measures, though there was caution with some responses highlighting the need to ensure that perverse incentives were not introduced which would impact negatively on some landowners.

Another concern raised was in relation to the range of powers in the consultation in terms of the balance of land use and feared the risk of good agricultural land being lost to meet these objectives. Another view raised was that farm profitability was key to the ability to deliver outcomes in this area and therefore the primary responsibility was food production which meant the balance of funding had to be carefully considered.

Many respondents felt that the proposals did not offer sufficient detail for them to take a view beyond their view regarding these payments in principle.

### **Conditional payments based on outcomes and support for integrated land management**

Tables 12-13 (Appendix 3) provide the frequency tables to Questions C and D of the climate change adaptation and mitigation questions.

The majority of respondents (individuals and organisations) agreed that the Bill should include a mechanism to enable payments to be made that are conditional on outcomes that support climate mitigation and adaptation measures (66%), along with targeted elective payment, though individuals were less likely to agree (54%) than organisations (82%).

Similarly, a majority of respondents agreed that the Bill should include measures that support integrated land management (72%), though individuals were less likely to agree (64%) than organisations (83%).

Among those who supported conditionality based on outcomes there was a sense that the current regime is a poor use of public money because low conditionality means there is a weak link between the payment of public money to farmers and delivering government objectives in the public interest. Therefore, increasing greater conditionality would improve this.

Another view raised was in relation to up-front conditional payments and finding the right balance between outcome focused conditional payments and up-front payments which would allow landowners to make required changes to achieve outcomes.

“The environment and reliance to climate change can ONLY be achieved within the context of social economic resilience and growth. Denying funds because some arbitrary criteria hasn't been satisfied will be totally counter productive.” **[Individual]**

There was also a sense that the consultation document lacked detail and questions were raised with regards to how such outcomes would be evaluated and by whom.

“Agree in principle, however, considering the ongoing evolution of science in this area, monitoring techniques as well as our understanding of climate mitigation outcomes arising from changing practices, it will be important for a robust system with clearly

achievable outcomes and reliable monitoring approaches to be developed and implemented to ensure transparency.” **[Organisation, Third Sector]**

## **Nature Protection and Restoration**

### **Context**

The consultation paper discussed several proposals relating to nature protection including:

- Powers and mechanisms to protect and restore biodiversity, support clean and healthy air, water, and soils, contribute to flood risk management locally and downstream and create thriving, resilient nature.
- A mechanism to enable payments that are conditional on outcomes that deliver nature restoration, maintenance, and enhancement, along with targeted elective payments.
- A mechanism to enable and support action on a catchment or landscape scale.

### **Quantitative Overview**

Tables 14-16 (Appendix 3) provide the frequency tables to questions on nature protection and restoration. Below is a summary of results among those who responded to these questions:

- 86% of respondents believe that 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, while 9% do not.
- 80% of respondents 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, while 8% do not.
- 70% of respondents believe that the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration, while 10% do not. Support was higher among organisation respondents (84%) than individuals (59%).

### **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**

Some responses questioned the premise of the question and argued that Scotland was already very biodiverse and that this needed protection and encouragement as opposed to restoration.

One view arguing against such a mechanism was that what we have in terms of biodiversity should be enhanced and farmers should have recognition for what they

are doing already and have further support. More specific targets should be funded through tiers 3 and 4.

“the Bill should have a mechanism to protect and restore biodiversity, clean and healthy air, water and soils.

What we have in terms of biodiversity should be enhanced and farmers should have recognition for what they are doing already and have further support through tier 2. More specific targets should be funded through tiers 3 and 4” **[Organisation, Farmer-Owner Occupied]**

Another view raised was that the main purpose of the Agriculture Bill should be support food production and farm businesses in Scotland.

The Bill should then recognise measures that farmers are already taking to boost biodiversity and allow for farmers to build on and expand on existing schemes. It was argued that at the moment, once a scheme is over, the farmer no longer has access to financial support and if the environmental support was to diversify away from agriculture there may not be schemes to continue paying for positive land management. Therefore, the Agriculture Bill should recognise positive work that has already happened on farms and measures that are already in place. Those farmers who have put thought, time, and resources into this element of the land management aspect of their farms are penalised as they have less scope for new schemes.

Positive responses in relation to this mechanism argued that it was vital in the face of a perceived nature and climate emergency. Some argued that this goal has to be one of the primary justifications for government intervention in farming, securing the provision of public goods that would otherwise not be provided or be under-provided and the government has a key role to perform in protecting the public interest in a healthy environment.

There were also arguments that farming practices have resulted in environmental decline with a loss of biodiversity and now that the government has recognised the nature emergency it must focus public expenditure on nature restoration so that Scotland can become a global leader in sustainable and regenerative agriculture.

“the budget should be allocated to ensure that the outcomes of restoring nature and reducing emissions are achieved.

There is some disquiet about the apparent lack of focus on food production in the government’s consultation (which we do not agree with). We believe it is important to note that an increased emphasis on nature and climate does not inevitably mean a reduced focus on food. Food production needs a healthy environment.” **[Organisation, Community Representative]**

Others argued that such a mechanism should be provided for so long as it was science based, only introduced after full consultation and subject to rolling evaluation and review. Again, some respondents felt that there was insufficient detail in the consultation itself for them to provide a detailed comment.

### **Mechanism to enable payments that are conditional on outcomes that deliver nature restoration**

Many of the themes in relation to the powers and mechanism to protect and restore biodiversity were repeated in this question. Similar concerns in relation to the conditionality of payments stated for climate change mitigation and adaptation measures were also raised, namely support for conditionality based on outcomes, payments for attempts, questions over how outcomes would be evaluated and some calls for up-front conditional payments to allow land owners to make changes progressing towards desired outcomes.

### **Mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration**

It was argued that land management at scale can deliver huge benefits for nature restoration as it enables complimentary work to be carried out to create and enable the full benefits of integrated land management.

Furthermore, it was perceived that collaborative and integrated land management is going to be an essential part of the solution to the climate and biodiversity crisis. The scale of the challenge to reverse biodiversity decline was perceived to be so big that it can only be achieved by working together and addressing biodiversity loss at an appropriate and ecologically meaningful scale.

However, it was argued that to date support schemes have proven to be extremely complex when working across landholdings and management systems, which has stifled this approach. This was argued as a reason against by some with a preference for lots of small projects accumulating to have a wider impact.

“I feel that the accumulation of lots of little good projects can provide good benefits and is the most effective way.

When you deal on a landscape scale things can get bogged down with too many chefs.” **[Individual, Other]**

Another view raised was that such a proposal was giving money out to people and organisations who did not need it to make changes and did not necessarily support food production.

It was noted that accurate spatial data was of critical importance for landscape scale approaches. Knowing the extent, condition and wherever possible ownership of land was seen as vital.

“Accurate spatial data would help rural land managers and farmers to think differently about their land, avoid the piece-meal approaches to

habitat restoration and enhancement seen in the past, and ultimately to benefit from the conditionality built into the new Agriculture Bill on a landscape scale.” **[Organisation, Public Sector]**

## **High Quality Food Production**

### **Context**

The consultation paper discussed several proposals relating to high quality food production, including:

- Giving Scottish Government Ministers powers to make changes on rules related to food
- Continuing to provide current support regarding food
- Giving new powers to support the agri-food sector, including a mechanism to enable payments which help deliver food production and, where appropriate, to provide grants to support both the agri-food sector and to bodies related to the agri-food sector
- Giving reserve powers to support the agri-food sector, including powers to declare when there are exceptional or unforeseen conditions adversely affecting food production or distribution, and the ability to provide financial assistance, if necessary, to the agri-food sector and related bodies affected by such conditions

### **Rules related to food, provision of support and payments**

Tables 17-20 (Appendix 3) provide the frequency tables to questions on high quality food production. Below is a summary of results among those who responded to these questions:

- 70% of respondents agreed 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, while 8% disagreed.
- 69% of respondents agreed that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets, while 10% disagreed.
- 79% of respondents agreed that the new Agriculture Bill should include a mechanism to enable payments that support high quality food production, while 6% disagreed.
- 79% of respondents agreed that 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. 8% disagreed.

Open responses to these questions remarked that giving Scottish Government Ministers powers to make changes on rules would be imperative in a landscape of considerable policy change and global uncertainty. For instance, respondents pointed out that some elements of climate change are unpredictable, and its potential impact on food should be prepared for as well as possible.

It was suggested that all known and considered potential eventualities be addressed through primary legislation, onto which secondary legislation can be attached. Given that the creation of primary legislation is a lengthy process, it was considered sensible that the current opportunity to add powers for flexibility be maximised:

“No system that is fixed and rigid for too long a timescale is going to be fit for purpose in the future. We live in such a rapidly changing world that this kind of flexibility makes sense” **[Individual, Other]**

Several respondents felt that Scottish agriculture is inherently different in its nature and make-up to that of other parts of the UK, and thus agreed that Scottish Ministers should be able to take these differences into account when legislating for Scottish agriculture.

However, others said they lacked confidence in the ability of Ministers to make appropriate, sustainable changes to rules on food, and expressed especial concerns around the impact of Ministerial changeover and the subsequent potential for short-sighted modifications:

“Agree, however safeguards are required to ensure that the exercise of these powers is evidence-based and that this evidence is open to scrutiny. Ministers lines of accountability to Parliament must be explicit” **[Individual, Other]**

Some were of the view that Government response to and/or intervention in the large and complex food market can be misguided or untimely. Thus, many felt that expert farmer groups, environmental NGOs [Non-Governmental Organisations] and members of the public should first be consulted on major reforms before Scottish Government Ministers make final decisions.

Many respondents pointed out that high quality food production is inevitably more costly and support is therefore more likely to be needed, at least, for instance, in the setup stage of such food production companies. A mechanism to provide grants to support the agri-food sector was similarly welcomed.

Transparency around the amount and purpose of any such payments was important to respondents, who felt this was crucial in understanding the benefits of using public funds for public good.

## **Exceptional or unforeseen conditions**

Tables 21-22 (Appendix 3) provide the frequency tables to questions on exceptional or unforeseen conditions. Below is a summary of results among those who responded to these questions:

- 78% of respondents 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, compared to 7% who don't.
- 71% of respondents believe the new Agriculture Bill should include powers for Scottish Ministers to provide financial assistance to the agri-food sector and related bodies whose incomes are being, or are likely to be, adversely affected by the exceptional or unforeseen conditions described in the declaration referred to in the consultation, while 7% do not.

Many respondents felt it made sense for the new Agricultural Bill to include powers for Scottish Ministers to declare when there are exceptional or unforeseen conditions affecting food production or distribution. They believed that these powers should also include an ability to take action and make swift interventions to address such conditions, and that Scottish Ministers may need to do this in coordination with UK counterparts.

Some respondents cautiously agreed with this proposal, with a caveat that 'unforeseen' circumstances must be clearly defined within a framework in the Bill, and reserved for genuinely exceptional or unforeseen conditions.

Powers for Scottish Ministers to provide financial assistance to the agri-food sector and related bodies whose incomes are adversely affected by such exceptional or unforeseen conditions were seen as an important in underpinning the future viability of specific sectors affected by market failure, environmental-related factors, or supply chain disruption caused by events like pandemics or wars.

Others felt that it would also enable farmers and others in the agri-food sector to continue operations in the face of unforeseen disruption, and ensure that animal welfare (and other) standards do not suffer as a result of any lost income.

Some respondents were unsure as to whether such powers warranted specific inclusion in the new Agriculture Bill. Others argued that the root causes of any exceptional or unforeseen conditions ought to be addressed first, where possible.

## **Processing and sharing of information**

Around two-thirds (67%) of respondents agreed 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, while 11% disagreed.

Those who agreed 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 believed that this could be positive in encouraging collaboration and a co-operative approach.

Data sharing was also considered important where it improves traceability and transparency of production and identifies where work needs to be done to meet Sustainable Development Goals.

However, other respondents felt that such powers were unnecessary and felt that Government does not need access to such information don't need access to this type of information:

“Business already shares information for the benefit of providing affordable quality food to where it is needed. Government has no role in taking whatever information it deems fit, packaging it up and releasing it. This would be a waste of taxpayers money and by time the information was processed it would already be months out of date” **[Individual, Other]**

## **Wider Rural Development**

### **Context**

The consultation document proposes giving Scottish Ministers powers to support land managers and communities' activities in:

- Rural development and the rural economy generally
- Community led-local development
- Collaboration and innovation
- Influence policy development
- Public access and understanding land use.

### **Support for proposals**

Tables 24-25 (Appendix 3) provide the frequency tables to questions on wider rural development. Below is a summary of results among those who responded to these questions:

- 73% of respondents agreed that the proposals on Wider Rural Development outlined above should be included in the new Agriculture Bill, while 17% disagreed.
- 52% of respondents think there are other areas relating to non-agricultural land management such as forestry that they would like to be considered for support under the Agriculture Bill to help deliver integrated land management and the products produced from it.
- Organisational respondents were more likely to support these proposals than individual respondents.

The first question in this section asked about support for the above provisions to be included in the Agriculture Bill. The open responses to this question were mixed, with more nuance in answers than shown in the statistical breakdown above and many answers being neither entirely positive nor entirely negative.

Many respondents argued that the wider rural development proposals should not be the focus of the Agriculture Bill and should not divert resources and funding from agriculture.

Those in favour of the inclusion of wider development policies often focused on sustainability and the symbiotic relationship between rural communities and agriculture as justification:

“Rural development is fundamental to the sustainability of rural and island communities, including the Agricultural sector. Communities need to be socially attractive, vibrant and inclusive to those who live and work there as many crofters and farmers are also heavily involved in other aspects of their communities. This not only supports other sectors but also the wellbeing of individuals and contribute to the economic stability of the fragile rural communities” **[Organisation, Other]**

However, it should be noted that a few respondents expressed tentative support for wider rural development as they felt insufficient detail was provided in the consultation document on what this entails and that the section of the document currently presents as a *“repository for activities that do not fit neatly into other sections of the document which completely dilutes its potential”* **[Organisation, Third sector (including charities)]**

Regarding the specific proposals made, many responses focused on the community led local development aspect, with the majority of respondents in favour of this approach. These favourable evaluations are often connected to the legacy of the LEADER programme. Additionally, several responses cited other European Union initiatives favourably, while the Forestry Grant Scheme was labelled a failure by a few respondents.

However, concerns exist regarding the practicalities of ensuring agreement among community members and regarding the longevity of CLLD (Community Led Local Development):

‘The absence of an indication of how the current CLLD (Community Led Local Development) programme will be supported on an ongoing basis through the Bill is, in our view, also an omission.’ **[Organisation, Public Sector]**

Other less prevalent themes of note included support for public access in principle accompanied calls to ensure these powers are used responsibly and distrust about how and to whom funds for wider rural development would be directed.

This section also covered whether or not other areas relating to non-agricultural land management such as forestry should be considered. Open responses were heavily influenced by the inclusion of forestry as an example of non-agricultural land management. Most responses commented on whether they believe forestry should be included in the Bill.

Responses opposing the inclusion of non-agricultural activities tended to focus on the fact that this is out of the scope of the Agriculture Bill.

Many responses also expressed opposition to commercial forestry as not benefiting local communities, wasting arable land that could be used for food production, and damaging biodiversity:

“Forestry should be excluded. Forestry is now done by contractors who do not sustain rural communities” **[Farmer, Owner Occupied]**

Responses supporting the inclusion of forestry argued that forestry has climate benefits and that agriculture and forestry should not be viewed as mutually exclusive. In this spirit, several respondents suggested the inclusion of agroforestry in the Bill as an alternative to commercial forestry:

“Forestry and woodland creation offers significant opportunity for carbon sequestration and in many cases tree planting can be complimentary to agricultural production. Agroforestry systems, riparian planting, hedgerow creation and management can all sequester Carbon, provide a habitat for biodiversity, reduce diffuse pollution risk while allowing farming to continue.” **[Organisation, Public Sector]**

Several other suggestions for non-agricultural activities to be supported by the Bill were provided by respondents, although none received the same level of support as agroforestry, including: promoting biodiversity, tourism/agri-tourism, heritage land, waterways and reservoir management, renewable energy, peatland restoration, flood mitigation, recreation, rural community development, rewilding, and crofting diversification.

### **Powers required to enable rural development and their impacts**

The remaining questions in this section covered what other powers may be required to enable rural development, and what potential impacts such powers would have on Scotland’s rural and island communities. Responses to these questions covered similar themes.

A lack of affordable housing was cited as a key issue in rural areas by many respondents. Several suggested restrictions on holiday lets and second homes to reduce the number of homes left empty for considerable portions of the year.

The need for improved ferry services and public transport in rural areas was highlighted by several responses. The need for these services was often connected

to reducing emissions and increasing communication/connectivity between rural and urban areas to create more opportunities, particularly for young people.

“Affordable accommodation is as much an issue in rural areas as it is in urban ones, and must be addressed if we are to have thriving rural communities [...] We would also like to see improved internet and transport links for rural communities.” **[Organisation, Third Sector (including charities)]**

Current planning permission procedures were described as barriers to development in various responses. Suggestions are made to make these procedures less ‘onerous’ to allow for more housing and businesses to be built.

Several calls were made to reform land ownership, under this theme there were various policy suggestions made such as limiting the amount of land an individual can own in Scotland, increasing transparency regarding who owns what land, and community ownership of land, and rules around croft ownership.

“A limit to the amount of land any individual can control or own. A more diverse pattern of land ownership needs to be quickly achieved [...]” **[Farmer – tenant (including seasonal lets)]**

Additionally, further investment in education, broadband, and supplementing wages were mentioned by some respondents.

The perceived impacts of changes of this sort included increased housing and land availability, increased job opportunities, strengthened communities, better food quality and security, and reduced costs to living rurally.

## **Animal Health and Welfare**

### **Context**

The consultation proposed 3 additional powers in the area of animal health and welfare:

- 1) to establish standards for animal health, welfare, and biosecurity as a condition for receiving payments
- 2) to make payments to support improvements in animal health, welfare, and biosecurity beyond legal minimum standards
- 3) to collect and share livestock health, welfare and biosecurity data.

### **Quantitative Overview**

Tables 26-28 (Appendix 3) provide the frequency tables to questions on animal health and welfare. Below is a summary of results among those who responded to these questions:

- 74% of respondents agreed that the new Agriculture Bill should include powers to establish minimum standards for animal health and welfare as a condition of receiving payments, while 18% disagreed.
- 75% of respondents agreed that the new Agriculture Bill should include powers to make payments to support improvements in animal health, welfare and biosecurity beyond legal minimum standards, while 13% disagreed.
- 68% of respondents agreed that the new Agriculture Bill should include powers to collect and share livestock health, welfare and biosecurity data, while 12% disagreed.

There was a broad recognition of the importance of high standards for animal health and welfare as promoting best practice in Scotland to compete with imports, improving business efficiency as a by-product, and being morally desirable.

There was concern that these proposals could result in a duplication of efforts. In general, several respondents argued that current welfare standards in Scotland are very high and covered by Assurance schemes, so there is no need to duplicate efforts/create a problem that doesn't exist.

“Farmers and Crofters already meet a high standard of animal welfare under current regulations. It seems illogical to establish something that is already accepted as a high industry standard globally just to potentially create pitfalls.” **[Individual, Farmer – tenant (including seasonal lets)]**

Additionally many argued that livestock data is already collected, and that many farmers are exceeding requirements already without financial assistance to do so, and there is no need to provide additional funding. The establishment of powers to establish standards as a condition for payment was called into question with the argument that the assumption has to be that existing legal requirements are met and that these are enforced via existing legislation. The role of certain organisations in enforcement under these new proposals was also raised as a concern that would require more detail.

However, some respondents argued that current minimum standards are entirely insufficient, justifying the inclusion of new standards in the Bill.

“These standards should be far higher than they are currently. For example, "free range" chickens should be a minimum standard rather than a choice.” **[Individual, Farmworker (employee)]**

Following on from this, some respondents called for more punitive approaches to animal health and welfare, suggesting penalties such as fines for not meeting high standards or participating in livestock data collection.

Concerns were also raised about additional bureaucracy the suggestions made in the consultation paper would involve.

Finally, across all question on animal health and welfare, there were calls for more detail to be provided on the proposals, such as what minimum standards would be, how much livestock data will need to be collected, and who would have access to it.

Beyond these overarching themes, various suggestions were made about where funding to support animal welfare could be directed, including towards membership of high welfare schemes, promoting organic certification, implementation, maintenance, etc.

“This allows farmers to be rewarded for good practice, and achieves public goods of higher health, welfare and biosecurity/public health via the use of public funds.” **[Organisation, Third Sector (including charities)]**

Additionally, various possible applications for livestock data were mentioned, including disease control, benchmarking, enforcement, etc.

“Currently the potential of this data (e.g. animal movements, medicine records, production and health data) to drive improvements in Scottish Agriculture has not been realized due to lack of standardized data recording across the industry.” **[Organisation, Third Sector (including charities)]**

## **Plant Genetic Resources and Plant Health**

### **Context**

Given the recognised value of plants for the economy and society, and the threat posed to plants by pests and diseases, the consultation document proposed the provision of powers:

- 1) To support the conservation of Plant Genetic Resources, including plants developed and grown for agricultural, horticultural and forestry purposes and their wild relatives.
- 2) To support in the protection and improvement of plant health, for example through support for measures to control the spread of plant pests and diseases or to increase resilience to outbreaks

Tables 29-30 (Appendix 3) provide the frequency tables to questions on plant genetic resources and health. Below is a summary of results among those who responded to these questions:

- 85% of respondents agreed 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, while 3% disagreed.

- 81% of respondents agreed that Scottish Ministers should have the power to provide support to protect and improve plant health while 4% disagreed.

There is support for the conservation of existing genetic material on the basis that maintaining crop diversity and resilience will be important for ensuring food security.

“The ability to create new or improved varieties which are better able to offer natural resistance to pests, diseases or drought etc will help create climate resistant crops and reduce reliance on pesticides.”

**[Organisation, Public Sector Organisation]**

Several respondents’ support government involvement came from the core sentiment that Scotland’s plants and their health are important for the public and Scotland’s future at large, and therefore ministers should have a role in ensuring they are harnessed in the public’s interest. A wide variety of suggestions for government action in the realm of Plant Genetic Resources and Plant Health were raised, including:

- Protecting plants from imported disease
- Preventing the spread of tree pests and diseases
- Support agroecological, organic and evolutionary plant breeding
- Raise public awareness of pests and diseases
- Regulation of plant breeding techniques
- Support for Integrated Pest Management
- Encourage community investment in local plants

However, there were concerns raised about ministerial knowledge. Given the complex nature of this topic, concerns were raised as to whether or not ministers would understand the science in sufficient detail to successfully direct support to protect and improve plant health. Related concerns demonstrated a general lack of faith in politicians, with concerns about abuse of this scheme through lobbying/political manoeuvring.

Although the topic wasn’t explicitly consulted on, respondents expressed strong views both in favour of and in opposition to genetic modification.

As stated in previous sections, several respondents felt that they could not support this proposition as they believe this work is already being conducted or do not feel the propositions are detailed enough to comment on. A small group of respondents found these propositions to be out of the scope of the Agriculture Bill.

# Section C: Skills, Knowledge Transfer and Innovation

## Context

The consultation paper proposed:

- That the new Agricultural Bill continues to provide the full panoply of support for knowledge transfer, innovation and skills development within the agricultural, crofting and land management sectors and that future support mechanisms are designed in such a way that they meet emergent needs and remain flexible/adaptable to future pressures for change.
- That the new Agriculture Bill provides Scottish Ministers with the power to establish a national reserve, and regional reserves if/when required, to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

## Support for knowledge transfer, innovation and skills development

The vast majority (92%) of those who responded to this question agreed that support should continue to be provided in the area of skills, knowledge transfer, and innovation, while 3% disagreed.

Many respondents noted that this support was crucial in order for there to be thriving agricultural, crofting and agricultural sectors in the future. Support was viewed as vital to attract new entrants into the sectors and encourage new delivery methods, innovative solutions, and activities to be explored through acquiring new skills, and also from learning from other areas. There were also calls for a greater emphasis on continuous improvement.

It was argued that the current support is insufficient and therefore should be extended or modified. There was a sense that agricultural training and support is often behind the agricultural supply chain and that Scottish Government did not understand the complexity of the sector enough to deliver this support.

Respondents also identified the following perceived gaps in delivery:

- Animal welfare and habitat conservation
- Agroforestry
- Integrated Pest Management
- Nut production
- Horticulture
- Local food skills
- Biological soil analysis
- Vegetable and fruit growing

In terms of approaches that might deliver better results in the skills, knowledge transfer and innovation space reference was made to the following:

- More supply chain involvement
- Mentorship schemes
- More expert involvement from outside government
- Regional hubs
- Open source platform that can easily be accessed
- Farm schools
- Collaboration with Higher Education
- Refresh and extend a mandatory CPD
- More consultation with key stakeholders

Similarly, in terms of suggestions as to how advisory services might be improved responses suggested making them more convenient to access, better online resources and courses, a centralised source of information, wider expert engagement, offering points as part of a qualification or CPD, upskilling advisors and better communications around what is available.

### **Establishing a national reserve, and regional reserves if/when required**

56% of respondents agreed 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 the competition, compared to 9% who disagreed and 35% who did not know.

In relation to the establishment of a national reserve were that some believed it was needed for the purposes described in the consultation document.

Some challenges were outlined by those who agreed in principle including that managing perceptions will be an important task in relation to how this is achieved, for example the potential perception of funds being side-lined for an unknown future purpose, when they could be having direct and positive impact now.

To aid understanding, it would be helpful to have sight of how potential market distortions and competition will be assessed and subsequently what support might then be available and to whom.

However, others felt that there was not enough detail in the consultation document as to how this would work for them to meaningfully comment on the proposals.

There were also arguments around whether such a system was efficient given its relative cost to administer and what purpose it would serve.

“We do not understand from the consultation paper what the purpose of such reserves would be, especially in this section with its focus on skills and innovation.

An initial and important starting point is that eligibility for and access to future payments in any of the Tiers should not turn on past occupation of farmland, past “active farmer” status or past claims. We are looking to the future in a time when structures will need to change if we are to have positive results.” **[Organisation, Environment Sector]**

# Section D: Administration, Control, and Transparency of Payment Framework Data

## Context

The consultation paper discussed several proposals relating to administration, control, and transparency of payment framework data, including:

- That Scottish Ministers take the powers to set an annual and/or multi-annual budget to support the proposed future support framework and enable intervention for the purposes of supporting high quality food production, climate change mitigation and adaptation, and nature restoration.
- The Scottish Ministers take the power to set up an Integrated Administration and control System (IACS), which includes an area monitoring system, a system for the identification of beneficiaries, and more.
- That Scottish Ministers take the power to collect information for the purposes of carrying out management, control, audit and monitoring and evaluation obligations and for statistical purposes.
- That Scottish Ministers take the power to gain independent assurance that objectives are being met.
- That Scottish Ministers take the power to enable the publication of details pertaining to recipients who receive payments and set a level above which payment details will be published.
- That Scottish Ministers have the power to amend retained EU law for CAP legacy schemes as needed to ensure their continued effective operation and regulation until they expire and also to ensure Scottish Ministers have flexibility to better respond to current, post EU exit, circumstances.

## Administration, Control, and Transparency of Payment Framework Data

Tables 36-40 (Appendix 3) provide the frequency tables to questions on administration, control, and transparency of payment framework data. Below is a summary of results among those who responded to these questions:

- 81% of respondents agreed 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, while 7% disagreed. Organisational respondents (90%) displayed higher levels of agreement than individuals (75%).
- 79% of respondents agreed 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 various statistical purposes, subject to GDPR requirements. 8% disagreed.

- 66% of respondents agreed that Scottish Ministers should have the power to share information where there is a public interest in doing so, and subject to complying with GDPR, while 18% disagreed.
- 83% of respondents agreed 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, while 6% disagreed.

Many respondents felt that powers to create a system that provides for an integrated database would be useful in monitoring and reporting progress. They stated that relevant funding should be allocated to carry out effective monitoring and evaluation of all farm support payments, establish baseline data, assess impacts and outcomes and report on progress.

Several respondents noted that the proposed system sounded like the current IACS (Integrated Administration and Control System), and that, if not wholly re-used or built on, it would make sense for any future system to be designed in a similar format.

Ultimately, it was believed that such a system, whether old or new, should be secure, transparent, and user friendly – and not bound by red tape.

Meanwhile, many emphasised a need for constructive use of 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. They felt it important to monitor the 'big picture', avoid becoming overly prescriptive about processes and minor infractions, and use data to encourage positive outcomes.

Powers to share information where there is a genuine public interest in doing so, and subject to complying with the General Data Protection Regulation (GDPR), were deemed important. Some responses stated that the immediate sharing of important information – such as that around disease outbreaks – would be imperative for relevant authorities, local communities and the wider public. The sharing of information relating to animal welfare standards – and any resulting penalties, for instance, was also deemed important:

"Data protection is only useful where it is an asset to society. The type of data being discussed would not impinge on an individuals rights. For example, if we suffer from another foot and mouth epidemic relevant authorities need to know immediately, as do the local rural communities" – **[Individual, Other]**.

There were, however, concerns around a lack of clarity on the meaning of 'public interest', in that this term is too flexible could be open to interpretation and political

manoeuvring. There were also calls more certainty on what types of information would be protected by GDPR.

### **Power to create a system that provides a mechanism that aligns with the principles of the Scottish Public Finance Manual**

The majority (73%) of respondents who answered this question agreed 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, while 6% disagreed. This was higher among organisational respondents (80%) than individuals (69%).

Many responses agreed that the creation of a system that aligns with the principles of the Scottish Public Finance Manual (SPFM) appeared to be a cost-effective way of achieving the principles set out in the SPFM.

It was felt that public funds provided to businesses should be properly handled, reported on, and audited, and therefore a suitably equipped system is crucial. Again, there were calls for the successful elements of existing systems to be utilised as much as possible.

While others were supportive of this, there was the caveat that the principles should apply across all strands of such a system, including outcomes:

“Do remember that economy, efficiency, and effectiveness have to apply to the results/outcomes and not just the administrative process - after all if the results/outcomes are not achieved, then no matter how efficient the administrative process, all the money spent has been wasted” **[Individual, Other]**

### **On-the-spot checks**

Around two-thirds (67%) of respondents agreed 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, while 17% disagreed. Organisational respondents were more likely to agree (79%) than individual respondents (58%).

Responses were generally positive surrounding checks to verify applications/claims for support. Such checks were seen as instrumental to ensure appropriate use of public money. However, most responses voiced conditional support of checks, subject to a host of caveats.

Where supported, responses recommended specific, light-touch checks, with advance notice given.

“Spot checks are OK in principle, but the farm businesses need to be clear what the purpose and scope of the inspection is and what is expected of them” **[Organisation, Other]**

One of the main objections was to on-the-spot checks, which many felt were unproductive. Some responses highlighted that the threat of on-the-spot checks would increase stress and strain on farmers, worsening mental health. On a practical level, a few responses underscored the preparation that is often required for spot checks to be productive, which would require at least few days' notice to ensure.

“On-the-spot checks put farmers under a lot of pressure which can affect their mental health and well-being. At least 48hrs notice should be given to farmers prior to an inspect for applications and claims”  
**[Individual, Farmer – Owner occupied]**

Another objection stemmed from the priority of on-the-spot-checks checks: whether this centred around a desire to provide assistance and advice to farmers or to catch them out for minor infractions of rules and provide punishment. In general, responses opposed a policing and punishing element of spot checks, preferring checks that provide resources to aid knowledge transfer, with minor, proportional enforcement.

Additionally, some responses saw on-the-spot-checks checks as another administrative hurdle for businesses, one that would likely cost more money to administer than provided value.

### **Cross compliance, conditionality, outcome measurement and publication of recipients**

Tables 42-46 (Appendix 3) provide the frequency tables to questions on administration, control, and transparency of payment framework data. Below is a summary of results among those who responded to these questions:

- 71% of respondents agreed 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. 12% disagreed and 17% did not know.
- 79% of respondents agreed that Scottish Ministers should have the power to create a system that provides a mechanism to support the delivery of practices aligned to the receipt of elective payments for targeted outcomes, while 7% disagreed.
- 87% of respondents 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, while 5% do not.

- 67% of respondents believe that Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately, while 10% disagreed.
- 57% of respondents agreed that Scottish Ministers should have the power to enable the publication of details pertaining to recipients of payments, including under the future payment model, and set a level above which payment details will be published. 21% disagreed and 22% did not know.

When it comes to monitoring systems, most responses generally agreed that the proposed systems added value, enabling needed transparency in use of government funds. It is also important to note that, as above, many believed these systems were already in existence, and that existing systems should be utilised where possible.

However, many also expressed concern with the added complexity of such a system, which could become excessively bureaucratic and costly. To avoid this potentiality, some mentioned that measurement of indicators for the system on cross compliance would need to be specific, measurable and evidence based, for such as system's recommendations to be effective.

In discussing a mechanism to support delivery of practices aligned to receipt of elective payments, responses iterated their desires for these payments. Specifically, they advocated for achievable targets, tailored to the unique situation of each farm/croft, to enable accessibility. Some also promoted that these payments be conditional on results:

“we want to see an outcomes-based approach to elective-type payments’...‘to ensure that outcomes sought can be achieved through the changes being implemented” **[Organisation ,Land manager]**

Other questions in this section focused on Scottish Minister's powers to monitor and evaluate outcomes of this policy, whether Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately, and whether Scottish Ministers should have the power to enable to publication of details pertaining to recipients of payments under the future payment level.

In response to these questions, common themes emerge around the principles used by respondents who support these measures. Respondents focus on evaluation as a vital part of any policy learning process, and view evaluation as important to justify investment. However, this support is caveated by calls for detail on what measures will be used as performance indicators in the evaluation process, and what degree of flexibility will be given to small farmers and crofters who may struggle to meet targets every year due to factors outside their control, e.g.: adverse weather conditions.

“Effective monitoring and evaluation is vital to understand where further improvements are needed and that the expected changes are underway.” **[Organisation, Third Sector]**

“We believe that monitoring and evaluation are very important parts of any future framework because it is vital that the government is able to continually assess the degree to which the framework is delivering against the objectives. An important element of this is having clear objectives and targets at the outset and unfortunately, the Vision does not provide sufficient precision.” **[Organisation, Community Representative]**

Respondents cited transparency and accountability as key reasons for supporting the publication of payment recipient data and the use of independent assurances by the Scottish Government in the evaluation process. In connection with the points above, some respondents argue that there is no reason to set a minimum level of payment before data is published. All money allocated, even in small amounts, is public money and in order to be fully transparent all payments should be published.

Some respondents displayed distrust both of government and ‘independent experts’ as evaluators. Several stated that Scottish Ministers had lacked the scientific knowledge necessary for this type of evaluation, but some others were also concerned that ‘independent experts’ may be a euphemism for lobbying interests. Additionally, there are concerns about the details of how funding will be allocated to any independent evaluators, suggesting more details are required as to how any possible tendering processes would work.

“I'm not sure what 'independent' means here. Vested interests could manipulate their image to appear independent, as think tanks sometimes do. And if these independent voices don't have the best interests of Scotland, its farmers and agricultural industry and communities at heart, their advice could be flawed or biased.” **[Individual, Other]**

Regarding the collection of monitoring data, several more specific concerns were raised about anonymity of farmers, commercial confidentiality, and this provision possibly dissuading people from using the scheme.

“We disagree with this as we don't know what value this adds. The danger is that the publication of details misses the full context and demonises farmers, without demonstrating the full social and environmental benefits of farming. Danger that lack of context around value for money for climate change, food production, landscape management, employment are completely missed with a list of this type. This presents danger to the Scottish government as well as rural businesses.” **[Organisation, other]**

Overall, across all proposed methods of evaluation, a few respondents argued that these evaluation processes would be costly and bureaucratic.

## **CAP legacy schemes and retained EU law**

Around two-thirds (65%) of respondents agreed 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. 11% disagreed and 24% said that they did not know.

The statistics above demonstrate majority support for making technical changes to Agriculture and Retained EU Law and Data (Scotland) Act 2020 to allow continuity and flexibility to act in this area. Several open responses stated that the question could not be answered without more detail on what these 'technical fixes' would entail.

Open responses in favour of this proposal typically did not expand much on their reasoning for this answer beyond the reasoning provided in the question and often simply stated this was 'common sense'. A few however discussed the importance of maintaining high standards, such as compliance with AECS in Scotland.

“Scottish Ministers should be able to retain EU law and to respond to any other circumstances or issues arising from the UK leaving the EU.”  
**[Organisation, Third Sector (including charities)]**

“Scotland should keep pace with or exceed any improvements in EU Environmental standards and not regress.” **[Organisation, Third sector (including charities)]**

However, responses opposing technical fixes to allow continuity with EU law were more forthcoming in their reasoning. Several respondents fundamentally disagreed with the CAP and therefore did not see any benefits in ensuring continuity with EU law.

The EU agricultural policy was widely acknowledged to be a disaster. So why would you want to perpetuate it? **[Individual, Farmer – Owner Occupied]**

Several respondents argued that allowing Scotland to make its own laws on Agriculture to fit its own context allowed more flexibility and better policy making than technical fixes to existing law.

Several respondents noted that Scotland is no longer in the EU and therefore should align itself with UK policy rather than the European Union in future.

# Section E: Modernisation of Agricultural Tenancies

## Agreement to Diversification

### Context

The consultation paper discussed a proposal relating to agreement to diversification, namely that there should be a power for Scottish Ministers to determine what is an acceptable diversification. This will help to enable national biodiversity, climate change mitigation and adaptation needs to be met by tenant farmers.

### Agreement to diversification

Tables 48-49 (Appendix 3) provide the frequency tables to questions on agreement to diversification. Below is a summary of results among those who responded to these questions:

- 50% of respondents agreed that Scottish Ministers should have a power to be able to determine what is an acceptable diversification, while 28% disagreed.
- 66% of respondents 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 to understand this, while 15% do not think that this should be the case.

There was some agreement that Scottish Ministers should be able to determine what diversification is to encourage biodiversity and combat climate change.

Conversely, some responses noted that some businesses need to diversify to survive, and that such steps towards resilience should be permissible without a link to biodiversity or climate change:

“Yes, but let's not focus solely on biodiversity or climate change in these changes. It is of equal importance that tenant farming businesses are resilient. They are currently held back by a system that allows landlords to refuse or stall enterprise. This must change. A diversification must not be linked to biodiversity or climate change targets [...] For example, the tenanted farm may want to open a farm shop which does not necessarily meet the biodiversity or climate change criteria” – **[Individual, Farmer – tenant (including seasonal lets)]**.

There was some emphasis that local circumstances often require rapid and local solutions, which Ministers may not be able to adequately provide if they are too distant from such issues. Some respondents discussed concerns about the potential politicisation of agriculture, and felt that matters such as diversification should be managed by a committee or similar system.

There was also concern raised with the language in this section in terms of what mechanisms will be used when describing the powers of Scottish Ministers, it was stressed that industry scrutiny would be needed in relation to agricultural holdings to ensure they are fit for the purpose of food production. It was stated that without this detail on the type and scale of diversifications that it wasn't appropriate to answer further.

Many respondents agreed that The Tenant Farming Commissioner (TTFC) would best placed to advise Ministers and offer guidance to tenant farmers and land owners, with some pointing out that it is often easier to receive unwelcome 'guidance' from an impartial body.

On the other hand, others felt that information around what constitutes an acceptable diversification should be made clear and simple enough that interference by a third party would be unnecessary.

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

### **Context**

The consultation paper discussed several proposals relating to Waygo and Schedule 5 of the Agricultural Holdings (Scotland) Act 1991, including:

- To amend Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 to enable a wider range of activities to be included on Schedule 5 as factors to be taken into consideration in calculating waygo
- To introduce a set timescale to conclude the process of waygo.

Tables 50-52 (Appendix 3) provide the frequency tables to questions on Waygo and Schedule 5 of the Agricultural Holdings (Scotland) Act 1991. Below is a summary of results among those who responded to these questions:

- 53% of respondents agreed 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 adaptation activity on their tenant farms, while 18% disagreed.
- 47% of respondents agreed 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, while 24% disagreed.
- 76% of respondents agreed 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. 3% of respondents disagreed, while 21% said they did not know.

The ability of Scottish Ministers to add new activities and items onto Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 was seen as imperative to ensuring fairness, creating financially sustainable tenancies, and encouraging tenants to make improvements to meet modern-day challenges.

Some responses pointed out that some current pressing issues were largely unacknowledged when the Act was drawn up in 1991, and so changes are needed to make it fit for the future. For instance, it was suggested that Schedule 5 be updated to allow tenants to engage in climate change mitigation and biodiversity targets.

In some cases, support for this was dependent on what the activities and items entail. There were calls for more detail around the types of activities and items that could be added, while others noted a need for discussions with tenant stakeholders to find out what they would like to see included.

Many outlined an understanding of the rationale for using secondary, rather than primary, legislation. However, it was felt that Schedule 5 should instead be brought forward in primary legislation so that there is the opportunity for proper industry, public and parliamentary scrutiny. Others also felt the proposals lacked enough thought and required clarification before they could be commented on appropriately.

Some respondents were of the view that Scottish Ministers should not be able to force retrospective legislation changes which will affect the terms of the agreement without the consent of both parties.

In contrast, a vocal minority felt that these issues should not be dealt with by legislation of any kind, but rather be left to landlord and tenant to agree. Through mutual interest, these responses felt that both parties could reach a suitable agreement without government intervention.

Many responses also believed that it was fair and important that both tenant farmer and landlord have certainty around when they will receive any money due to them when a tenancy comes to an end. However, some responses were hesitant to see government intervention in this area without a clear understanding of the timeframes proposed, as it may take some time for companies to arrange money at waygo. However, many responses felt that a timeframe of approximately a year would be suitable in most cases.

## **Amendments to rules of good husbandry and good estate management**

The majority (68%) of respondents to this question agree that the Scottish Ministers should be able to amend the rules of good husbandry and good estate management defined in the Agricultural Holdings (Scotland) Act 1948 to enable tenant farmers and their landlords to be able to meet future global challenges, while 11% disagreed.

Many responses were supportive of amendments to the rules of good husbandry and estate management. In general, responses referenced a need to modernise the rules such that they were reflective of current best practice.

‘Good husbandry is no longer only about keeping land to maintain its productive capacity, it is also about the delivery of the wide range of other benefits that good land management delivers. These benefits include protecting water from pollution, protecting and enhancing soil carbon stocks and providing habitat for different plants and animals.’  
**[Organisation, Other]**

Despite the desire for modernisation to legislation, many responses suggested this issue would be better managed between landlord and tenant, without Scottish Government interference. Additionally, a small minority deemed current rules and regulations sufficiently suitable without changes.

‘Tenants and their landlords should be encouraged to discuss such matters and, if they are in agreement, they should be able to amend their tenancy easily and cheaply rather than the bludgeon of legislation’  
**[Individual, Farmer – owner occupied]**

Responses also expressed apprehension in relation to how amendments to these rules would function in practice, requesting more details to form an opinion.

## **Rent Reviews**

### **Context**

The consultation document proposes changing the law to remove rent sections in the Land Reform (Scotland) Act 2016 to make the following 3 things important for each lease:

1. Considering other tenant farmers’ rents if they have secure or fixed time length tenancies;
2. Valuing the possible money to be made farming by that tenant farmer using a farm budget;
3. And thinking about the future economic outlook for the next 3 years.

### **Analysis**

- 56% of respondents agreed that adaptability and negotiation in rent calculations are required to meet the global challenges of the future, while 5% disagreed and 39% did not know.
- 32% of respondents think there are other relevant considerations that should be included in part of a rent review.

While responses were generally supportive of a rent review, there was little consensus about what best practice would look like in this regard. Some responses

discussed following open market value, value based on earning potential, and more.

Responses were also generally positive about adding flexibility to rent reviews. However, two main concerns were raised with the Scottish Government plan:

- Respondents indicated that the 3-year projection was potentially flawed, as demonstrated by the instability in the industry recently and general fluctuations. Many felt this impossible to quantify under current or future conditions.
- Some responses were apprehensive about comparable rents, unsure what would make rents comparable. In particular, these responses emphasised that rents cannot be compared between secure tenancies and LDTs.

When asked if there are any other relevant considerations that should be included in part of a rent review. Included below is a list of the suggestions of factors that should be included in part of a rent review that were made:

- Any averages used for rent calculations should be based on a number of years rather than a single year to allow for fluctuations
- Profitability of the land
- Value of any housing/sheds and steadings on the land
- Calculations should be made on a case-by-case basis
- Tenant characteristics such as age and previous farming experience
- Landownership should be transferred to the community
- Standard of farming
- Rate of inflation
- Time limits for when agreements must be reached
- Soil structure
- Location, topography, weather, accessibility etc...
- Sustainability/Environmental impact of farm

## Resumption

### Context

The consultation document puts forward the question of whether or not respondents think that the money to be paid to a tenant farmer by their landlord for a disturbance should be changed. This would involve a change to the valuation of what a tenant farmer is owed from their landlord when the landlord resumes using the land, a process called 'resumption'.

### Resumption

Around a quarter (26%) of respondents consider that Scottish Ministers should amend the resumption provisions on compensation for disturbance to include a new valuation formula, while 20% do not, and 53% don't know.

As with the previous question on rent reviews, there are very few 'themes' to identify and so instead a list of suggestions are presented below:

Firstly, several respondents viewed this question and part of the consultation paper as unclear. Many remarked that the paper is not clear on whether it is referring to resumption, relinquishment, or notice to quit.

"The commentary in the consultation document is confused. It refers to both notices to quit and resumption as if they were the same process. This is incorrect. It is not at all clear if only resumption is affected and if so whether only whole farm resumption is affected. It is also not clear what leases the proposal is to be applied to." **[Organisation, Other]**

Of those respondents who felt they were able to directly answer the question, very few consistent 'themes' were obvious. On one hand, several respondents did not want these laws to change.

"There is already provision on resumption for disturbance and discussion and landlords' rights should not be so easily dismissed for political reasons." **[Farmer owner occupied]**

A small minority of respondents argued that the Scottish approach is excessively complex and instead Scotland should align with England's Agricultural Tenancies Act 1995.

In terms of specific changes that could be made to valuation, the following suggestions were tabled regarding how specific needs of tenants/tenant landlord relations should be valued:

- Creation of a landlord-tenant body
- Compensation for costs associated with moving and finding alternative land
- Tenant age

- Value added by the tenant to the land

The following suggestions were made regarding how valuations should specifically be calculated, including:

- Longer valuation periods: to allow for fluctuations that could occur in a single year.
- Independent valuations by experts
- 50% vacant possession premium/vacant possession value
- 50% open market land value
- 25% of increase in value of the vacant possession of the land resumed

# Section F: Scottish Agricultural Wages (Fair Work)

## Context

The consultation paper proposed that Fair Work practices, including the real Living Wage, are applied to all Scottish agricultural workers. As the Scottish Agricultural Wages Board (SAWB) currently set the minimum agricultural wage for the industry, respondents were asked to consider if the SAWB should set the minimum Agricultural Wage to be at least the real Living Wage.

## Analysis

The majority (68%) of respondents to this question agreed that Fair Work conditions, including the real Living Wage, should be applied to all Scottish agricultural workers, while 10% disagreed. Agreement was higher among individual respondents (71%) than organisational respondents (62%).

Responses in favour of the real living wage made the argument that to pay these wages would be fair, that many agricultural workers were already paid at this level and that it may attract and keep high-skilled workers.

The payment structure for agricultural workers was also discussed and the fact that often accommodation and provisions are part of payment in this sector, therefore, any system making the real Living Wage a requirement would have to take this into account.

Others argued that a requirement to pay the real Living Wage would have a financial impact on businesses and that many businesses in the agricultural sector would like to pay workers more, but it was not financially viable to do so. Such a requirement may lead to businesses having to cut jobs or increase food prices.

The role of the Scottish Agriculture Wages Board (SAWB) which sets wage rates via the Scottish Agriculture Wages Order (SAWO) was questioned in the context of the real Living Wage being implemented. It was argued that the SAWB is an independent body that makes recommendations about wage rates taking into account the socio-economic impacts of different rates and not an arm of Scottish Government implements policy.

It was also questioned why the agriculture sector would be enforced to pay the real Living Wage given its status as a voluntary initiative for the rest of the economy to be paid by employers that can afford to do so.

There was also a desire to see wider consultation on this if such a mechanism or policy were enforced of the wider impacts, implications and administration of the change.

# Section G: Assessing the Impact

## Potential costs and burdens

Potential costs and burdens identified were:

- Potential cost of required resourcing and staffing: Many responses offered suggestions on the types of resourcing and staffing required by proposals. These included an increase in GIS (Geographic Information System) personnel within Scottish Government and local authorities, an increase in nationwide GIS licensing, and greater staffing in specific areas, such as flood management. It was advised that changes to the subsidy regime could result in increased reliance on professional advisors, adding a further cost. The addition and/or adaptation of further inspectorates was also mentioned, whilst others noted that payments to farmers and other food producers must be adequately budgeted for.
- Potential burden of bureaucracy and/or onerous administration: There were concerns that the implementation of some elements of the proposal could be burdensome for farmers who are trying to make a living. Others felt that burdens were dependent on the way proposals were implemented, and whether measures are proportional to and workable for small-scale agriculture. Some responses also highlighted that farmers/crofters may need to change practice to some extent to ensure payments, and that such a transition could be stressful in the short term as they become familiar with new skills and equipment.
- Impact on relations: There were also worries that the proposals could impair relations between Scottish Government and agricultural communities, particularly if they led to Government being more involved in economic decisions affecting the sector.
- Potential that any costs or burdens will be worthwhile: Others felt that the implementation of the proposals would far outweigh any negative effects. Such responses noted that the proposals outlined would help to create a fairer Scotland, 'make the most' of Scottish land and safeguard future food sources. It was also recommended that potential financial costs could be remedied through sensible financial management.

## Positive and negative impacts on the environment

Positive impacts on the environment that were identified are as follows:

- The proposals offer a radical change/step in right direction for Scottish agriculture: Many responses noted that the new Agricultural Bill has the potential to support radical change towards a more ecological food and farming model. Some felt this was particularly true in regard to support of genetic protection in and ex-situ, which they saw as having significant

potential to create a more sustainable food production system that respects the carrying capacity of Scottish lands and protects against outbreaks of pests and diseases. Others pointed out that 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.

- The proposals could lead to a growth in popularity of some environmental schemes: It was felt that the proposals could lead agri-forestry and organic farming to become more popular, with, for example, less ploughing of land and more minimum-tillage cropping. There were also suggestions that alternative environmental schemes such as the formation of beetle banks and farm ponds could prove popular, if properly financed. Others advised that the more efficient use of farm slurries and farm yard manures, through careful nutrient management planning, would lead to healthier soils and crops.
- Positive impact on climate change, increase in biodiversity and resilience of crops: Proposals were seen to have particularly positive impacts on tackling climate change, and could help to increase Scotland's natural capital. For instance, some responses advised that proposals could lead to an increase the range and number of pollinators and wildflowers, improve the quality of our landscape and encourage non-farm plant and animal diversity. It was also thought that proposals could help to increase the diversity and resilience of crops.

A negative impact that was identified was:

- Over-fixation on efficiency, impact of over-administration, and risk of measures being 'watered down': Some responses expressed worries that an over-fixation on administration and efficiency, and less dedicated focus on the environment itself, might roll back some of the beneficial aspects of these proposals after they've been implemented, and felt that there was a need to prevent this. Others described a risk that those with vested interests could use their influence to 'water down' measures for their own personal gain, having a subsequent negative impact on the environment and wider society.

## **Impacts on young people**

Several barriers to young people working in agriculture were identified by respondents. These were that renting/buying land is very difficult for young farmers, that many young people are lacking in rural skills, and that farming is not appealing to young people because of low wages and lack of housing in rural communities.

Positive impacts identified were:

- **Wages:** Several respondents put forward that increasing wage rates for young people could make farming more appealing to this group.
- **Innovation:** A minority of respondents viewed innovation as a route for fresh thinking from new participants in agriculture.
- **Climate Change:** Looking further into the future, a few respondents highlighted the positive impact more sustainable agriculture would have on the next generation by protecting them from the worst impacts of climate change.

Negative impacts identified were:

- **Reduction in jobs:** On the contrary to the above, a few respondents argued that the proposals put forward would reduce the number of jobs available for young people. A few respondents cite wage changes, general constriction of the farming sector and reductions to production levels to reduce emissions and drivers of this.
- **Insufficient support for farming families:** Several responses drew on personal experience of not having sufficient support as a farming family and thus not encouraging their children to stay in the family business.
- **Entitlements:** A few respondents argue that using entitlements to access support payments has, and will continue to, hinder young people from entering the industry.

## **Impacts on data protection and privacy**

Impacts on data protection and privacy identified were:

- **Data management:** There was wide ranging agreement in open responses of the general need for data to be well managed and to be collected and managed in line with the relevant legislation, particularly GDPR.
- **Concerns about anonymity:** Some respondents expressed concerns that individual farmers could be identified by data published about them, particularly data on the payments they are receiving.
- **Concerns about owners and access:** Several respondents felt that it was unclear who would own the data collected for this policy and who it would be shared with.
- **Distrust of Government:** A few respondents expressed a general distrust in government and a reluctance to share their personal data at no cost.

- Too much data gathered: A few respondents argued that the proposals will require excessive data collection, making the process complicated and bureaucratic.
- Transparency: A few respondents highlighted increased transparency as a positive outcome of the proposals.

## **Impact on people with protected characteristics**

Most responses did not give any examples of how the proposals in the consultation may impact on those with protected characteristics.

Some of the specific points raised were:

- There was a lack of focus on the impacts or inclusion of women throughout the consultation document
- The impact of additional red tape on those with dyslexia
- Increased technological solutions impacting older people who may not have confidence with technology
- Little detail in the consultation in terms of support for young people
- Insufficient detail in the consultation document on the impact on protected characteristics and that analysis needs to take place.

## **Impact on those experiencing socioeconomic disadvantage**

The main areas identified in relation to socioeconomic disadvantage were:

- Impacts of potential increased costs for food resulting from proposals for those struggling with cost of living.
- Impact on farmers who are struggling of potential additional costs associated with proposals in this consultation.
- Certain low-paid workers may benefit from the proposals set out in this consultation document.
- More analysis of these impacts is needed.

## **Impact on island communities**

Specific areas which may lead to different impacts for island communities that were identified were:

- Poorer transport links might make implementing some proposals more difficult.

- Scottish Government finance and data leading environmental controls might make some landowners feel control is shifting away.
- Housing is an issue on islands which makes the challenge of attracting new entrants more difficult.
- Island communities have explained that due to poor connectivity with the mainland they often struggle to sustain industry and education.
- Any conditionality of support applied must recognise the starting position of a lot of the soils in fragile areas, including islands that are typically higher organic matter soils- and in the northwest highlands.
- More remote locations often have more fragile ecosystems.

# Appendix 1: Workshops

## In-person events

<b>Date</b>	<b>Location</b>
05 October	Inverness
06 October	Skye
25 October	Inverurie
01 November	Oban
03 November	Melrose
08 November	Stirling
10 November	Dumfries
14 November	Ayr
28 November	Orkney

## Online events

<b>Date</b>
29 September 2022
27 October 2022
9 November 2022
15 November 2022
16 November 2022

## Appendix 2: Consultation questions

The full list of consultation questions can be found at the link below:  
[Link to Scottish Government Agriculture Bill consultation document](#)

# Appendix 3: Frequency analysis of closed questions

## Section A: Future Payment Framework

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

Respondent type	Yes	No	Don't Know	Total
Individual	80	43	27	150
Organisation	82	16	14	112
Total	162	59	41	262
<b>Total (%)</b>	<b>62%</b>	<b>23%</b>	<b>16%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	116	18	16	150
Organisation	76	24	11	111
Total	192	42	27	261
<b>Total (%)</b>	<b>74%</b>	<b>16%</b>	<b>10%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	89	33	28	150
Organisation	76	16	16	108
Total	165	49	44	258
<b>Total (%)</b>	<b>64%</b>	<b>19%</b>	<b>17%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	85	29	32	146
Organisation	76	9	22	107
Total	161	38	54	253
<b>Total (%)</b>	<b>64%</b>	<b>15%</b>	<b>21%</b>	<b>100%</b>

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

Respondent type	Yes	No	Don't Know	Total
Individual	73	33	40	146
Organisation	68	15	22	105
Total	141	48	62	251
<b>Total (%)</b>	<b>56%</b>	<b>19%</b>	<b>25%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	61	61	26	148
Organisation	65	23	19	107
Total	126	84	45	255
<b>Total (%)</b>	<b>49%</b>	<b>33%</b>	<b>18%</b>	<b>100%</b>

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

Respondent type	Yes	No	Don't Know	Total
Individual	96	21	31	148
Organisation	90	4	14	108
Total	186	25	45	256
<b>Total (%)</b>	<b>73%</b>	<b>10%</b>	<b>18%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	127	8	16	151
Organisation	92	5	8	105
Total	219	13	24	256
<b>Total (%)</b>	<b>86%</b>	<b>5%</b>	<b>9%</b>	<b>100%</b>

Table 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?

Respondent type	Yes	No	Don't Know	Total
Individual	128	6	17	151
Organisation	96	1	8	105
Total	224	7	25	256
<b>Total (%)</b>	<b>88%</b>	<b>3%</b>	<b>10%</b>	<b>100%</b>

## Section B: Delivery of Key Outcomes

### Climate Change Adaptation and Mitigation

Table 10: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	100	28	21	149
Organisation	96	5	6	107
Total	196	33	27	256
<b>Total (%)</b>	<b>77%</b>	<b>13%</b>	<b>11%</b>	<b>100%</b>

Table 11: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	94	22	26	142
Organisation	92	3	9	104
Total	186	25	35	246
<b>Total (%)</b>	<b>76%</b>	<b>10%</b>	<b>14%</b>	<b>100%</b>

Table 12: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	77	30	36	143
Organisation	84	7	11	102
Total	161	37	47	245
<b>Total (%)</b>	<b>66%</b>	<b>15%</b>	<b>19%</b>	<b>100%</b>

Table 13: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	93	30	23	146
Organisation	90	9	9	108
Total	183	39	32	254
<b>Total (%)</b>	<b>72%</b>	<b>15%</b>	<b>13%</b>	<b>100%</b>

## Nature Protection and Restoration

Table 14: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	118	16	9	143
Organisation	102	8	3	113
Total	220	24	12	256
<b>Total (%)</b>	<b>86%</b>	<b>9%</b>	<b>5%</b>	<b>100%</b>

Table 15: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	107	17	18	142
Organisation	94	3	13	110
Total	201	20	31	252
<b>Total (%)</b>	<b>80%</b>	<b>8%</b>	<b>12%</b>	<b>100%</b>

Table 16: Do you believe the new Agriculture Bill should include a mechanism to enable landscape/catchment scale payments to support nature maintenance and restoration?

Respondent type	Yes	No	Don't Know	Total
Individual	85	22	37	144
Organisation	92	4	14	110
Total	177	26	51	254
<b>Total (%)</b>	<b>70%</b>	<b>10%</b>	<b>20%</b>	<b>100%</b>

## High Quality Food Production

Table 17: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	100	14	27	141
Organisation	60	5	22	87
Total	160	19	49	228
<b>Total (%)</b>	<b>70%</b>	<b>8%</b>	<b>21%</b>	<b>100%</b>

Table 18: Do you agree that Scottish Ministers should have powers to begin, conclude, or modify schemes or other support relevant to the agricultural markets?

Respondent type	Yes	No	Don't Know	Total
Individual	99	18	25	142
Organisation	59	4	23	86
Total	158	22	48	228
<b>Total (%)</b>	<b>69%</b>	<b>10%</b>	<b>21%</b>	<b>100%</b>

Table 19: Do you believe the new Agriculture Bill should include a mechanism to enable payments that support high quality food production?

Respondent type	Yes	No	Don't Know	Total
Individual	121	10	15	146
Organisation	67	4	22	93
Total	188	14	37	239
<b>Total (%)</b>	<b>79%</b>	<b>6%</b>	<b>15%</b>	<b>100%</b>

Table 20: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	114	13	20	147
Organisation	73	5	12	90
Total	187	18	32	237
<b>Total (%)</b>	<b>79%</b>	<b>8%</b>	<b>14%</b>	<b>100%</b>

Table 21: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	116	10	18	144
Organisation	63	5	17	85
Total	179	15	35	229
<b>Total (%)</b>	<b>78%</b>	<b>7%</b>	<b>15%</b>	<b>100%</b>

Table 22: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	105	11	28	144
Organisation	57	6	20	83
Total	162	17	48	227
<b>Total (%)</b>	<b>71%</b>	<b>7%</b>	<b>21%</b>	<b>100%</b>

Table 23: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	94	21	27	142
Organisation	60	5	23	88
Total	154	26	50	230
<b>Total (%)</b>	<b>67%</b>	<b>11%</b>	<b>22%</b>	<b>100%</b>

### Wider Rural Development

Table 24: Do you agree that the proposals outlined above should be included in the new Agriculture Bill?

Respondent type	Yes	No	Don't Know	Total
Individual	94	32	17	143
Organisation	91	11	9	111
Total	185	43	26	254
<b>Total (%)</b>	<b>73%</b>	<b>17%</b>	<b>10%</b>	<b>100%</b>

Table 25: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	60	59	22	141
Organisation	67	15	20	102
Total	127	74	42	243
<b>Total (%)</b>	<b>52%</b>	<b>30%</b>	<b>17%</b>	<b>100%</b>

### Animal Health and Welfare

Table 26: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	101	27	10	138
Organisation	61	12	9	82
Total	162	39	19	220
<b>Total (%)</b>	<b>74%</b>	<b>18%</b>	<b>9%</b>	<b>100%</b>

Table 27: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	98	22	15	135
Organisation	65	6	12	83
Total	163	28	27	218
<b>Total (%)</b>	<b>75%</b>	<b>13%</b>	<b>12%</b>	<b>100%</b>

Table 28: Do you agree that the new Agriculture Bill should include powers to collect and share livestock health, welfare and biosecurity data?

Respondent type	Yes	No	Don't Know	Total
Individual	85	21	30	136
Organisation	62	4	15	81
Total	147	25	45	217
<b>Total (%)</b>	<b>68%</b>	<b>12%</b>	<b>21%</b>	<b>100%</b>

### Plant Genetic Resources and Plant Health

Table 29: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	121	5	17	143
Organisation	70	2	11	83
Total	191	7	28	226
<b>Total (%)</b>	<b>85%</b>	<b>3%</b>	<b>12%</b>	<b>100%</b>

Table 30: Do you agree that Scottish Minister should have the power to provide support to protect and improve plant health?

Respondent type	Yes	No	Don't Know	Total
Individual	115	5	20	140
Organisation	64	3	13	80
Total	179	8	33	220
<b>Total (%)</b>	<b>81%</b>	<b>4%</b>	<b>15%</b>	<b>100%</b>

### Section C: Skills, Knowledge Transfer and Innovation

Table 31: Do you agree that support should continue to be provided in this area?

Respondent type	Yes	No	Don't Know	Total
Individual	118	7	9	134
Organisation	103	1	3	107
Total	221	8	12	241
<b>Total (%)</b>	<b>92%</b>	<b>3%</b>	<b>5%</b>	<b>100%</b>

Table 32: Is there any particular gaps in delivery that you can identify?

Respondent type	Yes	No	Don't Know	Total
Individual	70	13	43	126
Organisation	83	3	17	103
Total	153	16	60	229
<b>Total (%)</b>	<b>67%</b>	<b>7%</b>	<b>26%</b>	<b>100%</b>

Table 33: Are there any alternative approaches that might deliver better results?

Respondent type	Yes	No	Don't Know	Total
Individual	54	4	67	125
Organisation	58	0	28	86
Total	112	4	95	211
<b>Total (%)</b>	<b>53%</b>	<b>2%</b>	<b>45%</b>	<b>100%</b>

Table 34: Do you have any ideas as to how engagement/participation in advisory services, knowledge transfer or skills development might be improved?

Respondent type	Yes	No	Don't Know	Total
Individual	76	8	42	126
Organisation	74	1	18	93
Total	150	9	60	219
<b>Total (%)</b>	<b>68%</b>	<b>4%</b>	<b>27%</b>	<b>100%</b>

Table 35: 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 the competition?

Respondent type	Yes	No	Don't Know	Total
Individual	43	9	27	79
Organisation	40	5	25	70
Total	83	14	52	149
<b>Total (%)</b>	<b>56%</b>	<b>9%</b>	<b>35%</b>	<b>100%</b>

#### Section D: Administration, Control, and Transparency of Payment Framework Data

Table 36: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	89	11	18	118
Organisation	77	3	6	86
Total	166	14	24	204
<b>Total (%)</b>	<b>81%</b>	<b>7%</b>	<b>12%</b>	<b>100%</b>

Table 37: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	85	12	19	116
Organisation	73	4	8	85
Total	158	16	27	201
<b>Total (%)</b>	<b>79%</b>	<b>8%</b>	<b>13%</b>	<b>100%</b>

Table 38: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	72	24	20	116
Organisation	60	12	12	84
Total	132	36	32	200
<b>Total (%)</b>	<b>66%</b>	<b>18%</b>	<b>16%</b>	<b>100%</b>

Table 39: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	79	9	27	115
Organisation	66	3	14	83
Total	145	12	41	198
<b>Total (%)</b>	<b>73%</b>	<b>6%</b>	<b>21%</b>	<b>100%</b>

Table 40: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	95	9	13	117
Organisation	70	4	9	83
Total	165	13	22	200
<b>Total (%)</b>	<b>83%</b>	<b>7%</b>	<b>11%</b>	<b>100%</b>

Table 41: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	68	28	21	117
Organisation	67	7	11	85
Total	135	35	32	202
<b>Total (%)</b>	<b>67%</b>	<b>17%</b>	<b>16%</b>	<b>100%</b>

Table 42: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	72	18	25	115
Organisation	72	6	9	87
Total	144	24	34	202
<b>Total (%)</b>	<b>71%</b>	<b>12%</b>	<b>17%</b>	<b>100%</b>

Table 43: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	86	12	18	116
Organisation	72	2	10	84
Total	158	14	28	200
<b>Total (%)</b>	<b>79%</b>	<b>7%</b>	<b>14%</b>	<b>100%</b>

Table 44: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	96	11	10	117
Organisation	80	0	5	85
Total	176	11	15	202
<b>Total (%)</b>	<b>87%</b>	<b>5%</b>	<b>7%</b>	<b>100%</b>

Table 45: Do you believe that Scottish Ministers should have the power to seek independent assurance that outcomes are delivered appropriately?

Respondent type	Yes	No	Don't Know	Total
Individual	75	12	29	116
Organisation	58	7	17	82
Total	133	19	46	198
<b>Total (%)</b>	<b>67%</b>	<b>10%</b>	<b>23%</b>	<b>100%</b>

Table 46: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	57	30	30	117
Organisation	53	11	13	77
Total	110	41	43	194
<b>Total (%)</b>	<b>57%</b>	<b>21%</b>	<b>22%</b>	<b>100%</b>

Table 47: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	72	15	29	116
Organisation	55	6	19	80
Total	127	21	48	196
<b>Total (%)</b>	<b>65%</b>	<b>11%</b>	<b>24%</b>	<b>100%</b>

## Section E: Modernisation of Agricultural Tenancies – Agreement to Diversification

### Agreement to diversification

Table 48: Do you agree that Scottish Ministers should have a power to be able to determine what is an acceptable diversification?

Respondent type	Yes	No	Don't Know	Total
Individual	64	40	24	128
Organisation	37	18	21	76
Total	101	58	45	204
<b>Total (%)</b>	<b>50%</b>	<b>28%</b>	<b>22%</b>	<b>100%</b>

Table 49: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	82	27	19	128
Organisation	52	4	19	75
Total	134	31	38	203
<b>Total (%)</b>	<b>66%</b>	<b>15%</b>	<b>19%</b>	<b>100%</b>

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

Table 50: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	61	24	30	115
Organisation	37	10	23	70
Total	98	34	53	185
<b>Total (%)</b>	<b>53%</b>	<b>18%</b>	<b>29%</b>	<b>100%</b>

Table 51: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	56	28	30	114
Organisation	28	15	23	66
Total	84	43	53	180
<b>Total (%)</b>	<b>47%</b>	<b>24%</b>	<b>29%</b>	<b>100%</b>

Table 52: 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?

Respondent type	Yes	No	Don't Know	Total
Individual	93	6	17	116
Organisation	43	0	20	63
Total	136	6	37	179
<b>Total (%)</b>	<b>76%</b>	<b>3%</b>	<b>21%</b>	<b>100%</b>

### Amendments to rules of good husbandry and good estate management

Table 53: Do you agree that the Scottish Ministers should be able to amend the rules of good husbandry and good estate management defined in the Agricultural Holdings (Scotland) Act 1948 to enable tenant farmers and their landlords to be able to meet future global challenges?

Respondent type	Yes	No	Don't Know	Total
Individual	82	17	23	122
Organisation	50	4	17	71
Total	132	21	40	193
<b>Total (%)</b>	<b>68%</b>	<b>11%</b>	<b>21%</b>	<b>100%</b>

### Rent Reviews

Table 54: Do you agree that adaptability and negotiation in rent calculations are required to meet the global challenges of the future? Please explain why

Respondent type	Yes	No	Don't Know	Total
Individual	61	8	41	110
Organisation	35	1	26	62
Total	96	9	67	172
<b>Total (%)</b>	<b>56%</b>	<b>5%</b>	<b>39%</b>	<b>100%</b>

Table 55: Are there any other relevant considerations that should be included in part of a rent review? Please explain why including any practical examples.

Respondent type	Yes	No	Don't Know	Total
Individual	33	6	68	107
Organisation	20	4	34	58
Total	53	10	102	165
<b>Total (%)</b>	<b>32%</b>	<b>6%</b>	<b>62%</b>	<b>100%</b>

### Resumption

Table 56: 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 you consider to be the appropriate method of valuation?

Respondent type	Yes	No	Don't Know	Total
Individual	33	22	49	104
Organisation	9	11	37	57
Total	42	33	86	161
<b>Total (%)</b>	<b>26%</b>	<b>20%</b>	<b>53%</b>	<b>100%</b>

## Section F: Scottish Agricultural Wages (Fair Work)

Table 57: Do you agree that Fair Work conditions, including the real Living Wage, should be applied to all Scottish agricultural workers?

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Individual	86	13	22	121
Organisation	44	6	21	71
Total	130	19	43	192
<b>Total (%)</b>	<b>68%</b>	<b>10%</b>	<b>22%</b>	<b>100%</b>

# Appendix 4: List of organisational respondents

The list of organisational respondents to this consultation are listed below.<sup>8</sup>

A and S Barbour  
Aberdeen and Northern Marts Group (ANM Group)  
Aberdeen Grain Storage Ltd  
Agricultural Law Association  
AIC Scotland (Agricultural Industries Confederation Scotland)  
ALGAO: Scotland  
Anaerobic Digestion and Bioresources Association (ADBA)  
Angus Soft Fruits  
Appietown Farms  
Aquatic Life Institute  
Association of Deer Management Groups  
Association of Labour Providers (ALP)  
Atholl Estates  
Ayton Estate  
Ballogie Estate Enterprises  
Blackface Sheep Breeders' Association  
Blackhaugh Community Farm Action Group  
Botanical Society of Britain and Ireland Committee for Scotland  
British Association for Shooting and Conservation  
British Association for Shooting and Conservation (Scotland)  
British Ecological Society  
British Horse Society  
British Veterinary Association  
Buglife  
Built Environment Forum Scotland  
Cairngorms National Park Authority  
Central Association of Agricultural Valuers (CAAV); Scottish Agricultural Arbiters and Valuers Association (SAAVA)  
Chartered Institute for Archaeologists  
CIEEM  
Comhairle nan Eilean Siar  
Community Land Scotland  
Community Woodlands Association  
Communities for Diverse Forestry  
Crown Estate Scotland  
Dairy UK

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<sup>8</sup> The Respondent Information Form for participants states the following for organisations: "Information for organisations: The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published. If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Dalhanna Farming Company  
Davidson and Robertson  
Dumfries and Galloway Sustainable Food Partnership  
Dunecht Estates  
Earth in Common  
Farm Business (Cayley Walton Partners)  
Fisheries Management Scotland  
Food, Farming and Countryside Commission  
Forest Policy Group  
Forth Valley & Lomond CLLD Local Action Group  
FOUR PAWS UK  
Game & Wildlife Conservation Trust  
GB & AM Anderson LTD  
Glasgow & Clyde Valley Green Network  
Hartside Farms  
Highland and Islands Agricultural Support Group/Shetland Islands Council  
Highland Good Food Partnership  
Highlands and Islands Enterprise  
Historic Environment Scotland  
Institute of Fisheries Management  
James Hutton Institute  
Joie de Veg  
KAGE: Kippen and Gargunnoch Equine Access Group  
Knockfarrel Produce  
Landscape Institute  
Lantra (Scotland)  
Law Society of Scotland  
LEAF (Linking Environment And Farming)  
M & G Ballantyne  
Macleod Organics  
MeatWise  
Meikleour Trust  
Moray Estates Developments Ltd  
Moredun Research Institute  
Mountaineering Scotland  
MSD Animal Health UK Limited  
National Access Forum  
National Trust for Scotland  
NatureScot  
NE Scotland Agriculture Advisory Group  
NFU Scotland  
NFU Scotland Orkney Branch  
NFUS Shetland Branch  
Nourish Scotland  
NSA Scotland  
OneKind  
Open Food Network  
Organic Growers Alliance

Orkney Auction Mart  
Orkney Islands Council (officer's response)  
Outer Hebrides CLLD Local Action Group  
Paths for All  
Perth and Kinross Council  
Peter Marshall Farms  
Plantlife Scotland  
Propagate (Scotland) CIC  
Quality Meat Scotland  
Ramblers Scotland  
Rare Breeds Survival Trust (RBST)  
Rewilding Britain  
River Deveron District Salmon Fishery Board  
Robert Neill & Partners  
Robertsons Orkney  
RSABI  
RSPB Scotland  
Savills UK PLC  
ScotFWAG (Scottish Farming and Wildlife Advisers' Group)  
Scotland Food & Drink  
Scotland's Rural College (SRUC) and SAC Consulting  
Scottish Agricultural Organisation Society Ltd (SAOS)  
Scottish Agritourism  
Scottish Agronomy  
Scottish Anglers National Association  
Scottish Badgers (SCIO)  
Scottish Beef Association  
Scottish Borders Council  
Scottish Community Alliance  
Scottish Council for Development and Industry  
Scottish Courts and Tribunals Service  
Scottish Dexter Group  
Scottish Environment LINK  
Scottish Environment Protection Agency  
Scottish Islands Federation  
Scottish Land & Estates  
Scottish Local Authorities Economic Development (SLAED) Group  
Scottish Machinery Ring Association - SMRA  
Scottish Organic Stakeholders Group  
Scottish Organics Producers Association  
Scottish Pig Producers  
Scottish Red Meat Resilience Group  
Scottish Rewilding Alliance  
Scottish Rights of Way and Access Society (ScotWays)  
Scottish Rural Action  
Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA)  
Scottish Society of Crop Research  
Scottish Tenant Farmers Association

Scottish Wildlife Trust  
Scottish Women's Convention  
Skills for Farming group - joint leads SRUC, NFU Scotland, Skills Development  
Scotland  
Small Woods Association  
Smiddyburn Farms  
Society of Antiquaries of Scotland  
Soil Association  
Soil Association Scotland  
South Lanarkshire Council  
South of Scotland Enterprise  
St Johns Town of Dalry Community Council  
Stewarts of Tayside  
Stirling Council  
Stockfree Farming  
Sustainable Soils Alliance  
The Church of Scotland General Trustees  
The Dupplin Trust 2000  
The Institute of Auctioneers and Appraisers in Scotland  
The John Dewar Lamberkin Trust  
The Landworkers' Alliance  
The National Robotarium  
The Nature Friendly Farming Network  
The Scottish Crofting Federation  
The Vegan Society  
Venison Advisory Service  
W& R Logan Ltd  
Woodland Trust Scotland  
WWF Scotland  
Zero Waste Scotland

## Appendix 5: Campaign Responses

Based on a review of consultation responses there would appear to be some examples of campaign responses received.

There were more than 50 letters received in relation to the Scottish Government's consultation on proposals for a new Agriculture Bill which were identical or similar in content, these appear to be from NFUS members.

These letters argued that at a time when farming and crofting are facing a crisis in confidence, driven by rising input costs, volatile prices, labour shortages and extreme weather, the Scottish Government appears to be disconnected from reality.

They also noted while a new Agriculture Bill is needed to deliver the Scottish Government's Vision for Agriculture, the Vision has been side-lined by circumstances.

The letters conclude that "A clear, unwavering commitment that future policy will underpin agricultural activity and food production is required immediately. If the pursuit of a misplaced vision is all that matters, then Scotland's future 'agricultural support' policy will fail".

In addition to the letters above, there were further responses specifically related to NFUS Orkney submitted as letters or using similar language throughout which appeared to be part of a co-ordinated campaign.

WWF provided a document highlighting personal responses from supporters and received 1,829 signatories to their e-action on the consultation.

Farm for Scotland's Future is a campaign launched by members of Scottish Environment LINK and farmers' groups, calling on the Scottish government to make farming work for nature, climate and people. In October, the campaign organisers launched a petition, asking people to add their names to the campaign and also to write a personal message about why they care about the future of Scotland's farming. By the consultation closing date 2,592 people had signed the petition, of whom 1,765 had written personal messages.

A number of open-ended responses to certain questions gave responses supporting the submission by RSPB Scotland and the submission by Scottish Environment LINK was endorsed by a number of other organisations.



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