



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Rural Affairs and Islands Committee

**Wednesday 20 December 2023**

**Session 6**



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**Wednesday 20 December 2023**

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**RURAL AFFAIRS AND ISLANDS COMMITTEE**  
**34<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Finlay Carson (Galloway and West Dumfries) (Con)

**DEPUTY CONVENER**

\*Beatrice Wishart (Shetland Islands) (LD)

**COMMITTEE MEMBERS**

\*Karen Adam (Banffshire and Buchan Coast) (SNP)

\*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

\*Ariane Burgess (Highlands and Islands) (Green)

\*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

\*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

\*Rhoda Grant (Highlands and Islands) (Lab)

\*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Stuart Goodall (Confor)

David Harley (Scottish Environment Protection Agency)

Eleanor Kay (Scottish Land & Estates)

Ross Lilley (NatureScot)

Ross MacLeod (Game and Wildlife Conservation Trust)

Professor Davy McCracken (Scotland's Rural College)

Professor Dave Reay (Edinburgh Climate Change Institute)

Euan Ross (Nature Friendly Farming Network)

Alastair Seaman (Woodland Trust Scotland)

Vicki Swales (RSPB Scotland)

Kirsty Tait (Food, Farming and Countryside Commission Scotland)

**CLERK TO THE COMMITTEE**

Emma Johnston

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



**Scottish Parliament**  
**Rural Affairs and Islands**  
**Committee**

*Wednesday 20 December 2023*

*[The Convener opened the meeting at 09:06]*

**Decision on Taking Business in**  
**Private**

**The Convener (Finlay Carson):** Good morning, and welcome to the 34th meeting in 2023 of the Rural Affairs and Islands Committee. I remind everyone who is using electronic devices to turn them to silent.

Our first item of business is a decision on whether to take item 4 in private. Are members agreed that we should do so?

**Members indicated agreement.**

**Agriculture and Rural**  
**Communities (Scotland) Bill:**  
**Stage 1**

09:06

**The Convener:** Our next item of business is our third round-table discussion on the Agriculture and Rural Communities (Scotland) Bill. Today's evidence session will focus on on-farm nature restoration, climate mitigation and adaptation. We will also discuss the bill more widely. We have up to three hours for discussion.

I welcome to the meeting David Harley, chief officer, circular economy, Scottish Environment Protection Agency; Stuart Goodall, chief executive, Confor; Kirsty Tait, director for Scotland, Food, Farming and Countryside Commission Scotland; Ross Lilley, head of natural resource management, NatureScot; Professor Dave Reay, executive director, Edinburgh Climate Change Institute; Ross MacLeod, head of policy for Scotland, Game and Wildlife Conservation Trust; and Vicki Swales, head of land use policy, RSPB Scotland. Joining us remotely are Professor Davy McCracken, head of the integrated land management department, Scotland's Rural College; Euan Ross, Scotland manager, Nature Friendly Farming Network; Eleanor Kay, senior policy adviser, Scottish Land & Estates; and Alastair Seaman, director for Scotland, Woodland Trust.

We have a lot of participants, so I ask everyone to be succinct in their questions and answers. Please indicate to me or the clerk when you wish to respond to a question. If you feel that your point has already been made, please simply indicate that you agree and we will move on to the next question.

We will look at the various themes and the four objectives of the agricultural policy that is set out in the bill. I will kick off. First, I seek your views on what

"the facilitation of on-farm nature restoration, climate mitigation and adaptation"

means and whether the bill as it stands will deliver that.

**Vicki Swales (RSPB Scotland):** An awful lot is wrapped up in that statement about facilitating on-farm nature restoration. Although it will be a large part of what needs to happen, we should not necessarily be thinking entirely about the on-farm aspect in relation to the powers that the bill seeks to create. The bill also makes provisions for woodland and forestry grants and for other land management, as is already the case under the common agricultural policy. It is therefore a bit

broader than focusing only on the on-farm aspect. Nonetheless, we need farming to transition much more to the wide-scale adoption of nature and climate-friendly farming methods, and that absolutely means embedding those methods in all our farming and food production systems from the start.

At the very start, that means complying with legislation, but it then means working through that and undertaking measures on farms. Practical things that we might think about in an arable setting, for example, include hedges, field margins, fallows and stubbles. Those are all things that can help nature and contribute to tackling climate change. We also need other habitats to be created, some of which we have historically lost in Scotland as a result of land use and agricultural changes. We need to include a wide raft of measures that can help to mitigate climate change but also help us to adapt to it, because we are already facing it.

The bill seeks to create powers for the Government to introduce its four-tier framework, and measures within all those tiers should contribute to the delivery of nature and climate-friendly farming methods on farms. At the minute, we have an objective, but we argue that it needs to be tweaked slightly to make it broader so that it talks about maintaining and enhancing farmland biodiversity, but also contributing to nature restoration and ecosystem regeneration more widely.

**The Convener:** I will bring in Davy McCracken and then Dave Reay.

**Professor Davy McCracken (Scotland's Rural College):** Thank you for allowing me to input online rather than being there in person. I think that it is best for all concerned that I am at some distance from you.

Something that is implicit in the answer that Vicki Swales gave but that should be much more explicit is why farmers need and should want to do more for nature and the climate on their farms. We have a big job to do to explain to farmers across Scotland why they should be engaging. Farmers have a role to play in helping to address biodiversity declines, and farmers and crofters have a role to play in helping to address on-going climate change. However, as Vicki mentioned, they also need to make some changes on their farms and crofts in order to adapt to on-going climate change.

We are going to see severe droughts in Scotland once every two or three years rather than once every 20 years. We are also going to see severe weather. We had severe weather in the Highlands over the weekend and down the east coast of Scotland a couple of months ago, with

double the usual rainfall. The things that farmers can do with what are called nature conservation, climate change adaptation and mitigation measures will help to make their farms much more resilient. That is one of the main messages that needs to go out to farmers and crofters in Scotland sooner rather than later: that they are doing this not just for wider society, but for themselves.

Otherwise, as Vicki said, the framework—it is a framework—provides for the type of legislation that is needed to evolve the policies to facilitate that change on the ground.

**Professor Dave Reay (Edinburgh Climate Change Institute):** I back up the points that Vicki Swales and Davy McCracken have made. The trouble that I have with the objectives is that there are only four. The objective in section 1(c) includes a huge amount and it is not specific enough, given how important the things it covers are. We are focusing on that objective, but we need to look at all four. We cannot disagree with the objective in section 1(d), which is

“enabling rural communities to thrive”.

However, we need something that says that that includes fair work, more jobs and skills and all those kinds of elements. We can compare what is in the bill with the position under the CAP, as Vicki said, and it would be really useful to have greater depth as well as breadth. The current wording could mean everything to everyone and it risks being a bit meaningless.

**The Convener:** Would you suggest that we look at adding more objectives on top of the four and making it clearer what the objectives are?

**Professor Reay:** Yes. The four objectives cover so many things. People will read them and think, “That means something to me,” but it would be valuable to make their meaning overt.

**The Convener:** Okay. I will bring in Euan Ross and then Kate Forbes, who has a supplementary question.

**Euan Ross (Nature Friendly Farming Network):** I agree with what has been said. I particularly agree with Davy McCracken's point that it is fundamentally about farmer and crofter resilience and how nature-friendly farming builds resilience into the system. The objectives need to have more substance beneath them in relation to farmers' and crofters' position in the value chain. I know that that has been raised at previous committee meetings.

The fundamental point is that, as David McCracken alluded, there is a problem with farmers and crofters not necessarily seeing that resilience, often because they are operating in a precarious market. In the case of produce, there is at least a market and a market price. In the case

of emergent markets for things such as natural capital, the Government needs to come in and see farmers and crofters as valuable actors who are part of the value chain. It needs to regulate those markets so that farmers and crofters have the confidence to access them and make their farms more resilient.

09:15

**The Convener:** Before I bring Kate Forbes in, Eleanor Kay and Ross Lilley might want to make some initial comments.

**Eleanor Kay (Scottish Land & Estates):** Building on what has been said—I am conscious that I need to add to that in order to not upset the convener—I note that much of this is about ensuring that there are linkages throughout the new tiered system. Whatever farmers get in their whole farm plan recommendations needs to resonate clearly with what is available to them in tier 2 and what they can do in tier 3, and it needs to be entirely backed up by the knowledge and continuing professional development that is available and the guidance in tier 4. When we get more detail, we will be able to ensure that there are linkages between all of those. Otherwise, we will not achieve anything.

The bill represents a major change for the sector and we have to make sure that all the mechanisms and tools are in place for it to happen. We might need to do a big body of work on habitat mapping and climate risk mapping in order to make the right decisions. At present, we are not there with the information that is available to farmers.

The objectives in the bill are as broad as they need to be. The more detail we put in, the more we will risk cutting something out. I think that the rural support plan is where we will get that detail, but I am happy to argue about that. So much of this comes down to communication, and the current communication is not fit for purpose. We must improve it as a matter of urgency before we get to 2027, and we have to start doing that now.

**Ross Lilley (NatureScot):** I will try not to repeat what has been said, as I am at the end of the line. Fundamentally, the bill's provisions on nature, climate, farming and food production are about land and soils. Why does the bill have a focus on farmers and crofters? It is because they cover 70 per cent of Scotland's land. Land has to do a heck of a lot for Scotland and for society and it has to do that in a way that has never existed before. The last time we had a look at land was after the second world war, in the CAP. We had 70 years of that, and we are now having to rebase it all.

There is a lot of pressure on farmers and crofters because they are essentially the stewards

of our land. I know from working with a lot of farmers and crofters that many see themselves not as producers, but as our stewards. That is why there is a lot of pressure to get the bill right. At the end of the day, it is about how farmers and crofters manage the soil. If we get it right, it will do the work that we need it to do for the other public goods.

**The Convener:** I will go right round the table before I bring Kate Forbes in to ask her supplementary question, because other people have indicated that they want to comment.

**Ross MacLeod (Game and Wildlife Conservation Trust):** One of the challenges with the bill and the broad nature of the objectives is that, as Jim Fairlie said in a previous session, there are lots of moving parts. There are lots of dependencies on other legislation that will be introduced, such as the land reform bill, and other pieces of work, such as the Scottish biodiversity strategy. The bill would be improved if there was something in it that recognised the need for adaptability, which ministers and cabinet secretaries have referred to. At present, it is rather loose. On several occasions during your evidence sessions, you have pushed the point that powers will be taken in secondary legislation, for example. We need some clarity to allow more flexibility as we move forward and enable us to learn what works and what does not, particularly in terms of outcomes. We need to have something in the bill that recognises the need for learning through adaptation.

**David Harley (Scottish Environment Protection Agency):** I agree with many of the points that have been made. Vicki Swales made the point that this is an ecosystem. If we start to rebuild that ecosystem, we will get multiple benefits across the board in relation to climate change, climate resilience and food resilience. As Ross Lilley said, the importance of the soil is fundamental, because it is the foundation of the whole system. The objectives could be more explicit on that, and also on water quality. A third of Scotland's water environment is downgraded by agriculture, which is far more than is downgraded by sewage.

**Kirsty Tait (Food, Farming and Countryside Commission Scotland):** On the question of whether the objectives are detailed enough, if we set out the definition of sustainable and regenerative agriculture, that in itself will enable nature restoration and climate mitigation and adaptation because, if our farmers practise sustainable and regenerative agriculture, there will be on-farm and off-farm change. I think that the objectives are enough for their purpose. The detail has to come below them. We have been watching the discussions that have taken place, and I think

that that is where we can start to pull out what we mean.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** In the first few minutes of this evidence session, some people have said that this is about land, some have said that it is about ecosystems, some have said that it is about communities and some have said that it is about food. Can we manage all the different objectives simultaneously in the way that the previous CAP system did quite effectively? Obviously, the bill is about agriculture and rural communities. First, are there any inherent conflicts between the objectives, as they stand? Secondly, would it be possible to add objectives while retaining the focus?

**Ross Lilley:** In relation to what has been done so far to incentivise the right land management through farming, I would argue that the common agricultural policy has stifled a lot of the creativity that we need from farmers and crofters. We need to put the tools in their hands so that they can get things right, and I think that we do—I can point to plenty of examples across Scotland of farmers and crofters doing that. Farmers and crofters can weave the multiple objectives into their land or holding in a way that works for them. A fundamental issue has been the way in which support has been provided up to now through the common agricultural policy, and the bill presents a fantastic opportunity to get that right.

**Euan Ross:** I would argue that the objectives complement one another, rather than being in conflict. We have only to look at recent events to understand that. We can take on-farm nature restoration as the starting point. If we have resilient systems that can adapt to and mitigate climate change, the effects of shock weather events such as storm Babet, which will only become more frequent, will be curtailed to quite a large extent. Fundamentally, that means that, as well as the food system being safeguarded, people who live in rural communities—they might or might not work in the agriculture industry—will be safeguarded.

**Professor McCracken:** I will make two points in response to Kate Forbes's questions. First, as has been said, the four objectives are strongly interrelated, but the conflict relates to the current definition of active farming putting the focus solely on food production. In the SRUC's consultation response, we argued not that food production should be replaced in the definition of active farming, but that the definition should be broadened in recognition that elements of environmental management—including woodland creation, peatland restoration and habitat management—would limit what land managers perceive to be the conflict between environmental management and food production, in that they

believe that environmental management will detract from food production.

Secondly, given that the bill is about agriculture and rural communities, we should bear in mind that the definition of rural communities in the framework of the bill is much narrower than rural communities per se. Farming and crofting are an extraordinarily important part of rural communities, but the bill does not address many of the wider challenges that rural communities face in relation to education, transport and so on. The challenges are much wider than those relating to agriculture and crofting.

**The Convener:** I will bring in Vicki Swales, but first I ask that you all think about how the bill as it currently stands can deliver your aspirations and what its limitations are. We have heard a lot about definitions of sustainable and regenerative agriculture, rural communities and water quality. Where should those definitions be set out? Should they be in the bill or should the bill contain obligations to define them in secondary legislation?

**Vicki Swales:** I will come to the question of definitions, but the objectives, as I said, are entirely complementary. High-quality food production depends on a healthy natural environment, good soils, pollinators, clean water and a stable climate in which to operate. Farmers can earn their living not just from high-quality food production but from providing a wide range of other goods and services, which can include environmental management. The objectives are interrelated and complementary.

Are the objectives enough? In previous evidence sessions, you have had suggestions from others that there should be a small set of high-level objectives—perhaps created by tweaking what is already there—as well as a larger set of the outcomes that we want the policy to deliver. That might be one way of better articulating what we want. We made a number of other suggestions that could be included, for example, around maintaining high-nature value farming and crofting systems in Scotland. That is one way to do it.

Definitions are important, are they not? Sustainable and regenerative agriculture is at the heart of all this. There is a promise—we will probably come on to this—to set that out in a code of practice. It is not clear in the bill how binding that code of practice would be; there is simply a requirement for it to be produced. That needs strengthening, because in order for the code to be binding and meaningful, putting it into practice should be a condition on the payments that farmers receive. As Kirsty Tait suggested, some of what we mean by all that could be set out in the content of the code.

Other things will need to be specified in the rural support plan, such as the intentions of the payments, who the beneficiaries are, what active farming is and all the things that do not necessarily need to be in this framework bill. They will need to be in other places or, indeed, in that secondary legislation, and they will need to be set out in a much greater level of detail and with greater clarity. In effect, that is what we had with the common agricultural policy; we had the main regulations, the implementing regulations and the delegated acts. We need that same type of hierarchy of specificity in the legislation to replace the CAP in Scotland.

**Eleanor Kay:** I back up what everyone has said. When we talk about the many demands and the slightly conflicting views on the objectives of the bill and the management of land, whether it is for food, community or the environment, most of the solutions tend to be the same, although what people are asking for is slightly different. Much of that is down to how we explain that single changes of practice can deliver many different benefits and that things such as climate resilience and business resilience are one and the same.

How content we are with the objectives of the bill depends a lot on how the budget is split. Schedule 1 is fairly clear on what is intended for rural communities, but it is very broad. It includes things such as infrastructure and ensuring that people can live and work in rural areas, and it is great to see those things in the bill, but that is very different to what CAP delivered for the majority of its purpose. That included things such as an integrated land management plan, which we have had no detail on other than it potentially being in the land reform bill.

The bill's clear links to other legislation are not really referenced in the explanatory notes or the policy memorandum. That makes it difficult to fully scrutinise it, because we do not have the detail yet, which makes our job much harder.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** On the reference to the CAP, I would not say that the outcomes of the previous support mechanism supported farmers 100 per cent.

Davy McCracken talked about the flooding in the north-east, which is being replicated across Scotland as the climate changes. I want to drill down into a bit more detail from David Harley, SEPA and Davy McCracken on some of the objectives. I am concerned that

“the facilitation of on-farm nature restoration, climate mitigation and adaptation”,

which is the objective in section 1(c), will not support farmers and ensure that they can protect the food—protein—that they are growing on their

land. Should the bill contain more detail to ensure that farmers have the opportunity to work with organisations such as SEPA and others? That would ensure that farmers are part of the conversation, because, so far, their participation has been very piecemeal. Where could that detail, specifically around a catchment management approach, be added to the objectives?

09:30

**David Harley:** I do not have a firm view about where that detail should be added, but there should be more collaboration on and facilitation of the right landscape-scale and catchment-scale interventions that deliver for multiple benefits. Crucially, that must include climate change adaptation and flood prevention.

**Rachael Hamilton:** Will you say, specifically, whether that should be in the bill, and if so, whether it should be an extra to those objectives or within section 1(c)?

**David Harley:** Again, I do not have a firm view about whether it is of huge value or whether it should be specifically mentioned in the bill, although others might do. I think that we need more collegiate support for the right interventions.

**Professor McCracken:** The framework could be a bit more explicit, certainly on the need for landscape-scale interventions rather than just individual measures at the individual farm level. It is implicit about that, but it could be more explicit.

Actually, the framework allows for that to be done in the secondary legislation, which will say what measures and actions in particular occur in each of the four tiers—tiers 2 and 3 are where those elements would be best suited. Having more detail on the range of measures and how farmers and crofters can implement them will help to achieve that. There will need to be collaboration, co-operation and some level of recognition of the need for that going forward, but it goes back to questions about the CPD and so on that you will, no doubt, come back to later.

**Ross MacLeod:** I do not think that the words “collaboration” or “landscape-scale” appear in the bill, so it would be useful at least to define them somewhere to help to clarify that collaborative approaches will be useful going forward.

**The Convener:** We hear everyone saying that things “should be” in secondary legislation, but do we need to set out in the bill that that needs to happen, or do we just expect it to happen? We are all saying that terms such as “landscape-scale” or “collaboration” need to be included and that we need to define them in secondary legislation. Do we need to put something into the bill that forces

or obliges the Government to produce those things, or do we just let it happen?

**Ross MacLeod:** Collaboration is an important aspect that need not necessarily be defined in the bill, but it should at least be mentioned.

**Ross Lilley:** That goes back to my original point and Davy McCracken's view on the definition of agriculture. Again, we are setting a lot of store by the bill because 70 per cent of our land is stewarded by farmers and crofters, but my original point was about land being needed across the board to deliver a lot of outcomes beyond farming and crofting. If you were looking at a landscape-scale ecosystem approach, the first thing that you would come up with would be flooding and catchment management. That is absolutely critical, because a lot of society's needs, particularly downstream, in urban areas and so on, depend upon it.

However, farmers play a part in many other landscape-scale ecosystems and services that also need to be recognised. Woodland expansion is a big one, as is peatland restoration. Farmers are only part of the mix of that land use. The question is whether we should use the bill to facilitate that integrated land management at landscape scale. What other mechanism have we got? At the moment, it is not clear that there are other mechanisms, other than the proposed land reform bill, perhaps.

We should point out to the farming industry that it has a major part to play, and this is how it can be part of that approach.

**Vicki Swales:** A specific suggestion for all those things—the collaborative aspect and landscape scale—and for dealing with flood management, flood risk and appropriate land management is in schedule 1, because it sets out a long list of the purposes for which support can be given. From a quick skim, it does not look as though there is anything specific in the bill on those matters—there certainly is not anything on collaboration.

However, I think that schedule 1 would be the place for such additions, because that would open up the potential for the rural support plan and the various measures to do those things.

**Eleanor Kay:** Like Vicki Swales, I gave the bill a quick skim. Part 5 of schedule 1 includes plants and soil but there is nothing in the bill about water-holding capacity or biological activity. A number of sensible tweaks could be made to schedule 1 that I do not think would cause too many headaches for the Government.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** As others have alluded, we are talking about half the picture. We are talking about the primary legislation but, obviously, there is secondary

legislation to come, which will fill out much of the detail.

I am interested in how progress against the objectives can be measured. What could be done in either primary or secondary legislation to help to measure progress and ensure that we evaluate the Government's progress against the objectives?

**Vicki Swales:** It is vital that requirements are placed on the Government to undertake effective monitoring and evaluation of the public money that it is spending and the outcomes that it achieves under the framework. It needs to clearly set out its intentions in that rural support plan and against the objectives in the bill. If we have a longer list of outcomes that we want to achieve, the Government needs to be required to carry out monitoring and evaluation of those.

The Government needs to report to Parliament around the mid-point of the rural support plan. There was talk of that being a five-year period, so it would be good to have a health check in the middle. At the end of the five-year period, the plan would be reviewed and reported on and then revised and amended before it went ahead for the next five years. That would create a cycle. If we are staying aligned with the European Union, that would somewhat mirror what was in the CAP with regard to monitoring, evaluation and reporting requirements.

**The Convener:** Do you think that the bill should include an obligation on the Government to ensure that such monitoring takes place?

**Vicki Swales:** That is not explicit at the minute. Some aspects in the bill require the Government to do that, but it is not explicitly set out in that way at the moment.

**Professor Reay:** That goes back to the fact that it is a framework bill, so we kind of expect those things. The analogy, for me, is the just transition outcomes and how we are struggling with the monitoring and evaluation of those. For this bill, it would be great to have a think about what metrics the Government intends to apply and to carry out that critical pathway analysis to ask, "Does it have the granularity?" and "Can farmers provide those data—or do they already exist?"

It would be good to think about the monitoring and evaluation side of things in some depth before the Government gets to the secondary legislation, because it is so fundamental. There is the potential to still be here in 10 years' time, asking, "Did we improve soil health, mitigate climate change, increase resilience and enable rural communities to thrive?" As we all know, the clock is ticking, and my main issue with the bill is that, although we all hope that it will deliver everything

that is required, it does not articulate that in a way that means that we can say for certain that it will.

**Kirsty Tait:** It is hard to know where monitoring and evaluation will sit, but we have to measure progress. We will not know whether we have made progress if we do not measure things. I do not know where in the bill we can be more explicit about that, but it needs to be explicit.

When we are looking at how we measure and design tools, data and information, we must ensure that the system of implementation, measurement and achievement is fair and empowers farmers, crofters and growers, while acknowledging their knowledge. It has to be trusted, accessible and easy to understand and use.

The pressure is coming not only from public funding or from the bill, but also from private funding. We cannot talk about the issues without acknowledging the private funding that is coming down the line. At this point, there is a huge opportunity to try to get an understanding and to make it a fair and equal system for farmers, crofters and growers in which to work. There is an opportunity to give them the tools and opportunities to achieve those aims. If we do not, we risk disillusionment and having people turn away from change. This is a really important time: we know that these changes have to happen now—2030 is not that far away. This is a really good opportunity to try to understand the whole ecosystem of measures and how we implement them.

**The Convener:** You touched on viability. Should one of the objectives not be that we need to have viable, profitable agriculture? As is often said, you cannot be in the green if you are in the red. Should the bill include an objective to ensure that we have viable and profitable agriculture?

**Kirsty Tait:** Having worked for NFFN, I think that we would disagree with that statement. If you do not work with nature and do not integrate it with your systems, you will not be viable—it is fundamental to farming and crofting, which is a bit of a mindset change. We see farming and crofting that works with nature as being profitable. We have to work through those principles and communicate them to make it easy for farmers and crofters to engage with them. Euan Ross might want to come in to talk about maximum sustainable output and NFFN's point of view.

**Euan Ross:** I point the committee to NFFN's work on maximum sustainable output. We have a host of reports, such as "Nature Means Business" and "Less is More", which are about the idea of maximum sustainable output, which means that farms need to be operating within the carrying capacity of the land. The idea of maximum

sustainable output is that there comes a tipping point at which farms' productive variable costs become corrective variable costs. Often, that is pushed on farmers and crofters who have a whole host of advisers who are seeking to sell them products but are acting in their own best interests. There needs to be a sweet spot for farming where the inputs are lowered so that soil health can be regenerated, which takes a little bit of time. We would like to see agreements with a bit of time attached to them so that the carrying capacity of the land and soil health can recover and enable sustainable output to flourish.

**The Convener:** Five people have indicated that they want to come in, but I will bring in Jim Fairlie, because he has a supplementary question following on from Kirsty Tait's comments.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** I am going to throw a spanner in the works, for which I apologise in advance. I absolutely get the need for us to collaborate and to work with nature and all the rest of it, but I come back to Kate Forbes's earlier question about conflicts. Those conflicts absolutely exist. Recently, I visited an arable farm where the flood banks have been undermined by beavers and have blown out. Now, there are 30 acres of arable land that was organic and is sitting with silt lying over the top of it. It will cost hundreds of thousands of pounds to reinstate those flood banks. Those kinds of conflicts have to be accepted. We need to work out how we are going to get round those compromises. It is all very well for us to sit round the table at committee saying, "Yes, we will come to solutions," but, if we are going to take farmers with us, those who have been affected are not listening. All they can see is that huge acreages of their land are going under water and silt.

**Rachael Hamilton:** I can back that up with a quote from Scottish Agritourism's contribution to the consultation. It said that,

"without a profitable farming enterprise producing food, it is challenging to undertake these restoration and adaptation measures."

09:45

**The Convener:** I will bring in Davy McCracken, Eleanor Kay, Ross Lilley and Ross MacLeod.

**Professor McCracken:** The point has already been made about the importance of monitoring and measuring being much more explicit in the bill. Going back to Alasdair Allan's question, I would point out that monitoring and measuring is not just important for knowing whether outcomes are being achieved; in most instances, it will be fundamental to farmers and crofters knowing what elements of

their farm and farming systems it is best to change to achieve the outcomes.

I also want to emphasise that there must be a focus on monitoring and measurement in relation to more than just the bill and the secondary legislation that flows from it. Eleanor Kay has already mentioned that the bill is not the only game in town as far as the policy landscape that we are dealing with is concerned. We have the proposed natural environment bill, the Scottish biodiversity strategy, the just transition plan and the climate change plan. There is a whole host of other policies and procedures that also require there to be monitoring and measuring of what is happening on our agricultural land and, as has already been said, 70 per cent of Scotland is agricultural land.

The outcomes that are desired from the bill and its associated secondary legislation need to be joined up more effectively with the different monitoring and measuring approaches that will be associated with other aspects of Scottish policy.

**Eleanor Kay:** Thanks for the support, Davy.

Data is useful only if we analyse it; we cannot just collect it for the sake of it. There is a section in the bill on checking, enforcing and monitoring support, but that seems mainly to be about enforcing rules and potential penalties if those are not followed. It does not seem to be about collecting data and then giving it back to farmers in a way that allows them to use it. Potentially, we will get those things in tier 4.

We collect an awful lot of data already, but it is often not analysed, or it sits behind a wall that we as land managers cannot access even though it could hold some very useful information for us.

Although there was quite a big section on data in the 2022 consultation, I am not really seeing it in the bill. Perhaps that is because it is intended for secondary legislation. We know that an awful lot of data will be required to understand whether we are making the right changes and whether the changes that we are thinking about making are remotely suitable for our systems. We know that tier 2 will have an incredibly long list of options.

We can make strategic decisions only if we have information about our system, our soils and so many other things within the wider landscape. Data is really important for the measures and we probably need more about it in the bill.

**Ross Lilley:** I will make two points. The first is about data monitoring; the second relates to the point about conflicts and how we facilitate an approach to the issue.

First, I will add to what has been said about data. There is a huge market out there, in the broadest sense of the term, which covers not only

food and fibre markets and supply chains. Finance institutions are stacking up, ready to invest in land, particularly farmland, not just for carbon purposes but for nature purposes. The nature market is desperate to invest, but investors are not confident, nor is the land manager or farmer confident to engage in that market. The common thread behind that is lack of confidence in the data and the metrics that everybody is using to trade on, as well as confidence in the underpinning platform, which is the basis that the Government provides, to trade on.

There is a role for the Government in providing that, and the market is desperately asking the Government to provide standard, publicly accountable metrics so that it can trade fairly on that basis. Without that, the market tries to come up with its own metrics and things are all over the place. Farmers end up trying to work out which metric they have to meet in order to deliver a particular supply chain. There is a role for the bill in helping to provide a base set of data that everybody understands, that is neutral, that is in the public interest and that is not traded—there is a big issue about trading data.

Secondly, I return to the point about conflicts, beavers and so on. It is a wicked problem, and NatureScot is trying to help farmers to deal with such issues. A lot of the solution goes back to the landscape-scale approach and collaboration. The more support we can put that way, and the more we can go through an integrated land-managing approach, the more we can articulate the primacy of land use for specific purposes.

There is land that we should absolutely protect for the primacy of food production, because that is what the soil is good for, but there is also land that we should say has primacy for nature and makes space for nature. A lot of those conflict issues arise because we have not sorted that out. We need to provide a facility for a particular group of land managers, of which farmers are probably the largest part, at a landscape scale, to work that out so that we can then allocate that land accordingly.

**The Convener:** Before we move on, I note that you and Kirsty Tait have touched on private investment. The bill is void of any information relating to that, whether it is biodiversity net gain or carbon credits. Should that be in the bill, or do we need something in the bill that refers to other legislation—for example, to biodiversity plans or the climate change plan? The private investment side of it is not anywhere in the bill as it stands.

**Ross Lilley:** The bill is quite a blunt tool; it looks only at public money, albeit quite a big chunk of public money. The danger is that, because we want to audit that and make sure that we are getting value for money, we risk crowding out the opportunities that markets provide. At the bare

minimum, the bill should set out how it facilitates farmers accessing those markets alongside the public money that they get. That is crucial.

**The Convener:** Thank you. I will bring in Ross MacLeod and then Vicki Swales.

**Ross MacLeod:** I echo Ross Lilley's point about clarity in how we conduct both public funding support and private funding support. At the moment, in the private sector, there is a huge amount of energy—a lot of heat—building up to try to define how we deliver that, but there is not a lot of light with regard to the way that we measure. It is incumbent on the Government to provide some clarity, at least on the governance and the framework. I know that it set out the interim rules on sensible investment in natural capital, but I think that we need to go a bit further than that now. In the urgency to make sure that farmers can deliver, there is a need for confidence and clarity.

The other point to make about the private funding side is that it will probably work best at scale, because it will deliver economies of investment that way. That goes back to the necessity for a collaborative aspect to be built into the bill, which will link with that.

On conflicts, I made the point earlier that we need some flexibility, because we are on a huge learning curve here. We might find that the evidence suggests that in certain places we are not being successful and in other places we are. The only way that we will resolve some of the conflicts is by having that flexibility to understand, interpret and, if you like, go back to the drawing board on certain occasions to revisit the measures that we apply. At the moment, there are some significant evidence gaps, so we need that flexibility.

**Vicki Swales:** On the question about public and private funding, we have to be careful of not trying to weigh everything into the bill. At the end of the day, the bill will give ministers powers to spend £700 million or thereabouts of public money. Clearly, we need to be alive to not doing things in the bill that close off avenues to some of that private finance, because we know that the scale of need to deliver for nature and climate is enormous. Therefore, we will need that private finance in place.

There are clearly other pieces of policy and legislation that deal with some of that. It is important that the private market is regulated, is doing good things and is not creating more problems, but I do not think that all of that should necessarily be on the face of the bill.

I will also touch on the issue of conflicts. There is often reference to certain species, but there is already significant investment through NatureScot and various species management schemes that

supports farmers and crofters to deal with some of those issues where they occur. There are also other recourses to action involving legal control, which can be done in some cases and for some species—that is available to farmers.

I absolutely take the point that, once we step back and start to look at this from a bigger landscape or catchment perspective, we can put some of the solutions in place. Many of the issues around flooding—as Jim Fairlie will know—are obviously getting worse with climate change, but even before species such as beavers were reintroduced to Scotland, we had significant problems of flood banks degrading in extreme weather events. Some of those sections of rivers have been canalised, creating further problems, and we are not allowing rivers to flow in a more natural way. However, nature restoration can deal with some of that. It can create habitat for beavers, and the beavers can help to create that. It can also ensure that we protect the other agricultural land on which we need to produce food.

There are more integrated solutions, and there are definitely options on the table for farmers and crofters in that space already.

**David Harley:** I fully agree with the points that have been made about monitoring and evaluation being a requirement. We know that some of the key metrics around nature restoration, water quality and the potential for climate change mitigation are not being met under the status quo. That is a starting point.

The point about conflict is absolutely right. Under the status quo, there are flashpoints of conflict around flooding and river management. There will be an increasing risk of conflict in relation to water scarcity. If we do not change and take a more landscape-scale, collaborative and facilitated approach, conflict will be exacerbated as climate change impacts worsen. There is huge potential to do something about those conflict areas through the bill.

**Professor McCracken:** To go back to the original question, I accept and agree with what Vicki Swales said about there being only so much that can be put into the bill with regard to private investment and finance. Nevertheless, the framework is completely silent on the large level of private external investment that will be required in order to meet our net zero targets. There is no recognition that the framework needs at least to provide for the fact that such investments will be available to farmers and crofters and that the secondary legislation should align with that.

Not making that provision means that there is a high likelihood that we will see unintended consequences, with farmers perhaps choosing to take up some form of private investment that might

preclude them from continuing to get some form of public funding support, or being caught betwixt and between and not knowing which way to jump.

It is beholden on the framework to make the link regarding how the secondary legislation will align and ensure that it takes into account that private investment opportunities will, by their nature, increase and that the landscape is made much easier for farmers and crofters to negotiate in the future.

**The Convener:** Two people want to come in, but I am conscious that we have not heard from our tree colleagues. I ask them for their comments and thoughts about the objectives and whether we need more.

**Alastair Seaman (Woodland Trust Scotland):** I will pick up on the points about monitoring and conflict.

Monitoring absolutely has to be key, but I want to flag up that an awful lot of other legislation is coming down the line for which monitoring and evaluation will also be a significant requirement. Can we be clever and smart about that, and not develop a strategy for the bill and then find that our colleagues somewhere else have developed another strategy? Private markets are looking for that. That will be important for the environment bill and for the monitoring of our fisheries, water quality and our invasive non-native species. Let us think beyond the realms of the bill and let us be really clever and smart. Some exciting opportunities in technology development are coming down the line. We are finding ways in our sector to reduce the costs of monitoring using drone surveying and artificial intelligence. Let us think ahead, future proof the technologies that we use and be really smart about that.

We need to be honest that conflicts exist, but there are a number of fantastic examples of real synergy. In our world of trees and woods on farms, we have spent the best part of a decade working with crofters and farmers to look at really clever ways of integrating trees into farming landscapes that can give benefits for nature and carbon and, crucially, for farmers and crofters and for farm management, operations and productivity.

Last year, we were able to publish a lovely short document, which I have with me, with support from NFU Scotland and the Scottish Crofting Federation, that outlines some of the science behind that. It also gives some really wonderful and creative examples of how that has already been demonstrated by farmers and crofters across Scotland. I have five colleagues who are working purely with the crofting audience. We have a long waiting list of crofters who can see how that integration can support what they are doing.

Conflicts exist, but there is also an opportunity for synergy.

I am not going to answer your question about the four objectives. They look broad enough and capable enough, but I agree that outcomes are what it is all about. We need to be smart and clear about what we are trying to deliver beneath those outcomes. That is where we are going to get it right or wrong.

10:00

**Stuart Goodall (Confor):** I will make a quick comment on monitoring and metrics, which are incredibly important. We have talked about leveraging private funding into the forestry and rural sector and there are significant opportunities for that through modern forestry of all types. However, although we have good evidence on the carbon benefit of that, we lack good evidence and good metrics on the biodiversity benefit. I often say that there is not a lack of biodiversity in modern productive forestry, there is just a lack of measurement of the biodiversity in that forestry and, as a result, modern productive forestry is seen as a negative and there is no recognition of the positives within it.

Placing another objective on the bill is tricky for forestry people to get their heads around, because there is a requirement to agree a Scottish forestry strategy in the Forestry and Land Management (Scotland) Act 2018, and that has been the primary mechanism in deciding what we want to do with our forests and what we want to do with the new woodlands that we create.

Although the principle of being able to look at different land uses, the funding mechanisms that are available and at providing opportunities for those to be joined up is an attractive proposition—after yesterday's brutal announcement on slashing the forestry planting budget, I am questioning that—the challenge is that if we put something into the bill, it could cut across the provision in the 2018 act and the Scottish forestry strategy. At this point, we err on the side of not saying something specific on forestry, because such action could have unintended consequences.

**The Convener:** I will bring in Dave Reay and then Kirsty Tait on this theme, and then move on.

**Professor Reay:** I will respond to the discussion on private finance. I have the

“enabling rural communities to thrive”

objective highlighted on my screen because that is a crucial objective. Unintended consequences have been mentioned a few times. If the Government decides to stick with the four objectives, it needs to articulate that it has done the work at that primary level of describing the

contexts. Private investment is a good example of something that could undermine the objective of enabling rural communities to thrive, because land prices are really high. Private investment could potentially undermine that objective, depending on how it works and how that deliverable is regulated. Basically, my point is that although it should be acknowledged that private sector investment presents a huge opportunity, there are also risks to the outcomes that should be articulated in the bill.

**Kirsty Tait:** Going back to equipping farmers and crofters to engage in the system—and bringing us back to the bill—knowledge, information and education are going to be fundamental. We are asking farmers, crofters and growers to be carbon literate. We are also asking them to be literate in biodiversity, natural capital and eco-services and to integrate that literacy with an incredibly demanding, high-skill, high-knowledge profession. At the moment, we are not preparing for that as we are not putting enough budget into continuing professional development or into the education system. Davy McCracken can talk more about that.

Upskilling and giving our farmers and crofters the ability to rise to the challenge and work in the system that we want them to work in will be fundamental during the transition period. At the moment, there is a fundamental knowledge and skills gap, and we are not being fair to farmers and crofters. Giving them an understanding of the financial landscape or just a definition of terms would be good, but the system is not performing in the way that it should.

**The Convener:** We will certainly move on to look at CPD in more detail towards the end of the meeting.

We now move to theme 2, on the code of practice for sustainable and regenerative agriculture.

**Rhoda Grant (Highlands and Islands) (Lab):** We have heard differing evidence from stakeholders about whether the code of practice and the definition of sustainable and regenerative agriculture should be written into the bill or should be guidance. If people are content for it to be guidance, is section 7 of the bill all right, or should it be tightened up to provide more scrutiny?

**Ross Lilley:** I think the approach of having a code of practice is a good one. Judging from the previous evidence that you have heard, everyone agrees that it would be a bad move to be too prescriptive about what regenerative agriculture is, because a lot depends on the farmer or crofter interpreting regenerative agriculture in their own context.

The code of practice would explain what we are trying to achieve by taking an outcome-based approach, using principles. It is my understanding that that is what the bill intends to do. If we can agree on that and get it right, the code must be better linked to the support framework and cannot be there only as an advisory thing.

To give an existing example, one of the good agricultural management conditions regarding soils relies on the claimant abiding by the muirburn code. They have to show that they are complying with the code in order to demonstrate that they are meeting that condition.

**Ross MacLeod:** I am unsure how much prescription of the code of practice should be put into the bill. I can refer to our experience of dealing with the Wildlife Management and Muirburn (Scotland) Bill, which requires various codes to be put into place. Some of that refers to licensing, which is a legal requirement.

Beyond that, there is best practice for moorland management, which includes various guidance for moorland managers, including gamekeepers, farmers and crofters. Within that, we are looking to define a code of practice that clearly identifies the legal musts but also defines the coulds and shoulds. Within those categories of could and should, we are trying to define verifiable evidence that could be used to demonstrate performance of could and should. It strikes me that that is quite a good model for how a code of practice for agriculture could work, particularly as we learn and progress, because there would be flexibility to adjust the guidance in terms of the verifiable evidence.

**Eleanor Kay:** We support the intention of the code but would quite like some assurance that there will be industry involvement. We think that there needs to be an academic, or a research and development sense check of the code and of what it intends to deliver. It should also have a clear sector link, which we are not really seeing, and we need a plan for how the intention of the code will be communicated to the sector. Once we finally decide on the definition of sustainable and regenerative agriculture, there is no point in having a code of practice if we do not communicate with the sector about what that actually means.

We have some concerns about the guidance section and particularly about the negative procedure that is linked to that section. That seems to be about creating a potential obligation about how well people follow that guidance. There are already issues about how guidance is applied to certain parts of the sector: when it comes to inspections, guidance is very open to interpretation. This is our only chance to really address the vagueness of guidance. If the code of

practice is going to be important, we must be really clear about what that means for the sector.

**The Convener:** The code of practice could be very important for cross-compliance or for payments. What level of scrutiny should it be subject to? Your submission to the committee suggested that the rural support plan should have oversight, although not from the agriculture reform implementation oversight board. You did not say why ARIOB should not do it, but you said that it should not. Should the code of practice be subject to the same sort of scrutiny by an oversight body, given the code's potential to form the basis of cross-compliance for any other payments?

**Eleanor Kay:** Yes, definitely, given how important the code of practice will be. I have an issue with ARIOB's membership and its general terms of reference. I do not think that it is fit for purpose. It no longer has farmer representation, and we must question that. However, that is an aside.

Not enough consultation has been built into the drafting of the code. I am not sure that the bill provides enough opportunity for assessment of the code once it has been published or a feedback mechanism that would enable us to say, "Actually, this isn't working." With reintroduced species, we see issues with the system that is supposed to be in place to provide support if there is conflict. There is no feedback mechanism to deal with situations that crop up that we did not expect and which no one could have expected. We do not have a rapid feedback mechanism to quickly address such issues. Instead, we say, "We're going to have to review this," without having a date for a review.

The bill needs to be far tighter on the code of practice in relation to when it will be reviewed, how advice and support will be provided by the sector and by academics, and how it will be ensured that it is fit for purpose on an on-going basis. That could involve, for example, quarterly meetings. The creation of a sub-group of the agriculture and rural development stakeholder group, which had regular meetings, would have been a sensible way to go. There are things that we can do.

**Ross MacLeod:** I agree with Eleanor Kay's point that the ARD group—which, unfortunately, has not met in recent months—would be a useful conduit for underpinning review of the code of practice. I think that that would be a sensible way forward.

**Rhoda Grant:** With regard to how the code of practice is devised, should the regulations be on the face of the bill or is the bill okay as it stands at the moment, with the regulations being brought to the Parliament by subordinate legislation? Should

the regulations and the code of practice come in front of the Parliament?

I am sorry—I am not putting this very clearly. Should the mechanism for drawing up the code of practice be included in the bill, or is it okay to do that by regulation? Should the code of practice that is subsequently produced be subject to greater scrutiny by the Parliament? We do not yet know that, given that the regulations have yet to be devised.

**Eleanor Kay:** That is a really good question. The more you read the bill—all of us will probably have read it a number of times—the clearer it becomes that the code of practice will be ingrained in every piece of secondary legislation that will come forward. Therefore, it is right to ask whether the bill needs to provide much more detail on the code. I agree that the arrangements for the code need to be far clearer in the bill.

**Vicki Swales:** Absolutely. It is clear that the Government is hanging its vision on sustainable and regenerative agriculture, so that needs to be defined, and the code is the place to do that. However, the bill simply sets out that the code has to be produced and that the process for bringing it forward will be dealt with through secondary legislation. Therefore, when it comes to the code, the bill is not binding on ministers or on farmers; it has no traction.

The bill needs to be strengthened. There needs to be scrutiny of the code by appropriate bodies. There should possibly be scrutiny by the Parliament; an expert overview certainly needs to be taken of whether it is appropriate. We will come on to the content of the rural support plan, in which the Government should be required to set out a number of things. In that plan, the Government should refer back to the code and say how it intends to enact it and deliver sustainable and regenerative agriculture in Scotland.

What is there at the moment is not binding, but it needs to be. It is too vague and open.

**Ross Lilley:** The code is quite a technical thing.

A shared approach is required. Farmers absolutely have to be involved, because they will have to deliver on the code. They need to be involved in governance and in making decisions about how the code is implemented. If it becomes a core requirement of the bill and is delivered through the delivery mechanisms of the schemes—through our rural payments and inspections division colleagues, for instance—the danger is that it becomes an inspection issue and is funnelled down into a risk-averse approach, with a desire to define things so that they can be inspected and verified. However, actually, the code can work only with a shared-risk approach

and with an understanding of how it works in different circumstances.

I am not really answering the question. The need to have a code and for it to be properly governed absolutely should be part of the bill. The management, scrutiny and revision of the code should perhaps be for secondary legislation, but the Parliament needs to know that there is a democratic mechanism for that.

**Vicki Swales:** I agree with what Ross Lilley has just said about the drafting and that there needs to be an inclusive process to do that. Also, in that process, as has been mentioned, the Government will need to cross-reference a range of other codes that apply. We have the land rights and responsibilities statement, and there is talk of a land reform bill that would make that a code that is more binding. We also have the Wildlife Management and Muirburn (Scotland) Bill and its code of practice coming forward. We need to make sure that those things are not contradictory and that there is alignment across the piece.

**Ross MacLeod:** Recognising the differences between voluntary and statutory codes, I wonder whether the Wildlife Management and Muirburn (Scotland) Bill might provide hints about the way in which the code of practice could be developed. It might be worth referring to that for assessment.

**The Convener:** This is probably an appropriate time to stop for a quick comfort break. We will reconvene at 10.25.

10:16

*Meeting suspended.*

10:27

*On resuming—*

**The Convener:** We move to our third theme, which is the rural support plan. Rachael Hamilton has the first question.

**Rachael Hamilton:** I will combine a number of questions so that panellists can pick or choose which one they answer.

First, when would you like to see a draft rural support plan? Secondly, should there be a statutory requirement to consult on such a plan? Thirdly, given yesterday's painful news of cuts to the agriculture budget, do you feel confident that the plan will be accompanied by the resources that are needed to achieve the four objectives that we discussed earlier? Fourthly, what role does the Parliament have in the scrutiny of the plan? Finally, which areas should ministers have regard to when producing the plan?

**Vicki Swales:** I will try to be brief, because I have answers to all of those questions.

On the question when, the sooner, the better. In evidence to the committee, officials talked about 2025. It certainly needs to be in place before secondary legislation is passed. We need to see clearly the content of the plan, its intentions and what it sets out.

Should there be a statutory requirement to consult? Yes, there should be. It is particularly important that there is wide input to the plan in setting out what it will do, how the four-tier framework will operate and how the money will be spent.

The budget is a major question. Is there enough money in the pot to do everything that we need to do? Probably not. We know that this is a United Kingdom Government decision, that there is money only for the life of the current UK Parliament and that decisions will be taken after a general election by, potentially, a new Government.

A piece of work that RSPB Scotland was involved in identified that Scotland's share of a future budget and the overall UK budget for farm support need to increase, given the scale of need to, in particular, tackle the nature and climate emergencies, support farmers and underpin food production. The UK budget needs to go from the current figure of about £3.7 billion to £4.4 billion, and Scotland's share of that should increase up to about £1.17 billion, which was the estimate that we came up with.

The question, which I will not answer now, about how that money should be deployed across the tiers is a really important question about how the Government spends the money, whatever the quantum it gets from the UK Government compared with what it gets now. That needs to change significantly.

10:30

On the scrutiny of the plan, I do not think that it is enough for it just to be laid before the Parliament. It needs to be put before the Parliament for a specified number of sitting days to allow for parliamentary scrutiny and debate on it. We would also add that there should be, as I mentioned earlier, a review point midway in that five-year period for it to come back to the Parliament for some kind of report on progress and how things are going.

I think that your final point was about how to make it binding for ministers. Is that right, Rachael?

**Rachael Hamilton:** It was about which other plans or legislation they should have regard to.

**Vicki Swales:** When we get into thinking about the content, there is a raft of other plans, strategies and so on that ministers will need to take into account. That includes the biodiversity strategy, the existing climate plan, climate targets and lots of other things that will need to be taken into consideration.

**Professor McCracken:** I agree with all of what Vicki Swales has said. I want to highlight that one of the primary rationales for having a rural support plan is to provide some stability through farmers and crofters knowing what will happen over the four or five years or whatever length of time the plan will be active. That is another reason why it is essential that the plan is produced sooner rather than later—not just to inform secondary legislation but to be sure that farmers know what is happening, particularly with regard to the budget.

I am surprised that we are one and a half hours into the evidence session and we have not addressed the elephant in the room, which is the distribution of the budget across the four tiers, how the budget will be distributed initially and how the distribution might change during the lifetime of the first plan. That will be essential for us to know and for the Parliament to scrutinise to see whether we will stand any chance at all of meeting the outcomes that the framework bill sets out.

Scrutiny is essential, and the draft is needed sooner rather than later. In fact, we should have had a draft of the framework well before now. If you look to the similar situation in Europe, you will see that the strategic planning process there lays out all the details about the intervention logic, projected budgets and so on. We really need that in Scotland; we need a big pin stuck in the map so that we know how to consider and address every other element of these policies and any related policies, to know whether we stand any chance whatsoever of ensuring that farmers and crofters can move forward in the way in which the Scottish Government aspires for them to do.

**Eleanor Kay:** I echo what Vicki Swales and Davy McCracken have said. I agree that the sooner the plan arrives, the better, and 2025 feels too long to wait. I have to question why we could not perhaps have had it already, at least in draft version.

There needs to be meaningful lengthy consultation on it and not just a 12-week written consultation. We need to get out and talk to people about it. Much like with the code of practice, we really want there to be academic advisory oversight in some form and a link to a sectoral steering group, in whatever way the wider sector wants.

It is absolutely right that the Parliament has the length of time that is required to scrutinise the plan

and to ensure that the process has been followed to gather the views of the sector. I completely agree with Vicki Swales that there needs to be a feedback loop of some kind that allows regular review. Obviously, we know that there is a trigger so that, if something needs to be changed and a set of criteria are met, the plan can be changed. However, perhaps that needs to be slightly broader.

We agree that there needs to be budgetary consideration in all of this, because how achievable it is will depend on the finance that is available. Again, we have seen in the agricultural reform route maps the very long list of the interrelated policies that will fit in with agriculture, and it is important that the support plan refers to biodiversity, the land use strategy and so on. I will not go through all of them—although I would just note that there is no mention of, for instance, the secondary legislation for the Good Food Nation (Scotland) Act 2022—but we know that there are many policies that will absolutely interact with this area.

**Professor Reay:** Without repeating all the good things that have been said, I think that, as far as timing is concerned, yesterday would have been good. I would say, then, that this needs to happen as soon as possible. I guess that it is somewhat contingent on—or at least it has got to integrate with—the climate change plan next year and the just transition plan for the sector, the draft of which should certainly be out next year, too. It needs that articulation.

Also, on the budget, I just want to echo Vicki Swales's comments. When we think about what our sector—that is, agricultural land use—has to do to meet the UK net zero target, it is clear that we have some seriously heavy lifting to do. There is a lot of reliance on us. With the budget numbers that Vicki Swales highlighted, there is a disproportionate pressure on us to deliver, and it needs to translate into funding.

**Kirsty Tait:** I just want to back up what Dave Reay just said there. Perhaps we need to look at this budget allocation in a different way. After all, we are talking about a transition—a just transition—and we hope that, to enable it to happen, there will be a time-period transition, too. As a result, we really need the budget; the FFCC supports the RSPB's call for that amount of budget at a UK level, and we will need it for a period of time.

Things are going to change hugely over the next five years, and I think that it makes sense to front load and give enough of a budget so that these things can start to happen. However, it is, I think, going to be integral.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I have a follow-up question about what needs to be taken into consideration here. As we have heard, there are a few pieces of legislation that you feel should be considered as we are looking at this bill but, at the same time, we are being asked to put this in place as soon as possible. I seek your opinions on the specific acts that we should take into consideration. Are you willing to let time elapse as we do that?

**Euan Ross:** Having recently submitted a response on the biodiversity strategy framework for the natural environment bill, we know that that is going to have a significant impact on this bill. Among the specific clauses and actions that are set out in that consultation is 50 per cent of farm funding being moved to conditional payments by 2030. The NFFN would be very supportive of that—indeed, one of our asks was for money to be moved out of tier 1—but that measure has to be highlighted in this particular bill, because it is significant.

I would also point the committee towards the recent Agriculture (Wales) Act 2023, which is impressive in how its objectives are interlaid with and reference other acts that either predate it or are forthcoming. It roots ministers in their decision making; after all, that particular act is all about meeting the needs of future generations. If this bill makes reference to the natural environment bill, the good food nation plan and so on, it will shore up future decisions and give not only ministers the confidence to deliver on those things but constituents, farmers and crofters the confidence to know that they are going to be safeguarded in any future decisions.

**The Convener:** We will move to Ross now.

**Ross MacLeod:** Thank you, convener—

**The Convener:** I beg your pardon—I mean Ross Lilley.

**Ross MacLeod:** Sorry.

**The Convener:** We have three Rosses—I thought that the Daves were going to be confusing. We have Dave, David and Davy, and we also have Ross, Ross and Euan Ross. [*Laughter.*]

**Ross Lilley:** That is why you have separated us out.

To answer your question, a couple of key pieces of legislation are coming through. The proposed natural environment bill will set out targets for biodiversity as well as for the wider environment. The plan has to take account of those, but there is a timing issue. We are almost second guessing what the targets might be and what will be put into the agriculture bill. The climate change plan, which is probably the key one, is being refreshed and

reviewed, so it needs to take biodiversity and climate issues into account and also the good food nation plan.

**The Convener:** I will give you an idea. I have a list of matters that should be considered in the bill, some of which have come up in our written evidence and others in verbal evidence. I will not go through the whole list, but it includes the good food nation plan; crofting law reform; wider consideration for crofters and common grazing; the biodiversity strategy; the climate change plan; the river basin management plan; the Scottish nitrogen balance sheet; the land reform bill; the Wildlife Management and Muirburn (Scotland) Bill; forestry grants; the natural environment; Scotland's food and drink strategy; and the rural skills action plan. The list goes on and on. As a practical step, how can we ensure that, in the bill, we have a complete list of matters that need to be considered?

**Ross Lilley:** The plan is called a rural resource plan, not a farming and crofting support plan. It goes back to the purposes of the agriculture support framework. As the committee will have seen from the responses of people around the room, there is a lot of expectation that the bill will be the biggest show in town as regards changing our land use. I go back to the fact that 70 per cent of our land use is managed by farmers and crofters, and that sector has the biggest public fund available to incentivise land use change. We need to get back to the definition of what agricultural activity is, and in particular that of farmers and crofters.

The bill is framed primarily around agricultural production and land use, but farmers and crofters have a huge part to play in sharing and sparing land for other public purposes, which is reflected in all the provisions that have been put in the bill. The more that that can be made clear, the better. To an extent, we had such an approach in the seven-year cycles of CAP programmes, in which farmers, crofters and all land users could see what was coming up in the next programme from the debates that went through the European Parliament and the European Commission before measures were implemented through the UK Government and Scottish Government. We are trying to replicate that process here. The first stage, of debating the intention behind and the logic for the support, has not been done, but we would have done that under the CAP system.

**Eleanor Kay:** We have already heard about a long list of factors. However, much of the process is about ensuring that, in creating the rural support plan, we have a sense check of whether there are contradictory policies in place. That is so that we can avoid unintended consequences such as having aspects of the biodiversity consultation that

do not quite align with what we have been hearing about the agriculture stuff, the wildlife and urban codes and various other areas. It is so important that, in the drafting of the plan, there is at least an exercise that ensures there has been an overview of those interrelated policies.

We saw that happening on the agriculture reform route map which, as I mentioned earlier, contained a long list of policies that will come in. In quite a lot of them there will be major changes that will interact with land management. We cannot ignore that. We probably do need certainty from the Government that such an exercise has been done and that no contradictions have been spotted or that, if they have, they have been addressed. We cannot get to a point where people who apply for support within tier 3 then realise that they cannot do that because of a specific tier 2 condition or some aspect of a nature restoration programme. We cannot have that situation, so we have to look at it now.

**Professor McCracken:** Eleanor Kay has already made the point that I was going to make. None of the long list of matters that the convener read out has just come over the hill today; they have been known about and recognised for months, if not years. Eleanor mentioned and sense checked the agriculture reform route map, which, in the past year, just seems to have been used as a list of different policies and bills occurring in series, with no linkage across them. It beggars belief that we have not had, by now, some level of sense checking of each of those. I appreciate that, with many of them, as is the case with the bill, a level of detail is still lacking. Nevertheless, it is not rocket science to find the points of synergy and the points of potential conflict that need to be addressed. The fact that that sense checking has not been done is surprising, and it certainly needs to be done sooner rather than later.

10:45

**The Convener:** Ross MacLeod and Euan Ross want to come in on Karen Adam's question, and then Ariane Burgess and Alasdair Allan want to ask supplementary questions.

**Ross MacLeod:** On Karen Adam's original question, there has been a lot of discussion about the moving parts and the links between the various bills that are coming forward. I will not dispute the relevance of any of those bills, but I am concerned that the question of finance is not addressed in any of them. There is no doubt that Scotland's biodiversity strategy, which will lead to the environment bill and, for that matter, has led to the Agriculture and Rural Communities (Scotland) Bill, is massively ambitious in what it wants to achieve. The first stage of Scotland's biodiversity

strategy and the environment bill has to be delivered by 2030. That sets a premium on blended finance between public and private funding. That issue needs to be clarified quickly in order to provide farmers and land managers generally with the confidence to consider both public and private finance.

**Euan Ross:** Most of the points that I was going to make have been comprehensively covered. The problem relating to covering everything in the legislation is very complicated, and you will not be able to do that, but it would be good to have a reference to the vision for agriculture, which is comprehensive and covers all the necessary ground. That would prevent what has happened in other nations, where there has been a difference between a vision as first proposed and what happens to it as it gets heavily diluted across a vast legislative agenda. We would always support legislation harking back to the vision.

**Ariane Burgess (Highlands and Islands) (Green):** I will direct my question to Dave Reay. I might be making some assumptions in it, but let us see. I have just been scrolling through the agricultural reform list of measures, which is long and contains a lot of detailed agriculture policy work. I could make the assumption that the rural support plan will be based on those measures. If that is the case, will that plan, when it is published, deliver the climate mitigation and adaptation that we will need to meet our climate targets?

**Professor Reay:** I hope so—that is pretty much the answer to every question on this subject—and it should do. However, many enablers need to be in place for that to be delivered. As you said, there is a really long list of actions that could be taken, and there are links to CPD—which I am sure that we will discuss—advisers and communication.

I do not know how many of our farming colleagues will be watching this evidence session—it will probably not be all of them, if I am honest—but I was reflecting on how they will be trying to digest what it means for them. When looking at all those measures, they might think, "Well, I already do this, but I don't know what that is." The list is good because it covers a lot of things that need to happen and quite a lot of things that are already happening, but it needs to be accessible to every farmer, crofter and land steward, as they have been called in Scotland. That set of enablers needs to be more overt.

As a climate scientist, I am ever the optimist—you have to be—but the list alone is clearly not enough. There need to be enabling factors to deliver all the different practices in the right places. It goes back to the just transition, which is clearly on my mind given that that relates to one of my roles. My worry is that we will end up with something that benefits people who are already

benefiting and that leaves more people behind in our agriculture and land use sectors.

Looking at it from an academic perspective, you can absolutely see the sense of the measures in terms of climate change mitigation, which is what I focus on. However, we need to think about the people and about every farmer in Scotland. Farmers could be given the plan and it could be well communicated, but we need to consider whether they have been engaged in the process and whether the plan has been structured in a way that speaks to the context, place and history of each farmer or crofter and what they are able to do. That is my concern. There is lots of good evidence, which is our job as academics, but there is still a question about whether it works for people.

**David Harley:** We need to make sure that all the cross-checks are done. As has been said many times before, the synergies far outweigh the conflicts. However, when it comes to delivery, the translation to farm or catchment level is absolutely crucial. For example, SEPA regulates against about 10 sets of general binding rules on land management and diffuse pollution, and we spend an awful lot of time on farms explaining what those mean, although they are not complicated. Over the past 12 years, we have visited thousands of farms. Rightly, we spend half a day hand holding and taking farmers through the requirements, helping them to understand the advantages for them and how they manage their land and how following the requirements will protect their soil and their bottom-line budget.

We invest an awful lot in that, and that is just one angle, on water quality. The translation to farm advice and the facilitation by the relevant organisations is crucial.

**Professor McCracken:** I emphasise that, although the list is long and detailed and, indeed, there should be more things on it, the vast majority of it is focused on agriculture and agricultural practices per se. As others have said, with those measures, we stand a high chance of getting some way to achieving net zero, but it is well recognised—I think that I have said this at previous committee meetings—that they will get us only some way towards net zero. We need to change agricultural practices, but we also need the linkage to what we have been talking about throughout this session: the nature conservation and restoration elements, such as more peatland restoration, more woodland trees and woodland establishment on farms, more wetland creation and more biodiversity management. That does not come through as loudly as it needs to in the list that Ariane Burgess referred to.

**The Convener:** I will throw in another thought: we also need a workforce to deliver this. Where is

the workforce with regard to mental health, women in agriculture and new entrants? Should that be an obligation that needs to be considered as part of the plan?

I will bring in Vicki Swales to address that and Ariane Burgess's point.

**Vicki Swales:** We have a list of measures that, in theory, can help to deliver what we need to deliver, particularly in the agriculture sphere but, as Davy McCracken said, there is a whole load of other stuff outwith that that we need to do as well. It will depend on how the Government applies those measures across the tiers and particularly tiers 1, 2 and 3. It is about how the Government divides the budget across those tiers and measures, and how much resource it gives to any one of them.

I did not mention tier 4, but it is particularly important, because it is where the issues of information, advice, knowledge transfer and training for farmers will sit. That is woefully underfunded at the moment, but it will need to be a major part of the transition in future. That area needs to receive much more significant investment. The problem with the budget is that, in the accompanying documentation—the financial memorandum and other things—the Government has said that it largely intends to keep the majority of funding tied to tiers 1 and 2, which largely map on to the existing CAP pillar 1 direct payment support. Together, those tiers take 79 per cent of the total budget, which leaves very little for tier 3, which is about nature restoration, shorter supply chains and innovation, or for tier 4, which is about advice.

Within tiers 1 and 2, the Government says that tier 2 will do all the heavy lifting, but it is still talking about a 50:50 split of nearly 80 per cent of the budget between those two tiers. We will still have an awful lot of money going into a base payment. Only a proportion of it will go into tier 2 and very little will go into the other tiers. We fundamentally need to change that allocation of funding across the piece. RSPB Scotland and Scottish Environment LINK would argue that we need at least three quarters of that funding on tiers 2, 3 and 4 and, ultimately, over time, we need to reduce the amount of money that goes to tier 1.

We cannot continue with the current situation, whereby we spend nearly 80 per cent of the money on direct payments and 62 per cent of that goes to just 20 per cent of beneficiaries. Forty per cent of beneficiaries get just 5 per cent of that budget. Farmers in the Highlands and Islands and crofters, many of whom have huge potential to deliver for nature and climate, get a really poor deal from the CAP system, which is still operating. Unless we fundamentally change that and apply the money differently to those measures, we will

not get to where we need to be, certainly not by 2030 and not even beyond that.

**Alastair Seaman:** On the integration piece, two things have been really significant for us. The first relates to crofting and common grazings, in particular. We are in a situation in which we do not have a conflict. We have a crofting development plan that articulates a desire to do exactly what we are saying needs to be done. However, we do not have the mechanisms to support that, largely because, in previous rounds, we have had to shoehorn the support that we give to crofters into something that was built for something else. We have to avoid that mistake this time round. We have crofting legislation coming up, but we have to make sure that we build a support structure for crofting—and for common grazings, in particular—that recognises the unique opportunities of that space.

The second thing is a just transition issue. We work quite a lot with natural capital developments, particularly with the woodland carbon code. An absentee farm landowner can access those markets easily, but a crofter with a common grazing tenancy cannot. That is fundamentally not right, and we have to address that.

That links to the role of trees in all this. Currently, most of the tree budget sits in the forest grant scheme, which we have heard has taken a really significant hit, sadly. However, a lot of what we have outlined in the publication that I shared will not be funded through that—it will have to be funded through the tier system. I echo what Vicki Swales said—that has to sit in tier 2. It cannot sit beyond that. If this is going to be taken up at scale, it has to be incredibly visible for farmers, and it has to be simple, straightforward and non-competitive. It has to be sitting there alongside the main menu of options, not in some kind of cupboard that you can reach only if you are ambitious and keen enough to go through to tier 3 or tier 4.

**Ross Lilley:** In Scotland, 50 per cent of our emissions come from land. The bill and the intention of the rural resource plan focus on emissions largely from agricultural activity. The carbon audits that farmers are expected to carry out focus on how they reduce emissions from their activity and from their business. However, the large part of that 50 per cent of emissions comes from what is termed in the climate change plan as land use, land use change and forestry elements. It is the permanent pastures, woodlands and peatlands on the farm rather than the arable soils.

A lot of this comes down to a cultural issue around how farmers see themselves as, first and foremost, farmers and crofters producing food, and less so as the custodians of the habitats that are actually where our emissions are coming from.

From a purely climate planning perspective, we need to stop emissions and use those areas to capture carbon.

There are some really good examples in Scotland of farmers who understand that, embrace it and still call themselves farmers. In fact, by doing so, they have accessed new markets that boost their credibility and their confidence in being a farmer, in terms of producing new milk products and so on. We have to find a way of signalling that it is okay to take part and that they can do it.

We need to facilitate the point that Alastair Seaman made about land sparing for woodland and peatland restoration—albeit, in every farm and croft context, it does not need to involve the whole holding. Sharing does a lot of the lifting. One of the fears of farmers who are embracing that element of climate adaptation is that they have seen whole holdings and whole estates moving out of farming into what is considered the green laird approach. That does not need to happen. If we get the support framework right, and if the definition of agriculture and ecosystem support embraces those other habitats, we can avoid that.

11:00

**Ross MacLeod:** Vicki Swales raised the way in which the rural support plan engages with farmers, and Ross Lilley mentioned carbon audits. Carbon audits are seen as a fundamental building block for a change in focus to outcomes, with their assessment of greenhouse gas emissions and sequestration. The last figure that I could find on carbon audit take-up was from August last year, and it was about 550. Someone might be able to tell me what the current figure is, but I dare say that it would not strike me as being very many when we have 18,000 farming units in Scotland. It strikes me that something is going awry in the way in which we engage with farmers and communicate with them. We have to get our skates on if we are going to make that change.

**Professor McCracken:** I will go back to one of the questions that you posed at the start of the session, convener. The supporting documents for the framework highlight that it is believed that the framework remains broadly aligned with the CAP, but, as you pointed out a few minutes ago, there is no mention in the framework of new entrants, nor is there mention of small producers, both of which are mandatory elements of the CAP for 2023-27.

There are two issues with that. One is the issue, which I presume that you were implying, of how we ensure that we get a refresh with new entrants coming into Scottish agriculture to deliver these multiple objectives. The framework is currently silent on that.

Just as importantly, with regard to small producers, we have talked for the past couple of hours about the range of asks that will be made of Scottish farmers and crofters. We need to be careful to assess the burden that we will put on farmers and crofters, and particularly small farmers and crofters, who might be in receipt of only a relatively small amount of money. If we ask them to do a host of additional things voluntarily to receive that money, there is a real danger that they will walk away from agricultural production, and we will lose not just agricultural production but any of the additional benefits that can arise from it from a nature and a climate perspective.

The fact that the framework is silent on both those things is a concern.

**The Convener:** Rachael Hamilton has a supplementary question.

**Rachael Hamilton:** Alastair Seaman mentioned the real-terms cut to the Scottish forestry budget of £33.6 million. Stuart Goodall, what impact will that have on the Scottish Government's climate change plan, particularly with regard to the Scottish forestry strategy? Will it have an impact or create a burden that will transfer to other agricultural activities in Scottish farming?

**Stuart Goodall:** That is a very good question and I am very happy to answer it. The contribution that tree planting can make to the climate change plan was identified as 18,000 hectares by next year. Clearly, the available funding is nowhere near enough to be able to deliver that. A lot depends on what type of tree planting is done, because there are different costs associated with different types of tree planting. However, our best guess is that there is probably enough funding in the grants budget for about half that target. There will definitely be a significant shortfall.

I cannot see what other actions will do the heavy lifting that will be required to meet the climate change target. As it stands, it looks to me as though a brick is being taken out of the wall that is needed to achieve the target.

We are very concerned that the level of planting that can be delivered under this amount of funding will result in job losses. I have already had forest nurseries getting in touch with me. They have gone through a torrid time over the past 10 to 12 years in terms of the cyclical delivery of tree planting. They have had to destroy literally hundreds of thousands, if not millions, of trees, burning them and ploughing them into the ground. We were looking at a situation in which tree nurseries were being encouraged to increase capacity and to invest, but now I think that they will be looking at how they can reduce capacity, disinvest and lay people off. From a forestry

perspective, we are incredibly concerned about that.

I am also incredibly concerned about it from a climate change perspective. Picking up your second question, I look at it in terms of land use, land use change and forestry. The tree-planting element was the big, significant component that would enable the rural community and farmers to contribute to meeting the target. We were looking for farmers to embrace tree planting as part of their rural enterprise, as a means by which to deliver that target. The question now becomes how we will achieve the reductions that will be sought from the rural and agricultural sector.

I am not an expert on this—somebody like Dave Reay is better placed—but I struggle to see how we can meet our net zero targets for 2045 without tree planting at the level that is required. It seems to me that we are setting ourselves up to fail and that it will put pressure on the land use, land use change and forestry heading. Where will that contribution come from now? There is real concern out there. I am constantly receiving emails from people in the sector.

**The Convener:** To pull the discussion back to the bill and the rural support plan that we are scrutinising just now, is there a way to use the language of section 3 of the bill—the requirement to “have regard to” or the “matters to be considered”—to give more certainty to the forestry sector? Should there be something in the bill?

**Stuart Goodall:** That is the fundamental challenge. Initially, we approached the bill as, in effect, an enabling mechanism. It was an opportunity for the Scottish Government to take the powers, post-CAP, that would enable it to continue to provide the grants to deliver the plans that we have for climate change, rural economies and so on. The concern is that the bill is not providing any of that financial security, which will result in businesses and people who were considering planting trees—all types of landowners—reducing their plans. If we end up falling backwards, it will take us many years to get back on the front foot. It is incredibly important that security and confidence is provided for the forestry sector. That would be very welcome.

**Ross Lilley:** That puts more emphasis on the need for the bill and the rural support framework to enable market intervention. If there is one nature-restoration market that is ready to go and has been demonstrated to work on the ground, it is woodland, particularly multipurpose, diverse woodland. The markets, particularly financial institutions, are ready to invest in that if the Government provides the signal and the platform to do that trading. We have discussed the rural support framework and the intervention logic that needs to be set out to give confidence to the

farmer, land manager and the industry to enable the private market to fill some of the gap in public support.

**The Convener:** Before I bring in Vicki Swales, Alasdair Allan has an additional supplementary for some clarification.

**Alasdair Allan:** The convener raised a point about “have regard to”. When it comes to the rural support plan, what should ministers have regard to? I have asked this in a previous context and I know that there is a well-understood legal meaning of “have regard to”, but what is your understanding of that? What should be had regard to and how should that be made enforceable?

**The Convener:** Vicki, do you want to answer that as well?

**Vicki Swales:** I can try. We commented on that in our evidence. There is a bit of a circular thing going on in the bill about what ministers must have regard to in producing the plan, which refers back to the objectives. In a sense, simply having regard to is quite a weak form of wording. There is scope to tighten up the bill in terms of what ministers must do in enacting the rural support plan, which will, in turn, deliver the objectives.

I want to touch on the woodland and forestry question but give it a slightly different complexion. Obviously, we need woodland creation. However, that is achieved not only by planting trees—some of which can be achieved through private sector funding—but through natural colonisation. If we tackle deer numbers and get those down, we could create about 250,000 hectares of woodland—probably native woodland—building out from our existing native woodland blocks.

Just to put things in context—I think that Dave Reay mentioned this—the scale of our peatland emissions is by far one of the biggest factors that we need to think about. I am not arguing against forestry or woodland expansion, but in terms of overall emissions from the land sector, we absolutely have to tackle the 1.4 million hectares of degraded peatlands that are a major source of emissions—they currently outweigh the sequestration and storage from all that tree planting. We absolutely need both, but we really have to get on top of that peatland.

There are measures—particularly in tier 3 in that nature restoration piece, as well as the peatland action fund and other things—that can help us to get on with that. However, there are capacity issues in that sector. Therefore, on your point, convener, about people, bringing new entrants in and young people coming into jobs and future careers, although we need to do much more in that space, there is a big opportunity there.

**The Convener:** Okay. Rachael has a point of clarification.

**Rachael Hamilton:** Vicki, the financial memorandum does not include Scottish Government funding for the peatland action fund in the context of the bill.

**Vicki Swales:** No, but there are elements of it, which would sit—and already sit—in the agri-environment climate scheme, so there is a crossover. There is a peatland action fund, but there is also peatland restoration and other activities within what could be the replacement for the agri-environment climate scheme in the future and in that tier 3 measure.

**The Convener:** Would anybody else like to comment on the “have regard to” wording? No. In that case, we will move on.

**Stuart Goodall:** In the light of the conversation that we have just had, it would be very helpful to have something in the bill that says, “have regard to the forestry sector”. We have the issue of the Scottish forestry strategy being developed as a separate activity, and we have this bill, which provides the funding mechanism, whereas, in policy terms, there is sense in the Scottish forestry strategy having primacy in ensuring that there is the confidence in and security of funding. That would be a key thing to have regard to, for the forestry sector.

**The Convener:** Thank you.

We will move on to our next theme, which is powers to develop a new agricultural support system, with a question from Ariane Burgess.

**Ariane Burgess:** I will roll a number of questions together. Part 2 of the bill gives ministers powers to establish new funding and support systems for Scottish agriculture, include determining conditions, eligibility requirements, guidance, capping, refusing or recovering support and declaring exceptional market conditions.

Some folks have already touched on bits of detail on the tiers and the split on those, but it would be helpful to hear witnesses’ thoughts about the level of detail in the bill and any particular powers around those support measures. Does the bill give you confidence that the new agricultural support system will deliver for nature and climate? We have touched on that already. Is the information on the anticipated future funding splits—the tiers that are set out in the financial memorandum—adequate?

Again, this has been touched on, but anyone else can come in on it: what are witnesses’ views on the power to cap agricultural payments? What are the pros and cons of capping, tapering and front loading?

Of course, we also want to ask you about parliamentary scrutiny of the use of the powers in part 2 of the bill, the overall shape of the new agricultural policy and monitoring and evaluation, which seems to be our favourite topic today. There is a lot in those questions, so pick up anything that struck your imagination as I went through all that. Who would like to start off?

**The Convener:** Eleanor Kay will kick off.

**Eleanor Kay:** Yes, I will get straight in. On part 2 of the bill, we have some concerns about a generally insufficient level of consultation, but I have some key issues, too.

In section 7, “Guidance”, ministers can make regulations that can specify

“the extent to which compliance with guidance on a particular topic is relevant in determining whether”

someone

“has complied with ... conditions of support.”

It also allows ministers to make provision

“specifying the ... evidential value of the guidance in legal proceedings.”

I am concerned that such regulations would be subject to negative procedure and that there is no reference to consultation. I think that that needs to change.

11:15

I will try not to take up too much time with these points.

On capping, we need something in the bill about a requirement to provide impact assessments or modelling on what the impact of moving the money will deliver. We are not in favour of capping, which will not come as a surprise. We have never been in favour of capping, and we particularly do not want to see any capping linked to environmental payments.

We understand that there were arguments for capping when we had basic payments, but when we look at tier 1 requirements, the cost of delivering a whole-farm plan—even just the soil health assessments—does not go down significantly based just on the amount of land that you are testing. There needs to be a clear assessment of those costs to businesses before we start looking at capping and tapering.

We think that section 10 needs a bit more scrutiny than it currently has.

In section 13(5), we think that the factors that would constitute significant provisions that would trigger the use of affirmative procedure are not broad enough. A lot of stuff could easily go through under the negative procedure, which

would not give us the time needed to scrutinise. Those are my initial thoughts.

**Vicki Swales:** I hope that I have been clear that the tier funding splits are not adequate and absolutely need to change.

To pick up on issues around capping and front loading or redistributive payments, we already have powers to cap payments, albeit that they have not been applied particularly strongly in Scotland. As I understand it, those powers need to be taken forward as the Retained EU Law (Revocation and Reform) Act 2023 and its clauses come to an end, so that is important.

I support what Eleanor Kay says. Although we support capping, we think that it should be applied to those base payments—those income support payments—but not to other payments that are clearly targeted at delivering certain outcomes, where the delivery of those outcomes is likely to increase at scale, particularly in environmental land management. It makes sense that, if you are delivering a lot, you should be able to get the appropriate payments to support that activity.

There has been discussion in the policy arena around redistributive payments, or what NFU Scotland is calling “front loading”, in that base payment tier. It is the idea of giving an uplift in the payment rate for the first number of hectares—a figure to be defined—which would be particularly beneficial to those smaller farmers and crofters who might struggle with some of the other requirements that are being placed on them. We think that that would be helpful—it would be a sensible thing to do.

**The Convener:** I will ask you a question about that, because it is an important part of the bill and something we have discussed quite a lot. If we look at the bill that we have in front of us, should there be guidelines on how that front loading—as it might be called, or capping—might look? Are there parameters? It might not be 10 per cent, 20 per cent or whatever, but does the bill need to specify the considerations that need to be taken into account if front loading or capping were to be introduced?

**Vicki Swales:** The bill certainly needs to specify that. I am not sure, at the minute, that it has that in it at all. To create the powers for that mechanism, the bill does not necessarily need all the detail of how it might be done, but we could look at the cap, which is a 10 per cent figure at the minute. Some modelling work would need to be done in Scotland, but provisions in the bill to create the powers to do that are absolutely needed.

**The Convener:** Does anyone else want to comment on those points?

**Ross Lilley:** Initially, the emphasis should be on the first two tiers, including the base payment, to give confidence and surety to the industry that it continues to be supported to deliver on all the targets that we have just been talking about. Then, we need to think about the distribution of payments around that base payment. It will be critical to get the region modelling right.

As Davy McCracken mentioned earlier, if the ambitions for the bill require every farmer and crofter to do more for nature and climate as well as concentrating on food production, there needs to be more parity across the farming and crofting industry in the distribution of payments. The current disparity between region 1 and region 2 payments, for instance, is significant.

**The Convener:** Will the code of practice, depending on what is in it regarding conditionality, effectively do some of the work that we might want to see undertaken in tier 2? The code might, in relation to some aspects of conditionality, set out some of the rules that need to be applied, and might therefore, in that way, deliver the outcomes that we want to see from other parts of the bill.

**Ross Lilley:** Again, that goes back to the need to set out the intervention logic across the four tiers and how they work together. Tier 1 sets the baseline for auditing, part of which is agreeing to and complying with the code. The means to actually do that and go beyond the basic requirements of the code will be supported by enhanced conditionalities in tier 2, and more specific actions, particularly capital investment for business change, would come out of tier 3. That logic needs to follow through.

**Vicki Swales:** That is exactly right. It speaks to what we talked about earlier with regard to which measures apply where and what the basic requirements for cross-compliance are and what farmers have to do in order to get the entry payment under the base tier.

We then need to think about things that cost farmers a bit more money, and where we need to support those things through various measures in tier 2. As I said, the Government sees tier 2 as doing a lot of the heavy lifting in that space, and it is intending to put a lot of money into it. Arguably, however, we would add more to tier 3, and ultimately to tier 4, to provide cross-cutting support and advice.

I understand that the Government is looking at cross-compliance conditions and the good agricultural environmental conditions that might apply. There is a discussion around things such as including peatland and wetland conditions in some of that. It is possible, therefore, to increase the baseline requirements before we even get to a

point at which we think about what we need to pay and support farmers to do.

**The Convener:** I will bring in Ariane Burgess and then Rachael Hamilton.

**Ariane Burgess:** I have a brief supplementary on the tier system. Vicki Swales may have touched on this already. From last week's round-table session, I understand that the idea is that we will have a tier system that might start out in one way in 2025 or 2026—whenever it is—but will evolve as farming practices change, and money might need to move into different tiers. Is that the idea?

**Vicki Swales:** I think that that is certainly the case. There are a lot of discussions about a just transition and taking things in a step-wise direction. We are behind the curve—to date, we have not made the progress that we need to make—but we have to accept that we are where we are and think about how we move forward.

The point is that, at present—as I said—about 79 per cent of that budget will, it appears, effectively be allocated to tiers 1 and 2. Whether that needs to remain the case in perpetuity is an open question. It is not clear from the Government's current position whether that is just a starting point, or whether we are going to transition over time and get to a different end point.

We would argue that there needs to be a transition, and that we need to move that money away, as I have said. We accept that that cannot necessarily be done immediately, overnight. Nevertheless, the sooner the Government sets out its plans, the better. That is why the rural support plan coming forward is so critical in all this—that is where the Government should be explaining it all and saying what its decisions are. We understand that the cabinet secretary has said that she will make some decisions about funding envelopes, in particular in relation to tiers 1 and 2, by the time of the NFUS annual general meeting in February, so we have to wait and see what comes forward from that.

**Ross MacLeod:** With regard to the basic requirements and conditionality for farmers, it would help to clarify what we mean by “ineligible land” and “active farming”. Nigel Miller raised the point at last week's meeting that, while some farmers may be capable of delivering on biodiversity because of the scope of their land, they may currently be constrained by the definitions of ineligibility in relation to areas of land consisting of scrub, bracken or whatever it is, which could be used quite constructively for biodiversity purposes.

**Rachael Hamilton:** I have a question for Eleanor Kay about the eligibility criteria for

support. The bill does not necessarily say which farmers can participate—for example, it does not refer to tenant farmers. Should tenant farmers be explicitly referred to in that section of the bill?

On the issue of transparency on land ownership, is it possible for the land register of Scotland to ensure transparency on land ownership?

**Eleanor Kay:** I do not think that tenants should be specifically referred to in section 14. There will be an element of crossover with what is covered in the agricultural holdings aspect of the proposed land reform bill, so I do not want to pre-empt what will be in that.

The register is pretty transparent. There is a requirement to ensure that land is registered, which I think is sufficient.

**Rachael Hamilton:** Should tenant farmers be specifically referred to so that they can get access to some of the possible tier 3 and 4 activities?

**Eleanor Kay:** No, not necessarily. There is scope for that to be specified within the payment entitlement section, if needs be. However, I do not want to talk about stuff that I expect will be in the coming land reform bill.

**Rachael Hamilton:** Thank you.

**Ariane Burgess:** My question is for anyone who wants to answer. Are there any new support schemes that you would like to be created? For example, I am aware that, at the moment, owners who have land of 3 hectares or less are not eligible for any form of support, although there is quite strong demand for support for things such as market gardening. Do you agree with the idea of supporting such owners, or are there other schemes that would be good and that might help us to meet our nature and climate targets?

**The Convener:** Davy McCracken, Eleanor Kay, Kirsty Tait and Ross Lilley want to come in.

**Professor McCracken:** I actually wanted to come in on the question that Rachael Hamilton asked a minute ago, but I will try to answer Ariane Burgess's question too.

This is not my area, but the SRUC submission to the consultation fits in with Rachael's question about the land registry. There are currently no links between the existing administrative framework and the land registry. The owner and the claimant need not be the same person. Ownership boundaries do not align to agricultural holdings and land parcels, so the land registry is not an easy fix for knowing what is happening on agricultural land, or vice versa.

I appreciate that Ariane's question comes from the perspective of small farmers. I suggest that there is a need to fully transition from our existing support policy into the new one. What is currently

missing from that, and from the consideration of the framework and the discussions about secondary policy, is the question of what will happen to less favoured area support payments in future. That is a big issue for the farmers and crofters that we work with in the hill, upland and crofting areas of Scotland, because less favoured area support is a big part of their public funding. There has been very little active discussion about how that will be dealt with.

My response to Ariane's question is that, before we start thinking about other support mechanisms, we must be clear whether any element of that scheme will carry on, so that the individuals who are currently in receipt of that payment know whether some element of it will continue and what outcomes might be required from them to continue receiving that, or, if the scheme will not carry on, when they will cease to have access to it.

**Eleanor Kay:** I will follow on from that point about smaller parcels of land. I wonder whether there is scope to provide support for those through the rural economy part of schedule 1 to the bill, and whether it is broad enough to allow smaller parcels of land to fit within it, because they are quite different to farming systems. There is also scope for that to be in secondary legislation under the Good Food Nation (Scotland) Act 2022. I agree that we can engage with the wider community on the importance of climate adaptation and food production through allotments and market gardens; they are a great tool, but they probably need different support from that needed for agricultural stuff.

11:30

**Kirsty Tait:** We have to look at that in the round. At the FFCC, we talk about pathways, and there are pathways for all farmers, crofters and growers, but we have to sense check what we are doing. Eleanor Kay mentioned where the opportunities might be through different legislation, but I do not get the feeling that there is sense checking to ensure that there are pathways for all in both public and private funding. That will be integral, especially as we have an issue with people—not only young people, but everyone—being able to enter the sector, play their part in it and have secure access to land.

We have a huge problem in Scotland in that we face rural depopulation. We therefore have to consider this in the round, and we have to look at all the legislation to ensure that there are pathways for all sizes and types of land and that there are opportunities for new entrants. That can be done in many ways, but we need to do a bit of sense checking across the board.

**Ross Lilley:** On the question about what could be added that is not there at the moment, we have talked about the support framework supporting an ecosystem services approach, which is the right thing to do. The Scottish biodiversity strategy and delivery plan are focused on ecosystem services and ecosystems. However, we should not lose sight of the fact that species are at the heart of ecosystems, and a lot of what the public at large—certainly farmers—view as biodiversity is individual species.

In Scotland, we approach our species protection, management and interaction using a spectrum, which ranges from fully protected species—those species that are of conservation concern—to non-native invasive species at the other end. We should not necessarily develop new schemes, but we should think about the framework and how it supports farmers and crofters to manage the complexity of species status from both ends. That is quite easy at each end. If it is a non-native invasive species, we should try to eradicate it or control it, and if it is a protected species of concern at the other end, we should follow the good examples that we have of conserving such species—the agri-environment climate scheme currently has good success stories on things such as corncrakes, marsh fritillary and so on.

However, there are a number of species in the middle of the spectrum—we have touched on a few, such as beavers—and there is a complex way of managing those species. They are of conservation concern, so we should be able to use the support framework to help farmers support and host those species but, at the same time, we should be able to use the other tools available, such as licensing, to manage individual animals. We should try to articulate that in the framework.

On the question of where in legislation we could have the new measures, there are two big ones to help us ease the land use change. One is trees on farms, and I say “on farms” deliberately, rather than “woodland”. Woodland is considered to be areas with density down to 200 stems per hectare, but we could do a huge amount of expansion of trees in much lower densities by stitching them into farmland. That could be part of the support framework, rather than having a separate forestry grant scheme, as we currently do.

The other one is deer, which is at the bottom end of the species framework. It is a utilisable resource that is abundant, and it hinders all aspects of land use change, peatland restoration and woodland expansion, so we could have an overt deer incentive.

**Vicki Swales:** I certainly support those comments about trees on farms and deer.

To answer Ariane Burgess's question on additional schemes of support, I mentioned earlier that there does not appear to be provision in schedule 1 for payments for facilitation, collaborative management and landscape-scale work. Under the previous rural development programme, there was supposed to be an environmental co-operation action fund, but that never got off the ground. We need to ensure that that is part of future policy and that there are provisions for it.

I want to pick up briefly Davy McCracken's point about the less favoured area support scheme. The financial memorandum states:

“in this context, the budget for Tiers 1 and 2 would include the Less Favoured Area Support Scheme ... budget of £66m”.

If we add that into the pot, the amount of money spent on those two tiers would be 89 per cent of the budget, not 79 per cent, which I mentioned before. Nonetheless, if that is the case, we would suggest that that needs to be retained within tier 2.

We have made a case for specific high-nature-value farming and crofting support. We have the indicator, and we know that there is what we would class as high-nature-value farming and crofting in around 40 per cent of Scotland. It is predominantly in the Highlands and Islands, and it gets a very poor deal from the current system. Those are also the areas where there is a high proportion of our most important wildlife sites and carbon stores. There is real merit in ensuring that smaller farms and crofts, which are environmentally important but quite economically fragile and vulnerable, are supported and get a fair deal from the system.

**The Convener:** I apologise to Alastair Seaman; I meant to bring him in earlier.

**Alastair Seaman:** That is all right. Thank you.

I echo what Ross Lilley said. We would absolutely support what was said about deer. A lot of the current work on deer looks at deer in the uplands and on large estates. There has been some progress there, but that is really tricky in lowland Scotland. The opportunity to resource landowners and farmers to do that well in lowland Scotland will require the kind of collaboration that Vicki Swales mentioned. That is definitely an area to look at.

I want to add a little bit of colour to Ross Lilley's comment on trees on farms and to reinforce the point that, although the forestry grant scheme is there to create woodland and forests, there is a huge opportunity to put trees on farms in other ways. I will mention hedges specifically. Vicki Swales kicked off with that. We lost 6,000 miles of our hedgerows in Scotland in the previous century. There is the opportunity to create biodiversity

superhighways across some of our least biodiverse land.

SEPA has looked at water quality and has identified 175,000 hectares of river and water stream corridor that we need to put trees back into. There are opportunities to do that through the FGS, but a lot of it can be done outside that. I think that Davy McCracken has in front of him a lovely photograph of a protected water margin that he and I looked at fairly recently. The opportunities to integrate trees into that space are significant.

Grazing is a huge part of Scotland's agriculture. We need to put trees into that space—not in woodland, but as individual trees and in small copses—to create the shade and shelter that will be absolutely fundamental to livestock wellbeing and productivity. That is perhaps one of the biggest opportunities for boosting biodiversity in that landscape, and it will never be funded through the forestry grant scheme. We have to find creative ways to put in those trees.

We are working with the Soil Association Scotland to look at the details of that. We recognise that schemes need to cover not just the capital and maintenance costs; we also want to look at what a realistic payment for ecosystem services would be. I am keen to hear later on from any colleagues who might be interested in connecting with me on that, because we want to publish what we find towards the summer.

**The Convener:** We will move on to our final theme, which is the power to provide for CPD.

**Beatrice Wishart (Shetland Islands) (LD):** It has been an interesting session so far. I am sorry that I am not in the room with you.

I will go to Kirsty Tait first on the power to provide for CPD, as she raised the issue of CPD early on in the session. Are there any particular things that should be required or encouraged? You mentioned that there is a knowledge and skills gap. Can you expand on that?

**Kirsty Tait:** Yes. The CPD aspect of the bill will be incredibly important, as will how we implement that. Obviously, we want farmers, crofters and growers to want to do CPD and not to feel that they have to do it. It has to work in with their systems and their farms.

As we know, every farm, every croft and every market garden is unique, and their needs will be different. The way that I have been working in this knowledge transfer world has involved looking at peer-to-peer processes, with farmers and crofters learning from each other. From what I have seen over the past three years, that has worked really well. There is a level of trust between peers, and there is something important about seeing something in order to believe in it.

We are asking farmers, crofters and growers to make big changes in an environment that, at the moment, is not really set up to make sense for them. There are no particular market routes. The supply chain will develop and that will push change on to farmers and crofters but, at the moment, they are working against the grain, which is why I mention the issue of trust. It is important that farmers, crofters and growers have the option to choose what fits them and what they need at a particular time.

CPD is an important part of the bill, but it should not be imposed on them; it should be something that is seen as useful in their businesses. That will be important with regard to how we roll that out.

**Eleanor Kay:** Obviously, CPD will be incredibly important as the vision for agriculture is delivered, and the question around using “may” or “must” is an important one with regard to this section.

There are questions to be asked about exactly how the provision is applied. As Kirsty Tait said, we have to be clear on what the benefits of engaging in CPD are to the business, and we know that that will directly affect the uptake. A lot of the solutions that we need will require similar activity, but we need to acknowledge that each business will have a different reason for doing CPD.

Before we impose any kind of CPD requirement, we need to ensure that we have enough advisers and trainers—at the moment, we simply do not have enough for what is currently delivered. Also, there needs to be a clarification of what constitutes CPD. It is okay to have varying levels of CPD, but a monitor farm meeting attendance levels is very different to my BASIS integrated pest management qualification or the livestock handling course qualification that is held by a vet. They all achieve important things, but they are all different from each other and they will need to be viewed differently.

It is also important that people do not just choose the cheapest option in order to tick the box—that is critical, to ensure that the provision is remotely meaningful.

We think that some level of equivalence should be granted to the existing professional qualifications. A stream of bodies such as the Central Association for Agricultural Valuers, the Institute of Agricultural Management and BASIS must be recognised in the arrangements if CPD is to be required.

The section must also contain something on the availability and accessibility of the information. For example, we have heard from the Royal Scottish Agricultural Benevolent Institution that approximately 25 per cent of farmers are thought to be dyslexic; we know that, with a higher

proportion of farmers being men, they are more likely to be colour blind; and, as an older demographic, they are more likely to have hearing issues. Whether farmers use information entirely depends on how they can access it. If it is not accessible, it will not be used, no matter how much you impose requirements on them.

The same thing applies with regard to barriers to entry for women and new entrants and general availability of equipment. Important content has to be delivered in a multitude of ways, and that makes things expensive. That needs to be factored in when we think about the CPD requirements. If you want to create catchment-area change, there will need to be on-farm meetings for particular regions, but there will need to be an online offering as well. All those things add to the complexity of the issue.

There also needs to be a measure of quality for the person who is delivering the information. Particularly with regard to regenerative agriculture, we are seeing a worrying increase of professionals giving anecdotal data that has no scientific rigour to it at all. They are very expensive and potentially deliver nothing of benefit, and when people are caught out by that, they are put off doing anything else in the future. We need to get this right. Knowledge exchange is key, but there needs to be engagement with the sector around what is already out there and what professional qualifications already exist that will interact with it. At the moment, there is nothing in that section about consultation with the sector.

11:45

**Professor Reay:** Kirsty Tait and Eleanor Kay have covered that question well. Eleanor talked about the need for more advisers who need more capacity. I completely agree with that, but they also need the CPD that they receive to reflect the urgency and the breadth and depth of the situation. That could be a huge enabler in the one-to-one situation. When you are doing your integrated administration and control system return, you should have an adviser who can explain the discussion that we have had this morning, what the bill is and what the measures in it are. That big list would be quite a big ask of them, but it is the kind of thing that they should be asked to do.

It comes back to resource, however. This needs to be resourced properly, and that is not a small point. Vicki Swales made the point about how the tier 4 budget does not match what is required for CPD and support from advisers.

**Euan Ross:** A host of difficulties with the current advisory capacity has been raised. We need to recognise that there is already a wealth of

knowledge out there. If you will pardon the pun, there are organic networks growing, such as the Nature Friendly Farming Network and the Regenerative Farming Network South West Scotland.

The skills that have already been fostered across farms and crofts, whether they are part of those networks or operate on their own in the mainstream system, need to be utilised, because there is a vast resource there. We have seen, and I would encourage the committee to look at, knowledge transfer and innovation fund—KTIF—work on those farmer-to-farmer or crofter-to-crofter clusters, where they are geographically closely located. Obviously, when in the Highlands and Islands, there are problems with just getting round the area, but those networks have been important in helping to upskill farmers and crofters and introducing them to potential new nature-friendly farming techniques.

I go back to Vicki Swales's point about funding. I echo everything that she said about the funding allocation being insufficient. There is a particular ring fence around tier 4 funding. As you know, the budget allocation is subject to periodic uncertainties and climate change shocks. Knowledge transfer will be key to weatherproofing farms from economic and climate shocks.

**Jim Fairlie:** I have a question for all of you on the specific point that Euan Ross just made. You said that there is so much knowledge transfer out there, and I am absolutely in favour of that, but we are talking about continuing professional development. Are you saying that the organisations that provide that have to be professionally registered? If so, with whom? If they are not, scrutiny of the Government's ability to deliver its objectives will come back to the question of who was asked to deliver them and where the knowledge came from. I can see that there might be an issue further down the line if we do not put in place some kind of process to make sure that what we are asking people to do is delivered by the right people and that the Government is then answerable for it.

**Euan Ross:** I would not feel confident responding to that now, so I will follow up on that point in writing.

**Professor McCracken:** I thank Beatrice Wishart for her question. I have a number of points to make in response to it. Kirsty Tait name-checked me earlier in this morning's conversation when she talked about CPD and wider education and training. It is important that the bill has lots of links to other policies, such as the proposed natural environment bill and so on.

It is also important to recognise that, given the scale of change that we are looking to achieve in

land management in Scotland, only an element of skills development can be achieved through the CPD that we are talking about in relation to this agricultural framework bill. Wider education and skills delivery in Scotland will need to be more aligned with what we will actually need.

I could, with the SRUC's education and skills teams, create a two-day or week-long course tomorrow to fill a skills gap. However, if we are talking about, say, a year-long higher national certificate or a three-year or four-year degree, changing that will take a lot longer and will be more of a slow-burn thing. It is not within my gift to do that work, though; it is within the gift of the Scottish Funding Council and Skills Development Scotland, which have to agree that those types of things can be supported. We need to think carefully about the skills that we will need on our farms and, indeed, that individuals will need to help our farmers and crofters as we go forward and about how we can facilitate that across Scotland. Upskilling and reskilling will be vital, not just for our existing farmers and crofters, or new entrants, but for others to help them on their way.

CPD in all its guises is important, but it should not be an outcome in itself. You have to do a certain amount of CPD—three hours every six months—to continue to be eligible for payments, but that is just a tick-box exercise and it achieves nothing. CPD, whatever it is, needs to have a clear relationship with, and a clear outcome for, what the farmer or the crofter has to achieve on their farm or croft. The issue is how relevant it is to helping them to do that work.

I have already mentioned the scale of the change that will be needed. As others have mentioned, there is limited existing knowledge, not just among farmers and crofters but among those who are currently advising them, with regard to many of the multiple outcomes that we will now be looking for from farms and crofts. It is not just that the number of available advisers is low; it is that only a low proportion of them can give the appropriate training or advice on the range of activities that, as we are seeing, will be important. I think—this goes back to Jim Fairlie's point—that we will have to look at some level of accreditation if we want to achieve a real uplift in knowledge and understanding among farmers and crofters.

We also need to think outside the box, as a number of people have already mentioned. Peer-to-peer learning—or learning between advisers and farmers or crofters—can be important, but we have to think, too, about how that can be more effective at achieving outcomes. As a number of people have already mentioned, having some level of facilitation for some groupings of farmers might produce a better outcome, even if it will be more expensive to achieve. The KTIF has already

been mentioned, but the fact is that we are doing nothing like the scale of KTIF-type projects that, for example, the Republic of Ireland has done from a bottom-up perspective, with facilitation in place.

Perhaps I can bring my comments full circle by saying that CPD is not just about upskilling individuals with regard to their knowledge and understanding. There is also a big role for data and technology, and we must ensure that that is on the table, too, and that our farmers and crofters get sufficient training to allow them to understand what is actually happening on their farms and to their crops, to benchmark where they are and to know what would be best for them in order to move forward.

**Ross Lilley:** I will echo what Davy McCracken has said without repeating it. It is more important that we focus on the diversity of knowledge and expertise that we have across the industry, in the advisory networks and among those of us in specialist organisations and facilitate that sort of thing instead of focusing particularly on CPD at this stage. There is a standards organisation—the Chartered Institute of Ecology and Environmental Management—that provides a good baseline for a lot of the stuff that we have been talking about, particularly on climate and biodiversity, and there are other chartered institutes, particularly on forestry, that can be brought in if we are looking to set standards.

I think that tier 4 could be better framed as a cross-cutting tier. In other words, instead of being the fourth tier, it would come before and cut across tiers 1, 2 and 3.

Let us diversify the procurement of publicly supported advice and guidance, so that it unlocks farmers' and crofters' expertise as much as academic institutions' expertise, rather than focusing on one institution to provide that advice.

**Ross MacLeod:** I cannot come close to matching Davy McCracken's description of what is required in relation to CPD. The only thing that I will add is that the nature of the advice that is given to farmers needs to balance the focus on productive and efficient farming with a focus on biodiversity. I am not sure that the current advisers' skill sets are sufficient for that purpose. As farmers grapple with where they could make sacrifices in order to maintain a biodiversity outcome, that will be critical. Eleanor Kay also pointed to that. To ensure that we balance the two competing requirements of productivity and biodiversity, it is essential that those advisers have those skill sets.

**Alastair Seaman:** I will make three points. It is crucial that we recognise that we need to support the Farm Advisory Service, so I would like to see a plan to upskill it. I agree with Davy McCracken's

point. I graduated from the SRUC about a million years ago, and the sad reality is that, today, there is less input into my specialist area of integrating trees on farms than there was 30 years ago. That needs to change. A number of us in this room would be keen to be a productive part of supporting that journey. We have real skills and expertise to bring, and we would like to find a way to do that.

Peer-to-peer learning is crucial, because we need to recognise that this is not just about skills and knowledge. A lot of it is about culture and about fear and safety, and it is crucial that we put farmers who are already doing this right at the front of it. We run very effective crofter network gatherings, but we do not do the teaching—we get crofters to do that. That will be important.

Lastly, Jim Fairlie asked a question about official certification versus the informal route. I encourage the committee to look at what teachers are doing. I worked in education for a while, and they have a nice balance involving a mixed economy—there is high-quality academic certified stuff, but there is also a rich range of other things that people can pick up and do at their own pace and in their own way, including peer-to-peer learning, which is fundamental. We could learn good lessons from the teaching profession.

**David Harley:** I will build on the previous four or five contributions. I completely agree that CPD has a role, but not at the expense of dedicated farm-level advice. Our experience in regulating the sector is that the advice that is given by people who understand farming and farmers is crucial. The point about culture that Alastair Seaman made is at the heart of this. It is not so much about education or information provision; it is about culture. That is a sophisticated issue, and we need to invest in it. I would be happy to have a conversation about that.

**Vicki Swales:** We could talk a lot about this, because it is clearly an important issue. How you go about delivering this matters. There is a diversity of approaches, some of which are farmer centred. I want to add something about the need for that and the evidence base around it. The figures in the paper that the Scottish Government submitted to the just transition commission are a bit old, but the vast majority of farmers—about 72 per cent—farm based on practical agricultural experience. That is important, but only 28 per cent had any formal agricultural training. Just over 1 per cent of those managing farms in Scotland in 2016 said that they had undergone any vocational training in the previous 12 months. Comparing those figures with those for countries such as Germany and the Netherlands, where 70 per cent of farmers have had formal training, and France,

where the figure is 60 per cent, highlights how much there is to do.

We are increasingly asking farmers to do more diverse and complex things, and we are doing them a disservice if we do not put in place mechanisms and investment to upskill them and help them through that process. Whether it is mandatory, voluntary or through a mix of approaches, that is essential.

**The Convener:** I will bring in Jim Fairlie.

**Jim Fairlie:** It is more a question for the cabinet secretary, to be honest.

**The Convener:** Okay. We have arrived at the end of our evidence session on time, which I very much appreciate. I wonder how many Maltesers I get for finishing 15 seconds before our deadline. Thank you all very much for your valued contributions, which will help to form our views when we move towards the stage 1 report.

I suspend the meeting to allow the witnesses to leave and to give members a short comfort break.

12:00

*Meeting suspended.*

12:05

*On resuming—*

## United Kingdom Subordinate Legislation

### Movement of Goods (Northern Ireland to Great Britain) (Animals, Feed and Food, Plant Health etc) Regulations 2024

### Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020

**The Convener:** Our third item of business is consideration of consent notifications relating to two UK statutory instruments.

As no members have comments on the notifications, are members content to agree with the Scottish Government's decision to consent to the provisions that are set out in the notifications being included in UK, rather than Scottish, subordinate legislation?

**Members indicated agreement.**

**The Convener:** That concludes our business in public.

12:06

*Meeting continued in private until 12:26.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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