



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs and Islands Committee

Wednesday 31 January 2024

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE

3rd Meeting 2024, 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:

Douglas Bell (Scottish Tenant Farmers Association)

Rob Clarke (Highlands and Islands Enterprise)

Gillian Martin (Minister for Energy and the Environment)

John McCulloch (Scottish Association of Young Farmers Clubs)

Grant McLarty (Scottish Government)

Grant Moir (Cairngorms National Park Authority)

Jeremy Moody (Central Association of Agricultural Valuers Scotland)

Theona Morrison (Scottish Rural Action)

Professor Sarah Skerratt (Royal Society of Edinburgh)

Professor Steven Thomson (Scotland's Rural College)

Andrew Voas (Scottish Government)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament
Rural Affairs and Islands
Committee

Wednesday 31 January 2024

[The Convener opened the meeting at 09:17]

Decision on Taking Business in
Private

The Convener (Finlay Carson): Good morning, and welcome to the third meeting in 2024 of the Rural Affairs and Islands Committee. Before we begin, I ask anybody using an electronic device to please switch it to silent.

Our first item of business is a decision on whether to take item 4 in private. Do members agree to do so?

Members *indicated agreement.*

Agriculture and Rural
Communities (Scotland) Bill:
Stage 1

09:17

The Convener: We will now have our fourth and final round table on the Agriculture and Rural Communities (Scotland) Bill. Today's evidence session will focus on enabling rural communities to thrive, which is one of the objectives of the bill. We will also have the opportunity to discuss the bill more broadly. We have up to three hours scheduled for this discussion.

I welcome to the meeting, in no particular order, Douglas Bell, managing director, Scottish Tenant Farmers Association; John McCulloch, agri and rural affairs committee chair, Scottish Association of Young Farmers Clubs; Theona Morrison, chair, Scottish Rural Action; Steven Thomson, professor of agricultural economics and policy, Scotland's Rural College; Grant Moir, chief executive officer, Cairngorms National Park Authority; Jeremy Moody, secretary and adviser, Central Association of Agricultural Valuers Scotland; Professor Sarah Skerratt, chief executive, Royal Society of Edinburgh; and Rob Clarke, head of policy, Highlands and Islands Enterprise.

We have received apologies from Dr Bob McIntosh from the Scottish Land Commission, who is sadly unable to join us.

We have quite a few participants, so I ask everybody to keep their questions and answers as succinct as possible. If you raise your hand, I or one of the clerks will spot you and bring you into the discussion. If a point has already been made, rather than repeat your support of it, it would be helpful if you could just indicate that you agree so that we can move on to the next contribution.

I will kick off with a very broad question on your views on the objective of enabling rural communities to thrive. How can the sustainability of rural communities and the wider rural economy be supported through the development of a new agriculture policy and how do you foresee that objective being delivered? Who would like to kick off?

Professor Steven Thomson (Scotland's Rural College): There are two elements to that question. The first is the role that agriculture plays in the wider rural economy. We must consider that, for some very small localities and regions, and also at some local authority levels, agriculture is a big contributor not only to gross value added but to business turnover, business count and so on.

The sector has an important role in some parts of rural Scotland. There are also the associated multiplier effects upstream into the supply chain and downstream into the processing and food and drink sector. People quite often assume that all the processing is done in rural areas, but it is not; it is quite often done in peri-urban areas, so we need to consider those urban and rural linkages as well. The bill's enabling of farmers to be paid and supported is important for those economies.

The wider rural community bit is about how important agriculture is to those areas. The community-led local development element—formally known as LEADER—is a bit unclear to me, because I do not know how much budget will be spent on it. I do not really know what the provisions of the bill are trying to do, because it seems all-encompassing. However, the general feel is that it will support continued economic activity in rural areas.

Douglas Bell (Scottish Tenant Farmers Association): I agree with Steven Thomson. You would expect me to push home the role that farmers play in the economies of rural areas. We would describe them as a cornerstone, so I totally agree with Steven. There is potential, as the secondary legislation comes in, to put in place measures that support rural communities, without a doubt.

Theona Morrison (Scottish Rural Action): I am speaking as a crofter as well, and I would turn it around and say that, without rural communities, we would not have an agricultural landscape, so we need people. If we reflect on why we choose to live in a place, it is about all the things that support our lives, separate from our working life. It is our primary school, our medical care, our shop, our pub, our church and our sports activities—all those things.

Rural and island areas are underpinned by social enterprises that deliver a lot of those services, and community-led local development has enabled a lot of them to flourish. I absolutely believe that agriculture is about feeding the people of Scotland, and we should be able to do that; however, in order to do so, people delivering on agriculture—given that the average age of farmers is 59 and of crofters is maybe 120—need to be supported in the rural communities. We need to keep the lights on in all those communities, so that folk do not need to travel to cities for anything that they require.

Rob Clarke (Highlands and Islands Enterprise): I agree with the comments thus far. My point is that rural communities are about more than just agriculture and crofting, important as those are. We have people in rural communities who are doing many different things, such as

running businesses and working in creative industries.

I am heartened that the bill, as it is currently written, has the breadth to support those areas. I guess that the devil will be in the detail and we will see how much of the focus is on agriculture and land management as opposed to wider rural development. Wider rural development is critical and should not be lost as we get into the detail of the specific support that will be provided.

Grant Moir (Cairngorms National Park Authority): I will follow up on some of those points. The fact that the rural economy and the agricultural side are intertwined means that we have to look at how much we support the wider rural economy with the overall budget allocations in the bill.

One of the key things is that 60 per cent of the total Cairngorms economy is tourism. That is a big factor in the Cairngorms and a lot of tourism relies on the work that land managers do there. We cannot separate those things out in terms of agriculture, rural economy or communities. It is about how we integrate them and what the best balance of funding is to support economic activity that delivers for Scotland.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Are you suggesting that the support from the Agriculture and Rural Communities (Scotland) Bill should be split between agriculture and tourism, or should any funding for tourism come from a separate pot?

Grant Moir: No, I do not think that it should be split. Take, for example, community-led local development—what used to be LEADER funding in the Cairngorms is now CLLD. Our overall approach already supports wider economic development. A whole range of things across the wider rural economy are supported—that is a good thing—alongside the work that goes into land management. It is about ensuring that we are doing the right things in the right places. The bill covers that wider approach and all those different things. The question is what proportions are associated with those things.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): It is interesting that the responses so far have been connected to things that are outwith agriculture, but the ANM Group made the point that core agricultural activity is integral to supporting rural communities, so its comment about the contraction of the suckler beef herd is important because so many jobs rely on it. Can Jeremy Moody comment on the relationship between rural communities and core agricultural activity?

Jeremy Moody (Central Association of Agricultural Valuers Scotland): From the

tensions in the remarks that have been made so far, I am finding this quite a challenging objective among the other objectives in the bill. I am possibly putting it oversimplly, but I am trying to understand how far it is in the bill for show or for meaning. It touches on, if you like, a missing statement in the objectives, which is about the productivity and resilience of agriculture itself, and that is a point to come back to if we are to look at agriculture as part of a thriving economy in rural communities and others. That is an important goal that is picked up in legislation in other parts of the United Kingdom, but is not in the bill at the moment. I think that perhaps that bit is missing.

There are interconnections, particularly with the landscape. We learned, brutally, with foot-and-mouth disease, first, that tourism was the bigger generator in many rural areas and, secondly, that it relied on the landscape that farming produced. A lot of lessons came out of that experience 20-odd years ago.

However, we are watching farming populations that have shrunk. The labour force has shrunk and, because of the nature of the work that they do and where they are located, they are often now less involved in communities than they were. In some areas, the activity in community life is now the residual part of the historical local population, with all the connections and so on that go with that. That makes it quite challenging to think about how the bill relates to the objective of thriving rural communities and what that is about. Some of what is in the bill is a hangover from the rural development regulation, and I could think that there is enough pressure on the budget to deal with the agricultural parts of the legislation, even before adding in that objective.

There are some quite serious tensions around all of this, and I am pleased that the committee is exploring it. If you can manage profitable suckler beef production, it generates jobs, including the downstream jobs—ANM's markets, among other things—which is clearly good. However, it comes back to a question of profitability, productivity improvement, competitiveness and sound businesses, which is an understated but fundamental objective in achieving the other goals.

Professor Sarah Skerratt (Royal Society of Edinburgh): Thank you for inviting me. As Jeremy Moody has used the word “tension”, I would like to follow up on that and talk about adding in items. When we talk about

“enabling rural communities to thrive”,

the definition that has been used to date is that that is assisting people

“to live, work or operate in rural areas ... to invest in infrastructure and services in and for rural areas”

and to produce strategies for rural development. Traditionally, that has had a budget allocation of 5 per cent of the 30 per cent. It is now 5 per cent of 25 per cent. It is often the bridesmaid, and that amount is getting smaller.

09:30

Defining rural communities is absolutely critical. There is a danger of conflating rural communities within the agricultural definition, and we are already seeing that in the discussion. It is important to define and raise the profile of the diversity of rural communities.

There is a need to use the data that we already have. LEADER and its successors have been in existence since 1991. When you ask, “How do we do this through the bill?”, we have a wealth of data to look at but those data are not being mined sufficiently. We are in danger of being inefficient, because there is so much learning and there are so many evaluation reports from LEADER and even its successors in recent years. Reports were produced in 2021, 2022 and 2023 on the learning from LEADER and its recent successors. We need to use those reports in order to make the most of the small budget allocation that is going to CLLD through the local action groups. That is even more important, because I think that the majority of those budget allocations are going through local authority arrangements, which are more naturally risk averse in the current climate. That will allow for systematic change rather than piecemeal change, which is the focus of many LAGs.

The Convener: Before I go to members, I will bring in John McCulloch to give us the perspective of young farmers.

John McCulloch (Scottish Association of Young Farmers Clubs): From a young farmers' point of view, we are seeing more and more activity throughout Scotland when it comes to the community side of it. Clubs are getting involved in community projects. The young farmers club seems to be the first thing that communities turn to. That is quite telling in my mind. It goes back to quite an old-fashioned thing. Communities turn to farmers to do projects such as gardening at care homes, for example.

We are very aware that communities are very important—probably more so in Dumfries and Galloway. We see a lot of clubs getting involved in projects in communities. Maybe that is not so much the case in the central belt, but the same happens in the north region, too.

The bill should focus primarily on the agricultural side, but communities have to be a huge part of that, as well.

Ariane Burgess (Highlands and Islands) (Green): I hear the importance of the 5 per cent of 25 per cent—[*Inaudible.*]

In our papers, we read that the James Hutton Institute questions whether

“support for agriculture is the most effective or efficient way to address issues facing rural areas. As such, the Bill provides a foundation for agriculture and environmental policy not rural policy more widely.”

We see that there are lots of opportunities now in community ownership, community woodlands, community renewables, nature restoration projects, and soft infrastructure that we desperately need for training and facilitation. I wonder whether the agriculture budget is the most important or appropriate source of funding for rural communities if we are going to be clear that there is an agricultural, farming community but also a wider community? There is an interconnection, but do we need to look at the support payments that are coming for agriculture and growing food and then at other things? Another opportunity that is coming is with the community wealth building bill. How can we make that work for communities? Of course, I hear from the local action groups about how important that money is and how transformative the 5 per cent is, but I wonder whether we could look at how we do that differently.

I will go to Sarah Skerratt and maybe Rob Clarke from Highlands and Islands Enterprise.

Professor Skerratt: I do not want to put resources or objectives in opposition to one another. My sense is that there is a need to be clear about the objectives and not to assume that the outcomes of one will be achieved through putting money into another. That is the evidence from years of delivering LEADER and working through LAGs.

The definition that I read out to you is from the common agricultural policy arrangements that are being observed on an interim basis, ahead of 2025. Those arrangements are far reaching and the evidence suggests that they cannot be wholly achieved by having resources come through an agriculture-only route. Certain outcomes are to be achieved for rural communities, which have a wider set of businesses and entrepreneurial routes and very real observed needs—hence the Islands (Scotland) Act 2018 and the discussion of impact assessments relating to islands and wider rural communities. There is an evidence base for, and wide recognition of, those needs.

The James Hutton Institute data that you mentioned, as well as research by the SRUC, shows that wider rural communities have particular characteristics that are different to those observed in farming communities. The evidence shows that

trying to achieve objectives for one cohort of the population through moneys diverted to another is not a rational or efficient way of going about things, particularly when those moneys are so constrained.

We should look at the evidence of what works well—we have more than 30 years of that—and then, given that evidence, ask how those moneys should be addressed to particular objectives for that cohort of the population. That does not mean dividing them—John McCulloch gave the example of young farmers being very involved—but it does mean finding the most efficient way to spend limited resources.

Grant Moir: It is worth thinking about how the areas underpin each other. I am looking at what we have supported through the community-led local development plan in the past couple of years. For example, LEADER supports the pathways to rural work initiative, to get people into rural work. Then there are things such as support for venison branding: there are many things that underpin the community on the agriculture side. If people are doing work to prevent the flooding of a village, that interacts with agriculture. Drawing arbitrary lines between rural and agriculture works for policy, to some extent, but those things interact on the ground and work together; they are not one thing or the other.

Having the CLLD funding as part of the package is a good thing, but having thriving rural communities cannot be linked to just one objective or fund. There are things that you can do on the agriculture side that will support thriving communities. That might happen at one remove, but money that is put into land management will benefit communities, for example by bringing clean water. There are many benefits that can be attached to the objective of helping rural communities to thrive but that come from land management payments.

Jeremy Moody: I think this is an instance of a more strategic question. When I look at the vision, I see something that is really radical and driving at major change—it uses cultural change and transformation and the like—but there is something about this part of the discussion that is more about working from where we have been. There may be a need to look more at where we are trying to go, at our climate change and other goals and at the pressures, including my concerns about productivity.

This objective almost seems to be in the bill as a legacy of past policies; it is here as an impression of the past. If we are trying to create a rational strategy for the future—all the objectives will, of course, interconnect—then this might not be the right place to provide for that objective. I will leave you with that question and with the more general

issue of the whole approach to agricultural policy: is it evolving out of what we have or is this Scotland's chance to look at where it wants to go in future?

Professor Thomson: To pick up on Jeremy Moody's point, this is a legacy of the European agricultural fund for rural development. People quite often considered that to be the rural development policy for Scotland when it was actually a tiny proportion of the total Government budget for rural development. If you think about health, transport, housing and all the things that go into those areas, the policy was a way to demonstrate how the agriculture budget can help to facilitate things such as farm diversity.

We, in the UK and in Scotland, went down a totally different route from other countries in LEADER. Quite often, other countries supported more agricultural rural development, such as the integration of on-farm diversification, whereas we took a much more community-based approach. What we have here is a real legacy of that.

Everybody has kind of forgotten that agriculture in Scotland has seen quite astounding real-terms budget cuts. I put together some numbers using the agricultural input data from the Department for Environment, Food and Rural Affairs and found that the purchasing power of the budget has more than halved in the past 20 years. We are stretching the budget further and further. The question is, what can we realistically deliver? What are the principal objectives of an agriculture bill with regard to agricultural and rural communities?

We have a kind of mixed understanding of the bill's purpose. We already have levelling-up funding and the city and region deals, and areas such as healthcare are starting to take more CLLD-type approaches, so the approach that the Government seems to be taking in the bill is already happening more and more. Communities are having a say in how services are delivered, and, indeed, community wealth building has already been mentioned. All of that needs to be coherent and structured. What strikes me is that, in the light of the rural delivery plan that the First Minister announced, it is in the area of cross-directorate delivery where we need a better understanding of where the bill sits. For me, though, it appears to be a legacy.

Douglas Bell: Picking up on Steven Thomson's point about the erosion of the purchasing power of the support that farmers receive, I was disappointed that the bill's objectives did not include maintaining fair incomes for farmers. After all, it is one of the objectives of the CAP and has been since its inception. As far as rural communities are concerned, maintaining those incomes on farms should be an objective front and centre. I appreciate all the pressures on the

budget and the ambition of the rural development policy, but I feel that that is a clear gap in the objectives.

The Convener: I see that a few members have their hands up. I will take Rhoda Grant first, then Karen Adam and Alasdair Allan.

Rhoda Grant (Highlands and Islands) (Lab): It seems to me that we are talking about things that should be funded from other budgets that the bill does not really mention. However, to come back to the bill—which, after all, is what we are looking at—I wonder whether there is anything that we can put into it that would ensure fairer funding for rural areas. Lots of the things that we are talking about today would, if we were talking about urban areas, come from a different pot of money. Is there anything that we can do in the bill to ensure fairer funding for rural areas from other pots, instead of trying to carve up this particular amount of money among the competing—but real—needs in rural communities?

The Convener: Do you want to respond, Sarah?

Professor Skerratt: I was just nodding. It is like bidding at an auction here. [*Laughter.*]

I agree. I might be putting words into his mouth—if so, I am sorry—but I go back to Steven Thomson's point about the coherence between policies. We have also been looking at the national planning framework and its rural revitalisation elements. I realise that I am not really answering your question, Ms Grant, but what we have been looking at are the other elements that are in play, the resources that should be pulled from those elements and how the bill should refer to those other elements to ensure that there is cross-referencing or resource draw-down. If we are saying that there is so much pressure on this area and that the emphasis needs to be put on agriculture, we need to ask where the unmet need is and where the pump priming might come from to support the energy in rural communities. If it is not going to come from here, where else in the system is it going to come from?

The Convener: Does anyone want to address that question?

09:45

Steven Thomson: Specifically on Rhoda Grant's point, that is what the rural support plan should highlight. If we are truly going to have a rural support plan, the risks and the benefits of spending the money in those areas need to be in it. Until that happens, it will be challenging. That is where the requirement for member states to deliver on a CAP strategic plan, signed off by the European Commission, has been so powerful,

because the commission has a say and oversight of that.

To go back to what Sarah Skerratt mentioned, there is a real risk that, if that is taken out of the bill, it will fall through the gaps and disappear—it will not happen, because no one will pick it up.

There has to be a statutory requirement to ensure that such activity continues. Where it sits is for others to determine. However, it is an important part of the bill. If it is not funded here and is not in the bill, where will it sit and how will it be supported?

The Convener: John McCulloch and Jeremy Moody want to come in.

I want to add to that question a little; you might consider this when you respond.

You talked about the rural support plan. The Delegated Powers and Law Reform Committee recommended that the draft of the five-year plan be published prior to stage 3 of the bill. Is that essential before we come to the secondary legislation that will inevitably come on the back of the framework bill?

Professor Thomson: Is that question directed at me?

The Convener: Yes. I will then go to John McCulloch and Jeremy Moody.

Professor Thomson: SRUC's response was pretty clear that the rural support plan needs to be front and centre. I would go beyond just presenting it to the Parliament; I would give the Parliament the power to scrutinise it and have annual updates and annual scrutiny of it, otherwise Government support will go unscrutinised. I note that, if we still have ambitions to align with the European Union, the European Commission has such an oversight role, and the European Court of Auditors has another oversight role. Member states are held to account on how they spend that money. There is a risk that the rural support plan will be just a set of nice words.

John McCulloch: From a young farmers' point of view, there is an extreme lack of talk about how young people will be helped into the industry, either to own their own farms and farm in their own right or to come in and work in agriculture.

Part of the bill talks about training and continuing professional development. A lot of employers do not have the funds to put young employees through the training that they require, and they will need support to do that. I know that limited grants are available, but the bill should cover a bit more the ways of extending those grants or putting more grants in place.

Jeremy Moody: During the years in the CAP, perhaps we lost sight of a point that was clearly in

the old agriculture act and that sits in all the agricultural legislation that is coming forward across the UK, which is that agricultural policy is about more than payments. In a sense, once intervention money was crystallised into support for production and then support for land occupation, we lapsed into thinking that it was about only that.

To pick up on a point that has just been made, the issue of tenancy legislation and how more opportunities for lettings might be enabled, which is being picked up in parts of the land reform bill, is critical. It was there in 1948, as were structures around that and other areas of policy.

To go back to the underlying question, it may be that regard is had to the needs of thriving rural communities—and that that shapes the policies that come through—but the bill is an agriculture bill for agricultural policies, albeit that it is tempered by that provision, which is stated in the bill but is not necessarily an object of expenditure.

Theona Morrison: I want to pick up on what John McCulloch said and how the rural diaspora articulates with succession planning for the agricultural landscape. I will give a small example. We introduced the crofting bill to stem population decline, recognising the economic importance of crofting in the Western Isles. An example of the impact of that is that the average age profile of agricultural committees is a generation younger than it was 10 years ago.

Through directly investing in the skills that are appropriate to crofting—although it could be any other sector—in your locality, you will have the place-based knowledge and understanding that are relevant to the economy where you are. If that is in agriculture, then so be it, but that is part of the pie chart of understanding your local economy within which everything—tourism, agriculture and everything else—sits.

I think that Jeremy Moody's point about the vision is correct, but the bill should also articulate with the Good Food Nation (Scotland) Act 2022. In that context, we should see more local procurement, which will also impact on those who produce the food. If local authorities are going to be using local food in education, the public sector, the health sector, hospitality, prisons or wherever, that will impact on how farming delivers the food that is going to be used in our nation. The pieces of legislation should articulate together, and it is really important to recognise that they are not separate entities.

Douglas Bell: To go back to the convener's point about the timing of the rural support plan, I totally endorse what has already been said. The earlier that can come, the better. There is a real frustration among agricultural stakeholders just

now about working in a vacuum. The more we can see up front, the better. That includes the code of practice on sustainable and regenerative agriculture and the support plan. That will help with thinking and, I hope, people taking a meaningful part in the co-design and co-development process.

The Convener: We will come to further questions on the rural support plan from Rachael Hamilton a little later.

Karen Adam (Banffshire and Buchan Coast) (SNP): The committee and I, as a constituency MSP, have seen some fantastic examples of diversification on farms, particularly in areas such as agri-tourism. That is often driven by the female force on the farms. They help to support rural communities to thrive. We have seen fantastic examples of employment opportunities for local young people in those environments. Do you think that that should be considered in this process? It is very much tied to the agricultural side of things.

Professor Thomson: I speak as somebody who dealt with farm diversification advice for a long time. There are two schools of thought on that. One is that, if you are diversifying a business and starting up in a non-agricultural sector, why would you not go through the usual business start-up routes or the business support routes through the Business Gateway or the local enterprise network? The other is that agriculture stands alone, has unique circumstances, and is difficult.

Where farm diversification sits is a real challenge. You are right that we do not really understand the value to the economy of those diversified activities. That is often because, once they are successful, the business structure becomes a separate business entity and is no longer associated with the farm—it just happens to be located on the farm. Those are important elements.

CLLD or LEADER funding has supported farm diversification in the recent rounds. Previously, there was dedicated funding for farm diversification in the rural development programmes within objective 1 and objective 5b, so there was always a support element for farm diversification. However, I can also see the argument that it should sit with the wider business structures.

Professor Skerratt: I have a quick postscript to that, on women and young people and, at the risk of looking backwards, the aspirations within the CAP at the moment around inclusion aspects. There is merit in measures that explicitly aim to include women and young people in particular, and in looking at how to do that.

Additionally, the James Hutton Institute's recent report that evaluated CLLD talked about "burnout"

and capacity issues in rural communities and, to move on from the diversification point to wider rural issues, the need for succession planning within rural communities to engage with the opportunities that are offered through funding and other mechanisms. For inclusion reasons and succession planning, it is important that those opportunities are not only thought about from an evidence point of view, but are made explicit within legislation.

Douglas Bell: The background to diversification might change a little bit in relation to delivering for climate change and preventing biodiversity loss. The STFA is lobbying hard to ensure that tenants have an equal opportunity to diversify.

On consultation, modernisation of agricultural tenancies was originally part of the bill, but that has now been moved across to the land reform bill. However, it remains very important that tenant farmers have the same capacity to diversify, whether that is in the form of agri-environment diversifications or more tourism-based diversification. We are lobbying really hard to ensure that the timing is right. As measures are designed under secondary legislation for the bill, we need to make sure that the land reform bill allows tenants to participate as well.

Given that Karen Adam mentioned diversification, I just wanted to make the point that there is a real issue for us and we need that to be pushed through, albeit that is outwith the scope of the bill.

The Convener: Professor Thomson, do you have a comment on that?

Professor Thomson: It is not to pick up on Douglas Bell's point; it is just to say that diversification into agri-environment and/or climate mitigation is getting mainstreamed into agricultural policy, so it should not be seen as a standalone issue. Those things will be part of the daily life of farmers, crofters and land managers more widely going forward.

I do not like to speak for the whole just transition commission, but, when the commission was taking evidence in Grantown-on-Spey, people were really concerned about the challenges that the crofters and those in the tenanted and rented sectors will have in delivering against all of the Government's objectives on climate change and biodiversity gain. I totally agree with that part. However, I ask everyone to remember that the point is about not diversifying but mainstreaming those objectives.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I am just thinking back to something that Sarah Skerratt said about ensuring that the objectives of support for communities align with the support for practitioners of agriculture and how they are not quite the same thing. I do not know whether the

crofters in the room want to comment on this, but is there something distinctive about crofting in that, compared to most rural communities, a big slice of the community is engaged in agriculture? What should be different about that relationship when the funding model applies to crofting?

Theona Morrison: I might be the only crofter in the room. As you know, historically, crofting was set up so that the crofter still had to work for the landowner. We are in a slightly different place today—although not in all areas. As crofting is part of a pluralistic economy, it sits alongside other modes of employment. By virtue of that, crofting is part of a wider rural community.

Professor Thomson: We have recently been commissioned to do some work by the local action groups in Orkney, Shetland and the Western Isles, and one of the key things that we are looking at is the difference between farming plc and crofting, and we are trying to disaggregate and disentangle the impact of the bill and future support for crofting areas. Lots of small crofters and small users who might be in receipt of very small sums of money might be disenfranchised by having to meet a whole raft of entry-level conditions, because doing so will exceed the support levels. As a result, they might fall out of the system, and we really need to think carefully about the entry-level conditions and the disproportionate costs of entry for smallholders and crofters.

Unanswered questions remain about how the legislation will pan out in relation to common grazings. The bill talks about conditionality. How are we going to ensure that when there are only two or three active crofters on a common grazing? Equally, in our research, we are starting to hear stories about communities where there might have been only two active crofters and the community was dying, but, suddenly, in the past few years, there has been a huge influx of new people into the area who are all actively crofting. The bill presents a real opportunity to help communities and local areas to thrive.

10:00

The Convener: We have a couple more questions on the objectives of the policy. For a start, do we need more definition around the bill's objectives? I think that the discussion has been pointing in that direction. Should there be other objectives? We know that the European legislation has more objectives, so do we need more? Do we need the ones that we have to be defined more fully?

Grant Moir: My worry is that, if we were to start putting in lots more objectives, we would end up covering anything and everything. In effect, we would have a bill with objectives to sort everything.

However, that is not what it is aimed at—it is aimed only at certain things.

Key to that will be clarity on what the objectives are really about. When you talk about, for example,

“enabling rural communities to thrive”,

what do you really mean by that? What do you really mean by other things such as the “production of high-quality food”? Defining that sort of thing carefully will be key. I am not sure that adding in more objectives to cover other aspects will particularly help, as you would end up with the bill just spreading out.

Returning to CLLD, I think that what is interesting about it—and something that is worth thinking about—is that, although it represents a small part of the budget, it levers in a lot of other money on top. The LAG that I have been involved in for the past two years had £630,000 of funding put through it, but the projects totalled £1.1 million. Money gets levered in, and I cannot think of many community projects in Scotland that do not have some form of LEADER/CLLD funding.

It is important for you to know that, if thriving rural communities are not in the bill as an objective, you will lose an awful lot if it is not somewhere else. It is crucial that wider rural development funding is part of the bill. If you have a rural support plan, it must define exactly what that is.

The Convener: Your response, in effect, is that we have the right number of objectives in the bill but they need to be clearer and more broadly defined.

Grant Moir: People need to know exactly what they mean. What I might define as “thriving rural communities” might be entirely different from Steven Thomson’s definition. A few years down the line, you might start to get into questions about what we meant at the time, so we must be clear about these things up front.

Jeremy Moody: If this is to be a bill or, rather, an act with a life of more than five or so years, it needs to be broadly framed and its objectives must be quite openly cast. The risk of being too specific is that we will be back here in five years’ time looking at what we have done. Inevitably, we will learn by doing. If we go back to the model of the 1948 act, we can see that it stood until 1973. If we can manage a generation’s worth of legislation, we will have done quite well.

We can all play with words—playing with words in committee is one of the most lethal trades known to man. Looking at the bill objectives, I would suggest that there is considerable dispute as to what “regenerative” actually means, whether it is about process or outcomes and so on.

Obviously, the code can define some of that. It is a theme that has emerged in the past 10 years, but it might well go, because we might find other concepts.

The word “sustainable” itself probably seems more sustainable, if you like, and lasting, but I think that “profitable” would be a good goal, too. We could put “sustainable” and “profitable” together.

The “high-quality food” objective has also been mentioned. I do not think that anybody would argue for low-quality food, but it obviously ties in with existing legislation.

There is also mention of “climate mitigation and adaptation”, which is absolutely right. Then there are the issues around “nature”, including whether “restoration” is a useful word, given questions of restoration to what and by when.

With climate change, we are looking at major challenges to nature and, instead of falling back on the classic British trope of trying to restore a golden age, we are looking to what would be good in 2050. We need to think harder about that. A number of these things are made up of nice, cuddly words, but there is a lot of lazy thinking.

In principle, I suspect that you do not want more objectives than you already have, but you need to get them right. You must provide the freedom to adapt to the future. The one thing that we know is that we are facing many more risks and challenges than we have been used to. To run a good, flexible and adaptive policy, we do not need to suddenly run into the bill and have to rush legislation.

John McCulloch: Going back to one of the points that Jeremy Moody made, I would say that when young people who have come into the industry or who have taken over a family farm are thinking about what to do in the future, it does not help when they see words such as “sustainable” and “regenerative”, because there is not a lot of clarity about what they mean.

Jim Fairlie: It’s what your granddad used to do, John.

John McCulloch: Aye, I know. Their fathers are not keen to let them take over the ropes, but when they do and they are thinking about what they want to do in the future, it does not help them in moving forward with their business when they see words whose meaning is not clear. There is also a lack of clarity on how things will be policed and whether the resources will be there to monitor that. There needs to be a bit more clarity around such buzzwords to help people move forward.

Rob Clarke: As far as the objectives are concerned, it is important that the bill includes a communities objective. As Steven Thomson has

said, if we did not have a communities objective in the bill, where would it go?

We should recognise that thriving rural communities will not be delivered only by the bill and the funding that sits behind it. Many aspects of Government are charged with delivering that. I guess that that is why we are looking at a rural delivery plan.

CLLD has been really valuable in supporting communities with on-the-ground projects. When we were in Europe and there was multi-annual funding, that approach was valuable in allowing a lot of long-term strategic thinking to take place in communities. With in-year funding, I think that we have lost some of that. Therefore, I urge that thought be given to how we can get back to a situation in which communities can think more strategically and have the time to plan and to deliver, without the pressure of having to do things extremely quickly, which is damaging to some communities.

Douglas Bell: I would reiterate that a fair income for farmers and crofters is an objective that I would love to see in the bill. Looking at the CAP objectives, the other one that I have a great deal of sympathy with relates to the position of farmers and crofters in the food chain. I support the Scottish Agricultural Organisation Society’s call for help to position the industry within the market, given that the purchasing power of the subsidies has already been eroded and that that trajectory is likely to continue. Therefore, I would support that as another objective.

Jim Fairlie: I want to go back to the point that Douglas Bell and Steven Thomson made about the role of tenants, how we involve them in what the Government is looking to do through the objectives and the difficulties that will be faced in that regard. The issue relates not only to secure tenants, but to guys on 25-year leases and so on. Will there be a problem in getting those folk involved in delivering the objectives? Is it the case that tenants and people who are on 25-year leases might not be part of the partnership in delivering the long-term goals that we are trying to achieve?

Douglas Bell: I think that there are some real barriers in that respect for the tenanted sector at the moment, and it is all about ensuring that we take them down. Take, for example, the rules of good husbandry and good estate management. If you delve into those, you will find that an agricultural lease tells a tenant that they must adhere to the rules of good husbandry, which fly in the face of much of what will come under tier 2 and environmental management. Therefore, there is, in theory, a potential risk of a tenant being in breach of their lease just by carrying out some

environmental improvements. We need to sort that out.

There are all sorts of issues with tenants and trees and permissions from landlords for planting. I have already mentioned diversification. There is a huge job to be done on what is known as the schedule 5 list of improvements that tenants can be compensated for when they come out of their tenancy. That needs to be brought up to date to ensure that, if tenant farmers engage in the process that we are talking about, the improvement that they have carried out on the farm will be recognised when they get to the end of the tenancy and they can be compensated for it. Again, that is all land reform legislation stuff, but it is critically important.

We have even greater concerns about the relationship between Government funding and private funding and about the general move towards factors such as environmental management, greening and green capital. It is currently difficult for tenants to engage with that side of things, including carbon credits and all the rest of it.

Jim Fairlie: Is there a danger, then, that tenants and leaseholders will just say, “This isn’t going to work for me. I’ll do the absolute minimum and continue to take as much in base payments as I can”?

Douglas Bell: That is a risk. Given the way in which the four-tier model has been developed, though, not many of our members could afford to take that view. We might say that half of direct payments will be tier 1 base payments and the other half tier 2. As that will be a considerable proportion of those members’ income—probably more than their profit, for many—there will have to be a way to allow them to participate. Not many of our members could say, “No, that’s not for me. We will just keep going.” A higher proportion of our members are livestock farmers, and for them it is really challenging to make a living without such support. We therefore have to be optimistic and push, so that we do not find ourselves in that situation.

The Convener: Jeremy Moody and Professor Thomson want to come in on that, then I will bring Professor Skerratt back in.

Jeremy Moody: There will always be issues on which there are divided interests in ownership—that is quite clear. The question was couched in terms of longer-term tenancies, the 1991 act tenancies, or the longer limited duration tenancies or modern limited duration tenancies. A tenant is there to be in business and to earn an income—that is, to provide basic security. They will therefore look at this logically, asking “Where are the business propositions?”, which will then turn to

“Can I do this?”, “Is there the money in it to warrant my doing it?” and “Can I make those commitments?”

In a longer-term tenancy, there is at least the time period in which to do it. The shorter tenancies are probably much more commercial in outlook, and we will take an even more commercial view on those. Someone on a longer tenancy might take a view alongside owner-occupier neighbours and just think, “Well, where are my rights in this?”

We expect a moderate amount of positive proposals to come through in the proposed land reform bill—for example, reform of the list of compensable improvements, to embrace those factors—but that depends on their being improvements that have value. There is currently an awful lot of talk about such matters being terribly important, but there is not necessarily evidence of what has value to the incoming tenant, which would generate the end-of-tenancy payment.

Therefore, there are pragmatic and practical questions to deal with. If money starts flowing, pragmatic owners and tenants will be more than capable of coming to deals. Clearly, those who are across from each other might find that more of a source of challenge. However, if the money is not flowing, or if it does not make rational economic sense, they will step back and pursue what best puts bacon on their tables in the morning.

Professor Thomson: Jeremy Moody and Douglas Bell have picked up on a couple of the points that I would have made. I do quite a lot of talks up and down the country on future agricultural support—what we might call crystal ball gazing. The point that strikes me most is that for seasonal graziers—landless keepers who have a flock of sheep or some cows but who do not actually own land—the landscape is really confusing. How are they meant to do soil testing or carbon audits?

Therefore the issue is not just about people on secure or limited duration tenancies but about those who are trying to get into the industry or who are new entrants. They are trying to establish their businesses. Quite often, after meetings, a lot of people will come up and ask me such questions. We need to ensure that those aspects are better defined in the bill, which takes me right back to the definitional aspect. What are we doing? What is agricultural activity? We need to properly define those terms to ensure that aspects such as peatland restoration and biodiversity improvements fall within the bill’s scope and become part of our general vocabulary around agriculture so that farmers are not limited. Under the existing legislation on less favoured areas, if someone carries out peatland restoration and

fences that land off, it is technically no longer eligible for support.

We need to start joining up those dots. What is “agricultural land”? What is an “active farmer”? Without those definitions, where the money flows and what the barriers are to that flow will remain unseen. It is not until you start to have conversations with those on the ground that you will start to get into it.

10:15

Returning to the earlier question, I think that the objectives need to be really broad—I totally agree with Jeremy Moody on that. It is a matter of whether we want to specify practices or a particular sector. Instead of having

“sustainable and regenerative agricultural practices”

in the bill, we could have “sustainable and regenerative agriculture” or a “sustainable and regenerative sector”. The wording needs to be tweaked to make it all-encompassing. Moreover, we should be aware that, if we align with the European Union, it places a massive emphasis on supporting small farmers and small producers and on generational renewal.

I think that those two aspects need to be mentioned a bit more explicitly in the objectives.

The Convener: I am very conscious of the time. If you wish to respond to that comment, Jeremy, please be very brief.

Jeremy Moody: I just want to pick up on Steven Thomson’s very important point about the reality of the agricultural world. We have spent the past 20 years essentially rewarding land occupation. The tenant is an occupier of land with a real place in the party when it comes to looking at the schemes, however much the agreement and the landlord relationship might complicate things.

It has been said that something like 40 per cent of sheep farmers do not occupy land. Instead, they are graziers, one way or another, and as such they have been, in the main, outside the payment system—unless things have been done that should not have been done when it comes to who has been claiming what. In any case, they have no ability to cross-comply on most things; they have just been getting on with the business of life.

It comes back to what you are trying to use public money for, who you are asking to do things and how you are going to achieve your objective. If the aim, in a livestock world, relates to the man or woman with the sheep or cattle, that is a different question from who is occupying the land. Those things overlap and intersect, but addressing that is an important challenge in relation to some of the issues that we have been touching on.

With regard to the forthcoming land reform bill, the skeleton proposals for the land use tenancy would provide for new agreements, including what looks to be quite a positive framework for landlord and tenant and for environmental, climate change and agricultural practices. However, we have yet to see the bill—it has still to be introduced.

Professor Skerratt: I agree with the points that have been made about definitions and their flexibility. On the objectives, in the RSE’s submission on the bill, we made a point about the resources associated with objectives. There are nuances in that respect, but there needs to be some scrutiny of the feasibility of delivering objectives in relation to resource.

As for the question about omission, we discussed in our submission the

“omission of any mention of Local and Regional Land Use Strategies”.

There needs to be some linking up there, and it goes back to a point that was made earlier.

The Convener: That ties in nicely with questions from Beatrice Wishart that will close this first theme.

Beatrice Wishart (Shetland Islands) (LD): My question is about how, in the future, we will know whether we are making progress with the objectives. How should progress towards meeting the objectives be measured, monitored and evaluated? For whose benefit is that?

Professor Thomson: That goes back to my point that there needs to be scrutiny over the life of the bill—or, rather, the act. Technically, the plan should set out what the Government is aiming to deliver with its set of objectives, and it should set targets so that the Government can be monitored against progress.

Part of the issue is that we have probably not done monitoring and evaluation of environmental aspects of agricultural support particularly well in the past, and we need to improve that significantly. My slight concern is that we are going to start embarking on habitat assessments, carbon audits and soil testing, all of which are really important baseline environmental data, but we do not have the mechanisms to capture that data just now. We might know what the baseline is, but that will sit with farmers or the agents. Demonstrating the measurable benefits farm by farm or region by region will be challenging unless we better understand how to capture and utilise that data. We are currently not doing that.

Grant Moir: What you monitor, at what scale you monitor it and over what length of time you do it is important. On the on-farm side, a lot of work is going on in relation to how we get baselines and how we monitor.

Some of the objectives in the bill are about climate change and nature restoration, but those are not five-year blocks of work. Doing work over a four or five-year period will not achieve those objectives straight away. Some of the work will take 30, 40 or 50 years—peatland and woodland restoration, for example, will take decades and decades—so we have to think about what we can measure in the outcomes that we get at certain points and in the milestones. However, we tend to measure inputs and then say that that is success. If you look at any of the biodiversity statistics in Scotland, you will see that they are not going in the right direction, but the amount that we are putting in would make you ask why that has been happening. There is a disconnect between those two things.

The monitoring is important. What that framework looks like—what you measure at national, regional and on-farm level—is important. You need to have consistency over time and not chop and change some of that. That is a key issue for us. If you are going to meet the objectives, you will have to have a good monitoring framework at different levels all the way through the system.

Jeremy Moody: I suggest that there should be monitoring not of the objectives but of a clearly defined rural support plan. That is where you lay out the granular detail.

The point about outcomes is fundamental. Monitoring the plan would reveal how challenging what we are being asked to do is. Few ecologists believe that turning around biodiversity loss is an easy task that can be done within a handful of years. On the climate change targets, reducing greenhouse gas emissions at the scale that is demanded of agriculture is clearly a greater challenge than we have risen to so far.

It is for the rural support plan to lay out those things. There will probably be some hard figures in that, which will make the monitoring essential and challenging.

Professor Skerratt: We mentioned the importance of monitoring in the RSE's submission on the bill. In addition, there is a wealth of data relating to LEADER and CLLD. I recommend a systematic analysis—it can be brief—of what has already been achieved.

For the bill, particularly if we are talking about smaller resources, we need to say what the objective is going to be now. Looking forward, we need to say what is different now from what has already been achieved with LEADER and CLLD at national, regional and local levels and, therefore, what the specific objectives are and what the baseline is now.

There is evidence of what has been achieved in 30 years. The new system will begin in 2025.

What should CLLD be achieving now? What is the new baseline? What are the objectives? What monitoring needs to take place? We have a wealth of monitoring frameworks from previous decades that can be adapted and utilised for the next phase.

The Convener: We will move on to the next theme, which is on the code of practice on sustainable and regenerative agriculture. You will be pleased to hear that, after this section, we will stop for a comfort break. Alasdair Allan is next.

Alasdair Allan: Forgive me, convener, but we are talking about the second theme, are we not?

The Convener: Yes.

Alasdair Allan: An issue that has been talked about in the past is what checks and balances there should be on the actions that ministers have to take once the bill becomes an act. In particular, I am thinking about the code of practice. One of those checks and balances would relate to whether regulations under section 7 of the bill were subject to the negative procedure in Parliament.

That might be a very technical point, but it opens up the wider question of what scrutiny there should be of the decisions that ministers take on the back of the bill. I am particularly interested in hearing about the code of conduct, though.

The Convener: I will also take more general points about the code of conduct.

Professor Thomson: For me, a question that has still not been answered is whether the code of practice will be binding, whether it will establish a new rule set, whether it will be part of cross-compliance or whether it will simply be best practice guidance. It will be challenging to define all those things. However, I take some comfort from the session that you had with officials, during which the head of agricultural policy suggested that you do not need to define “regenerative agriculture” or “high-quality food”, because how you define all those things in order to monitor them is an issue that has been vexing some of us for a while now.

I think that the code should set out a broad set of principles. After all, in the same session, the official talked about defining the word “regenerative” too rigidly, suggesting that what was regenerative in one part of the country might not be in another. From my perspective, it must be a set of principles and guidance. If it is not legally binding, though, what level of scrutiny is required by Parliament? I am more concerned about the rural support plan getting a greater deal of scrutiny than the code of practice. That is where I would be on the matter.

As for whether the procedure in question should be negative or affirmative, I highlighted in our submission that an awful lot of statutory instruments could be coming down the track that stakeholders might have limited ability to scrutinise. Sarah Skerratt mentioned the phrase “community fatigue” earlier; if we get a huge tranche of statutory instruments, there will certainly be stakeholder fatigue, and the committee, too, might get fatigued at some point.

The Convener: Before I bring in Douglas Bell, I point out that the DPLR Committee accepted that the Government had some absolutely valid reasons for taking powers in the bill. However, the wide scope and range of ministerial powers gives rise to concern, because, with what is a framework bill, the ability of the committee and, indeed, the Parliament as a whole to scrutinise the legislation could ultimately be reduced, and a code of practice will come into that, too. Perhaps, in responding to Alasdair Allan, Douglas Bell could address that question.

Douglas Bell: I echo what Steven Thomson said. The support plan is the fundamental part, and given the lack of detail in the bill as it stands, scrutiny of the secondary legislation will be key, as it will be fundamentally important. Like Steven, I am not sure how the code of practice will fit into all this from either a timing or a legislative point of view, but, if it is going to have some teeth, scrutiny is something that I would support 100 per cent.

Jeremy Moody: Once a code such as this is written, it tends to hang around and turn up in places to surprise you. I would pick out of Steven Thomson’s response the concern about the sheer variety of circumstances within Scotland. I suppose that, for parts of Scottish agriculture, a particular challenge would be how a regenerative practice code would bear on potato farming, with its inevitable disruption of soil and so on. Perhaps the code will be written broadly enough to handle that. I am conscious, though, of sheep farmers who would go and get registered as organic but who, as a result of welfare concerns, would still want access to medication.

On such issues, everyone might feel that they were on the right part of the spectrum, but the rules could be written such that things become really rather awkward for more people than you would like. These things come with unexpected consequences and, particularly somewhere down the line when it gets thrown at somebody in anger, the code might be more dangerous than you might have thought.

Grant Moir: I echo most of the comments that have been made. I suppose that it all depends on whether it is a guide or a set of rules. If it sets out to cover all the different types of agriculture and the different types of land use across Scotland, it

will be very high level and you will be able to fit just about anything underneath it. On the other hand, if you try to make it very prescriptive and take account of all the regional variations, it will be a bloody big document.

It would be good to think about our experience with codes in other sectors. Quite a lot of codes have come out through the Scottish Land Commission. We have had quite a few codes on deer, and there have been codes on muirburn and so on. How have those codes worked? Have they been successful in doing what they set out to do when they were put in place? It would be worth having a think about the existing suite of codes and guidance and how this code might fit into that.

Fundamentally, though, the question of what the code is will depend on your point of view, and there will be quite a lot of variation in that respect. If it is something that we have to make people adhere to, things will get a bit tricky. I suspect that it will be more of a practice guide for people rather than something specific that says, “You must do this,” but that has still to be decided.

The Convener: Far be it from me to summarise, but it sounds as though there is not too much concern about the code of practice as long as the rural support plan’s direction of travel is quite clear. Is that the view?

Professor Thomson: Again, I do not want to speak for officials, but I imagine that the code of practice will explain how people who engage in tier 2 measures—that is, the conditionality measures—will help to deliver on regenerative and sustainable agriculture. I imagine that that is what the code should be discussing, but, given that I have had no sight of any of it, I am only second-guessing.

The Convener: That brings this part of the session to an end. We will have a pause until 10:40, when we will look at the rural support plan.

10:31

Meeting suspended.

10:44

On resuming—

The Convener: We move to our third theme, which is the rural support plan.

Rachael Hamilton: It was pointed out earlier that the DPLR Committee has had difficulty in understanding why the first rural support plan is not at a more advanced stage. Comments in the responses to the call for views said that there is not a clear direction of travel, which the DPLR Committee agrees with.

I, along with the DPLR Committee, would like to know whether the witnesses agree that a draft plan should be published ahead of stage 3 of the bill, and whether that should be subject to statutory consultation. In addition, is there a place for annual scrutiny by the Parliament?

I will start with Professor Thomson, as he made the initial comments on that.

Professor Thomson: You have heard me confirm your thoughts on the last part; I think that there needs to be parliamentary scrutiny on an annual basis to monitor progress throughout the life of the legislation.

Again, I am not putting words in officials' mouths, but I can see the challenges of delivering a plan before stage 3, simply because officials have still not fully drafted the secondary legislation, which means that they do not have a full grasp of the measures and targets that they are trying to deliver on. The iterative approach that this framework bill permits means that officials will not have the full list of tier 2 measures or the full design of tier 3 measures, which means that setting targets and objectives and explaining where the money will go is probably more challenging than we are all giving Government officials credit for.

The Convener: On that point, how long have we known that the bill was coming forward? I suppose that I am challenging you on that point. The committee's role is to look at the positives of the bill and potentially to iron out any issues and think about how we can get round them. Just weeks before we vote on the bill, which will give the Government power to create secondary legislation, with the limited scrutiny that comes with that, should we not be further ahead of the game, particularly given that the bill must be delivered? There will be a gap if it is not.

Professor Thomson: We should have taken a CAP strategic plan-type approach from day 1, because that is the justification. We need to justify why we need to continue supporting agriculture in whichever way we choose to support it and why we need to continue supporting rural communities—I should not forget that element.

From my perspective, the logic should have been to mock up a plan and then tweak it as we went forward with the secondary legislation, so that the plan was iterative. The Government could lay a plan before Parliament before stage 3, which would give an indication of the direction of travel and what the objectives and budgetary allocations are. In our submission, I talked about the missing part of the jigsaw, which is minimum spend per tier and minimum spend per type of project or support mechanism.

The Government could set out the support plan and then amend it in an iterative way at later stages, once it has the clarity of the secondary legislation and the detail of the support mechanisms, but that will not give us that fine detail now. However, I take your point—we said in our written submission that the agricultural champions described what that framework was back in 2018.

Jeremy Moody: Your challenge is entirely to the point, convener. I am quite concerned about the tightness of the timetable for delivering the policies on the programme that has been outlined. The timescale has been slipping, and that is now happening with the support plan.

Professor Thomson's answer is probably the only practical one—the only practical way to achieve delivery is to get on with it. After the bill is in place, and after we know—if we take Steven Thomson's approach—what is in the first draft of the support plan, we would then have the statutory instruments to work through and all the detailed information technology development to do, which is the graveyard of many policies. All of that is on a tight timescale. From watching what is happening in Wales, where they are running up against the line for starting in April 2025, I think that this is getting very tight.

The answer to your first question is yes, there should be a plan before stage 3, subject to Steven's refinements on process. Can you afford a consultation period in that timescale? Probably not. The Government has been consulting on a lot of policies for a long time, although not always in places that people have been looking. You can then crack on with parliamentary scrutiny, because that is actually the means of delivering a high-level act. The support plan is the ghost in the machine.

Douglas Bell: To add to what Steven Thomson and Jeremy Moody have said, another important bit that is missing from the bill is provision for much wider stakeholder engagement on the draft secondary legislation. We have been requesting that meaningful engagement for quite a long time, and it is not in there yet. There is a pretty small circle of people who have a real awareness of everything that is going on; that circle needs to be much wider, so that more people get an opportunity to engage.

Rachael Hamilton: Douglas, you furnished me with a copy of a Scottish Tenant Farmers Association newsletter in which there was a piece on agricultural support payments that criticised the lack of meaningful engagement. However, it went on to say that you were pleased to see that, born out of that frustration, FAST—the food and agriculture stakeholders task force—was set up. How is FAST achieving that meaningful

engagement with the Government that you are looking for?

Douglas Bell: We have really just got started. The cabinet secretary attended our last face-to-face meeting, which was a full year on from the request for meaningful engagement. However, FAST, which is a group of agricultural stakeholders, is now being recognised as a useful sounding board. It is probably not yet where it needs to be; what is missing is an overarching picture of where everything is.

We can get reports from various civil servants on how things are progressing on tier 2 or tier 4—I was at a meeting on tier 4 yesterday, giving my tuppence-worth on the informal consultation—but we need to know how that all comes together to produce a meaningful support plan and allow stakeholders to have their say. That is still not satisfactory, which is challenging and frustrating. We are here, ready and willing to play our part in helping Government and officials in their thinking, but engagement has probably not been wide enough in that respect. Too much is still getting to my ears through the grapevine, rather than through proper channels. We need to get those channels sorted out so that we can have our say and make our contribution.

Professor Skerratt: Given that the rural support plan is about carrying out the functions in the bill, I agree on the urgency. In addition, it seems that issues of definition and of monitoring and evaluation need to be bottomed out.

John McCulloch: I go back to what Douglas Bell said. We are looking at how all this is coming together, and how it will form a plan that we will all have to follow in years to come. The process is currently slow—from our point of view, the quicker it can happen, the better.

Rhoda Grant: I want to follow up on what people were asking about with regard to scrutiny of the support plan. There are two legislative routes, using either an affirmative instrument or a negative instrument. With the first, we would have to vote for it; with the second, we would have to move against it. Given the importance of the plan, should we be asking for a super-affirmative procedure, whereby we ask Government to lay a draft of the instrument first so that the committee can comment and consult more widely on it, and report back to Government before it submits the final instrument? That would allow time for people to feed back. Would people support that?

The Convener: Are there any comments? I see that Steven Thomson wants to come in.

Professor Thomson: I feel like I am saying a lot, convener.

Yes—given the strategic importance of the plan, 40 days does not seem like an awful lot of time for your committee and Parliament to scrutinise and consider it. On whether the committee goes to the super-affirmative procedure and calls for evidence, I would say that that must, in the long term, be needed if we are to be able to use the support plan.

Again, this is not in the bill, but the committee may want to consider the role of the support plan when it comes to scrutinising the annual expenditure and delivery on the objectives. If you are going to do that—if the support plan is to be used for what I suggest, rather than what is in the bill now—you will probably need to change the process. It depends on what the purpose of the plan is. I am suggesting that the plan might deliver more than what the bill currently says it will provide.

The Convener: That brings us to another question that we were going to ask, which is about the matters that section 3 of the bill states Scottish ministers must have regard to and that will inform a rural support plan. In your responses, maybe you could consider what the Government should have regard to.

Jeremy Moody: If, in practice, the rural support plan is the real bill within the framework bill, it seems to me that there will be an essential role for Parliament in looking at the genuine allocations of expenditure, conditions and so forth. The plan is tantamount to a bill, so the processes for that give Parliament some hold on it.

I am rather intrigued by the issue of things that the Government must have regard to and how those relate to the objectives. It results in a double take. There is a direct reference to the climate change plan, but that is almost implied in the objective of climate mitigation and adaptation in the bill. On the reference to ministers having regard to “any other statutory duty”, they would presumably have to have regard to those regardless of whether that is set out in the bill. My immediate reaction is that that is slightly strange.

The Convener: As I have said a number of times when we have had stakeholders in front of the committee, we are now at the business end of the process of looking at the bill. We have spent some time scrutinising it. Do we need amendments to make the objectives clearer? Do those clearer objectives then need to link to amendments that include a list of matters to be considered? Does the committee need to look at that?

Jeremy Moody: The earlier discussion was fairly clear that amendments to the objectives would be sensible to give them longer legs for the future. Having looked, on your immediate

prompting, at the list of factors that ministers need to have regard to, I am struggling to see what that section actually adds. Which bit of climate change mitigation and adaptation would not consider the climate change plan? Which statutory duty do you propose to disregard? Section 3 is almost superfluous, if we get the objectives right. That is an immediate reaction to the question that you posed.

The Convener: I guess that there is not an exhaustive list. I am going to use the word “clutter”, because, looking at the clutter of legislation that is front of us—whether it is on land reform, the biodiversity plan, the climate change plan or a whole range of pieces of legislation—I wonder whether we need to name what ministers must have regard to. Might there instead be a form of words that would ensure that we could hold the Government to account to ensure that all those considerations are part of the plan?

Rachael Hamilton: Considering our earlier conversation regarding modernising agricultural tenancies and the proposed land reform bill, which we have not yet seen a draft of, and to take Jeremy Moody’s point at face value, we know what we are trying to achieve with the climate change plan, for example, but with regard to modernising agricultural tenancies and ensuring that farmers are supported to make the changes on conditionality, it can be very difficult to know what we are trying to achieve if that is not written down explicitly.

Grant Moir: The issue with putting specific things into legislation is that stuff changes, and, let us face it, it changes quite rapidly. If you went back to when we did the last Scottish rural development programme and wrote out the key things that needed to be taken account of and compared those with what we now have, we would see that it was chalk and cheese.

My worry is that, if we start listing things in the legislation, in five years, the list will not make a lot of sense and we will be stuck with it. There is something to be said for flexibility in the bill and saying, for example, that the plan must “have regard to the relevant pieces of legislation and statutory plans that impact on agriculture and wider rural communities”. That would, I hope, capture most things. A bit of legislation will come along in three years’ time that nobody is talking about at the moment but which will be relevant, and that needs to be taken account of.

11:00

The Convener: That is a valid point. As drafted, the bill contains a list of certain things that might lead someone to suggest that, if it is not on the list,

the Government will not have to pay regard to it. The bill talks about

“developments in the law and policy of the European Union”

and

“any other statutory duty of the Scottish Ministers relating to agriculture or the environment”.

There could be concerns about what is missing from the list rather than what is on it. That is helpful.

Professor Skerratt: It is about addressing the risk that was identified earlier of responsibilities otherwise falling between the cracks if they are not made explicit in the bill, while acknowledging that, if it is too specific, the bill will become outdated quite rapidly. I wonder whether we could follow something like Grant Moir’s suggestion of specifying areas of responsibility or themes of legislation without getting into particular acts, policies or plans. Those could be of a high enough level to embrace certain areas without being too specific. Otherwise, we would not mitigate the risk of areas being left out.

Professor Thomson: This is the jigsaw puzzle that we were talking about. Those of us who live and breathe this understand that there is a massive jigsaw puzzle of legislation that impinges on everything that the bill seeks to do, and one or two specific pieces stand out. Water quality is not in the bill, and wider environmental protection is not even in the objectives. Rather, it is about climate and biodiversity, because those are the emergencies that we are currently faced with.

The risk is that the bill could be seen as subservient to the climate change plan rather than being part of a wider suite of important pieces of legislation, such as the Islands (Scotland) Act 2018, and all the things that we need to do, such as consideration of crofting, tenure, the wider rural economy and other aspects that the bill will impinge on. That is the nature of farming. It impinges on an awful lot of things that we are trying to achieve as a society.

It is up to you whether you think that it is vital to list things, but I do not think that it is. If you get the right wording, the bill can just say that the support plan has to take account of all the relevant pieces of legislation and plans. I just want to note here that the good food nation plan says that agricultural support has to acknowledge it.

Douglas Bell: It would be nice to see some evidence of the cross-cutting referral that is taking place in the process. I am not sure how you achieve that from the parliamentary perspective, but it would be nice to see that you have had a think about it, that you have had a look at the good food nation plan or whatever and what the

conclusions are, without specifying all of that in the bill.

The Convener: That is interesting. Scottish Environment LINK created a chart of all the pieces of legislation on rural issues that interact with each other. It was on an A3 sheet of paper, and the writing was still so small that I could hardly read it. That gives a picture of the amount of legislation that is out there that might have an impact on the bill.

We will move on to our next theme, which is about developing a new agricultural support system.

Ariane Burgess: As the convener said, we are moving on to the theme of powers to provide support. Part 2 of the bill gives Scottish ministers the power to establish a new funding and support system for Scottish agriculture. I have a number of questions in that area, some of which we started to touch on under theme 1, so I might not rehearse that.

As the convener keeps saying, we are now at the business end of this process, so I am interested in hearing whether you believe that the powers in the bill will enable ministers to ensure that there is a just transition not just for farmers but for the wider rural community. That comes in the context of the Cabinet Secretary for Transport, Net Zero and Just Transition's recent announcement on the climate adaptation plan. Do you think that the powers will be enough to get us to where we need to be for both farmers and rural communities?

The Convener: We will kick off with Sarah Skerratt, because she is not catching my eye. That is always a good choice of who to go to.

Professor Skerratt: Could I have some thinking time, please?

The Convener: You certainly can.

Professor Thomson: Yes, those powers are required. The framework is all about the powers to maintain existing legislation, amend it and then introduce new legislation in order to ensure that, come 2026 or whenever the new legislation is enacted, we do not simply flick a switch. We need to be able to taper off from the existing system and ramp up the new system—that will be essential. If we do not have that power, we will not have a just transition and we will not enable people to make the changes that will be required to deliver against the new set of objectives. Whether or not we amend those objectives is a different matter. A tapered approach will also be essential for the Government's IT system, as was mentioned earlier, as the current system will have to evolve somehow. It will require time to deliver that through an iterative approach whereby we bring in

new measures, mechanisms and support structures.

Grant Moir: I support everything that has been said. The phrase "just transition" is key—what it actually means and how you do it. It is easy to say, but how you do it is the bit that is the most difficult. It is about making sure that people are aware of the choices that are ahead of them as early as possible, so that they can make informed decisions. We want people to be able to make informed decisions about what they want to do with their business, whether it is a farming business or a wider rural business, so that those businesses can be supported.

From another point of view, it is about how the just transition integrates with land use and choices that are being made in other bills and decisions that are coming through the Parliament. It is crucial that we make decisions now that work with whatever the landscape will look like post-2026. We also need to have the right mechanisms in place to support people post-2026, and the detail of what those measures look like and how they contribute to the wider just transition, as well as the bigger issues that we are talking about, including climate, biodiversity restoration and all the other things, will be key. We need the powers to do that. We need to look at the support, and the sooner we can get some of the detail out, the easier it will be for people to understand where things are going and to make decisions.

Jeremy Moody: The bill breaks out of the straitjacket of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 and allows you to write new law rather than just make very limited amendments to legacy law. That is critical to doing whatever is wanted—it is a critical assumption of powers, which is needed.

It is worth spending a little more time on Steven Thomson's point about managing the phased transition. All the countries in the UK are deeply embedded in historic subsidy systems. People have built businesses, debts, employment structures and so on around the structure of those. That is one reason for a phased transition, as it will allow us to accommodate values, business plans, structures and generational change within families. That can be done quite quickly, but it cannot be done overnight—we need to allow a period of time for the transition to be phased in.

At the other end, it is about getting the schemes right on the ground, which will be slightly more of an iterative process initially than people imagine, given everything that has to be done. A critical point in the rural support plan—which goes back to the earlier question but is very much linked to this—is the importance of having an outline of how people are phased from A to B, so that the new schemes come in and people can move at a point

that suits them. Clearly, there are different models for how that is done.

We will see how the Welsh model works, and we are watching Northern Ireland's phasing as well as what has effectively already happened in England. The process needs to be planned, because that is how you handle the rather precious vase of people's businesses—and if they are good businesses, you want them to be there for the new world.

Theona Morrison: To bring in what Grant Moir was saying, one strand of a good example will be its articulation. Again, we are thinking of the Good Food Nation (Scotland) Act 2022. On business models, I think we know that crofters and farmers will produce food for a more local market if that aligns with rules on local procurement and so on. That will influence what they produce and the routes to market that they take as a result. The Good Food Nation (Scotland) Act 2022 will provide a mechanism for just one strand to help businesses plan for and align with a different and more biodiverse way of operating. It will also give them that framework and a market that will enable them to survive.

We are seeing a younger generation of both farmers and crofters who want to return to the land and who are taking note of ways in which their grandparents managed the land historically—perhaps as articulated by the likes of James Rebanks and others, who talk about outdoor grazing and that kind of thing. They, too, will be looking for a more localised market for that kind of farming as they move to a different model.

It is not easy—we are talking about a just transition with the emphasis on “just”. The issue is not only about the climate. This is an industry that is often inherited from previous generations, and it is difficult for people to tell their father or mother that they got it wrong because of what they were told historically and that maybe their grandparents were more on track. They need support to do that, and enabling that just transition will need support from all of us.

Jeremy Moody talked about the Welsh model. We know that the Welsh model makes provision for the Welsh language and that cultural inheritance. Within Scotland—not across the whole country, but certainly in the crofting counties—we have the notion of cultural inheritance, which is knowing that your land was managed by people before you and that you are managing it for those who will come after you. There is a whole thing around *dùthcas* and indigenous skills: we know that 80 per cent of the world's biodiversity is looked after by 6 per cent of the world's population, who are indigenous peoples. We should be mindful of the historical knowledge and skills that our forebears knew

about for managing the land in a biodiverse and sustainable way, which fed people, and we must recognise those as we move forward and support the just transition.

John McCulloch: I want to touch on a point that Theona Morrison and Jeremy Moody have made. As much as we need to legislate and be clearer about what we mean in relation to our farming practices, the big thing in the future is going to be people. In my daily job as a trainee auctioneer, I go around farms meeting people and I hear two war cries. One of them is about the weather—I do not think that there is a policy that would change that—and the other one is that they cannot find people to work on the farms. The older generation of farm workers are either retired or about to retire, and some of the younger generation are away doing different occupations while others that are coming in might not come from a family farm and will need to be trained. There are different barriers to getting people in.

There needs to be an element of support in the plan that considers how we structure the workforce going forward. Apart from the farming practices and how we farm the land, who is actually going to be doing that work is possibly one of the biggest issues that we face.

Douglas Bell: To add to everything that has been said, I make the point that, at a farm level, the just transition is, for me, all about having “no cliff edges”, as has been quoted. The committee has heard this before, but the long-term production cycles, particularly in livestock agriculture, make that phrase mean something very different to different farming types.

I also emphasise the importance of having a multi-annual budget framework in achieving a managed transition. It is absolutely fundamental to allow people the ability to look a bit further down the line and plan successfully.

11:15

Professor Thomson: I will return to the just transition element. In the commission, we often say it is not only about transition and that the justice element of the transition is the most important aspect. The ability to flex from existing systems into new systems will have to be backed up with support for retraining and helping people to better understand what they need to deliver. There might be a need for more one-to-one support. We need to start considering how we will support the most needy in the system, and I acknowledge that there will be people whom we will need to do that for. Some people who call themselves food producers just now will not be food producers in the future. How will we support them in that transition?

I suppose that what the bill is doing—and what the Government is trying to do—is making a step change from what we have, which is a very path-dependent agricultural system. A lot of the systems of support that we currently have are based on the stocking densities in the 1990s. We are 25 years out in terms of some of the mechanisms that we are delivering, which continues to drive the path dependency that we have. That step change ain't gonna be easy, and we need people to better understand that. That is where the whole element of justice comes in. A phrase that I have used a lot in the past is "The future is not what it used to be." We need to support people to better understand that.

Professor Skerratt: Section 5 is about the LEADER legacy programme and CLLD. Something that SRUC's report touched on and that has been an issue for a long time is the need for capacity building, which builds on Steven Thomson's point. That is not something that generates immediate return, but it is an investment. We have found, over the years, that there are hotspots and not-spots. The hotspots are communities that know how to use the system. They succeed and will continue to succeed. They will draw down funds, and they know how to do that. Then there are not-spots, where communities do not have the capacity or do not know how to access and use the system, and that will continue.

Therefore, within the bill and the plan, definitive measures are needed that will invest in capacity building and not just run with the successes that demonstrate the success of the bill and the success of the spend. It is not a sexy spend, to use that word, but it is a necessary investment in a just transition.

Rachael Hamilton: I could not agree with you more. In a family farming unit, there are varying skills and not all the individuals are recognised as the primary producer or the actual farmer. If we recognise that there is a wider input into making a productive, efficient and profitable farming enterprise, we need to recognise that it is not just the farmer who needs support but the wider community, including family members and even neighbours in terms of that peer-to-peer, whole-system approach.

Professor Skerratt: The women in agriculture task force undertook work around that in looking at the whole farm unit and building the capacity of women in agriculture. From here, there is even more need for what the deputy convener proposed—monitoring and evaluation around a baseline so that we know where we are moving from. We need to be able to generate data around the just transition in order to know that progress has been made from 2025 onwards around those

harder-to-grasp concepts and issues that are very real in rural Scotland.

Ariane Burgess: I have a couple of more detailed questions. I will ask them both and then direct them at folk—I just want to let people know that they are coming their way.

For Douglas Bell and Theona Morrison, I have a question on tenant farmers and crofters. The bill creates powers to support

"the use of land for woodlands where that use is ancillary to the farming of the land for other agricultural purposes."

I presume that that might include support for the croft woodlands that are being called for as well as agroforestry, parkland and silvopasture. I am interested in hearing your thoughts on whether tenant farmers and crofters benefit from that kind of support. If not, what can we do to ensure that they get it?

That was my first question. I have another question relating to just transition that I will direct at Theona, again, and Steven Thomson. I think that both of you have already touched on the issue of support not having been provided for small-scale local fruit and vegetable producers. It has been coming up in conversations that I have been having all across my region, and I would be interested in understanding whether you have any sense of the importance of that sector to rural communities, food security and local economies. Are there enough provisions—enough hooks—in the bill to ensure that we can bring that support forward?

The Convener: I will bring in Douglas Bell to answer the first question, then Theona Morrison and Steven Thomson.

Douglas Bell: Under tenancy legislation, tenants are allowed to plant trees that are ancillary to their farming operation. However, the problems arise with regard to definition. For example, when is a shelter belt ancillary and when does it become commercial woodland? There are lots of issues in that respect.

Even with such flexibility, pretty few tenants would actually plant trees. The issue for them is what might happen at the end of the lease. Because the land has been taken out of agricultural production and is no longer fit for agricultural purposes, they could be stung for dilapidations when their tenancy ends. In theory, they could be asked to pay for dilapidations or to return the land to its previous agricultural condition. That is assuming, of course, that the woodland does not have any value at the end of the day. If it does, the whole thing gets reversed and the tenant farmer will be looking for some sort of compensation.

There are some big questions to address here. Because woodland is so long term, the question is whether it will have value after 20 years or whether it will have reduced the agricultural potential of the holding. We would therefore like to see wrapped into this modernisation of tenancy some better definitions and some more flexibility with regard to diversification into trees.

Theona Morrison: I agree with Douglas Bell. If succession planning is a challenge, you will run into all the things that he has just highlighted. In some regards, succession is perhaps more protected in crofting, but that does not mean that someone will be there to take it on. That is another issue.

Living in a place where trees are a bit thin on the ground, I think that we can talk for ever about this notion of silvopasture, its contribution to biodiversity and its supplementing and enhancing of crofting activity, stocking density and so on, but I know that, if there were support in that respect, crofters would definitely embrace it. Indeed, they have done so in the past for shelter belts and so on, which have had benefits for livestock, with leaf fall, for example, giving the soil different components that the cattle appreciate. I know that we are not in this room to discuss that, but I think that that is a good thing.

On the small-scale fruit and veg producer question, we know that 70 per cent of the world is fed from parcels of land measuring two acres or less. I have evidence that, a couple of generations back, our islands—the Outer Hebrides—actually imported very little. I can demonstrate that. What was brought in was sugar, tea and strawberry jam. I jest, but it is true—I have the invoices to show what the cargo ships were bringing in from Glasgow. What does that mean? It means that we were in that 70 per cent and were producing most of what we needed.

I was at the food hub in Glenkens at the weekend and I was putting lemons into a bag. I said, “Well, these are not grown locally,” and the woman said, “No. In these hungry months, we buy from Organic North so that we know the provenance of the food we put in and where it has come from, but, for the rest of the year, we use local produce.”

On what you were saying, convener, there needs to be more support, because there are more local food producers serving communities. Research in our islands told us that we were vulnerable because we do not have mainstream supermarkets. Well, we are not vulnerable; we are delivering local lamb, beef, salmon and venison to elderly people in our community, supplemented with potatoes, carrots, onions and rhubarb crumble. The crofters and the social enterprises are delivering meals for the elderly in our

community, but the health board should be involved in that project, never mind everybody else, because it impacts people’s lives and their health and wellbeing. That not only addresses food security, the need for fewer food miles, environmental concerns and everything else, but is a resilient local economy model that is being used in a rural community.

Convener, you are right about small-scale producers. I was at the Oxford real farming conference recently, and I took four young crofters to speak on crofting as a low-intensity agriculture model. Crofting is a mixed model that is biodiverse and can be a model for the future. However, as we were addressing an audience of more than 100 people and we did not necessarily want them all to come up the A9 looking for crofts, we thought it would be useful for them to have an understanding of the food that can be—and is—being produced where they are, so we asked them to share that information with us. I came home with a long list of local food producers who are serving communities from the Isles of Scilly to the Isle of Skye. Those producers do not appear on any supermarket share charts, yet they are feeding communities. We need to wake up to that, because it will help us to address the just transition.

Tha mi duilich—sorry.

Jim Fairlie: I have a brief question on that. Are the communities that are getting that food looking for more exotic stuff?

Theona Morrison: No.

Jim Fairlie: The first thing that sprung to my mind was the demand from society for everything exotic. Are local communities comfortable with what can actually be grown and eaten in their own area?

Theona Morrison: Well, as I said, even the place in Glenkens brings in organic lemons, so it is not as though people will not get their lemons, so to speak, but it is proportional. If 70 or 80 per cent—I am making up those figures, so do not quote me—of people’s food is locally sourced, we totally accept that, if they want a banana or lemons, we could bring them in. Does that make sense to you?

Jim Fairlie: Yes.

Theona Morrison: However, people also seem to value local provenance. We all know that a home-grown carrot tastes better than a shop-bought one.

Jim Fairlie: Indeed.

Professor Thomson: There was a lot in those statements by Doug Bell and Theona Morrison. I will add a little bit to what Doug Bell said, and then I will answer the question specifically.

We are talking about public policy, and we already know that the private sector market is changing dramatically in relation to scope 3 emissions, whether on climate or biodiversity, so that there will be a net gain in the future. We know that food producers will have to start delivering better on that. One of the risks in the private and public sectors relates to the tenant and rented sectors and how people, if they have less opportunity, will be able to tick the box for green credentials. That is a big risk.

If there is market failure—and there might well be—it is the role of Government to intervene. That is why it is really important that tenant farmers and crofters are able to engage in all aspects of tier 2 and tier 3 support. Part of that relates to transformation and the capital that is required in order to invest and put in trees, hedges or whatever.

11:30

The second question is a difficult one. You need a minimum of three hectares, and I think that a lot of the producers that you are talking about might have less than that. It comes back to the plea that I made at the start of the meeting, which is that the bill should have embedded in it definitions of whom we are supporting, why we are supporting them and for what purpose.

Local food markets are important local food networks. I am slightly nervous when people talk about food security, because the true definition of food security is that everybody has access to affordable food. The “affordable” element is often forgotten and we substitute the word “local” for it.

Orkney, where I was recently, produces a large amount of beef that has to be taken off the islands for slaughter, so there is no local beef provision. That kind of thing is being looked at.

We are losing not only value-added opportunities but small producers. In the Western Isles, you can get support for polycrubs but, in Shetland and Orkney, you cannot get support for polycrubs to produce local food. We are already missing opportunities. If we want to widen the suite of support measures for the things that we are thinking about, we might have to ask questions about the type of support that is required. Area-based support on a third of a hectare will not be much. Are we going to produce a whole-farm plan? All the new entry-level standards will have to be met if we are going to provide that level of support.

It is fine for us to say that these people deserve more support, but how do we fit that in with what the Government is thinking about the wider structures? It might mean that they need CLLD support to embed capacity to provide the grant aid

to start them on and support them on that journey, and to provide better ideas of how food networks should operate at a local and regional scale.

Jeremy Moody: I want to come back to the points about trees. I urge a slight element of caution for reasons of timescale, business motivation and older attitudes that trees do not necessarily fit very well as a larger-scale operation for a commercial farming business. The investment is up front and early, but the return comes decades down the line. Farmers talk about thinking about the long term, but they tend not to mean that long term.

Historically, growing timber was more of an estate function. It was a major source of income for estates in the 19th century; it is much less so now, although it is beginning to come back, with long-term markets for commercial timber, but it is done at scale.

Trees for things such as shelter belts or to shield a slurry store in order to get planning permission and so on are entirely ancillary. However, to think that planting trees is a necessary part of the future for tenants, as well as for many owner-occupier farmers, is to go down a false trail, because it does not fit a business model. There will be no income in the near future from surrendering land to do that.

The point that might surface—Steven Thomson made a very important point in this regard—is about pressure from the supply chain. The supply chain will probably be at least as potent as anything that we are talking about now, as it looks not to take control of its emissions but to account properly for what the people who are supplying it are doing. It is important that we hold the line that we are not alienating the carbon or the biodiversity to them; we are merely saying that we comply. That might drive some tree planting and some other things, but that is the price of having a business contract to sell lamb, beef or whatever it might be. The landlord, the tenant or, indeed, the straightforward owner-occupier or commercial farmer will have to look at that as an absolute business proposition. Does it stack up to get the business contract to sell the produce that they are there to farm?

Grant Moir: I am not sure that I agree entirely with that. One of the key things is trying to integrate different bits of land management rather than doing what we traditionally do, which is have farming in one place, woodland in another and the next bit of land use in another, and we pay different amounts and overcompensate to get one on top of the other. One of the issues is how to get more integrated land management in order to integrate agricultural systems with woodland systems, instead of seeing those as two separate

things. Therefore, what has been said is not necessarily where we need to get to.

Part 4 of schedule 1 includes provisions on integrated land management and assisting with integrated land management plans. The questions are about what that would look like and what you would do. Those things all need to be brought together so that we can look at them within a farm system and at what we could do to integrate all the different income streams in order to have a better whole, because we currently look at things in silos. To my mind, it is key that the bill gets us back to wider integrated land management so that, rather than looking at it as, “I do woodland there; I do farming here,” and so on, we look at how we can make those things work together.

John McCulloch: There is always a place for trees in integrated land management, but there is huge concern among young people in the industry about the amount of tree planting that is going on in some areas. Huge corporations are buying massive swathes of land just to plant trees to offset carbon emissions, which pushes land prices through the roof. That goes back to the point that was made earlier about young people getting into the industry, because that situation really puts pressure on them. They do not have the finances to compete with those corporations. Equally, they cannot get into the industry, which is also a huge issue.

Consideration needs to be given to the amount of tree planting that is done, where it is done and the issue of corporations buying that amount of land and pushing farmers who want to produce food out of the market.

Theona Morrison: I will pick up on Steven Thomson’s point about food security. I am not here to bash the Co-op—I absolutely want to say that—but work was done in every rural and island community and, recently, if the footfall was below a certain level, the Co-op redefined the store as a convenience store. That work has been published. Stores that are defined as convenience stores do not sell the full range of fruit and veg. If you were in a convenience store where we are now, for example, and wanted a wider range of food, the argument is that you would go a mile up the road to another shop. If you are on the Isle of Barra or wherever, you cannot go a mile up the road—the Co-op is it—and you pay, on average, 28 per cent more for your range of food, which includes more convenience food, and more shelf space is given to alcohol and so on.

I take Steven Thomson’s point about affordable food, but, frankly, local supermarkets are not delivering on that. People in rural and island areas are being short-changed if that is the only offer, their choice is minimal and the food is more

expensive. That is why local resilience is really important.

The Convener: I will try to bring the discussion back to the bill, because we have veered off into a general discussion about food policy. Please can we try to restrict our comments to the bill and how it needs to be amended, potentially, in order to deliver?

Professor Thomson: On Grant Moir’s point, the framework is designed to enable exactly what he said—namely, the Government will be able to change the weightings associated with each of the conditional measures. If we do not have enough woodland on farms, we can increase the weighting and incentivise it so that that becomes more worth while for farmers in order to get their tier 2 support. The whole idea of the design is to enable exactly what Grant Moir said about that.

I will not go back to the point about food security.

The Convener: We will move on to a slightly different angle.

Rhoda Grant: The bill is a framework bill, so an awful lot of legislation will come from it. Regulations could enable changes to be made to schedule 1 in relation to who can get support under the bill. Those regulations will be subject to the negative procedure. Is that the right approach? For those who do not know, the negative procedure means that the instrument is lodged in the Parliament but that, if members are against an element of it, they have to vote it down in its entirety; they cannot amend it. It is a “take it or leave it” procedure. Is that adequate, or should that be changed to enable greater scrutiny and consultation on any changes that are proposed?

Jeremy Moody: I will pick that up. I suspect that there might be a need to be nimbler in altering the scope of schedule 1, in which there are a number of oddities. That goes back to the earlier theme of a lack of focus on supporting business approaches and productivity. The fact that a number of products are not in paragraph 3(3)—pig meat, poultry, eggs, venison, herbs and so on—means that the schedule would need quite rapid amendment at some point, when the Government decided that those were worthy possible objects, alongside cane sugar and beet sugar, which are widely grown in certain parts of Scotland. Some aspects might need nimbler responses as we find out what is going wrong. Therefore, although I strongly lean towards the super-affirmative procedure for the quasi-build of the rural support plan, I suspect that what is proposed is operational pragmatism.

Professor Thomson: I tend to agree with Jeremy Moody in that I do not think that there will be wholesale changes. However, given that we

are encouraging farmers, crofters and land managers more widely to be more environmentally aware, elements that we have not thought about might suddenly come into the mix and need to be addressed rapidly. For example, someone might say, “What about my situation? I am excluded, because you have not listed it in the schedule.” The Government needs flexibility. I do not think that it is talking about making wholesale changes once the bill has been passed, but we can never say that about Governments; we can only hope that there will be no such changes.

The Convener: I have something for the committee to reflect on. I will not read this quote in full, because it contains unparliamentary language, but a former NFU Scotland president has suggested that the bill gives the Government the power to do whatever it wants, when it wants, with whatever budget, on policy priorities as yet undecided, or at least unpublished. Is that accurate? I am looking at Professor Thomson again, because he is smiling.

Professor Thomson: On the face of it, one could suggest that, because there is no budget allocation within the tiers and no minimum spend. I will use the example of the European Union legislative framework, because that is what we based our model on. The horizontal regulation that came out in 2014 explained what the minimum spend for each of the schemes had to be. In this bill, it would have been useful to have a minimum spend for each of the tiers and an explanation of the types of schemes to be supported. It would not have had to be the actual budget; it could just be the minimum spend. That would bind the Government to that spend profile and, if it wanted to change that, it would have to come to the Parliament. Therefore, on that front, I dare say that there is some truth to that comment.

On enabling ministers to do what they like, I have already commented that an awful lot of the powers that rest with ministers carry limited scrutiny, although there might be opportunity for it. I do not know how many pieces of secondary legislation will be introduced or how quickly, but, in the space of two or three years, there will be a lot, and things might be missed. That is perhaps where that idea of risk comes from.

Grant Moir: I will give an alternative view, which is that putting figures in primary legislation leaves us with very little flexibility, but things do change. Previously, most of the figures were put through the Scottish rural development programme, which set out exactly which schemes would be in place and how much money would be given to each of them. Money could then be vired between them, depending on changing priorities. I am not sure that putting figures in primary legislation is a particularly good way to go.

I suppose that that goes back to the point about the rural support plan, which is where we should set out what the schemes are and how much money we want to give each of them. The Government should be able to change that as we go along. In three or four years’ time, something will come up that has not been thought of just now, and it will need to do that. If we put figures in the bill, we will be tied into going through quite a big process to make any changes, and we might need flexibility to make them quickly. I have sympathy with figures not being in the primary legislation. The rural support plan is key in that regard.

11:45

Jeremy Moody: I agree with that completely. In the spirit of keeping the bill as a simple framework bill, we should not tie ourselves down in that way, but it really puts stress on the rural support plan, which needs to be dealt with in as rigorous a way—short of it being a bill—as possible. For platform rhetoric, that makes the point fairly acerbically, hence the challenge and discussion that we are having.

The Convener: Before we move on, I want to hear your thoughts on opportunities to use those powers to provide support, such as in areas where alignment with the new EU CAP might or might not be desirable, and on whether there is a need to focus on powers in the bill that would allow us to react to that.

Jeremy Moody: The Government needs powers to be able to react to any change in circumstances. Given the shocks that we have seen to global supply chains—the movements in fertiliser prices, the shifting grain prices, geopolitical risk and climate change abroad and here—the ability to adapt and react within the framework seems critical. As I said in earlier answers, I would not be terribly specific about what I wanted the freedom to react to. As somebody who drafts agreements periodically, I know that sod’s law says that the event that you never foresaw is the one that will happen within months of signing off an agreement. Therefore, I would be non-specific—we need flexibility for the world that we are now in.

The Convener: Would Ariane Burgess like to ask a supplementary question?

Ariane Burgess: It is fine—it was answered earlier.

The Convener: I think that we have exhausted that theme. The final theme for today is continuing professional development.

Karen Adam: I will open up the conversation and ask whether the witnesses feel that there is any detail missing from the bill in regard to CPD or

whether there should be a focus on any particular groups, such as tenants and young farmers.

John McCulloch: To come back to a point that I made earlier about training and CPD, at the moment, there are grants for some things. Those are fairly limited and it would be good to see them extended or more grants introduced.

I am not being sexist in any way, but there is a women in agriculture grant for young women to get training in agriculture but there is not the same grant for men. I would like to see a young persons agriculture grant, so that that training could be put out across the board.

I know that there are grants for all different things. Employers can apply for grants to put people through training, but those are very limited and there is a lot of red tape involved. It would be good if that could be reviewed and more funding made available, so that there is a wider range of training to fit different skills and things that people are doing in their daily working lives. The scope of the training and grants that are available needs to be far wider.

Professor Skerratt: There are two points on this in the RSE's response. In principle, the RSE is supportive of these provisions. However, the CPD must be meaningful and provide genuine upskilling. It should be as accessible as possible, particularly for those who, given the current economic climate, could be precluded, particularly those on smaller and less profitable holdings that seek help, as was mentioned earlier.

It would also be beneficial if support could be integrated across specific activities, rather than farmers needing to seek separate advice from different agencies, depending on the type of land use.

Theona Morrison: I support that. We have a demographic deficit across rural and island Scotland—we have only 17 per cent of the population, and where are the young people in that? To build on what John McCulloch said, we need support for young people, particularly in the context of the just transition that we will be operating in. Even if they are inheriting land but also to enable access to land, young people need support with what they will do with the land and training to enable them to have a literacy of understanding of what is possible with the parcel of land that they find themselves with. Of course, that will be very different in all the different corners of Scotland, but support for relevant place-based training would enable a younger demographic to work in that context.

John McCulloch: With regard to CPD, employers are putting people through further training in addition to the skills that they already have, or even reskilling people who are coming

into the industry. Some kind of support for those employers who are expected to put employees through training probably every year would be good.

Douglas Bell: As things develop further, there may be specific training for tenants, but nothing in particular springs to mind at the moment.

More generally, we have to be careful of imposing heavy-handed, top-down CPD requirements that turn into tick-box exercises. We definitely want to avoid that, so the industry has to be at the core of designing any CPD framework. We need to ensure that CPD is well designed and appropriate. I have been the recipient of some compulsory CPD as part of a Government scheme in the past, and—to put it mildly—the experience was not completely positive. We need to be very careful there.

To flag up another point, Dyslexia Scotland estimates that something like 25 per cent of Scotland's farmers suffer from dyslexia to one degree or another. That is quite often forgotten in the design of CPD written materials and everything else.

All of that has to be brought into the mix to ensure that we have effective CPD. The STFA, and the majority of stakeholders in agriculture, support continuing professional development. Farmers are very much professionals, and it is a glaring omission that a route by which they can develop themselves is not always available.

Let us take some time to design the system and look at the delivery mechanisms as well, because the big pressure for a lot of our members is time. Who can afford the time? In a one-person operation, it is a real challenge for that person to take time out to attend a training course. We have the technology to do better than that now, so I make a plea in that regard.

The Convener: I have a number of stakeholders who want to come in. First, I will add another question to those that we have already heard. There are 10 potential requirements that “may or must” be undertaken, so there is a bit of stick as well. Most managers and people who are involved in the industry look on CPD as a positive for their business. Should we have any concerns, therefore, about the provisions that require that people “may or must undertake” certain activities in relation to CPD? Is that a sledgehammer to crack a nut? Are there any concerns about that?

Rob Clarke: I think that CPD is necessary, given how much we are asking of farmers, land managers and communities. They will need to change a lot, and they will need a lot of support to do so. I make a plea to think about how support to that particular group is interlinked with wider support. I am thinking about innovation and

entrepreneurship around new business development and the like.

With regard to communities, one big advantage of the LEADER programme was the ability to help communities to engage not only domestically but internationally, to understand what others were doing and pick up new thoughts and ideas. That is an important element for the future, in particular—again—given the changes that we are asking of people. There will be people out there who are doing stuff that is relevant to our communities and to our farmers and crofters, so that needs to be built into what we are discussing.

A good example is our recent work with the Organisation for Economic Co-operation and Development, which looked at rural innovation. A strong component of that was social innovation and how communities and community organisations respond to challenges and opportunities. Scotland is a leader in that area, but we can still learn an awful lot from others in that respect, so it needs to be a strong component of whatever goes forward.

The Convener: We can open it up to rural or agriculture.

Professor Skerratt: In section 5 CLLD to date, informal CPD or knowledge exchange has been critical and has been a hallmark of LEADER. There has been national and, indeed, international exchange to ensure efficiencies in resource use of LEADER money, so that the wheel is not constantly being reinvented in thinking about how things are done effectively. I would encourage consideration of that KE and informal CPD being integrated into the next version. If that is not in place, things become hyperlocal and there is no awareness of how things are done elsewhere, not only in Scotland but in comparable contexts internationally.

Professor Thomson: There are a few things that need to be considered in relation to CPD. I have noticed when doing events that it is often full-time farmers who appear, because the part-time farmer who is doing off-farm work does not have the same opportunity. There is a risk that you might alienate a certain portion of the industry. Another consideration is that there are provisions for charging for CPD courses and that will have an additional compliance cost, because there will also be farmer time or crofter time, plus travel time. Again, there is a risk that the smallest producers will see it as a hurdle too far for them or that the older population will think, “I’m in my 70s and I’m going to have to do CPD—somebody’s going to be teaching me how to suck eggs!” I do not know how that will play out, but those are factors that have to be taken into account if you are considering legislating on CPD and whether it is going to be compulsory or voluntary.

Where will the courses take place? Doug Bell has already mentioned dyslexia. If the courses are held online, there will be people who do not engage because they do not have the skills or because we still have digital connectivity not-spots in Scotland. Those are all important factors. Finally, whoever it is that delivers the CPD should be accredited and the courses should be accredited to make sure that the advice is pertinent to the industry and up to a certain standard.

The Convener: Several members have indicated that they want to speak, so I will bring them in at the end.

Jeremy Moody: Part of the issue is the human factor when we come to the word “require”. I am considering the matter in the context of the Welsh universal actions, which include some requirements for CPD. When we look at the range of universal actions required, which are potentially analogous to the conditionality of tier 2, the inevitable question is how much non-compliance is acceptable. The thrust of the question is that there will be human reasons why people have not been able to attend, such as illness or whatever, but we have to prevent it from becoming—to come back to Doug Bell’s phrase—a tick-box exercise. People will respond to necessity: when something is important, they will want it and see benefit in it; when it is interesting and attractive, and indeed sociable, they will come to it. Simply requiring that someone does six sessions across four of 12 topics in a year, remotely or online, with nobody even offering them a pint at the end of it is not going to achieve anything.

We do lots of in-house training for our people and the key is getting engagement, particularly remotely. You can get people to attend, but the cameras are blank. The question is, how do you get people to engage, to give answers and be involved so that the training is effective? You can almost achieve more by requiring less. However, you need to strike where the iron is warmest.

Theona Morrison: To build on what Steven Thomson was saying, within that, we need to consider that the farmers and crofters should not always have to be learning something new. We have not always got that right in the past, have we? There needs to be some recognition of skills, as long as they align with those that we are asking for. Some people are already doing those things, and the answers are already available in some cases.

I will build on what John McCulloch said about the cost and time constraints of attending training. I do not know whether it is out of the committee’s remit, but we should look at the role of schools.

We commissioned and wrote the crofting course. With parity of esteem for qualifications, that course has impacted people who are active in crofting and are taking part in agricultural committees in our community. If you have place-based, locally relevant education that shows young people that there are opportunities where they are and what support they can access, and if they have accreditation that gives them parity of esteem, even if they go somewhere else, they know that they can operate where they are. That steps in before they go to work. Perhaps you should consider that.

12:00

The Convener: We have run out of time, but I am conscious that three members want to ask a supplementary question, so I ask them all to ask their supplementary questions. I hope that the witnesses can then address the questions together to get through them.

Ariane Burgess: This touches on Sarah Skerratt's point about a broader approach than farming-specific CPD. I have become aware of the mental health challenges for farmers and other people who live and work rurally. Does the Government need to be aware that the scope needs to be broader? Given that we are in a just transition and that people will have to learn a lot, mental health needs to be addressed.

Jim Fairlie: This question is specifically for Steven Thomson. He touched on the 75-year-old we are going to try to teach to suck eggs. We had a grandfather rights-type process for sprayers. Is there a need to find some accommodation for that type of scheme as we go forward with the bill?

Rachael Hamilton: This is for Rob Clarke. I live in an area that is represented by South of Scotland Enterprise. Does he expect that HIE or SOSE would be offering advice to farmers? Would it be right not only that farmers have CPD but that others give advice?

The Convener: I will go to Steven Thomson first to answer those three questions. I will then go to Rob Clarke and then open it up.

Professor Thomson: I did not realise that I was answering all three questions, but I will give it a go.

The Convener: Answer if you have a position that you want to give.

Professor Thomson: On the question about SOSE and HIE, advice and requiring CPD are one thing, but I suppose that the Government's perspective is that it is spending a lot of money in the sector and the CPD element comes into play for ensuring that that money is targeted and

delivers on the outcomes that the Government wants.

When Jim Fairlie asked me his question, I thought—I have just written it down—that we should have grandfather rights in certain circumstances but you might still require CPD on veterinary medicine. I have seen how some of the veterinary medicines are used and we have new things coming down the track, such as methane inhibitors. Should we require people who are going to use methane inhibitors to have some kind of competence in that? It will be a bit of everything.

The Convener: Do you have a comment on Ariane Burgess's point on mental health?

Professor Thomson: When you speak to farmers and rural people who are engaged in land management more widely, you find an awful lot of mental health concerns. My take on what they tell me is that they see an awful lot of legislation coming down the track that will have control over what they have done. As we said earlier, we are dealing with a path-dependent sector. Where they are now is a legacy of all the support and regulations that we have put in place in the past. It is not by chance that they are here; it is because Governments have directed them. There is a big fear that, suddenly, we will put up a barrier and say that they have done it all wrong and we are going to change everything.

Rob Clarke: HIE and SOSE are absolutely not the right organisations to provide a lot of the CPD that farmers and crofters need. Where we do have a role to play is in those aspects that I mentioned earlier, such as innovation and entrepreneurship. If individuals are looking to start new businesses, they can come to us or Business Gateway; what we provide, I suppose, is integration between wider business support and specific support for this cohort of people. Ensuring that those two things are better interlinked is very important.

As far as communities are concerned, we need to help them to figure out how they develop themselves and, potentially, how they secure and manage assets, which can be quite big and complex and can take up a lot of community time and effort. The question is how they can build the capacity and capability to do that. Some communities are good at that, whereas others struggle, so how do we level things up?

We must also give communities the opportunity to learn from others. There are not that many really new ideas out there, but there are a lot of ideas that are new to us or the community and that other people are taking forward. It is all about ensuring communication and engagement in that respect.

Professor Skerratt: I thank Ariane Burgess for her question about rural mental health. Through its

rural and mental health directorates, the Scottish Government funds the national rural mental health forum, which works beyond and within farming communities and has more than 230 organisational members. Its key areas of focus are exchanging knowledge and skills on how to address mental ill health across rural Scotland, informing policy and reducing stigma to make mental health everyone's business. The forum also engages with Farmstrong Scotland, a newly emerging support process and network specifically for the farming community. I am happy to engage with you or any other committee member on the forum, as the RSE attends it and can give you further information about it. However, I agree that it is a specific area that requires growing support in Scotland.

John McCulloch: On Ariane Burgess's question about mental health, I would, from the young farmers' perspective, just highlight the many stories over the past few years of young people in rural communities taking their lives. It is something that hits home hugely with young farmers. Sarah Skerratt mentioned Farmstrong, and we work closely with it and the Royal Scottish Agricultural Benevolent Institution—or RSABI. Moreover, just this year, our development and wellbeing committee piloted an app for young people that we hope will come in over the next few weeks, which is aimed at mental health and young people in the rural community. It is also an issue that we are taking very seriously through our "Are ewe okay?" campaign. The issue has hit us quite hard, but we are very passionate about looking after mental health.

On your question on whether the scope can be widened, I think that, when we see how far the issue and the conversation have come over the past 10 years, that sort of thing can always happen. So much great work has already been done, but there is much that we can still do, and certainly the young farmers are very focused on that.

Douglas Bell: On the mental health question, I should say that, wearing a different hat, I do a bit of work for RSABI; I know that the number of calls to its helpline is certainly increasing—it might be wrong to describe it as a spike—but a lot of it is being driven by the uncertainty and the vacuum in which we are operating. There is potential for the situation to get even worse as information is disseminated, so I make a plea to recognise this as a very important aspect of introducing new policy.

It is essential that we get the communication right and that we have the soft skills to convey messages to people in a way that does not exacerbate any mental health issues that they might have. It is a critical issue; unfortunately, we

do not talk nearly enough about suicide in our industry, but we need to be able to do so, as it is absolutely at the front of a lot of people's minds.

On a lighter note, I should say to Jim Fairlie that, with regard to the grandfather rights issue that he raised, you would have to be careful where you pitched something like that, given the average age of farmers. Given that that is near enough 60, they are certainly old enough to be grandfathers.

The Convener: Jim Fairlie has a final comment.

Jim Fairlie: I have a question for Sarah Skerratt. You mentioned Farmstrong, while the other lads mentioned RSABI. Does Farmstrong do something different from RSABI? Does their work overlap? Are they duplicating effort? What is the difference?

Professor Skerratt: The effort is all integrated: RSABI is part of the forum, and the forum engages with Farmstrong, which is a new initiative with new employees that is just starting out. I can get back to members on the specifics, but it is all integrated, with the forum acting as an umbrella to integrate all the different efforts.

I just want to make one more quick comment. There are many rural organisations that work in rural Scotland but which do not necessarily have mental health expertise, and there are mental health organisations in rural Scotland that do not necessarily have the rural networks, and one of the strengths of this initiative is that it brings the two together. There is integration and, indeed, conversations were taking place at Ingliston yesterday with Farmstrong, the forum and RSABI. They are all linked.

The Convener: The final, final word goes to Steven Thomson.

Professor Thomson: I always like to get the final word.

Farmstrong takes a more proactive approach, with farmers' mental and physical wellbeing as one of its key objectives, whereas RSABI takes more of a reactive approach. I think that what they are trying to do is to integrate things better to ensure that, wherever you are on that chain, you can get support.

The Convener: On that note, that completes our evidence session. As we are on a tight timescale, I will suspend the meeting until 12:15 to allow a changeover of witnesses.

12:11

Meeting suspended.

12:17

On resuming—

Animal Welfare (Livestock Exports) Bill

The Convener: Our third item of business is consideration of the legislative consent memorandum for the Animal Welfare (Livestock Exports) Bill. I welcome Gillian Martin, Minister for Energy and the Environment, and her supporting officials, Andrew Voas, veterinary head of animal welfare, and Grant McLarty, solicitor, Scottish Government. I invite the minister to make an opening statement.

The Minister for Energy and the Environment (Gillian Martin): I welcome the opportunity to discuss the legislative consent memorandum to give effect in Scotland to the Animal Welfare (Livestock Exports) Bill. The bill will make provision in relation to the welfare of animals, principally by prohibiting the export of livestock from Great Britain for slaughter and fattening for slaughter. The bill also repeals outdated legislation regarding the export of horses.

The Scottish Government proposes legislative consent to the bill in so far as it makes provision within the legislative competence of the Scottish Parliament. The Scottish Government commits to work with the other Administrations to seek the end of unnecessary long-distance transport of animals for fattening or slaughter outside the UK.

We are a little disappointed that key commitments previously made to improve protection for wildlife and animals in the promised Animal Welfare (Kept Animals) Bill are not included, which would have delivered a package of joint welfare measures across GB. However, this stand-alone bill provides an opportunity to have consistent control over such exports and to assist enforcement agencies to ensure that such unnecessary movements no longer take place. Those measures have been called for by many of the main animal welfare organisations, and the Scottish Government very much supports their introduction.

The Scottish Government recognises, however, that for the measures in the bill to be successful, they should be introduced consistently across Great Britain. Consistent legislative measures across GB will also assist when it comes to interpretation and enforcement of new controls, and a co-ordinated, GB-wide approach to tackling issues that are covered by the Animal Welfare (Livestock Exports) Bill is widely supported and welcomed by many key stakeholders.

Allowing the UK Parliament to legislate for all GB Administrations in this area is the most timely,

efficient and effective way to achieve these important changes. However, I need to be absolutely clear that we will not implement anything that could jeopardise the livelihoods of our farmers and crofters who rely on being able to move livestock between their islands and the mainland. Should any attempt be made to introduce any such restrictions in this GB-wide bill, the Scottish Government would withdraw its consent and introduce our own legislation to limit the extent of application to export. I am sure that the committee would wish to support that approach.

However, I am assured that our position is understood and accepted by the Department for Environment, Food and Rural Affairs, and I do not anticipate there being any issues in the passage of the bill, nor any need to withdraw our consent. I am happy to take any questions that you might have.

Rachael Hamilton: Just to clarify, animal welfare is devolved, so could you at any point take a different approach to the matter?

Gillian Martin: We opted not to do that in this case, because it makes sense to have a GB-wide approach. We are content with everything that is in the bill as it stands, as it pretty much replicates what we would have wanted. However, we have the power, if we want to take our own statutory instrument forward, to create a separate scheme, but we do not see any reason to do that at this stage.

Beatrice Wishart: Can you clarify something? You mentioned the export of animals from Scottish islands to mainland Scotland. What discussions have you had with DEFRA, and how clear is it on that point?

Gillian Martin: The Cabinet Secretary for Rural Affairs, Land Reform and Islands has been leading on that issue. The Animal Welfare (Kept Animals) Bill, which was the bill that fell, had exactly the same provisions that this bill has. All of this has been a long-standing discussion. In effect, the UK Government has taken that part of the kept animals bill and put it into a new bill.

Mairi Gougeon and her officials had extensive discussions about the particular issues that you raise, and we are confident that they have been heard. There is no provision at the moment to have anything that would mean that the export or the travel of animals from island producers to the mainland will be impacted at all by the bill.

The Convener: My question is on that issue, but you have given some assurances on the direction of the bill when it comes to animal exports. The welfare concerns are more to do with the inability of those who are exporting animals to have any control over their welfare conditions. The

bill is not about animal welfare concerns that relate to animals on ferries, in which case we should have no concerns that future legislation might have an impact on animals that are moved from Orkney or Shetland to the mainland.

Gillian Martin: You are exactly right, convener. We cannot be sure that the places where animals are exported to for fattening and slaughter have the same conditions that we would expect.

Jim Fairlie: A very minor point has just cropped up in my mind—I apologise. I presume that the bill is about fattening and slaughter, so is it correct to say that high-value breeding animals going, for example, across to Northern Ireland will not be impacted by the legislation?

Gillian Martin: The bill does not cover breeding, so export for breeding is still allowed. If an animal is going across to the EU to breed and then stays there, it could be slaughtered at a future point in its life. It does not affect export for the express purposes of breeding.

The Convener: We have no further questions. I thank you and your officials for attending this morning. The committee will review the evidence that we have just heard and discuss our report on the LCM in our next agenda item. That concludes our business in public.

12:23

Meeting continued in private until 12:25.

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