



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 3 June 2015

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
20th Meeting 2015, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
*Sarah Boyack (Lothian) (Lab)
*Alex Fergusson (Galloway and West Dumfries) (Con)
*Jim Hume (South Scotland) (LD)
*Angus MacDonald (Falkirk East) (SNP)
*Michael Russell (Argyll and Bute) (SNP)
*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Charlie Adam
Jenni Douglas (Seed and Co)
Scott Henderson (Scottish Beef Association)
Michele Macdonald
Aileen McLeod (Minister for Environment, Climate Change and Land Reform)
Alison Milne
Allan Paterson (Wallets Rural Property Services)
Neil Ritchie (Scottish Government)
Russell Smith (Scottish Crofting Federation)
Daye Tucker

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 3 June 2015

[The Convener opened the meeting at 09:33]

Decision on Taking Business in Private

The Convener (Rob Gibson): Good morning and welcome to the 20th meeting in 2015 of the Rural Affairs, Climate Change and Environment Committee. I remind everyone present to switch off mobile phones and electronic devices, because even in silent mode they may affect the broadcasting system. You may notice some committee members using tablets during the meeting. This is because we provide meeting papers in digital format.

Agenda item 1 is to consider whether to take item 8 on the agenda in private. Is that agreed?

Members *indicated agreement.*

Subordinate Legislation

Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015 [Draft]

09:33

The Convener: The second item on the agenda is to consider the draft Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015. The instrument has been laid under affirmative procedure, which means that the Parliament must approve it before the provisions can come into force. Following this evidence session, the committee will be invited to consider the motion to recommend approval of the regulations under agenda item 3.

I welcome Dr Aileen McLeod, Minister for Environment, Climate Change and Land Reform, and Neil Ritchie, from the environmental quality division of the Scottish Government. Minister, do you wish to speak to the regulations?

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Yes, I do. Thank you very much, convener. Good morning.

I am pleased to be here to support the committee's consideration of the Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015.

The regulations are primarily technical. They embed the overarching requirements of three recent European directives—the priority substances directive 2013, the groundwater directive 2014 and the biological monitoring directive 2014—into primary legislation that transposes the water framework directive.

The requirements of the priority substances directive 2013 must be transposed by 14 September this year. Although the groundwater directive 2014 and biological monitoring directive 2014 are not required to be transposed until the summer of 2016, we are taking the opportunity to transpose the three directives together in the interest of reducing the number of changes to our legislative framework.

I assure the committee that the early transposition of the 2016 requirements will have no adverse implications for Scottish interests, as the directives reflect, in essence, the latest international best practice in monitoring and assessment practices, and we already apply those practices in Scotland.

On first reading, the requirements of the priority substances directive are potentially more challenging. It requires certain hazardous

substances to be banned or phased out with the aim of significantly reducing their harmful effects on our freshwater and marine environments, and it places a strong emphasis on product control rather than increased treatment at waste water treatment plants. The good news is that many of the substances have already been banned at a European or United Kingdom level. The use of others is already declining and less harmful products have emerged on to the market.

We will continue to press the European Commission and UK Government, as appropriate, to take action to ban the remaining substances. Meanwhile, I have tasked the Scottish Environment Protection Agency and Scottish Water to work together to identify any pollution hotspots that are caused by the residual effects of the substances and to consider where additional waste water treatment may be necessary, feasible and proportionate to prevent them from causing, or at least to limit, any further harm to our precious freshwater and marine environments.

I ask the committee to recommend approval of the regulations.

Alex Fergusson (Galloway and West Dumfries) (Con): Good morning, minister, and thank you for your introductory remarks.

The policy note that we have been given says:

“All 3 Directives introduce revised monitoring and assessment provisions”,

which you just explained. However, you also described that as potentially more challenging.

The note goes on to say:

“These high level amendments will be of limited interest to stakeholders”.

If they are high level and challenging, why are they not of great interest to stakeholders? It will largely be up to stakeholders to ensure that the new challenges are met. Will you assure us that there is unlikely to be an increased regulatory burden on stakeholders as a result of the changes?

Aileen McLeod: Yes, I give you that assurance. The impact of the changes will be fairly limited in Scotland because, as I said in my opening remarks, many of the substances have already been banned or are being phased out at the European or UK level. Others now have limited use in Scotland. The exception is tributyltin, which is TBT in its compounds. We are in the early stages of discussion with the UK Government regarding a possible ban of that.

The implications for business are minimal. The vast majority of the substances have already been withdrawn from use and the other products have been replaced on the market. There were submissions on cypermethrin—one of the

pesticides that has, historically, been important in dealing with sheep scab—but it is not actively used in agriculture and was effectively phased out through the market 10 years ago.

Alex Fergusson: Thank you for that explanation.

Michael Russell (Argyll and Bute) (SNP): Let me follow that up a little. Inevitably, any list of substances will include one or two that people do not think much about but suddenly discover have a use. Have your officials, perhaps with the Commission, analysed each of the substances, including how many there are and their uses? Nobody objects to the regulations, but I am concerned that lurking in that list could be a substance that someone discovers is essential for their work, and that would cause some difficulties.

Neil Ritchie (Scottish Government): That is a good point. Two or three years ago there was an extensive period of negotiation on the priority substances directive through European Commission working group processes. Many more substances were originally on the list but have either dropped off or been identified as ones that we need to watch rather than priority substances that need action now. We have been through that process at European level and in informing the development of guidance to SEPA, which has the bulk of the additional work as part of its monitoring programme. We have engaged with key sectors to understand the impacts of the directive and to warn them about future changes.

Michael Russell: How many substances are there?

Aileen McLeod: There are 20 on the list.

Michael Russell: Would it be possible, without adding greatly to your regulatory burden, to have a list of the substances and their uses? The committee might want to consider whether any stakeholders are adversely affected.

Aileen McLeod: I would be happy to supply that. The substances in the current list include pesticides, industrial combustion products, biocides, and products for metal and shipbuilding, as well as the maintenance of public toilets. We are happy to provide that list to the committee.

Claudia Beamish (South Scotland) (Lab): Thank you convener. Good morning minister. My question has the same sort of ethos as the previous two. It is important to have pristine water for all sorts of reasons, both per se and for a range of industries that are related to food products. If new substances are added to the list, will they be considered in the future or will they need to come back to us? Sometimes things come back under a different name—I am thinking of neonicotinoids on land and so on.

Neil Ritchie: The priority substances are kept under regular review at European level, and I understand that reviews of potential impacts are carried out before new products can be placed in the commercial marketplace.

Jim Hume (South Scotland) (LD): Good morning minister. You mentioned 20 substances, some of which are used in toilets or shipbuilding or as pesticides. You said that there are no adverse implications, and the explanatory notes state:

"These high level amendments will be of limited interest to stakeholders, therefore we have not consulted widely on our proposals"

Which organisations did you consult and how widely?

Neil Ritchie: First, it is worth reiterating that the Scottish Government did not identify the substances; they were proposed by the European Commission. During the passage of the directives through Brussels, there was significant stakeholder engagement in Scotland, particularly with Scottish Water given the implications of the directive for it. There was also significant involvement from European Union-wide organisations, such as, Copa-Cogeca, which represents farming unions.

Aileen McLeod: One of the responsible authorities that we consulted was Scottish Water, and it was content with our proposed approach.

09:45

The Convener: As there are no further questions, we move to item 3, which is consideration of motion S4M-13314, that the committee recommends approval of the affirmative instrument.

We now move into the formal process, which I hope will not take the 90 minutes that are allotted for the item. People in the public gallery may be happy to know that it is unlikely to take as long as that, but we never know.

Motion moved,

That the Rural Affairs, Climate Change and Environment Committee recommends that the Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015 [draft] be approved.—[*Aileen McLeod.*]

Motion agreed to.

The Convener: We thank Aileen McLeod and her official.

Rural Development (Scotland) Regulations 2015 (SSI 2015/192)

Rural Payments (Appeals) (Scotland) Regulations 2015 (SSI 2015/194)

The Convener: The fourth item is for the committee to consider two negative instruments. Are there any comments?

Alex Fergusson: My reading of SSI 2015/194 is that it simply replaces the current appeals system and puts it into the new common agricultural policy support system. Is that also your understanding?

The Convener: Yes, that would be my understanding.

Alex Fergusson: In that case, I have no problems with it at all.

Claudia Beamish: The business and regulatory impact assessment for SSI 2015/192 is being prepared, but is there a timescale for that? If it is worth making such an assessment, it is worth having it available because there are quite a lot of regulations, even though many have already been enforced.

The Convener: We can write to the minister and ask for an explanation about that.

Sarah Boyack (Lothian) (Lab): I have a brief question about the implications for the Scottish Land Court and how appeals are expected to operate. I note the reference to legacy schemes. Has any analysis been made of capacity in that court and the time it takes to deal with the appeals?

The Convener: We should also ask for answers about that. I notice that the Scottish Land Court seems to be coming into focus and is being required to do more work.

Sarah Boyack: I am concerned about resources and skills.

The Convener: It would be good for us to know about that. If there are no further points on the two instruments, are committee members agreed that they do not wish to make any recommendations on the instruments, apart from writing to the minister for clarifications?

Members indicated agreement.

09:48

Meeting suspended.

09:52

On resuming—

Common Agricultural Policy Implementation (Application Process)

The Convener: Agenda item 5 is to take oral evidence on common agricultural policy implementation in Scotland and specifically the application process. We are joined by a panel of witnesses and I welcome everyone to the meeting.

The sound is controlled centrally, so no one needs to switch anything on or off. When you wish to speak, just indicate. We will keep a list and will call people in.

I ask everyone to introduce themselves. I am the convener of the committee and the MSP for Caithness, Sutherland and Ross.

Sarah Boyack: I am a Labour member for Lothian.

Daye Tucker: I am a farmer from west Stirlingshire.

Claudia Beamish: I am an MSP for South Scotland and shadow minister for environment and climate change.

Alison Milne: I am a farmer from Fife.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I am the MSP for Skye, Lochaber and Badenoch.

Charlie Adam: I am a farmer from Aberdeenshire and chairman of the NFU Scotland livestock committee.

The Convener: Mike Russell will sit in the next seat when he comes back.

Allan Paterson (Wallets Rural Property Services): I am a land agent from Castle Douglas.

Scott Henderson (Scottish Beef Association): I am a farmer from Dumfries and chairman of the Scottish Beef Association.

Alex Fergusson: I am the constituency member for Galloway and West Dumfries.

Michele Macdonald: I am a farmer in the Borders and I work for ScotEID.

Jim Hume: I am an MSP for South Scotland.

Jenni Douglas (Seed and Co): I am an agent for Seed and Co in the Borders.

Angus MacDonald (Falkirk East) (SNP): I am the MSP for Falkirk East.

Russell Smith (Scottish Crofting Federation): I am a crofter from Bonar Bridge in Sutherland and director of the Scottish Crofting Federation.

Graeme Dey (Angus South) (SNP): I am the MSP for Angus South.

The Convener: I will kick off by getting your views on what we are talking about. What has got people into a considerable lather about the way in which the new application system is working? If a few people explain their experience to start us off, others can then come in.

Jenni Douglas: I am an agent and I deal with a lot of applications for different farmers. The problem with the system to begin with was that, as is well known, it was very slow and did not work. We could not even log in. When the system goes down, all the guidance goes down, so farmers cannot even sit and read about what they should be doing. Everything goes offline.

The system started to speed up in early May, about three weeks ago, but there are still quite a lot of problems. For example, we still cannot access maps very well, and if someone has a larger farm, the maps do not load, so people need to come out of what they are doing to look at the maps—they cannot be a parallel. People have to log out of the application to look at maps, and we find that the maps do not load a lot of the time, so we have to ask for them.

There are errors when people move on to the next field, because the application still shows areas from the previous fields. The system hangs and, if someone is deleting a field, it might delete two fields at once, so people need to work that out and add that field back in.

There are also incompatibilities with the Scotland rural development programme, so people who have grant schemes are being told that their claims are incompatible with also claiming through the basic payment scheme, which is not true. Because of that, people are holding off submitting and the system is getting slower. Fifty per cent of Scotland still needs to submit. As the system gets even slower, we are worried that we will have to go back to paper copies, two weeks before the deadline.

Charlie Adam: I have a number of points to make. Jenni Douglas mentioned not being able to access guidance. From a farmer's point of view, it is not simply a case of not being able to access it; it is not there to access. To put it simply, there is absolutely no instruction from the off as to what route to follow, even to get started and to follow through. There is also a complete failure, as I see it, to allow people to return to pages without finding themselves back at square 1, and even then there is no guidance on how to get restarted. That is appalling.

I jumped at the chance to apply online from the word go. I found the previous system user friendly, intuitive and not a problem. If we desperately want people to take up information technology, do things online and communicate electronically, the current system is a tremendously retrograde step, because anyone who has not applied online before and is starting with this will have all their fears confirmed and reinforced.

I do not know where to stop, frankly, because there are so many things to say. I spoke to a consultant who told me that the system is handling about 300 cases a day but that it would need to achieve 600 a day between now and 15 June in order to complete the task. The system has speeded up, but I know from experience that the system failed yesterday afternoon. I had an email today from David Barnes—Gerald Banks was included in the correspondence—to say that that was a small outage. However, I was communicating with another person in this room at the time and, although we were told that the system had now been improved, we found that it was not working at all.

A major concern is whether the information about the system's failings that is being passed to senior people in the Government or the civil service is accurate. We could be heading for a serious mess.

I would like to say more later, but I have probably said enough just now.

The Convener: That will do for a beginning. Other people should also tell us what they think.

Michele Macdonald: I do not know where to start, to be honest. It has been a nightmare. I am comfortable using a computer—I have used computers for 30 years in my job—but for four weeks I could not get on to the system to register, because I could not access the site. I made two phone calls to our local office to ask what I should do. The people there apologised and were mortified that I could not register, but they told me to persevere and keep trying. I got to the end of February and told them, "This is ridiculous. I must be able to get on. I'm going to start lambing. It's impossible."

I was told to use the website link address that we were all sent, and I asked whether I could try it while we were on the phone. Obviously, it did not work, and I was told, "We've found that if you go into the Google toolbar and enter 'rural payments' you will get the link." I looked at the result and saw that it was the same link as I had been using without success, but I was told to try it through Google, and I managed to get on to it. It took four weeks to get to that stage.

10:00

Allan Paterson: I echo Mr Adam's sentiments. We are all looking to move forward with the IT. I work as a land agent and make a large number of integrated administration and control system—IACS—submissions. Last year, the online system had its problems, but it was fairly user friendly, and I submitted 185 claims online. The current IT system is not user friendly. We have been trying to use it, but it crashes all the time and we lose information. There are incompatible crop codes. Anyone with a rural priorities contract can upload to the system but, when they get to the end, the validation system will not let them submit the form.

Time is now pressing. We have had an extension and we are moving towards 15 June. We are all sitting with various applications on our computers that we cannot submit. Unfortunately, we have had to decide to write them out manually and submit them to the area offices, so that we have a receipt to say that the farmers' submissions are in.

One worrying thing is that, after the forms are submitted, whether on paper or online, if a farmer phones us tomorrow and says that they have made a mistake with a field number and need to amend their single application form, we cannot amend it online and neither can the rural payments staff. Nobody can change a SAF once it is submitted. We were told that that would alter in April, then we were told that it would alter in May, and we were told again that it would alter in June. Recorded deliveries and emails are being sent to the local area offices. I must say that the area staff have been tremendous and are trying to help everybody. However, the fact is that, once the "Submit" button is pressed, although there can be up to 100 validation errors on an electronic submission, it cannot be altered.

Scott Henderson: I will give a précis of my history with the system. I managed to get registered on 19 January, but it took from the turn of the year until that date to do it. I started to fill in my SAF on 2 April and I completed it yesterday, which was fully two months after I started. Last year, I did that electronically and online, in the space of one working day. We had a perfectly workable system last year. People could see what they were doing and the changes that they were making on the form as they went through. On the present system, as soon as an alteration is made, it disappears, and people have no idea whether it has been logged on the system.

As I said, I submitted my form yesterday. I have some carry-over land managers options from the previous system, as we had to commit to those for five years. One is for farm dykes. The options were picked up on the land parcels form—well, I say "picked up", but one item was missing.

Another part of my options was overwintered stubbles, which were picked up on the form but not registered on the summary page.

I have been sitting for a fortnight with all but that section of my SAF completed. I have had countless phone calls back and forward with local staff. I reinforce Allan Paterson's point that the staff have been most helpful. Only yesterday, I was reassured that, despite an apparent mistake on the form, it is registered on the system that I had made an observation.

There have been countless errors when the system has not added things up correctly. The system was sold to us on the basis that it would check as it went along, but the checking procedure is not right and the additions are wrong, particularly in relation to greening. The areas that we green have various weighting factors, but the system does not seem to take that into account.

I have three different ways of achieving my greening—one is weighted at 0.3, one is weighted at 0.7 and one is weighted at 1.5—but it seems to be difficult for the system to accept that, although it seems to be doing that correctly now. There is no doubt that the system has speeded up, but issues are still outstanding and we have not got to the point at which rural payments and inspections division officials are checking forms.

Goodness knows what will happen when we get to the other end of the process, when we all hope to be getting paid out of the scheme. The system appears to have been introduced before it is fit for purpose, and our organisation questions whether the other parts of it will be fit for purpose when they need to be used.

Russell Smith: I will make two or three points now and can add detailed evidence later if the committee wants to hear it.

The Scottish Crofting Federation emailed its members to ask for comments. I will summarise the responses that we received. Out of 27 members who replied to say that they had used the online system, 24 criticised it for various reasons. They raised a lot of points that have come up today about the system not being intuitive and asked questions about who tested it and whether farmers tested it.

Another theme that came out in the responses, from throughout the Highlands and Islands, was that the RPID staff have always been helpful. Another point to make is that I and all my immediate neighbours filled in the application form on paper, because we could see the problem coming and did not want to be part of it.

Alison Milne: Perhaps controversially, I will start with something positive. I appreciate the effort that has been put into, and the sentiment

behind, the new system from Scottish Government staff across the board—a couple of people have mentioned that. Some of their frustrations are exactly the same as ours but, unfortunately, that does not change the reality for us as farmers on the ground.

I agree with everything that has been said. I have not found the system to be intuitive, and I have individual technical issues that I am trying to resolve. It is evident that we could write list after list of all the technical issues that there are.

History suggests that administrative errors will be treated in exactly the same way as somebody purposely falsely declaring, and my greatest fear is that that will happen. There is rightly a huge fear among people about that, because the evidence shows that people have been penalised for such things. Personally and from a Scottish Tenant Farmers Association point of view, it would be nice to have some reassurance that errors will be treated differently from how they have been treated previously.

The Convener: That is a fair point.

Daye Tucker: I endorse everything that everybody has said, although I have been lucky enough not to have experienced all those issues because my farm is a simple one—it is nearly all permanent grass. A third of the farm is in trees, which is also nice and simple to record. The fact that hedging is to be regarded as permanent grass was a surprise to me, but I am happy with that. I do not get involved in the greening that a lot of farmers will have to do, which makes the process simple for me.

I managed to register on 11 February, after many hours and help from the local office. It then took me until 11 May to get my SAF stuff together, sitting on the couch with my own physical map because I could not do it online. We were advised to use our hard-copy maps. However, the field locations were not in the same order on the map as online, which proved a problem. I then found that errors had been caused because some of my field locations were identical to each other—my old brain had got confused and I had put “permanent grass” when I should have put “trees”. Eventually, I got there and I managed to get the whole thing done on 11 May.

I can see the potential of the new system, once we get the hang of it, but only because I have a very simple, straightforward farm that is all in region 1. It must be an absolute nightmare for people whose farms include different regions, different areas and cropping.

My biggest worry is that, although the staff at the local offices are wonderful and try to be very helpful, they have only been supplied with the same guidance as we farmers. There is a degree

of interpretation of the guidelines. For example, all the youngsters who are coming in as starter farmers have been told that they enter in at 2013 activity. However, they were not advised that they should also tick the box for—what was the next one?

Scott Henderson: New entrants, perhaps?

Daye Tucker: No. Er—

The Convener: It is all right. You will remember it.

Daye Tucker: Yes, sorry. I am a bit dippy. Anyway, that meant that, if the starter farmers were only doing the activity in 2013 or if they had started before 2013, in 2014 they would come in with nothing and they would get only one fifth of the regional average. The amount would then go up incrementally by one fifth each year until 2019. That meant that they would be put on a further unlevel playing field.

The reality, fortunately confirmed by David Barnes in an email that I shared with the Forestry Commission Scotland starter farmers, was that they will come in at the regional average as long as they tick that next box—it relates to the national reserve.

Charlie Adam: I have just two points to make, which I think are quite important.

First, I am led to believe—indeed I know—that it has been admitted that there is a problem with the greening calculation on the website. I understand that a number of people have filled in their applications and reached the point where the system tells them that they have met their greening requirements. They have then completed the submission—correctly, as far as they are aware—and gone off to plough a field, or whatever it might be, with no worries. However, because of the miscalculation, it turns out that their application does not meet the greening requirement. Upon scrutiny, therefore, they will presumably be subject to a penalty, which might be quite severe.

The two points related to that are as follows. As far as I am aware, no person who has made such an application will have been informed, and there does not appear to be a system in place to inform them that their application is not valid and needs to be revisited before the deadline. Indeed, I have been led to believe that revisiting is not even possible at the moment. That is potentially very serious.

I endorse what Daye Tucker said to the effect that, given that these things may happen, it would be completely unacceptable that someone might have a penalty imposed because of something like that happening, through no fault of their own.

The second thing that I want to mention is mapping. A lot of the problems arise because of extremely frequent remapping of farms and changing of field numbers, right up to the present day. Someone can be filling in a form while a new map is sitting in their unopened email or is in the post.

In my case, I had a remap that was completed five and a half months ago, but the system is still showing up errors related to the fields that were remapped—it includes fields that record the same land twice. In future, it is essential that remapping stops before the business of making this application starts, and the effects of remapping must be completely up to date on the system before anybody opens it up to make an application.

Jenni Douglas: Everyone is saying the same thing. The problem—the sad thing—is that, while I was very much in favour of the online system, farmers are losing faith in the Scottish Government and feel that it is out to get them. Farmers think that they will get their applications wrong and be penalised for that. They are getting a little bit bitter. The press releases say “We are doing so well—we are 48 per cent towards meeting the target, two weeks before the deadline”, when we are actually three weeks beyond the deadline. That creates distrust, which is something that the system should not have done.

Because of all the problems with the figures that have been generated, we are creating spreadsheets for the forms that we are submitting. We find that the easiest way to have some confidence in the system is to calculate all the information ourselves before we even start the online system. We then input the information field by field, and if the figures online match our figures we have more confidence in them.

10:15

We cannot print what we have completed in any helpful way. The system deletes the column with the field name and puts the fields in random order, so we have to go through them all. When there are 198 fields, it takes quite a long time to work out which field is which. Each time we reprint, the system scrambles the order. There are no totals on the sheet, which means there is no method of checking the information.

Our farmers ask us to give them a printout of their claim as a PDF file, as we always did. Before I submit something, I have to do a screen dump to show the farmer that at least we have something. I do not know what fallback we have. It is frustrating.

The Convener: Let me break this down. Are there many farms with 198 fields?

Jenni Douglas: We have quite a lot. If a field is in the Scottish rural development programme, for example, and has hedges round it, that counts as five parcels. Every hedge around one field has a different land parcel identification—LPID—so there are five LPIDs for every field. We have a simple grassland that has gone up by 48 fields. We have seen a lot of farms with huge increases this year. Some of them do not match the online system because it was generated before the revised map was generated. Some of the fields on the online system do not exist any more.

The Convener: Are we talking about fields as in computing fields?

Jenni Douglas: We are talking about the field identifiers—the LPIDs. The issue is again related to the remapping.

The Convener: Okay. Does Angus MacDonald have a question?

Angus MacDonald: No, I was just backing up what Jenni Douglas said.

The Convener: We will move on in a minute to ask what we should try to do about those issues.

I expect that Alex Fergusson has a question.

Alex Fergusson: Thank you, convener. Everything that everybody has said has backed up what I have been told in my constituency and beyond. From that point of view, it is extremely useful.

Someone mentioned—I think that it was Mr Adam—the number of submissions that had already been received. There are clearly still a lot to go in the limited time available.

Is it possible to say how many submissions have been made on paper rather than online? Is the experience of the panel that, once a submission has been made online, that is the end of the problems—or is that when the problems start? If it is when the problems start, the number of submissions received is irrelevant, as there will be issues remaining to be resolved.

The Convener: Russell Smith wanted to speak. Is it related to that point?

Russell Smith: No, if you want to come back directly on that point—

The Convener: Let us deal with the point from Alex Fergusson first.

Allan Paterson: In answer to Mr Fergusson's point, I would say that the problems are just starting once the submission is made.

Unfortunately, we have lost sight of the fact that we have had a month's extension. We have always been able to put in our SAFs, whether on paper or online—preferably online—and we have had a grace period in which we can amend the SAF. There is now an extension for one month until 15 June, but it will not be possible to amend SAFs after that. There is no period of grace during which a man who submits a form on 14 June and realises that he has made a mistake on 16 June can amend the form.

The Convener: Those are the kind of questions that we intend to ask. We hear what you are saying. The point about this hearing is not just to let off steam—although it is quite right that you are doing so—but to find some solutions to the issues. What you say will certainly feed in to that work. Your fears must be answered.

Allan Paterson: On the greening issue that Mr Adam mentioned, there has been an agents' update to say that there is a problem on the system. That has been acknowledged.

Russell Smith: I registered online, but it took me two goes, despite my having 45 years of experience of working with computers and a fairly simple croft, which, with two and a half pages of fields and no greening, is fairly straightforward. I looked at IACS and read reports in the press. Given my knowledge of introducing new computer systems, I made a positive decision not to use the computer system and just fill in the paper forms, as we have done in the past. They were a bit different. It took a couple of hours, sitting down at the kitchen table with the maps and the forms. That was fine.

Having taken the forms to the Golspie office and got a receipt for them, I received an email saying that there was a communication for me. That Friday evening I tried several times to log on to the system and failed. I tried and failed several times on the Saturday and first thing on Sunday morning. On the second attempt on Sunday morning I could log on. Eventually I found my way through the screens to the communication, which was, as I suspected, just an acknowledgement that I had handed in the forms. I received a paper copy in the post on the Monday morning, so I had received an email, the communication was on the system and I had received a paper copy as well.

As I said, when we knew that we were coming here we sent an email round our members to see what their experiences were. Of the people who replied, 31 per cent of them—19 people—used an agent. I find it a bit worrying if the system is so difficult that people with crofts have to use agents. Twenty-seven people said that they filled in the forms online, and only three of them did not criticise or have problems with the system to some extent. Fourteen—a quarter of the people—filled in

the forms on paper. Two people said that the system was too confusing and as a result they were not claiming, which I find very worrying. One of those respondents and his wife are both fairly sharp people; we have a problem if they cannot understand what is going on.

I will quote some of the responses that we received:

"I tried to use the online system. Too complicated. Error messages at every step. Gave up after spending far too much time on it."

That person was happy to use the old system. They also said:

"Went to the local RPID office (always helpful) and got a paper form ... Pity they did not test the system with some real users before going live".

Another person said:

"I used the online system, it took 6 attempts to complete, I had to delete the first 5 attempts as there were too many errors, I also helped a further 5 people to do their IACS forms and each application took one hour."

One hour is quite good, from our experiences.

Someone else said:

"Apart from being so slow as to be worse than useless the system is not at all intuitive"—

that has come up before—

"and you seem to need to know what you are doing before your start; there are no hints and tips as to what you need to do and does not seem to have been designed with any input from an actual 'user'."

Another respondent said:

"At the second attempt, I filled it out easily enough after I stopped worrying about perfection."

Someone else said:

"I would never attempt it myself to much chance to make a mess. It is fundamentally wrong that people find the process so difficult they have to pay a consultant/agent".

The Convener: I will stop you there, because there was a lot in that. It might be useful if the SCF gave us a summary submission. We are hearing a general picture, and it is very useful to have the crofting views. You are able to do that in a summary form, whereas we have a lot of evidence from individuals.

Russell Smith: Can I give two reasonably positive examples?

The Convener: Why not?

Russell Smith: Someone said:

"It was reasonably straightforward but the website is unwieldy and awkward to navigate."

That was one positive response. Another was:

"Overall I think it is a good system as long as it is snag free".

Our agripolicy group is composed of—I will not say experts—people who have looked at these things. Of that group, one—David—tried and failed, one succeeded and two others of us used paper.

The Convener: Thank you for that summary, which I am sure that many people would agree with. Several members want to ask questions, so let us see where they take us.

Michael Russell: There are a few things that I would like to know. What happens after you have filled in the form and you think that you have completed it? Is it checked there and then? Do you get an email to say that it is fine? Is it still to be checked, and will you not know until after 15 June?

My second question is rather subjective, but I think it worth asking. What is the difference between the people who say that it worked for them and those who are so frustrated that they have decided that they cannot go ahead? Is it that they are logging on at 3 o'clock on a Sunday morning and the system is working well because no one else is using it? Did the people who cannot make it work start it just now rather than in February? I am just trying to get to the bottom of that.

What really matters is that people are paid in December. Whatever the problems are of a system that is clearly struggling, everything that the Government does must focus on ensuring that people are paid. Can the witnesses reflect on how that could be done, given the difficulties that we are in?

Charlie Adam: The others will have knowledge that I do not, so I will be brief. Part of the application process difficulty depends on the nature of the farm and which specific things someone does or does not have to apply. I have heard of people who have a straightforward farm with no greening who have not had a problem. I am a night owl and 3 am works for me whereas 3 pm does not. There is a capacity problem.

Michael Russell: What happens in terms of checking?

Allan Paterson: When the IACS is submitted online, there is a self-checking process at the end, called validation and verification. That is when the errors or warnings are thrown up. For example, if you have a field that is 10 hectares and a ditch runs through it and there is a bit of a quarry, you may only, for safety's sake, claim 9.8 hectares and put down 0.2 hectares as ineligible. That creates a warning, a validation and a verification—three things in relation to one field—when you submit.

Michael Russell: Can you override those or just ignore them?

Allan Paterson: Yes. There is a drop-down list where we can say that we are increasing the ineligible area in the field. We do not know whether we are increasing it for this year or as time goes forward, but we can do that.

When we get to the end of the form, the system brings down another summary. If there is anything complicated—as Charlie Adam said, it might not be a big issue for a simple livestock farm with 10 or 12 fields that are all grass—such as the farmer is cropping, has a rural priorities contract or has land managers options, they must carry on. Unfortunately there is a big problem with compatibility between the crop codes.

Michael Russell: I will press you a little, because I want to be sure that I understand. At that moment, when you are presented with that list, what do you do? Do you carry on and finish the job and does that mean that it is submitted?

Allan Paterson: If you can. Sometimes it will not let you submit the form—if, for example, there is a compatibility issue with the crop codes. It will only let you validate and verify certain things. As I said earlier on, the applications are sitting on our computers, but the system will not let us submit them, so we have to submit them on paper. We have to take them out of the system, delete them and write them out.

Michael Russell: Let us suppose you press a button and everything is submitted. Is that a guarantee that it is all in and okay, or does someone come back to you and say, “Hang on, paragraph 61 is wrong”?

Jenni Douglas: In the old scheme, we would find out between August and November whether there was a problem. We would get a letter saying that we had made an error. The letter would always tell people that they would be fined, but depending on the size of the error they would often not be fined in the end, although the farmers get quite worried every time.

Generally, therefore, we do not find out until much later in the year whether there is a problem. At that point, the Government is trying to assess everything to get the payments ready, and it is far too late to make changes, so people get their knuckles rapped or are given a penalty.

Now, we get a letter saying that the application has been submitted and giving us the submission number, and then we have to wait to see what the result is; we do not see any more than that.

10:30

Michael Russell: So if there is something deliberately or accidentally wrong on the form, you will not know that for a long time.

Jenni Douglas: That is right. We will not know until the department processes the form and comes back to us. In the old scheme, that took a few months. I do not know how long it will take in the new scheme.

Alison Milne: When completing the form, I fill out all the field details and then, once I get to the end, I have 18 validation errors. In principle, that is great, because it allows me to go back and correct them, assuming that the validation errors are all working correctly.

The biggest problem is the lack of guidance. Sometimes, it is not easy to interpret the validation error. I will sit and read it three or four times thinking, “What does that actually mean?” Then, when I try to refer to the guidance, there is none. We are left in a position in which we have to make a judgment call or phone the department to see whether we can get an answer.

If you are looking for solutions, in the short time that we have, one of the best things would be a frequently asked questions page, on which the department would supply answers to farmers’ questions. That has been done in the past, with different schemes. I would find it helpful.

Michael Russell: The big issue for everybody is being paid on time. That is the priority.

Alison Milne: Yes.

The Convener: I see that a number of people want to answer. I should say that not everyone has to answer every question, because we have got a flavour of quite a lot of the views.

Claudia Beamish: I am not going to go into the details of the issues that were raised at the Forth and Clyde NFUS meeting that I attended last Friday, which Dave Thompson also attended. I do not want to put words into Mr Thompson’s mouth, but I would like to put on record that I think that the points that have been made at the table today bear out what I heard there.

Two points that were raised at that meeting have not come up in today’s discussion, and I would like to hear people’s comments on them, if they feel that they are significant. First, we heard that farmers have to make phone calls to get advice if they are not able to find answers in the guidance, the frequently asked questions pages or whatever, and I understand that there is some concern about differing advice being given depending on who you speak to when you phone the department. For example, last Friday, a new entrant said that he got certain advice from someone who was fairly far down in the hierarchy but then got different advice from someone higher up, once he was passed on. For some people, such a situation might be the last straw.

The other point is about people taking their computers into local offices and wanting to do their application there, with some guidance. There was positive talk about the support that was being given in that regard, but I understand that, at one local office, people are not able to use their own laptops for that purpose.

Jenni Douglas: On the issue of different officers giving different advice, as one of our clients is an agronomy company, we go across the country and give advice on these things. We speak to different area offices and it is common to get different answers—in fact, I have had four different answers to the same question. Scarily, some of the advice that is being given to farmers is completely against the rules, and the situation has to be fixed when we find out about it.

It would be a big job, but a person could be allocated to deal with the issue. If people do not know the answer to a question, they need to be kept quiet. A lot of the officers are very good and helpful, but it is worrying if the wrong advice is being given out by a department that people trust.

Michael Russell: Is there no national helpdesk or single number to call for an answer?

Jenni Douglas: No.

Daye Tucker: At the office that I go to, there is what is called an entitlement specialist. The young man who was mentioned phoned Perth and talked to someone lower down in the hierarchy, who said, “I’ll need to check with the entitlement specialist.” The entitlement specialist then came back with a piece of misinformation. Do not get me wrong—something could have been lost in translation. However, it was still the wrong information, and I knew that it was wrong, because I help a lot of young starter farmers. I sent an email to David Barnes on Sunday evening and—God bless him—I got a detailed response at 9 o’clock on Monday morning, correcting what the officer had said. I then phoned up the officer and asked him whether he realised that, and he said, “No—we’ve only got the same guidance as you’ve got.” I asked him whether he would like to see the email from David Barnes and he was grateful to be able to do so. I hope that that officer is now aware of that particular rule.

Charlie Adam: On the subject of answers from local offices, I emphasise what has been said, but I think that local office staff are doing their very best in what is an impossible situation.

Purely from a farmer’s point of view, I think that someone who can get Daye Tucker to make a phone call to David Barnes for them is very lucky. Many people are not in that position and take the advice that they are given in good faith—and that applies as much to the past as it does to the present. People have received verbal advice from

staff in local offices that I am sure was given in good faith but which has turned out to be wrong. In my case, I acted on that advice and it cost me quite a few thousand pounds, so this is a sore point. When advice is given, regardless of whether it is given in good faith, there ought to be some written confirmation, by email or otherwise, of the fact that that advice was given, so that the farmer who accepts it in good faith does not then pay the penalty for acting on the basis of wrong information.

The Convener: We now come to the question of how we think that such matters should be handled, given the complexities involved. You have pointed us in the direction of issues that we should consider such as your fears about penalties and so on, but for the time being we will stay focused on the system as it is now. After we have heard from Russell Smith, Sarah Boyack will ask some questions.

Russell Smith: As far as support is concerned, I believe that there is a computer in the Golspie office that people can go in and use. When they do so, they can get advice—and it gets round all the problems of people using their own computers. However, as with many of these things, that is only really any use to someone who lives quite close to the office. There are people on islands and in remote areas who have no broadband and for whom the nearest office is too far away for them to drive to. We must not lose sight of the fact that there will always have to be a paper-and-post alternative for some people and that that option must be kept available.

The Convener: Indeed.

Sarah Boyack: We have had a lot of good feedback, and it sounds as though it has been an incredibly difficult period. Some of the issues were highlighted when the Public Audit Committee looked at the scheme and some have emerged as members have put questions to ministers over the past few weeks.

I have some thoughts on what advice it might be useful for us as a committee to give over the next few weeks, because thousands of people still have to fill in their forms, and I suspect that listening to today’s meeting will not provide them with great comfort. Perhaps some national advice could be provided on frequently asked questions, which this time round—while the system gets sorted out—could be issued in paper form for people who are not comfortable with computers. It would be good to pick up any other things that have not been mentioned and which we could ask ministers for in the next few weeks.

What has come out strongly is that the local offices are incredibly useful, so we might need to reinforce the best practice advice to get people

through the next two weeks. In addition, it would be good to get reassurances from the Government about the process of verification. Because of the nature of the forms, their complexity and the errors in the system, there needs to be some way this year to take account of the fact that people will, in all good faith, have made errors that could be catastrophic. That is something that we might want to feed back to ministers.

The Convener: We will make a list of the things that we need to get answers on very quickly.

Sarah Boyack: I am keen to find out whether there are any other issues that need to be dealt with in the next two weeks. It would also be good to hear from users what, on the basis of their experience, they think will be critical in making sure that people do not inadvertently lose out because of the design of the system when it comes to the verification stage this year.

The Convener: Does anyone want to respond to that? What would help most of all in the next couple of weeks?

Alex Fergusson: I want to make what I think will be a helpful point. My understanding is that, when it was realised that the system south of the border was not going to work, packs of paper forms were sent out pre-loaded with information from the previous year's application. That saves people an awful lot of time when they come to fill in the form. Just to get this on record, can you tell us whether when someone has filled in a paper form instead of applying online those forms have been pre-loaded with information from previous schemes? Is anybody aware that such forms are available? If we are going to meet the deadline, it seems to me that we will need some sort of fast-tracking system, and making available pre-loaded paper forms for each individual farm would obviously speed up the process considerably. Does anyone want to comment on that?

The Convener: Russell Smith, what did you find?

Russell Smith: Back at the end of March, we received pre-filled paper forms. In the past, we have always filled in the form on paper. I received another pack of forms towards the end of May, which was after the deadline. I had a letter telling me that the deadline had been extended—

Alex Fergusson: You said that “we” received paper forms that were already filled in. Can you confirm whom you are talking about?

Russell Smith: My croft.

Alex Fergusson: Right—thank you.

Russell Smith: The forms in the second pack were also pre-filled, even though I had submitted the information by that time.

Allan Paterson: On the point that Alex Fergusson is trying to get to, when the forms were submitted electronically last year—as most of them were—there were no pre-printed forms available, and people were starting with a blank sheet of paper and a blank map, until Monday evening. On Monday evening, the packs of pre-printed forms, which have been sitting as a contingency since March, were all of a sudden available through the area office, but agents and farmers had mostly got them done by writing the entire thing out on a blank sheet of paper. From Monday evening—I believe—someone can apply to their area office, and the packs of pre-printed forms are now available. They have been sitting in a warehouse somewhere and on 1 June they were opened.

Jenni Douglas: As I have previously asked, if that is the case, can we get pre-printed forms? We have asked and asked, and the situation is exactly as has just been described. We have been told that the pre-printed forms are in a vault with a letter that says, “Our system has gone down, so here is a pre-printed copy”. Because the system did not go down, the pre-printed forms were not sent out. No one was allowed pre-printed forms if they were not already getting a pre-printed form.

The human error in writing lamb parcel numbers for so many fields was awful. We need to balance out the pros and cons. We in the Borders have not been told whether we can get pre-printed forms, but if we can, that will speed up the process for some people, so it is good to know.

Jim Hume: I will make one comment and then explore a slightly different area. Obviously the system does not seem to be intuitive, so it might be worth while for us to look at how it was tested before it went live. No guidance notes seem to have been sent out, but I am happy to be corrected on that. Online help, or the national helpline that Michael Russell mentioned, does not seem to have been up to scratch. Allan Paterson said that, because of the crash in the system, he lost his info; if that is the case, we must push for action on that.

I want to raise another issue. Yesterday, I received a written answer to my question to the Scottish Government regarding the grass let land situation. As we are all aware, some landlords are speculatively claiming on that. The Government replied that it

“has commissioned initial research to analyse seasonally let land”.—[*Written Answers*, 2 June 2015; S4W-25650.]

As I have said, we know that landlords are speculatively claiming, while those whom we would call the real farmers are still paying rent but have no option in the new system to put LLO—or “land let out”—on the forms, which I believe was

an option in the past. As far as I can see, it will not be possible for us to know whether and where grass has been let out. Has anyone heard about that?

The Convener: Does anyone have any information about that?

Michele Macdonald: Unfortunately, I am on one of the farms that have traditionally taken seasonal lets. We have taken several farm seasonal lets for eight years, and our landlord has chosen to take our claim for those fields and things. Unfortunately, we are paying the same rent, and I have now had to sign a lease that says that I will make no reference to the farm on our claim form. We are still seasonally letting it, paying rent for it and farming it, but I have had to sign a form to say that I will be unable to put it on my claim form.

The Convener: That is a question for the landlord.

10:45

Michele Macdonald: It is, but the issue is that because we have claimed for it for the past eight years, it is sitting on my form, so I now have to exclude it, which is impossible. Under the system, I have to look at each of the field identifiers and then consciously exclude that. There is a drop-down menu with options such as mapping in process, parcel sold, not used for agricultural purposes and seasonal let that is not used any more. I cannot sign that, so I cannot exclude the let. I have signed a lease to say that I will not have it on my form, but I cannot take it off my form.

The Convener: But that is not the form's fault.

Michele Macdonald: Well, it is. Why not have another drop-down menu that refers to "Seasonal let that is still being used but somebody else is making a claim"?

The Convener: Right. The point is made.

Scott Henderson: On seasonal lets, when several of us met the cabinet secretary around a month ago—quite a number of those people are represented in this room—we brought up the point about the landlord grab-back of land that had traditionally been seasonally let. Although he made very robust statements at that time, we would still question whether that has changed the actions of any landlord. I am unaware that that has happened, but I am certainly aware of quite a number of landlords who have taken land back into their own hands. We are talking about huge areas of land being lost to active farmers. I have experienced the same thing myself.

The Convener: It is like new slipper farmers.

Scott Henderson: Yes. We have a new breed of slipper farmers.

The Convener: Indeed. We are aware of that. The point is well made, and we can reflect it. Are there any other answers to Jim Hume's question?

Allan Paterson: I think that Jim Hume referred to the land let out category in the system. The reason why people are not indicating land let out is that it makes the whole parcel ineligible. If a farmer farms half his farm, lets out two or three fields to his neighbour and indicates that as land let out, the crop code in the online system will make the whole field ineligible. We do not know why. People have been trying to sort that out since March, and we have been promised an i-fix that has not happened.

Jenni Douglas: My response relates to Jim Hume's comments, so it is probably not about the online system. It is just about the landlords.

Technically, a farmer can be active by doing both. We can grow a crop of grass, put the fertiliser on and just let the grass for the sheep to graze, and we are not breaching the rules. It works both ways. However, there are people who are going to extremes. There are different ways around it.

A drop-down menu could be put on the form and a letter could be submitted to explain that land is being grazed. After all, people are allowed to graze land and not claim that the landlord is the claimant because he has grown the crop of grass for them. A cover letter can be put in with the form.

The Convener: Graham Dey has a question to finish this round of questions. We will then sum up.

Graeme Dey: If you will indulge me, convener, I will ask two questions. They are designed not to let those who are responsible for the system off the hook but to help us to get a clearer perspective.

First, when we embark on the CAP process, everybody says that they want a simplified CAP, but when they realise that they are going to miss out personally the CAP ends up being incredibly complex. People around the table are smiling because they recognise that scenario. We have ended up with an incredibly complicated CAP. To what extent might the simple fact that the CAP is so complex have contributed to the problems with the system?

Secondly, we have heard about issues with the system that are about functionality and technical problems. I recognise those, but will you comment on the extent to which broadband speeds are playing a part in those problems? People have talked about downloading maps and so on. What difficulties were encountered under the previous regime when you tried to register online?

Charlie Adam: Broadband speeds are definitely a factor, but there are others. The mapping system seems to take quite a lot to drive it, and it is worse depending on the system or the connection that people have. I am aware of other mapping systems that do the same thing and do not have that problem, and I have to ask why that is the case.

The CAP has become complicated, but a large factor in that is the drip feed of change that has been going on virtually right up to now. From the farmer's point of view, I suspect that the changes to the greening rules in October, December and then February and March have led people—they have certainly led me—to hang back on committing to a position and filling in a form not only because those changes have happened but, to be frank, because they have been notified far too late to make changes to the form. That might have been because the information was not available sooner, but I suspect that, in some cases, it was because the questions were not asked soon enough.

The Convener: That was down to the Commission changing its mind about what was acceptable.

Charlie Adam: In some cases, the Commission changed its mind. In some cases, to be frank, the Scottish Government left it far too late in going to the Commission to ask the questions.

The Convener: We can ask about that. We know that there was great difficulty in pinning down exactly how greening would apply—everyone is concerned about that.

Charlie Adam: An example of that is the question of whether grass can be sown into fallow land that is used as an environmental focus area. The booklet and the tour that the department carried out in October and November stated that that could happen, and there is a film online of the booklet that contains that information being handed out. However, the information changed on 23 December. There will be people who made all their cropping plans and set out their farms on that basis long before that. They found themselves in a position where what they had done had potentially ruled out the other option that they then had to take. That does not breed confidence, especially in an on-going situation.

The Convener: Do we think that that issue arose because this is the first time that the new system has been used? Will we begin to see that kind of thing being sorted out?

Jenni Douglas: I do not think that the problems that we are experiencing are to do with the rules; there is definitely an IT issue.

Farmers who have not followed the rules on greening are phoning up and saying, "The Government promised me that it would fix it. What is it doing about it?" That is worrying. I was giving presentations across Scotland every six weeks, and every six weeks the rules changed. The fallow land issue scuppered many farmers. We have heard that people up north have sold livestock because they have—

The Convener: How many?

Jenni Douglas: I do not know the figure, but we have spoken to a lot of people. We know of farmers who have had to sell livestock because they ploughed land ready to put grass into fallow land and they do not have enough grass now. The change caught a lot of people out, and the weightings do not match for certain farmers. It has upset a lot of farmers and has made it difficult for them to follow the rules.

However, I do not think that the problems that we are having now are just because of that issue, although it adds to them.

Michael Russell: Why did that change take place on 23 December? Was it a European change? If so, what representations were made by the NFU and others about it? If it is so inconvenient, what was the answer?

Charlie Adam: I was sitting beside Drew Sloan at the moment of the announcement and I saw the look of shock on his face when he read what was in his own book, which was interesting. It was fairly clear that questions were going to be asked.

I think that Europe has an element of responsibility for the change. There are other issues such as whether drainage can be carried out in an environmental focus area. The Scottish Government initially took the line that that could not happen, whereas the UK Department for Environment, Food and Rural Affairs took the opposite line. I believe that an argument was going on between them as to which of the two was correct. One or other of them is going to find that it was wrong.

Michael Russell: Let us stick with the fallow land issue. That change was made on 23 December. What happened thereafter? Has the department apologised? Has it offered compensation? Have people asked for compensation? We cannot have a change like that and just say, "That's it—let's move on." What happened?

Alison Milne: Two or three days before the change took place, my husband and I sat down to decide exactly what we were going to do. I went on to the Government's website because I thought that that was where I would get the most up-to-date information, and it said that we could sow the

grass seed. Later that day, I read the NFUS weekly review, which said that we could not do that. It is not very often that the NFUS is wrong, so I thought that I would follow its guidance. That information remained on the Government website for five or six days, so people could still have been making that choice.

We did not go to the department and ask for compensation because we made a decision on the basis of that information. As far as I am aware, nobody did, but people were very upset about it.

Jenni Douglas: We were told about the rule change before 31 December, so there was no case to argue because the rule had not come into force yet—the period for setting land aside as fallow started on 15 January. However, we shouted a lot about it because we knew a lot of farmers that were affected by the change, and it was very difficult for them to come up with another option. We did not scour the Scottish Government's website every day but found a public update on its Facebook page, so we found out before our local area office. That is the way in which things are moving—we find out about changes through the Government's Facebook page before we can read about them anywhere else. We were told that the decision had been made before 1 January.

Michael Russell: You have to be a Facebook friend of the Scottish Government.

Jenni Douglas: Yes.

Graeme Dey: Just to be clear, are we saying that the complexity of the CAP that we finished up with has not been a factor in the problems?

Allan Paterson: It is a very complex CAP, but the rules are there for us to follow. However, we also have a new IT system through which we have to apply for all the payments. The old system was user friendly and we were able to see what we were doing, but they have thrown everything out and started again when people are unused to the rules as well as an unfriendly IT system. That was always going to be a recipe for disaster.

The Convener: Okay. We have had some suggestions from Sarah Boyack and Mike Russell about things that need to happen soon. Sarah Boyack suggested that the Government publish frequently asked questions, national advice and paper copies of the forms. We heard that paper copies will be made available. The local offices also need to have exactly the same information as everybody else, not a variety of information, and the verification process must be user friendly for the farmers. It is all about trying to ensure that people are not in fear that they are going to be penalised. Another on-going issue is the need for the verification to be followed by a process that takes into account the complexity of the system

and the fact that people will have made mistakes. We are seeking some means to allay people's fears about penalties and so on.

That is what I am hearing. Can we add to that list?

Jenni Douglas: Is there a way in which you could improve the speed of the system? In the past two weeks, particularly in the past 48 hours, it has been getting slower and slower—probably as demand has been getting higher and higher. Is there a way for the Government to enable the system to take more users? We have to put in SRDP applications, too, and the worry is that the system is just going to stop.

Michael Russell: There urgently needs to be a helpline for the last fortnight of the process, so that people can ring up even at 3 o'clock in the morning—maybe a little bit before that—and get definitive help. Also, I am absolutely certain that the advice that we should give Richard Lochhead is that the payments must be made on time and that everything else should be subordinate to that. It will be possible to correct the system over time and to get it to work better for next year; the important thing this time is that the price of the difficulties is not paid by the individual farmer.

11:00

Alex Fergusson: If I understand it correctly—it is distinctly possible that I do not—the speed of payments will depend on the number of inspections that have to take place during the verification process. It seems to me, from what everybody has said, that that process will impact on the same staff who will also have to deal with the SRDP application process that Jenni Douglas just mentioned. My understanding is that SRDP applications must be in by the 13th of this month, not the 15th.

Jenni Douglas: It is the 12th of this month.

Alex Fergusson: I beg your pardon. That is correct—it is the 12th of this month, it being a Friday. It seems that there will inevitably be a consequential impact on SRDP applications if there is to be any chance of the basic payments being made in December, which is everybody's hope. Are SRDP applications going to be put on hold indefinitely until the verification process has been completed?

Charlie Adam: Some of the consultants who handle quite a number of SRDP applications have had to say that they can handle none of them because of the difficulties that they are having with the pillar 1 basic payment applications. I think that there was strong pressure for an extension of the application period to allow them to make those applications but, as far as I am aware, there has

been no movement on that. I do not know whether that is possible.

The Convener: It is something that we need to ask about urgently.

Michael Russell: That is a different issue from the one that Alex Fergusson asked about. He asked about the pressure on the Government's system, which is considerable. It is an interesting take to say that using consultants in the application process is making it more difficult because people cannot do everything themselves. That demands some change of date.

Jenni Douglas: The SRDP application process is all online now, and that is the worry that we have about it. A lot of people have refused to do any SRDP applications—I have tried not to, but the odd person is persistent and wants one—as they are at the bottom of the priority list. We need to get all the CAP applications in first. I have one SRDP application to try to do in the next 10 days, but I am worried about what will happen if we cannot upload things and that is the only way to do it. However, the Government seems quite defiant about not changing the deadline for it.

The Convener: Okay. We have got that message loud and clear.

We have a substantial and informed list of issues from your experience. If there are any points that you want to add to that list, simply write to us. That would be easier for us—do not try to submit something electronically. *[Laughter.]* We will try to make a very early effort to convey the information as clearly as possible—you can rely on that.

I thank all the witnesses for this excellent session. It is a difficult issue but, at the time of a new CAP, it must get sorted quickly. We are on your side as far as that is concerned, and I think that we can speak with a united voice on that. However, finding the answers may be slightly more difficult, as we know.

I suspend the meeting to allow our witnesses to leave.

11:03

Meeting suspended.

11:10

On resuming—

Petitions

Scottish Wild Salmon (PE1547)

The Convener: The next item is petition PE1547, from Ian Gordon and the Salmon and Trout Association, on the conservation of Scottish wild salmon. The petition calls on the Scottish Parliament to urge the Scottish Government to ensure that no Atlantic salmon are killed before 1 July and to end coastal netting of mixed-stock fisheries.

The committee has heard back from the Minister for Environment, Climate Change and Land Reform following its decision to write to her on the petition as part of the wild fisheries review. We also have a response from the petitioner on the correspondence.

I refer members to the paper and invite their comments.

Graeme Dey: I have considerable sympathy with the first part of the petition, which talks about a ban up to a certain date in the year for a five-year period. However, the second part of the petition, which focuses on one sector, is unfair.

Michael Russell: The minister has made it fairly clear that she intends to go ahead with her consultation. I think that the committee agreed with that. It might have to be quicker than had been talked about, but it is not possible to reach a conclusion on the matter until the consultation is over.

One thing is clear: if there is to be any reduction in or suspension of take, it will have to apply to all the sectors and not just one. It is unreasonable to expect one sector to take all the pain. If that comes back as an issue after the consultation—as it will do—major change will have to take place for everybody who is involved in taking salmon.

Dave Thompson: I agree with Mike Russell. We have to let the consultation take its course and consider the matter after that.

There is an associated issue on which we perhaps need to get a bit more information. Recently, I saw some information about the number of salmon that are being taken by seals. It is a phenomenal amount and it looks like more scientific evidence is becoming available on that. Perhaps we need to get more information and do a little bit of work on the impact of seals on salmon stocks because there is no point in doing anything about netmen and anglers if huge amounts of salmon are disappearing in the high seas and round the coasts because of the seals.

I make it clear that I am not taking a position on that, but I would like more information on the latest science.

The Convener: Those points are well made. If we need more information, that will lead us to a certain conclusion at the end of the discussion.

Claudia Beamish: The sustainable harvest of wild salmon is extremely important. Other committee members, including the convener, have made that point in the past and might well do so again.

The petition is something of a blunt instrument in that it has a certain date on it up to which there should be no killing of salmon. The catch-and-release process has functioned much better, but I agree with members that all sectors should take the pain, and pain there will indeed be.

When we heard from the minister on the wild fisheries review, I had concerns about the scientific research, and her letter about the petition highlights the concerns about science. I want to be sure that there is robust scientific evidence on which the Scottish Government can make future decisions about the way forward.

11:15

Graeme Dey: The point about the science is well made. To follow on from Dave Thompson's point, we also need to be as assured as we can be about the impact of climate change on the migratory patterns of salmon and how that is impacting on the situation. Gathering the most robust and reliable scientific evidence from all sides is imperative.

The Convener: I am concerned about the one-sidedness of the petitioner's view, because doing what he seeks is impossible without having reached scientific conclusions. His written submission to the committee states:

"Mixed Stock Fisheries cannot be deemed 'sustainable' unless one can be certain that all the salmon killed in such fisheries are destined for rivers which have sustainable surpluses."

That is not correct, and it is not clear and balanced. Working out a sustainable harvest will be done on the basis of the stocks of salmon. It is a migratory species and the stocks will have to be measured in several different ways.

The sentence that I quoted just does not grab the reality; it is a partial view. I do not think that the committee would like to take the petition forward on that basis. From what I hear from members, I think that we need to get scientific information. The Scottish Parliament information centre could provide us with some background, but we are looking to the Government's review to include scientific information. Whatever we say on the

petition, we should convey to the Government that we need scientific information to clarify what a sustainable harvest actually is.

At this point, the petition should remain open, as the salmon stocks situation is inconclusive and we have more questions on it. For example, as Dave Thompson said, we need scientific information about the impact of seals on salmon stocks. Such questions need to be answered, so I suggest that we keep the petition open until we get answers to our questions. We can speak to the petitioner in due course, which could be once we have the outcome of the review, or whatever. However, it will be helpful for us to suggest to the minister what we need to know about, which can be fed into the review. Is that fair enough?

Sarah Boyack: That suggestion is sensible and I agree with it. The review will give us crucial scientific information. We should also wait for the forthcoming secondary legislation and consider the points in the petition when we get that legislation. However, we would like it as soon as possible so that we can get on with addressing the issue.

The Convener: That point is well made and adds to what I said. We need to find out more before we make a decision on the petition, so we will let the Government know our view and will keep the petition open. Is that agreed?

Members indicated agreement.

Dairy Farmers (Human Rights) (PE1542)

The Convener: The next item is to consider correspondence from the Public Petitions Committee on PE1542, on human rights for dairy farmers. I refer members to the paper on the petition and invite comments on it.

Michael Russell: As the constituency MSP for Argyll and Bute, I have worked with the Mundells. My view, which I believe is the same view as that of both my predecessors as MSP for Argyll and Bute, is that this distressing matter can be dealt with only in the courts. There was a democratic decision by the farmers in Kintyre to have the ring fence, and the only way in which that could be declared to be illegal would be to have a judicial review of the decision. The decision on the ring fence was taken a long time ago by a Tory Government and it was supported in the Argyll and Bute area and across Scotland. I do not believe that any benefit would come from undertaking further activity on the petition, which is the petitioner's second or third petition on the issue. It has to be a matter for the courts and a judicial review. That advice has been given to the Mundells by a number of people, including me.

Angus MacDonald: As a member of the Public Petitions Committee, I have made clear my views on the petition, which are on record in the *Official Report*. It is worth noting David Stewart MSP's comment in the *Official Report* that the petitioners have contacted "more than 50 lawyers" to no avail, because there has been no satisfactory outcome for the petitioners. It is also worth putting on the record again that the Scottish Human Rights Commission has advised the Public Petitions Committee that only a court could rule on the issue of the petition. We should take that point on board. Given that we are where we are with the petition's situation, I think that we should write to the Public Petitions Committee advising that the petition be closed.

Alex Fergusson: I have followed the concerns of the Mundells over the issue through the pages of *The Scottish Farmer* for many years. I feel very sorry for them, because it has clearly become a burning issue. However, I want to put on the record the fact that, as Mike Russell said, the whole situation is the result of a democratic decision that was taken and one cannot do anything about that. As Angus MacDonald has just said, it is widely recognised that the only resolution can be through the courts—if there is a resolution, which I suspect there is not. For the record, I therefore endorse the proposed action on the petition.

The Convener: I get the impression that we should write to the Public Petitions Committee and inform it of our views on the petition, and that we should leave it to that committee to convey our views to the petitioner. Is that agreed?

Members indicated agreement.

The Convener: For the next meeting of the committee, we will be in Kirkwall grammar school in Orkney to begin pre-legislative scrutiny of the Scottish Government's proposals on land reform. Like all committee meetings, that will be a public event, and tickets for it can be obtained via the Parliament's website.

As agreed earlier, we will now move into private session for item 8, which is to consider evidence heard this morning. I close the public part of the meeting and ask for the public gallery to be cleared.

11:22

Meeting continued in private until 11:37.

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