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## Rural Affairs and Islands Committee

# Subordinate legislation considered by the Rural Affairs and Islands Committee on 19 February 2025



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# Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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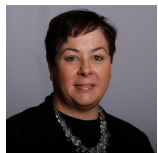
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# Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of [The Rural Support \(Improvement\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2025 \[draft\]](#).
2. The Committee agreed to recommend to the Scottish Parliament that it approve the instrument.

# The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025 [draft]

3. The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025 [draft] were laid before the Scottish Parliament on 9 January 2025 and are subject to the affirmative procedure. The draft instrument is laid under the [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020](#) and was referred to the Rural Affairs and Islands Committee for consideration.
4. The policy note sets out this instrument would introduce the requirement for persons receiving basic payments for agriculture support to prepare "Whole Farm Plans" for their holding. To meet their obligations regarding the Whole Farm Plan, farmers will be required to undertake two of the following five activities by the end of 2025:
  - Habitats report
  - Carbon plan
  - Integrated pest management plan
  - Animal health and welfare plan
  - Soil report

The policy note says it is the intention of the Scottish Government to ensure all five aspects of the Whole Farm Plan are completed by 2028.

5. The policy note states that such plans "will help ensure that farmers have the information they need in order to minimise the environmental impact of their activities, which will also help ensure that the farm business is successful and sustainable". It adds that the plans would also "improve the operation of the Direct Payment Regulations" by ensuring public funds made under those Regulations support actions by farmers to mitigate the impacts of the climate and nature crises.
6. According to the policy note, these regulations represent "the start of a journey". The Scottish Ministers intend receipt of direct payments to be conditional on having a whole farm plan, with this to be developed further as part of the transition from the retained CAP schemes to a new four-tiered support framework under the [Agriculture and Rural Communities \(Scotland\) Act 2024](#).
7. The policy note states that the Scottish Ministers consulted on the whole farm plan in its consultation on its proposals for a new agriculture policy in 2022 and that further consultation then took place with the Agriculture Reform Implementation Oversight Board (ARIOB) and other stakeholders.

## Delegated Powers and Law Reform (DPLR) Committee consideration

8. The DPLR Committee considered the instrument at its meeting on 14 January 2025 and reported on it in its [4<sup>th</sup> Report, 2025](#). It made no recommendations in relation to the instrument. But it noted that the original draft of this instrument was withdrawn on 9 January 2025, and the present version re-laid on the same day, following questions raised by the DPLR Committee with the Scottish Government.

# Rural Affairs and Islands Committee consideration

9. The Committee took evidence on the draft instrument from the Minister for Agriculture and Connectivity and Scottish Government officials [at its meeting on 19 February 2025](#).
10. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
11. The Minister was asked about the genesis of Whole Farm Plans. He said the idea had emerged several years ago following work by 'farm-led groups' that the Scottish Government used to draw up processes and systems for a post-EU approach to agricultural support. He said the groups "got us to the position now where we are trying to do everything that we can to support our farming rural communities with public funding".
12. The Committee asked if farms would receive a warning letter, not a penalty if they had not completed their plans in 2025. The Minister confirmed that would be the approach taken.

## Administrative and financial support

13. The Committee asked what support was available for farmers to draw up their Whole Farm Plans. The Minister stated that the Scottish Government was offering farm advisory services through its rural payments and inspections division (RDIP) office and via the information set out in its agricultural reform route map. He said funding had also been provided to enable farmers to undertake carbon audits and soil sampling for the purpose of creating their plans.
14. The Committee asked how the Scottish Government would support farmers and crofters without access to IT equipment to complete their plans. A Scottish Government official explained that farmers and crofters would be able to use IT equipment in RPID offices and receive advice from staff.
15. The Committee questioned how the Scottish Government was taking account of the impact of changes to the mental health of farmers and crofters. The Minister agreed this was an important issue and noted the Scottish Government had given the Royal Scottish Agricultural Benevolent Institution £75,000 for mental health support in the sector. He added that "People need to feel that the process is one that they are taking part in, rather than something that is done to them".

## Impact on crofters

16. Much of the Committee's discussion with the Minister centred around how these changes would affect crofters, including points raised by the [Scottish Crofting Federation \(SCF\) in its correspondence to the Committee](#). The Minister was asked if he was concerned by evidence suggesting the instrument may have a negative

effect on crofters. He said he was not because crofting stakeholders had been involved in developing the legislation through the Whole Farm Plan Steering Group and the ARIOB.

17. The Committee asked whether financial assistance should be provided by the Scottish Government to offset the costs faced by crofters. The Minister said "They can do for free a lot of the things that we are asking". He noted that some crofters had received support in completing their plans by visiting RPID. A Member of the Committee sought a commitment from the Minister that the costs of producing plans would be covered for crofters, or that support would be made available through RPID to help complete the plans for them. The Minister said he could not guarantee the costs would be met but that Scottish Government support was available for any crofters that needed it.
18. The Committee asked how schemes took into account the specific demographic, geographic and financial challenges facing crofters compared to larger farm holdings. A Scottish Government official said several measures were in place to make it easier for crofters to comply with the new requirements. This included allowing crofting townships to collectively carry out carbon audits and animal health and welfare plans, rather than this burden falling on individual crofters. They also said the Scottish Government had introduced methods to enable crofters without IT access to complete habitats and biodiversity reviews in paper form.
19. The Committee asked whether the Scottish Government had considered devising a 'lighter-touch' scheme for crofters and other small producers. The Minister said the crofting community wanted to be included in the scheme and had been actively involved in developing it. He said excluding crofters would not be the best course of action because "We want to get everybody involved in as much of the system as we can".
20. The Committee queried if an assessment had been undertaken by the Scottish Government of how many farms may opt out of the support payments due to the changes in requirements placed on them. The Minister said no specific risk assessment had been undertaken, but explained that the new approach "represents an opportunity for farmers to make better decisions about the profitability of their farms".

## **Correspondence from the Scottish Crofting Federation**

21. The Committee asked the Minister if he had responded to the concerns raised in the SCF's letter. He said the Scottish Government had provided further information to them following its letter to the Committee and would be open to meet them to discuss their concerns further. The Committee probed as to whether this engagement would be too late if the instrument was passed at this meeting. The Minister said "It is certainly not too late" as the instrument was only the beginning of the process for setting up the whole-farm system.
22. The Committee asked if concerns raised in the letter from SCF illustrated a breakdown in trust between the Scottish Government and certain stakeholders within the sector. The Minister responded:

” I do not necessarily agree that there is a lack of trust or that trust has been broken. It has certainly been stretched, and I will do everything that I can to repair that because it is important. We will have to work out how we as the Government make sure that we are reaching as much as possible the people who need to be heard; however, that must be a two-way street—they need to be aware of the changes that are coming.

## Engagement and communication

23. The Committee asked the Minister whether he felt crofters had been successfully engaged in the co-design approach used to create the Regulations. He said a crofter had participated in the steering group involved in creating proposals for the Whole Farm Plan. The Minister was asked if he had any plans to review the co-design process to find areas of improvement. He said a review was not necessary, but that "What I am going to look at is why people are not coming back to us with their concerns sooner, when they have told us previously that they are content to do something".
24. The Committee asked what the Scottish Government would do in future to ensure small farming and crofting organisations were consulted in the co-design of other new schemes. He said there was a list of engagement activities the Scottish Government would be undertaking which would provide adequate opportunity for these groups to raise issues.
25. The Committee asked how the Scottish Government would ensure crofters would find out about concessions and support available to them under the Whole Farm Plan scheme. A Scottish Government official said they had attended several online meetings hosted by the SCF to explain the new requirements. They added that the Scottish Government has issued letters to all farmers and crofters to alert them about the changes coming in 2025, and further publicised this information in farming media outlets.
26. The Committee probed what further means could be used to ensure crofters are well-informed about the changes. A Scottish Government official said RPID can use their network of local offices within crofting communities to have regular contact with local farmers and crofters, including at agricultural shows.
27. The Committee queried whether the Scottish Government needed to change the way it communicated with farmers and crofters about changes to agricultural support, given there had been similar concerns raised about a lack of information when the Committee considered previous instruments. A Scottish Government official said the SCF had participated in a working group for developing proposals in the Whole Farm Plan. They explained the Scottish Government had taken account of feedback from SCF when developing guidance and minimum standards for the Whole Farm Plan.

## Conclusion

28. After giving evidence, the Minister moved motion S6M-15912:

That the Rural Affairs and Islands Committee recommends that the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025 be approved.

29. The motion was agreed to without debate or division.

30. The Rural Affairs and Islands Committee recommends that the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025 be approved.

