

8 November 2023

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs, Land Reform and Islands
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Sent by email: CabSecRALRI@gov.scot

Dear Mairi,

I write, on behalf of NFU Scotland, following the roundtable that was held on 13th October. We very much welcomed the opportunity to meet with you and your officials. We also thank you and John Swinney MSP for your visits to see the damage caused by flooding over recent weeks.

Extreme flooding has hit lives and livelihoods as numerous homes, business properties, livestock and crops have been lost. The tragic loss of lives has been devastating for families, friends and local communities.

Your speech at our Autumn Conference on 26 October included a clear commitment to help and support farmers, crofters, families and workers as part of the recovery following the floods and we look forward to working with you and your officials to deliver for the sector.

The announcement of £50,000 to RSABI to help them to continue to provide emotional, financial and practical support, and to bolster the charity's Flooding Crisis Fund will provide specific and targeted financial support to those who have been affected by recent flooding.

The Scottish Government review on the scope of the Agri-Environment Climate Scheme (AECS) round in 2024 to potentially include options relating to both water scarcity and flood risk will also make a difference to our members.

You also outlined a commitment to work with us to bring forward support for the repair of the damaged floodbanks, most likely weakened by beavers, that has been caused by the extreme

rainfall during October. This will protect our vitally productive farmland and we are happy to engage with you on this. It will be important for farmers to be at the heart of these discussions.

The following paper provides information on three areas in relation to flooding:

1. Impact of recent flooding and update of collation of information
2. Future river management
3. Exacerbation of damage caused by beavers.

If you need any additional information on any of these issues at this time, do let us know.

1. Impact of recent flooding and update of collation of information

In addition to the infrastructure that has been impacted, many millions of pounds have been lost in valuable crops that have been destroyed; in particular, high-value crops many of which were right at the end of their growing season.

The list of those crops reported by NFUS members includes: potatoes, seed potatoes, carrots, cauliflower, broccoli, iceberg lettuce, asparagus, sugar beet, brussels sprouts and winter cereals. It is important to note that contractual obligations mean that farmers who have lost their vegetable crop are legally required to source the crop from elsewhere so as to still provide it to the processor or retailer, often at a higher price than expected due to a shortage of said product. All of the risk thereby lying with the primary producer.

Scotland has a limited amount of productive arable land yet from an economic perspective it punches way above its weight. One per cent of our land delivers over 16 per cent of agricultural output. This includes popular everyday fruit and vegetables such as cauliflower, broccoli, carrots, and potatoes. The loss of these high-value crops will have massive economic, environmental and social repercussions for years to come.

NFU Scotland has been collating data from our members to gain a clearer understanding of the impacts and costs of the flooding both this year, and in the years ahead. Over recent weeks, we have been liaising with members impacted by flooding and provide the following information. Please note that this is not a comprehensive or exhaustive list of the damage. The condition of crops and infrastructure such as floodbanks has to be assessed when it is safe for that work to be undertaken and some impacts won't be known until crops still in the ground can be harvested.

A further consultation is currently underway, and we continue to engage with our members and collate information on this issue. We shall share this with you going forward. In the meantime, we provide a snapshot of the current information that we currently have following

a data collection exercise from eight members within the East Central region whose businesses were substantially impacted by Storm Agnes. This information is provided in the table below.

Accumulated loss of crop in acres	Accumulated loss of crop costs	Accumulated cost for flood restoration costs	Accumulated cost for infrastructure impacted by flooding
1148	£7,014,460.00	£284,000.00	£60,000.00
Crops damaged: Cauliflower Broccoli Carrots Potatoes Seed potatoes Asparagus Sugar beet Winter wheat Winter barley Spring barley Sprouts Iceberg lettuce.	Specific examples provided – immediate costs: Staff – Overtime costs of around £2,000-£3,000 per month to deal with problems caused from flooding. Floodbank breaches – £55,000-£60,000 damage from one floodbank across four areas. Soil – 8-10 acres of top-soil washed away. Contamination from invasive weeds and species from river water. Fencing – £8000 to restore around 800m of lost fencing.	Specific examples provided – future planning costs Floodbanks – Raising floodbanks up and filling in beaver holes. Field drain ditches – Jointly working with neighbouring farmers to improve draining ditches £20,000 - 30,000. Invasive species Remedial action	Specific examples provided – infrastructure costs: House damage £50,000 Machinery damage - £50,000 Tree damage - Trees knocked over causing road closures and logistical issues. Bridge damage – resulting in logistical issues for farms.

We are continuing to gather evidence to obtain the granular detail of the devastating impact on farmers businesses, with flooding devastating the lands that crops grow on. Farmers are the lynchpin of rural communities; therefore, these floods are having a detrimental effect on the surrounding communities, not just the farm business.

It is evident that some form of financial support is needed from the Scottish Government for agricultural businesses.

2. River management

Up to around 30 years ago, gravel and silt would be removed from strategic pinch points on our rivers. River management was always seen as routine and required maintenance, and in many cases, the material removed was either replaced in the floodbanks or indeed recycled

for another use. Not only did this protect valuable high value crops, but it helped enormously in protecting towns and villages from flooding. This was at no cost to the taxpayer.

In the early 90's, new regulations came into effect regulating this activity under the auspices of protecting aquatic life. While this is, of course, important, we can't ignore the impact that this change has had on the subsequent damage from flooding. We believe that the inability to actively manage the river was apparent to the whole community in the recent storms near the Isla, Tay, South Esk, Earn and Ericht.

We are therefore seeking an urgent review of the existing Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CARs), which cover engineering works in inland waters. At a recent farm visit you committed to arranging a meeting on farm with SEPA. We would be keen to be involved in these discussions in particular to look at the potential for more pragmatic approaches to watercourse management to mitigate flood risks.

3. Exacerbated damage due to beavers

The flooding damage to agricultural land and crops over the past week has been devastating for many farmers. In areas of prime and productive agricultural land in Tayside, it has been clear that, in some instances, these issues have been exacerbated due to flood defences (banks) and riverbanks which have been undermined by beaver activity.

Beavers in such locations add to both the causes and extent of flood damage. With repair costs and lost production costs running into six-figure sums for some farming businesses, it is imperative that our farm businesses are not expected to pay for the damage caused by beavers. The public goods associated with particular species cannot be sustained at private cost.

We have real evidence showing their impact on areas where there was never the issue of floodbank blow outs prior to their reintroduction. We have come to the point where we simply cannot afford to have any beavers present, not only on Prime Agricultural Land (PAL), but productive arable land above Land Capability for Agriculture (LCA) Class 3.1.

Given that NatureScot is now open to applications for the translocation of beavers, we believe that this should be paused, especially in the context of areas with productive agricultural land in flood plains and areas where protective floodbanks are present. We have clearly and consistently warned about the situation and the impact of beavers on farm businesses as a result of the exponential increase in the number and are writing to Francesca Osowska, Chief Executive of Nature Scot, seeking action.

Conclusion

We would welcome the opportunity to continue discussions with you, or your officials, so we can not only address the immediate impact that this recent flooding has had on our members but set into action a strategic approach to better manage, plan and mitigate for future issues.

During our recent meeting with the First Minister, we asked him to co-convene a Scottish Agriculture Resilience Summit to explore the increasing climate volatility and how we work collectively with the public and private sector to plan, mitigate, adapt, and respond to become more resilient to shocks. He underlined that he wanted us to be part of discussions and whichever way that is delivered we would be delighted to collaborate.

As I highlighted above, we will continue to collate information as to the recent damage and look forward to hearing from your office as to how we can take these discussions forward.

Yours sincerely,

A handwritten signature in black ink that reads "Martin C. Kennedy". The signature is written in a cursive style with a large, sweeping 'M' and 'K'.

Martin Kennedy
President, NFU Scotland



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██████████
Regional Policy Advisor Shetland
NFU Scotland

Via email: ██████████@nfus.org.uk

10 July 2023

Dear ████████,

Thank you for taking the time to meet with me during my visit to Shetland in May. At our meeting you raised a number of issues, which I have addressed below:

Sheep farming and peatland restoration

At our meeting you raised concerns about peatland restoration and farming. Restoring degraded peatland and keeping people productive on the land doesn't have to be mutually exclusive. The impact on grazing in areas of degraded peatland will need to be given due consideration, and a balance will need to be struck in regard to the planned management of the land and what activities are undertaken at any given time.

Areas of degraded peat, especially bare peat, do not currently provide valuable grazing for livestock, however restored peatlands could increase grazing extent and reduce livestock loss by removing hags and gullies which in turn can lead to increased livestock productivity.

If overgrazing by livestock is found to be the cause of degradation, then peatland restoration through Peatland Action can lead to a temporary stocking density reduction, but in many cases due to the extent of the wider hill grazing area stocking levels are able to remain unchanged.

The Scottish Government's Vision for Agriculture, published in March 2022, outlines our aim to transform how we support farming and food production in Scotland and become a global leader in sustainable and regenerative agriculture. The updated Route Map illustrates how we will deliver the Vision, and information on conditions that will apply from 2025 were announced on 22 June. This included confirmation of the introduction of new protections for Peatlands and Wetlands as a new condition on basic payments from 2025.

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In addition, a list of draft measures was published in February 2023 which provides further clarity on how we intend to deliver the ambitions set out in the Vision, and contains information on how and when schemes will change and how the new framework will be phased in from 2025. The list of measures has been built on academic research and recommendations of the Farmer Led Climate Change Groups and will continue to be refined as part of the ongoing co-design process. By sharing the measures currently being considered by the Scottish Government as we work through the design of the new system, the Route Map is designed to help farmers and crofters understand our direction of travel and plan for changes to the support they receive. Finally, our National Test Programme will support and encourage farmers and crofters to learn about how their work impacts on climate and nature, including offering financial support to carry out carbon audits, soil testing and nutrient management planning, establishing a clear baseline and options for action for all who participate. For delivery of future agriculture support we are taking a co-development approach and that will involve representatives from the crofting counties.

Decrofting

The Crofting Commission operates a model of delegated decision making, with three levels of decision making. The Commission encourages applicants to familiarise themselves with the information in the notes that accompany the decrofting form and the parameters for the application type. This will help ensure that the application is accepted first time and may mean that the application can be considered at Tier 1, which is the quickest route to decision.

The Commission has advised that decroftings are amongst the more difficult applications received and many need to be escalated to senior colleagues for adjudication.

Very often the Commission is not able to approve the application in its original form. Not wanting to simply refuse it, the Commission enters into dialogue with the applicant, which can increase the length of time before a decision is made. Decisions can also be delayed when there is uncertainty or a dispute with the croft registration map.

In 2022-23 the Commission received 459 decrofting applications and discharged 419, only 6 applications were refused.

The Commission aims to protect land from being removed from crofting tenure and has to consider a number of factors. The legislation sets out the basis on which the Commission can consider granting a decrofting application. The Commission is required to assess each reasonable purpose application against a number of legislative factors, such as, the good of the croft, the crofting community and the public interest, and must be satisfied that the extent applied for is not excessive. If you wish this topic to be discussed by the Crofting Bill Group, I would ask you to contact the NFUS representatives on the Group to raise with my officials.

Vets

The Scottish Government is concerned about the shortage of vets across Scotland and is aware that difficulties around recruitment and retention of vets are more marked in rural and island areas. To help address these problems, the Chief Veterinary Officer for Scotland chairs the Scottish Veterinary Delivery Landscape steering group, which includes representatives from the Scottish veterinary schools and members of Scotland's veterinary profession. The group seeks to tackle the unique challenges experienced by the veterinary sector.

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This Government provides financial support to remote rural and island practices through the Highlands and Islands Veterinary Service Scheme, which includes Shetland. This long-established Scheme covers costs associated with the lengthy journeys, including ferry crossings, which are a feature of veterinary work in the Highlands and Islands of Scotland. This allows the practices to keep fees at a reasonable level for livestock keepers on crofts and small farms.

This Government encourages farmers and crofters to take advantage of veterinary advice on preventive medicine and herd/flock health planning. These activities do require veterinary input but can be scheduled to fit-in with other tasks. Preventive medicine and health planning can improve the health and welfare of the herd or flock, resulting in fewer disease outbreaks and a reduction in emergency callouts. Farm vets across Scotland are supportive of Scottish Government initiatives to improve health and welfare via preventive medicine, e.g., via the current Preparing for Sustainable Farming programme.

Energy Costs

As energy markets policy remains reserved to the UK Government, the Scottish Government is not able to take all the action we would like to in order to support households and businesses who are struggling with high energy costs. We do, however, continue to call upon the UK Government to make additional and more targeted support available to those households and businesses who need it the most. We called for extra support for both vulnerable businesses and households in the Spring Budget and are disappointed that this was not provided.

The draft Energy Strategy and Just Transition Plan sets out a series of actions we are taking to address the affordability of energy and its impact on the cost of living and doing business. We want to see an energy market that is fairer with costs distributed equitably. Home-grown clean energy provision must be maximised, limiting our exposure to the effects of global energy price shocks.

Harnessing our low carbon and low-cost renewable resources is our most likely pathway to net zero. Already one of the cheapest forms of energy, renewables have a vital role to play in supporting long-term affordability of our energy and we want to see these benefits passed on to consumers. The current market arrangements prevent the low cost of renewables translating into lower consumer bills. We have repeatedly called on the UK Government to decouple the market price of renewables and low carbon electricity from the cost of gas.

We welcome the intention set out by UK Government in its Energy Security Strategy to deliver wholesale electricity prices that rank among the cheapest in Europe by 2035, and to consult on how to rebalance the wholesale price of gas and electricity. Consumer impacts, especially for those in fuel poverty or in other vulnerable circumstances, should be a central concern of electricity market reform. We are concerned that the current approach presents a disconnect between reform of wholesale and retail markets.

We are developing our position on what “good” electricity market arrangements look like for Scotland to ensure that GB electricity market reform supports our draft Energy Strategy and Just Transition Plan goals of reaching net zero, delivering a safe and secure supply, a just transition and generating economic opportunities – in a way that provides confidence for investors and developers, and fairness for consumers.

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We continue to engage with the UK Government (including through the End User Forum), Ofgem and National Grid ESO, as well as wider Scottish stakeholders, to ensure REMA meets Scotland's needs and interests.

Small Producers Pilot Scheme

The NFUS is represented on the steering group, and I have been advised that its representative, David Michie, is fully aware of what is happening in this area. Officials will of course be happy to have a separate discussion with the NFUS regarding this.

I met with the UK Abattoir Sector Group on 4 May 2023. As per the actions, the Group has now provided the results of a survey carried out by the Sustainable Food Trust and National Craft Butchers, along with Scottish data. I have committed to keep in touch with the Group and to meet again when the time is right, and once the Small Producers' Pilot Steering Group has reported on their abattoir survey. If you would like to take part, the survey went live on 29 May 2023 and is available to complete until 14 July 2023, at: [Abattoir Survey \(saos.coop\)](https://saos.coop)

Freight containers for livestock

At the meeting, the request was put forward for additional freight containers for livestock, as there is no roofed area at the port, and it was suggested that this is not acceptable for the welfare of the animals. Please be assured that my officials will look further into what the concerns are and if there is an appropriate way for the Scottish Government to assist, then we will.

Regarding the Northern Isles research project on animal welfare, I can confirm the Scottish Government has commissioned this research to understand the impact of ferry journeys on livestock being transported between the Northern Isles and the mainland, aiming to maximise animal welfare whilst avoiding significant constraints on this important trade. It has been commissioned due to a recommendation by the Farm Animal Welfare Committee opinion in 2020 which raised the lack of research in this area. This research project is not a review of animal welfare policy or a proposal to change legislation, but an opportunity to ensure we have a full picture of the welfare impacts sea journeys may have on livestock. The Scottish Government understands the flow of animals is an integral part of the sustainability of island communities and this research is reviewing the current practices to ensure animal welfare needs are of the highest standard. SRUC were awarded the commission to undertake the research and it will take place throughout 2023 and then the findings will be carefully considered. SRUC have held two virtual stakeholders meeting with plans to hold face to face meetings over the upcoming months.

I hope you find this reply helpful.

Yours sincerely,



MAIRI GOUGEON

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26/09/2023

[Redacted text]

Thank you so much for your email.

Unfortunately, due to diary pressures the Cabinet Secretary is unable to attend this event, but Ms Martin as Minister for Energy and the Environment has kindly agreed to attend.

Ms Martin is also facing extreme diary pressures at the moment and I'd be grateful if you can liaise with her office to arrange a suitable time for the Minister's attendance and session at the conference.

Best wishes,
[Redacted text]

[Redacted text] | Private Secretary to the Cabinet Secretary for Rural Affairs, Land Reform and Islands
The Scottish Government | St Andrew's House, Regent Road, Edinburgh, EH1 3DG

[Redacted text]



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21/09/2023

Dear [Redacted text],

Please find attached a letter from Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands.

Best wishes,
[Redacted text]

[Redacted text] | Private Secretary to the Cabinet Secretary for Rural Affairs, Land Reform and Islands
The Scottish Government | St Andrew's House, Regent Road, Edinburgh, EH1 3DG

[Redacted text]



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21 September 2023

Dear [REDACTED],

I would like to make you aware of the current appointments round for the Scottish Land Commission.

We are looking for new Land Commissioners, including a candidate to Chair the Board of Commissioners, at a particularly important time for land reform in Scotland, with the Scottish Government committed to introducing an ambitious Land Reform Bill, based on recommendations made by the Scottish Land Commission, by the end of this year. The role of the Scottish Land Commission is to stimulate fresh thinking, advise the Scottish Government on an ongoing programme of land reform, and to provide leadership for change in culture and practice. You can read more about the Scottish Land Commission on their website: [About us - Scottish Land Commission](#).

A Land Commissioner's non-executive role is to provide leadership, direction, support and guidance to ensure the Scottish Land Commission delivers its functions effectively and efficiently, and in accordance with the aims, policies and priorities of Scottish Ministers.

To be successful in its role, the Board needs Land Commissioners with a range of knowledge, skills and experience. We are currently looking for people with either: experience of finance and audit; understanding of land policy and reform; or expertise in relation to human rights legislation in a devolved context. Candidates will also need to demonstrate evidence of: strategic thinking and oversight; communication skills; teamwork and collaboration; and sound judgement.

Candidates do not need to have previous experience of being on a Board. New Land Commissioners will have the opportunity to receive comprehensive training. This will include being assigned an existing Commissioner as a mentor, who will offer individual support and guidance, in order to learn the new skills they require during their time on the Board.

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The Scottish Land Commission is seeking to broaden the diversity of its Board further, as it values highly the benefits that diverse perspectives and experience brings. We strongly encourage people from a wide range of backgrounds and currently under-reflected groups to apply, including those from varied socio-economic backgrounds.

I would be grateful if you could please raise awareness of the appointments with your members and networks, and encourage them to consider submitting an application.

The role of a Land Commissioner is a fulfilling and rewarding role. After reading this pack, if they would like to find out more about being part of the Scottish Land Commission, please do not hesitate to get in touch with Lorne Macleod, one of the current Commissioners, by emailing Lorne.Macleod@landcommission.gov.scot. We are also holding two online events to provide further information on the Scottish Land Commission, the Board of Commissioners and the roles on:

Thursday 5 October at 13:00 and 19:00

Please visit [Events - News & Events - Scottish Land Commission](#) to register for either of these online events.

Yours sincerely,



Mairi Gougeon

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