



Law Society
of Scotland

Consultation response

Agricultural transition - first steps towards our
national policy

November 2021



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Rural Affairs Sub-committee welcomes the opportunity to respond to the Scottish Government's consultation on *Agricultural transition - first steps towards our national policy*¹. We do not seek to respond to the consultation questions but have the following general remarks to make.

General comments

We consider that it is crucial that there is strong integration between relevant policies and plans in the rural sphere in order to achieve the greatest possible benefits – for example, those relating to agriculture support, the management of land, wildlife, moorland, and peatland. Support for agriculture cannot be considered as an isolated issue – not only does agriculture impact on food supply but also upon our wider economy and trade. We note the reference in the introduction to the consultation to producing high quality food. We note the importance of a strong agricultural sector to supporting food security – examples of fresh food shortages in some parts of the UK over recent months have highlighted difficulties with reliance on food imports. The role of the sector in producing high quality food also has important impacts in helping to reduce emissions.

We welcome the recognition in the consultation of the importance of economic sustainability as the climate change and biodiversity crises are tackled, and we are supportive of the aim to achieve a just transition. The social and economic impacts of measures taken will require to be carefully monitored and assessed so as to ensure that measures are meeting the just transition objectives. It is important that there is a degree of stability and forward planning in terms of financial support for those in the agriculture and forestry sectors to enable businesses to take informed decisions about their operations. This is also likely to assist longer-term planning and investment which is likely to help to achieve climate and biodiversity ambitions.

It is important that arrangements for financial support in the future do not have wider detrimental impacts. It is therefore of particular importance to consider the longer-term implications and possible unintended consequences of policies and plans to be introduced. While there is understandably a significant focus on

¹ <https://consult.gov.scot/agriculture-and-rural-communities/agricultural-transition-in-scotland/>

incentivising improving environmental credentials, those who have already shown leadership in the sector, improved their environmental credentials at their own expense and are in a good environmental position to maintain their credentials should also have the opportunity to benefit.

There is reference in the consultation to the development of new approaches to tackling climate change, including in relation to carbon credits, and the importance of data, including carbon audits, as a basis for accessing public funding. We consider that data can play an important role in helping to monitor and enhance improvements to agricultural practices.

Carbon credits has been a matter of growing relevance to the agricultural and crofting sectors in recent years. The system of carbon credits in the UK is based on voluntary codes and guidance, such as the Woodland Carbon Code and Peatland Code. We consider that there would be merit in considering establishing an express legal regime for measuring and trading carbon units to ensure certainty and clarity in the regime and support the opportunities for carbon sequestration to be fully realised.

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