

## **Peter Peacock MSP**

Speech in the Scottish Parliament

### **Farm Payments (Penalties)**

23 June 2010

**Peter Peacock** : Like Dave Thompson and other members who will speak in due course, I welcome the debate that Liam McArthur has brought to the chamber this evening.

Obviously, the issue is of real concern to many crofters and farmers who are caught up in the issues that Liam McArthur outlined.

It is important that the Parliament has been given the chance to give the subject an airing and to hear the minister's response.

It will help to clarify the Government position—indeed, anyone can read the *Official Report* of the debate. Liam McArthur set out the issues very well, as did Dave Thompson, who also addressed the issue of animal health.

I will not repeat what they said; I intend to reinforce it.

In so doing, I will concentrate on the issue of land, not livestock.

At the time that the issue was coming to the fore, the NFUS set out clearly its concerns. It said that it was concerned at

"the failure to provide Scottish farmers with proper guidance on the subject."

Liam McArthur referred to the timing of the guidance.

As he said, it was issued extremely close to the deadline, which meant that it was impossible for everyone to take account of it.

The NFUS also said clearly that the

"ongoing confusion and uncertainty over what ground is deemed eligible and ineligible" was "causing real concern" to the farming and crofting community and that individuals could suffer retrospective penalties as a consequence of getting it wrong, in addition to anything that may happen in future.

One particular concern that the NFUS pointed out is the interpretation and understanding of what constitutes bracken and gorse—how such land is counted in, or out—particularly given past practice on the issue.

At the time, Jim McLaren rightly made it clear that land can be grazed at certain points of the year and yet be covered in bracken later in the year.

He said that the critical question for the farmer is: at what point does the land move from being ineligible to eligible, or eligible to ineligible?

The matter is one of fine judgment and interpretation and the answer will vary according to the part of country where the farmer resides, the altitude at which they farm, weather conditions and so on.

If there is confusion on the matter—clearly there is—one can understand how farmers may inadvertently have made a claim that subsequently is deemed to be ineligible. They did so in good faith and in light of what was passed in previous years.

The NFUS set out a couple of ways in which it thinks the matter can be resolved.

One option is to recalculate SFP entitlements in such a way that ineligible land is removed from the land base area; another is to take account of the slope of the land in any land base calculation.

John Scott has regaled members of the Rural Affairs and Environment Committee on the latter subject in relation to his holding.

I hope that he will do so again tonight as that will inform the Parliament more widely on the issue.

The NFUS suggested a move away from the current flat-mapping system to one that takes account of the slope of the land.

The NFUS said that it felt strongly that the goalposts had shifted and that that was unfair.

As Liam McArthur and Dave Thompson said, it is important that we have a system of compliance and that the system is robust.

In its briefing for tonight's debate, the RSPB made that point clearly. It is also vital that the system is fair and is seen to be fair.

For a system to be fair, it must also be clear, including to all its participants.

People should not be penalised because of lack of clarity or ambiguity in the system.

The NFUS is a responsible organisation.

It understands the complexities of farming better than almost any other body.

It tends to work with and not against Government.

It is also not overly critical when it does not have to be.

If the NFUS calls for an amnesty on a matter, it does so not lightly, but after due consideration.

In this instance, such is the level of concern that the NFUS has called for an amnesty.

It has done so because of the issues that I have raised thus far.

Tonight the minister has an opportunity to set out clearly the Government's position, so that crofters and farmers can see what it is, understand the reasons for the actions that are taken and make up their minds.

I look forward to hearing what the minister says when she winds up.