Devolution and Delivery: Recent Rural Policy-Making in Scotland

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Abstract

Since 1999, Scotland has (re)gained a considerable degree of political independence from the rest of the UK, and a minority nationalist government since 2007 has determined a strong general policy agenda, including ambitious climate change commitments. This new political framework is being exploited in various ways as regards agricultural and rural policy. Recent developments in Scottish agricultural and rural policy (e.g. implementation of the CAP's Pillars 1 and 2, especially the latter's "Rural Priorities" scheme, and "land reform") and its governance (public administration and private involvement) are described, with conclusions about the implications of devolution.

Keywords: Scotland, rural policy, rural development.

Introduction

Following the May 1997 election of the Blair government in the United Kingdom (UK), a Scottish Parliament was established in Edinburgh in 1999, with a form of proportional representation. The Members of the Scottish Parliament (MSPs) elected, from a left-central (Labour-Liberal) coalition, a set of Ministers to direct the 'Scottish Executive', a title altered to 'Scottish Government' (SG) in 2007, when the Scottish National Party (SNP) replaced the coalition. A separate administration (civil service) and budget for the 'Scottish Office' had in fact existed for many years, but political power is now 'devolved' for most aspects of domestic government, including health, education, transport, local government and environmental management. However, in addition to defence, foreign affairs, etc., significant tax-raising powers and business regulation (e.g. over food) are excluded, and Scotland continues to get a (rather generous) annual "Barnett formula" expenditure block grant from London.

The increased capacity and political desire to pass new legislation led to a number of new Acts in the early 2000s, notably in the field of rural affairs, such as Acts to ban hunting with dogs, to set up National Parks (previously restricted to England and Wales), and the Land Reform (Scotland) Act 2003 which awarded a general right of 'responsible' public access over land and inland water, and a significant community 'right to buy'. The new Scottish government also had to handle the foot-and-mouth disease crisis of 2001-02, although this did not require new legislation. Within the administration, the original Department of Agriculture and Fisheries for Scotland had undergone a number of changes of title and scope since the 1990s, dropping "Agriculture" from its title in favour of "Environment" and "Rural". The current – and rather confusing – situation is that a Cabinet Secretary (i.e. Minister, one of six at this level) has the "Rural Affairs and the Environment" portfolio along with an assistant "Minister for Environment". A permanent official, the "Director General Rural Affairs, Environment and Services" is in charge of a number of "Directorates" such as those for "Rural and Environment", "Rural and Environment Research and Analysis", "Rural Payments & Inspection", and "Marine Scotland".

Background

Design and execution of rural policies in Scotland has always had to take account of its highly diverse geography. The highly urbanised central belt is focussed on Edinburgh and Glasgow with

their key service sectors, and contains about two-thirds of the national[1] population of 5 million. To the north and west, there is the mountainous and sparsely populated Highlands region, and the Western and Northern Isles, each with more or less distinctive cultures (e.g. language, i.e. Gaelic) and land tenure systems. The agricultural North-East surrounds a prosperous city (Aberdeen) focussed on oil and gas extraction in the North Sea and worldwide, and the Borders region in the south is characterised by extensive grazing and large-scale post-war afforestation. These contrasts have coloured Scottish administrative and political arrangements for centuries. For example, in the Highlands and Islands, the Crofting Commission in the 1880s established the legal basis for this distinctive multi-activity farming system, and in the 1960s a special Development Board (agency) was set up to stem depopulation. The North-East, with its food-surplus status, has supported the largest non-statutory agricultural cooperative in the UK[2], while dairying and horticulture characterise the peri-urban areas in the south-west and centre-east of the country, respectively. The state-run Forestry Commission Scotland (largely separate from the English and UK organisations) operates about a third of the national forest area, and administers a range of grant schemes, some regional in nature. Uses of the Scottish countryside for leisure purposes range from Highland "estates" (large land holdings, often over 10,000 hectares) purchased or rented for traditional private hunting, shooting and fishing (or for environmental management by an NGO), to popular summer destinations in the scenic glens (valleys) and on the coast, with facilities such as visitor centres, castles, bed and breakfast, etc. Outside summer and winter recreation has long been popular, and nowadays include wildlife holidays and considerable tourism from outside Scotland.

The Scottish countryside and its rural economy have been the subject of many policy-related studies and reports. Highlights over the last two decades have included government reviews and strategies (e.g. SE, 2003 and 2006a, b, c), an OECD policy review (OECD, 2008), and academic reports (e.g. RSE, 2008; SAC, 2009). Academic analyses focussing on agricultural and rural policy since devolution have been rarer, but include Shortfall and Shucksmith (2001), Keating and Stevenson (2004) and Jordan and Halpin (2006).

In 2007, the incoming SNP government initiated a strong framework for itself, focused on a "Purpose" of "increasing sustainable economic growth" with 11 "Purpose Targets" and 15 "National Outcomes" for 2017, and five "Strategic Objectives" ("Wealthier & Fairer; Smarter; Healthier; Safer & Stronger; Greener") and 45 "National Indicators"[3]. These now dominate policy-making (at least at higher levels, and in text if not budgets), both at SG level and various government agencies (e.g. Scottish Natural Heritage, VisitScotland, Scottish Enterprise), and the 33 local (regional) authorities around the country. It has also pursued an active pro-nationalist agenda, arguing for further constitutional change, further tax-raising powers, and greater overseas representation, e.g. in Brussels Councils of Ministers (especially fisheries, but also agriculture) and in the United States. Its relationship with the new (2010) right-centre UK government in London remains to be worked out.

Agricultural Policy in Scotland

Since UK accession to the European Union (EU) in 1973, agricultural policy in Scotland has of course been dominated by Common Agricultural Policy (CAP) legislation and expenditure originating in Brussels. Scotland maintained its own Less Favoured Area (LFA) regime from the start, and implemented its own milk quotas, agri-environmental schemes, etc. since 1984. In the 1990s and 2000s, the increasing importance of "rural development" (now Pillar 2) within the CAP gave wider scope for semi-independent policy-making (as well as administration) in the areas now known as

[1] Throughout this paper, the term "national" is used to refer to Scotland, while "UK" or "Britain" is used to refer to the EU Member State. "Great Britain" excludes Northern Ireland.

[2] Aberdeen & Northern Marts, now ANM Group Ltd.: see http://www.goanm.co.uk/group/about/history.html.

[3] See http://www.scotland.gov.uk/About/scotPerforms.

Axes 1 (agricultural competitiveness), 2 (environmental land management) and 3 (economic diversification and rural quality of life).

In response to longstanding complaints that agricultural and rural administration was too complicated for the typical farmer, landowner or resident to understand, Scotland's Environment and Rural Services (SEARS) was set up in June 2008 as a partnership between nine public bodies[4] on the principle of "one door, any door". Land managers can now expect a single point of contact for information and advice, with "a common and transparent customer care standard", and agency staffs have to work more beyond their normal organisational boundaries. A further driving force was the expectation of efficiency savings, which have been claimed in the sheep sector, groundwater licences and inspections. A current SEARS development is the piloting of a number of "rural hubs" (local offices with a wider remit). Ordinary citizens are less well served, with both national (and UK) and local governments and agencies to consider, along with a large number of non-government organisations, again both local and national (or UK).

As elsewhere in the EU, the core of agricultural policy in Scotland is the CAP's Pillar 1, i.e. the Single Farm Payment Scheme (SFPS), as well as still-significant border production for livestock and livestock products which account for about 50% of total output. Scotland has implemented the "historic" SFPS method (unlike England's "dynamic hybrid" move to a three-tier regional flat-rate scheme), and it has fixed the combined (compulsory + voluntary) rate of modulation at 14% (England 19%). It also operates a Scottish Beef Calf Scheme (SBCS) under Article 69 of Council Regulation (EC) 1782/2003. At national level, these payments of around £500 million (Euro 600 million) approximate the level of Total Income from Farming (the preferred indicator), and greatly exceed income levels on extensive farms. This goes a long way to explain the resistance in Scotland towards exploiting the full degree of flexibility allowed by current CAP regulations. Thus, the prospect of CAP reform after 2013 – pressed hard by the UK government in London – has raised considerable apprehension amongst many Scottish farmers, and a current review that stresses the importance of production increasing policies in contrast to the agri-environmental dominated schemes of the past 10 or so years.

In mid-2009, the Scottish Minister asked Brian Pack, a respected Scottish agribusinessman (originally an agricultural economist) to carry out an enquiry "*to make recommendations to the Scottish Government on how financial support to agriculture and rural development can best be tailored to deliver the Scottish Government's purpose of sustainable economic growth"* in order to "*allow the Scottish Government to take informed policy decisions which shape the future direction of agricultural support payments in Scotland*." A final report has not yet been issued, but the Government has acted on some "short-term recommendations" to restrict SFPs to farmers "*carrying out genuine activity*", i.e. to "active farmers".

The Scottish Rural Development Programme (SRDP)

The Scottish Rural Development Programme (SRDP) for the current 2007-2013 EU programming period comprises about £1.5 billion (Euro 1.7 billion)[5] of public expenditure over the 7 years, of which about two-thirds comes from national funds, and most of the rest from compulsory and voluntary modulation funding from Pillar 1 to Pillar 2. It has 5 "key outcomes", i.e. business

[4] The nine agencies were: Animal Health, the Cairngorms National Park Authority, the Crofters Commission, the Deer Commission for Scotland (since amalgamated with SNH), Forestry Commission Scotland (FCS), the Loch Lomond and the Trossachs National Park Authority, the Scottish Environment Protection Agency (SEPA), the Scottish Government Rural Payments and Inspections Directorate (RPID), and Scottish Natural Heritage (SNH).

[5] From the current SRDP website, http://www.scotland.gov.uk/Topics/farmingrural/SRDP. However, the most recently approved SRDP document (SG, 2010, Ch. 6) gives "total programme expenditure" of €1.36 billion.

viability and competitiveness; water quality; adaptations to mitigate climate change; biodiversity and landscapes; and thriving rural communities; and includes seven components, i.e. Rural Development Contracts (RDCs), the Less Favoured Area Support Scheme (LFASS) and LEADER, along with the smaller Food Processing, Marketing and Co-operation Grant Scheme, Crofting Counties Agricultural Grant Scheme, Forestry Commission Challenge Funds, and Skills Development Scheme.

The RDCs "*represent the central part of the integrated approach to the 2007-13 SRDP*" (SRDP, Ch. 5), and attempt to link Pillar 1 SFPs with Pillar 2 by offering two additional "tiers" on top of the SFPs with their cross-compliance requirements. Tier 2 comprises Land Managers' Options (LMOs; Land Management Contracts in the 2000-06 RDP), a "*non-competitive, allowance-based delivery mechanism for … farmers and other land managers who deliver a range of benefits beyond those delivered by EU and national legislation, including Cross Compliance, in recognition of the multi-functional nature of farming*" (SG, 2010, Ch. 5). Land managers (farmers and others) can choose from a menu of LMOs (21 measures, with sub-options), and are entitled to receive payments up to a maximum based on their annual SFP application.

The third tier is RDC – Rural Priorities (RP) which "*brings together a range of separate schemes previously available both within and outwith the 2000-06 SRDP, … and builds on these with new measures. This tier is a competitive, targeted scheme, open to a wide range of beneficiaries including land managers, members of farm households, rural businesses, and community groups. … The focus of the scheme is on delivery of priority outcomes, with an emphasis on collaboration to deliver integrated and/or landscape scale benefits*" (SG, 2010, Ch. 5). There are 70 RP measures and sub-measures, some with further sub-options.

RDC-RP applications are assessed by 11 official Regional Project Assessment Committees. Each RPAC initially set up "regional priorities" and "theme headings" but most of these are remarkably similar to an initial set of generic national priorities. RP applications are made – online only – in two stages: first, a Statement of Intent, given an 'amber' or 'red' rating by the case officer, and then a detailed Proposal plus Outcome Plan. Individual proposals are scored[6] by case officers as 'High' or 'Low' on the basis of 14 criteria in three groups, i.e. contribution to relevant regional priorities (quality, quantity, collaboration, integration, multiple outcomes, innovation, contribution to national targets), value for money (additionality, added value, long-term benefit, leverage) and management of risk (meeting demand, minimising impacts, demonstrate feasibility). They are then assessed by a (national) "central implementation team" against five "budget categories" (and "constraints prevalent at the time"), i.e. business development, agri-environment, forestry, rural enterprise and rural communities, and "cut-off scores" (thresholds) and "buffer ranges" determined. Finally, the RPACs, which may use "additional criteria", are invited to endorse these centralised approvals as recommendations to the Minister, and to re-consider those in the buffer ranges.

The whole RP system is largely 'transparent' on multiple webpages, but appears to most people incredibly complicated.[7] The online-only requirement ran into IT delays and difficulties in the early period (2008), and led to Parliamentary accusations of "exclusion" on behalf of small and remote crofters and others without broadband. It and the complexity also necessitated the use of agents (consultants), and large-scale applications were seen as receiving over-favourable treatment. As the cut-off point was altered between one set of RPAC meetings (normally held quarterly) and the next, expectations about the likelihood of application approval varied widely. General dissatisfaction with the SRDP in the first two years led to the Minister commissioning an independent "first stage review" by an agricultural consultant (Cook, 2009). As a result, the RP Statement of Intent stage has been made optional, and some forestry RP applications have been removed from the RPAC timetable and are receive "ongoing" approval (i.e. a return to the previous FCS system). Moreover, certain grant rates and maxima have been altered[8]. At time of writing, around 4,500 RP projects have been approved, with funding of £330 million (Euro 400 million)

[6] See http://www.scotland.gov.uk/Topics/farmingrural/SRDP/RuralPriorities/HowItWorks/Assessment/Scoring.

[7] See http://www.scotland.gov.uk/Topics/farmingrural/SRDP/RuralPriorities/HowItWorks/Assessment.

[8] See Ministerial statement at http://www.scotland.gov.uk/News/This-Week/Speeches/Greener/agriculture-support.

Similar changes have been made to other, less complex, SRDP schemes, notably LFASS, whose payment rates in 'fragile' and 'very fragile' areas have been (further) increased, and to the LMO options. In addition to the pressures identified above, many of these changes have been stimulated by concern over the decline in livestock numbers in the Scottish hills (see SAC, 2008), increased interest in renewable energy sources, and high national concern with climatic change (see next section).

Scotland and Climate Change

Scotland is notorious for its poor weather, although in fact it has a temperate climate warmed by the Gulf Stream, with annual rainfall varying from under 900mm on the east coast to 2000-3000mm in the west. The UK Climate Impacts Programme (UKCIP, 2010) has forecast that Scotland in the 2080s will be, on average, 3.5°C (degrees Celsius) warmer in summer and 2.5°C warmer in winter, with more extremes, wetter winters (though up to 90 per cent less snowfall), coastal areas threatened by sea-level rises of up to 600mm, and an increased risk of flooding. Recent decades have indeed seen developments along these lines, although January-March 2010 was especially cold and snowy, with farm building roofs suffering collapse, wild deer and some sheep dying from starvation in deep snow, and commercial skiing extended to Midsummer Day. Nevertheless, probable climate change is relatively high in public consciousness, partly influenced by the country's involvement in oil and gas production for four decades, and intriguing prospects for renewable energy from plentiful wind, tides and (further) hydro sources.

The Scottish Government has sponsored a Climate Change Act (2009), and adopted a Climate Change Adaptation Framework, comprising advice and guidance to all public bodies, the private sector and the 'third sector' (communities and NGOs). The Framework will identify a number of "Sector Action Plans", including those due in 2010 for agriculture and forestry. National targets include an 80% reduction in greenhouse gas (GHG) emissions by 2050, and the generation of 50% of electricity and 20% of total energy use from renewable sources by 2020. Recent progress has been in line with these targets, albeit assisted by the current recession. However, while grant applications for use of biomass for energy and other purposes have been popular under the SRDP, farm-based bio-energy plants are not yet economically attractive, and the recent high prices for timber, coupled with very limited progress towards the national "aspiration" of a 25% forest land share by 2050, have discouraged rural heating schemes powered by wood products. The Scottish Government has undertaken a "carbon assessment" of each line of its 2010-11 Draft (financial) Budget (SG, 2009): the outcome in terms of GHG produced per £ of SG expenditure was much higher for "Rural Affairs and Environment" than for other SG portfolios (about 1000 tonnes CO_2 equivalent per £m, compared to about 0.3 for the others such as Health and Education). However, this excludes EU funding (e.g. for SFPs and part of the SRDP) considered outside its control, and thus "unfairly" treats the considerable GHG emissions of Scottish agriculture; moreover, carbon sequestration by forestry is so far excluded. Nevertheless, both the Act and Framework demonstrate the significant SG commitment to addressing policy for climate change.

Land Use Strategy

The 2009 CC Act requires Ministers to lay before the Scottish Parliament a "strategy" with "objectives in relation to sustainable land use" along with associated policies, plans and timescales. Like the rest of the UK, Scotland has had for many years a strict land use planning system, under which most "development" of land (or water) such as building construction and conversion must be first approved by a local government committee of elected councillors with advice from professional officers and central government "guidance". There is an appeal (and an overriding "call-in") system to Ministers, and in recent years certain agricultural operations, such as intensive livestock projects, have

no longer been the subject of the general exemption for agricultural operations[9]. However, the new considerations of climate change policy, along with renewed appreciation of Scotland's scenery for tourism (one of six "key sectors" in the SG's economic strategy), have led to the search for the above strategy. A Rural Land Use Study[10] has been undertaken, with a focus on partnerships and networking, the valuation of public benefits from alternative land uses and various ecosystem services, and the need for a variety of spatial scales to be taken into account.

It is too early to say what the eventual outcome of this new national Strategy will be. At one level, it may turn out to be no more than a re-consideration of the pressures, conflicts and processes of the planning system and existing strategies such as those for biodiversity, agriculture and forestry (SE, 2004, 2006a, 2006d). At the other, it may introduce sweeping new elements in several policy areas, especially as regards adaptation to climate change. In pursuit of the overriding national Purpose of "increasing sustainable economic growth", a new National Planning Framework has given SG Ministers considerably increased central powers over "national developments". These are widely defined, and include major infrastructure projects for "connectivity" and renewable energy (e.g. powerlines through a National Park, and probably major wind farms themselves). It also remains unclear how agriculture and forestry will be treated under the Strategy; farming in much of the country, especially the more scenic areas, is heavily subsidy-dependent but is responsible for much of the scenery, while forestry faces an unrealistic planting target. Both sectors are highly heterogeneous across Scotland, and it will be hard to design policy instruments that fit all situations.

Discussion

The analysis of policy-making in general can be pursued in several ways, including the historical or legal approaches, the "stages heuristic" (Sabatier and Jenkins-Smith, 1993) of problem identification, agenda-setting, formulation, adoption, implementation, and evaluation (Anderson, 1994), and the institutional analysis and development (IAD) framework (Ostrom *et al*., 1994), which focuses on individuals. Analysis of policymaking during and after Scottish devolution ('a process, not an event", a phrase attributed to Donald Dewar, Scotland's first First Minister) is a specific context. UK research on Scottish devolution concluded (*inter alia*) that:

- The Scottish Executive/Government has had to build up new policy-making capacity and is reliant on its agencies and other external organisations for support and input
- Party competition pulls policy debate to the left of that in England, reflecting a bias in public opinion to more collectivist and egalitarian solutions
- Scottish interest groups have had to adjust from being lobbyists of UK government to more active participants in policy-making in Scotland, and frequently remain weak in policy-making capacity
- Scottish policy-making [has been] more consensual and negotiated. In part they have substance in a tendency for Scotland to cleave to liberal social values and social democratic welfare state attitudes which have been abandoned in England.

Jordan and Harpin (2006) conclude that: *"Scholarship has identified conditions that support [policy] coherence: a strong constituency with a shared policy image. This article explores the question of whether more coherence in one area comes at the cost of incoherence elsewhere.*

Case study detail contrasts the Scottish Executive's projection of a unified rural policy, with the reality of a persistent Scottish agricultural sector, with contending (multiple) publics with separate and often conflicting agendas: the case study found no unified policy community with shared perceptions. While a lack of coordination may simply be the manifestation of poor policymaking, this piece argues that in other cases the practical limitations on policy harmonization have to be acknowledged. Imperfectly coordinated rural policy may be inevitable as coordination in particular niches is often a

[9] Forestry has not needed strict planning control, since nearly all afforestation and felling takes place under grant schemes which can (and do) impose restrictions such as landscape considerations, public access facilities and avoiding disturbance of archaeological remains.

[10] See http://www.scotland.gov.uk/Topics/Research/About/EBAR/RLUS.

casualty of competing priorities. This article argues against over ambitious expectations about the feasibility of integration. Accordingly it suggests that the project to rid policy practice of incoherence is too heroic: instead this article rediscovers the virtues of bargaining among informed and relevant participants, and incremental politics" (Pages?)

Under a Rural Directorate chair, the Programming Monitoring Committee includes members from the three farmer unions (the national union, and those for tenant farmers and crofters), the landowners' organisation, two forestry organisations (one private, one public), two each from development agencies, environmental agencies and environmental NGOs, and one each from local authjorities and voluntary organisations.

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