



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

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5 March 2015

Dear Richard,

Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI 2015/58)

At its meeting on 4 March 2015, the Rural Affairs, Climate Change and Environment Committee considered the above SSI. Prior to this consideration, concerns had been raised by the National Farmers Union Scotland regarding the potential incompatibility between the Scottish Government's Basic Payment Scheme – Greening Booklet concerning catch crops, and regulation 18(5)(a) of the regulations in SSI 2015/58.

The NFUS told the Committee—

“The text [of the Greening booklet] reads:

For catch crop only:

“The main crop will be undersown with a recognised grass seed mixture containing perennial ryegrass and / or Italian ryegrass as part of the mix.”

This text seemed very sensible and reflective of normal farming practice with regard to the seed mixtures used to establish grass swards, including by under-sowing.

However, the text to be published in the Greening Booklet is not compatible with Regulation 5(a) of SSI, as currently drafted, which is very prescriptive in

relation to the types of grass can be grown and which does not refer to mixtures.

We cannot see any environmental benefit to the restriction, nor any basis for it in the EU legislation. Also, the restriction has never been published in guidance available to farmers. Many will already have ordered their grass seed with the intention of under-sowing their spring crops with it very soon. Indeed some are likely to have already sown the seed.

Simply deleting several words in Regulation 5(a), as suggested below, would resolve the problem:

(5) For the purposes of Article 45(9) of the Direct Payments Delegated Regulation—
(a) areas under catch crops may be established by under sowing ~~perennial rye grass (*Lolium perenne*) or Italian rye grass (*Lolium multiflorum*)~~ in the main crop provided that the grass and the main crop are sown during the period beginning on 1st March and ending on 1st August in any calendar year; and ...”

The Committee agreed to write to you on this issue to seek your response to the points raised by the NFUS, and agreed to defer further consideration of the SSI until its meeting on 18 March 2015.

I would therefore be grateful if you could reply to this letter by **Thursday 12 March** so that we can consider your response when we reconsider the instrument at our meeting on 18 March 2015.

Yours sincerely



Rob Gibson MSP
Convener