

# Submission

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## Common biomass sustainability framework

- NFU Scotland (NFUS) is the leading agricultural organisation in Scotland. Representing more than 9,000 farmers, growers and crofters, our members provide and support thousands of jobs and deliver significant economic, social and environmental benefits across Scotland.
- Agriculture is the lynchpin of rural Scotland and is an important part of Scotland's booming food and drink industry. Scottish agriculture generates a gross output of £4.6 billion annually. The farming and crofting sector is committed to sustainable food production, enhancing biodiversity and helping to tackle climate change.
- NFUS supports a framework that clearly recognises the role of domestic biomass from agriculture and forestry to deliver decarbonisation, diversification and rural jobs.
- We support strengthened sustainability requirements where they are grounded in robust evidence and reflect farming realities, recognising the multifunctional role of land in food production, carbon management and energy supply. We also support a principles-based approach as a means of balancing interest types.
- We urge UK Government to ensure that sustainability criteria are aligned with devolved policy frameworks in Scotland, and that engagement continues to reflect rural stakeholder input.
- Monitoring and verification must be practical for producers and proportionate; excessive administrative burden could deter investment in sustainable biomass supply chains, especially for smaller producers. We would support appropriate exemptions from sustainability criteria for small operators where compliance would be disproportionately burdensome.

- Land must not be diverted from food production, and biomass use must not undermine agricultural productivity or rural livelihoods. Policies should support, not penalise, working farms and new policy must ensure a balanced approach to priorities.
- Our response will be focused the Land Criteria, and MRV.

### Chapter 3 – Land criteria

#### 7. Do you agree that the agricultural land criteria should continue to include prohibited land categories in line with existing criteria? Please provide evidence to support your response

- We agree that the agricultural land criteria should include prohibited land categories. Agriculture in Scotland delivers food, rural jobs, and environmental outcomes. NFU Scotland recognises the importance of preventing sourcing of biomass from land with areas of high biodiversity value or high carbon stock, such as peatlands, wetlands, deep-peat soils and ecologically important grasslands, where conversion would cause long-term environmental damage.

#### 8. Do you agree that the baseline should be set in January 2008? Please provide evidence to support your response or provide an alternative proposal for when the baseline should be set.

- No comment.

#### 9. Do you agree with the definitions of the highly biodiverse land categories given? If not, please explain why and provide evidence to support your response.

- We agree.

#### 10. Do you agree with the list of protected highly biodiverse land categories where sourcing is not allowed? Please provide evidence to support your response.

- We agree.

#### 11. Do you agree with the list of protected highly biodiverse land categories where sourcing is allowed if sufficient evidence of no harm to the area of land can be provided? Please provide evidence to support your response.

- NFU Scotland agrees, in principle, that there should be the option to allow sourcing of biomass from certain highly biodiverse land categories only where robust evidence demonstrates that there is no harm to the area. However, any such allowances must be underpinned by clear, proportionate and practical evidence that are appropriate for agricultural and land-based supply chains.

#### 12. Should other highly biodiverse land categories be added? If yes, what associated sourcing requirements could be included?

- No comment.

13. Do you agree with the definitions of high carbon stock land categories given? If not, please explain why and provide evidence to support your response.

- We agree.

14. Do you agree with the list of protected high carbon stock land categories, where sourcing is not allowed? Please provide evidence to support your response.

- We agree.

15. Do you agree that sourcing should be allowed from peatlands if evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil? Please provide evidence to support your response.

- We agree with the principle that sourcing from peatlands should only be permitted where robust evidence demonstrates that cultivation and harvesting do not involve drainage of previously undrained soils. However, we recognise the critical importance of protecting and restoring peatlands for their carbon storage and hydrological functions and would like to see alignment with the Scottish Government's peatland restoration objectives.
- We would therefore expect the Common Biomass Sustainability Framework to align with this broader policy environment by ensuring safeguards against activities that would harm peatland integrity, while also offering flexibility where evidence clearly shows that peatland hydrology and carbon stocks will not be adversely affected.

16. Should other high carbon stock land categories be added? If yes, what associated sourcing requirements could be included?

- No comment.

17. Should the crop cap be set at a sector level subject to sector specific Indirect Land Use Change (ILUC) risk assessments? If not, please suggest what level a cross-sector crop cap should be set at and provide evidence to support your response.

- No comment.

18. If crop caps are set at a sector level, what factors should be included in the sector-specific food competition and ILUC risk assessment? What should this assessment consist of? Please provide evidence to support your response.

- No comment.

19. What factors should be monitored at a cross-sector level to highlight emerging risks regarding food competition and ILUC risks from crop derived feedstocks?

- A robust cross-sector monitoring framework should focus on land use change, crop production trends, trade flows, market signals, and soil/carbon outcomes. Taken together, these indicators can provide early warning of emerging food competition or ILUC risks.

- NFU Scotland supports a monitoring approach that protects food security and environmental integrity while enabling agriculture to contribute positively to the UK's net zero ambitions.

**20. How could high ILUC risk feedstocks be identified? Please suggest what factors could be considered and provide evidence to support your response.**

- See above.

**21. Should high ILUC risk feedstocks be phased out? If yes, please provide a timeframe and state if it should be at a cross-sector or individual sector level. Please provide evidence to support your response and explain how this could be done in compliance with international rules, e.g. WTO compliance.**

- No comment.

**22. Are there other approaches (beyond those suggested above) that should be considered to limit ILUC impacts of bioenergy feedstocks, in particular with regards to competition with food?**

- No comment.

**23. Are there any other issues (e.g. social or other environmental) that should be considered as part of the agricultural land criteria?**

- A balanced framework will ensure that biomass contributes positively to net zero while safeguarding productive agriculture and thriving rural communities.

**24. Do you agree that, unless otherwise specified, all feedstocks should have to comply with the agricultural land criteria? If not, please explain why and provide evidence to support your response.**

- Yes.

**25. Should dedicated energy crops be required to meet the agricultural land criteria? If not, please explain why and provide evidence to support your response.**

- Yes.

**26. Do you have evidence regarding the impact of requiring energy crops to meet the agricultural land criteria? We are particularly interested in potential impacts on planting targets and spatial distribution of energy crops.**

- Farmers must have the flexibility to grow what makes financial and management sense. However, it is important to protect high value land, both in terms of for nature and food production. However, we believe the criteria should be sufficient to limit the impact.

**27. Should the types of evidence for demonstrating compliance with agricultural land criteria be kept aligned with existing criteria? If not, please outline what changes should be made.**

- Yes. We would hope to avoid duplication of reporting and auditing where possible.

**28. Please highlight any specific cost implications to your business/sector in meeting the proposed agricultural land criteria. Please provide evidence to support your response.**

- Meeting the proposed agricultural land criteria could result in cost implications for farm businesses and biomass suppliers, including: professional land assessments and mapping, increased monitoring, reporting and audit costs, opportunity costs from restricted land use, third-party certification fees, and potential price impacts in biomass markets.

**29. Do you agree that the land on which the raw feedstock was grown should be subject to soil monitoring and management plans? Please provide evidence to support your response.**

- Soil monitoring and management plans must align with current conditionality and avoid duplication.

**30. Are there any additional aspects that should be included in the soil criteria? Please explain what these are, how they could be implemented and the rationale for inclusion.**

- No.

**31. Do you agree that agricultural residues should comply with the soil criteria? Please provide evidence to support your response.**

- Agricultural residues (e.g., straw, culled crop material, husks) are secondary outputs of existing farming systems. Their use for energy or bio-based products does not involve new land conversion or cropping decisions, and therefore carries minimal risk of indirect land-use change (ILUC) or competition with food production.

**32. Should 'other crops' (where the whole plant is used as a bioenergy feedstock) have to comply with the soil criteria? Please provide evidence to support your response, including the benefits and challenges of applying the soil criteria to these feedstocks.**

- No comment.

**33. Should dedicated energy crops have to comply with the soil criteria? Please provide evidence to support your response, including the benefits and challenges of applying the soil criteria to dedicated energy crops.**

- No comment.

**34. Should the types of evidence for demonstrating compliance with soil criteria be kept aligned with existing criteria? If not, please outline what changes should be made.**

- Yes.

**35. Please highlight any specific cost implications to your business/sector in meeting the proposed soil criteria. Please provide evidence to support your response.**

- We support proportionate, evidence-based soil protection, however we would like to see soil criteria build on existing soil data and regulatory requirements and avoid duplication of reporting obligations.

**36. Do you agree that the requirements for setting the principles for sustainable land management are appropriate for the common framework? If not, how could they be changed?**

- Principles for sustainable land management must recognise regional variation in land types, farming systems and climate, particularly the distinct characteristics of Scottish agriculture, including extensive livestock systems and significant areas of peat and marginal land. The principles should remain outcome-focused rather than overly prescriptive, allowing farmers flexibility to apply sustainable land management in ways that are appropriate to local conditions. They must align with existing devolved agricultural and environmental policies, including Scotland's soil health, biodiversity and peatland restoration objectives.
- Sustainable land management principles should build on established good agricultural practice, including protection of soil carbon, water quality, biodiversity and long-term productivity, while avoiding duplication of existing regulatory requirements. Farmers are already operating within cross-compliance, conditionality and environmental scheme frameworks, and additional requirements must be proportionate and coherent.

**Chapter 5 – Monitoring Reporting and Verification**

**98. Do you agree that biomass feedstock definitions need to be harmonised across end-use sectors? If biomass feedstock definitions should be harmonised, how broad or granular should these categories or definitions be? Please provide examples.**

- NFU Scotland agrees that biomass feedstock definitions should be harmonised across end-use sectors where possible. Greater consistency would improve regulatory clarity, reduce administrative burden.
- In terms of structure, NFU Scotland considers that categories should be broad at the primary level, with additional granularity applied only where sustainability risks materially differ. For example: Primary categories could include:
  - Agricultural residues
  - Forestry residues
  - Dedicated energy crops
  - Waste-derived feedstocks
  - Crop-based feedstocks

**99. Are there any other improvements to the feedstock type reporting process that should be considered?**

- We support transparent and proportionate reporting of biomass feedstock types. However, improvements should focus on simplifying processes, reducing duplication, and ensuring reporting delivers meaningful sustainability oversight without imposing unnecessary burdens on producers.

**100. Do you agree that biomass feedstock country of origin reporting should be mandatory, with certain exemptions? Please provide evidence to support your response.**

- We support the traceability of feedstocks as an understanding of what is being used, and where, should help with monitoring impacts.

**101. Please state which feedstocks should be exempt from country of origin reporting? Please provide evidence to support your response.**

- No comment.

**102. Do you agree there should be a list of minimum sustainability metrics that are collected and reported to the relevant delivery body? Please explain your answer, including examples of sustainability metrics that could be included.**

- This must be harmonised across sectors, proportionate and relevant, and where possible, avoid duplication.

**103. How should this be achieved in practice?**

- No comment.

**104. What potential barriers or challenges, including cost implications, need to be overcome to achieve standardisation of reporting?**

- Through alignment with current standards to avoid duplication and undue burden.

**105. Do you agree with the above proposal on publishing relevant sustainability data? Please provide evidence to support your response.**

- Publication requirements must be proportionate, aggregated where appropriate, and protective of commercially sensitive and farm-level data.

**106. Which data points should be included to improve the transparency of sustainability practices across the biomass incentive schemes? Please provide evidence to support your response.**

- No comment.

**107. Are there any data points that should not be included? Please provide evidence to support your response.**

- Any data that is commercially sensitive and at a farm-level should be excluded. Furthermore, farmers should retain ownership of data that they submit.

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