



Consultation Response

FROM THE RSPCA IN WALES

Agriculture (Wales) Bill White Paper

March 2021

RSPCA Cymru welcomes the opportunity to respond to the Welsh Government's consultation on its Agriculture (Wales) White Paper. The consultative process comes at a critical juncture for agriculture in Wales, and for the way in which Wales' millions of farm animals will be reared in the years and decades which follow. This is the fourth consultation the RSPCA has responded to concerning the future of agriculture and farm support following Wales, and the UK, leaving the European Union - and much of our feedback contained within previous submissions, including in ['Brexit and our land: Securing the future of Welsh farming'](#), ['Sustainable Farming and our Land'](#) and ['Sustainable farming and our land: simplifying agricultural support'](#) remains very relevant at this stage.

In Wales, there are 9,500,000 sheep, over 160,000 beef breeding herds, more than 250,000 dairy breeding herds and approximately 24,000 pigs. Poultry stock stands at over 7,700,000 birds¹. It is therefore clear that policy in this area impacts the welfare of a huge number of animals in Wales; and indeed positive changes in welfare policy has the potential to change the lives of so many animals for the better - and often with more impact than other more focussed or species-specific policy interventions which may impact a far smaller number of animals. Given the Welsh Government's continued and welcome commitment to "high standards of animal welfare"², the RSPCA is firmly of the belief that the adoption of a new policy approach concerning the future of agriculture should have incentivising and promoting higher standards of welfare on farms at its heart. For this reason, we have consistently outlined that the introduction of an Agriculture (Wales) Bill is Ministers' biggest opportunity to improve animal welfare in Wales since the onset of devolution.

The legacy of post-World War II farming support, and notably the Common Agricultural Policy, has been to radically increase food production - in ways which have incentivised intensive production, often contrary to good animal welfare standards. Intensive housing systems, management practices and breeding practices have focussed on productivity and scale; too often at the expense of good animal health and welfare. However, the climate in 2021 is very different - and comes at a time where consumers are increasingly cognisant of where their food is derived from, with polling suggesting British respondents have not felt animal welfare receives enough importance in UK food policy, and with people willing to pay more to buy products from animal welfare friendly production systems. This situation, combined with the Welsh Government's drive to utilise farm payments to drive public good, underlines why utilising payments to incentivise the highest welfare standards on Wales' farms should be a key component of any future Sustainable Farming Scheme (SFS), and a central premise of an Agriculture (Wales) Bill.

¹ Welsh Government - Farming Facts and Figures, Wales 2020

² Welsh Government written statement - Consultation to launch on Third Party Sales of Puppies and Kittens, 22 June 2020

What are your views on:

- a) **The proposed approach to the creation of the National Minimum Standards?**
- b) **The need for flexibility to amend the National Minimum Standards where necessary? Are there any further considerations which are needed?**

What are your views on:

- a) **How advice and guidance can effectively support farmers to understand the National Minimum Standards; and**
- b) **The further considerations needed for advice and guidance? For example, what form guidance should take, who should provide it, the scope of guidance and how farm advisory services may support farmers.**

Any steps to simplify and make the existing regulatory framework more accessible and widely understood is an important step forward - and as such the creation of National Minimum Standards for agriculture is a welcome development. While scrutiny of, and consultation for, new regulation is important, the ability for Welsh ministers to amend these standards quickly - for example, in the event of a disease outbreak in Wales, could have animal health and welfare benefits. It is assumed any such Minimum Standards would include reference to statutory requirements within animal welfare legislation and, for example, the need for those responsible for agriculture animals to be acquainted with any relevant code of practice, as per the Welfare of Farmed Animals (Wales) Regulations 2007.

Underpinning such National Minimum Standards with advice and guidance will clearly be key; and we would urge the Welsh Government to work in conjunction with the farm animal welfare sector in Wales on its production and dissemination, in what is clearly an opportunity to raise awareness of animal welfare issues. As part of this process, it would be worth reviewing and updating codes of practice related to agricultural animals - with existing codes concerning cattle and sheep welfare not updated for 11 years³. From an animal welfare perspective, however, the RSPCA ultimately hopes the legacy of this legislation will be to incentivise higher welfare standards in Wales - rather than focus on statutory minimums. These standards should play an important role in the new scheme payments - any farmer should be adhering to minimum standards to qualify for any payments under the scheme and if they do not adhere to them there should be an agreed transitional process to withdraw such payments.

What are your views on the proposals for civil sanctions to enable proportionate enforcement of regulations? Are there any further considerations which are needed?

The enforcement model proposed in the consultation - highlighting that "advice, guidance and civil sanctions" should be used to promote "behaviour change" before any prosecution may be necessary - sounds similar to the RSPCA's own approach to enforcement. Where no alternative exists, or where the offence is so high that prosecution is required, we have sought prosecution in response to animals suffering a life of neglect or cruelty - but seek to educate, prevent welfare problems, and work with animal keepers and owners in the first instance. This should be at the heart of encouraging and nurturing the responsible keeping of agricultural animals. Indeed, tools like non-statutory improvement notices have proven effective for our officers in driving up animal welfare standards - and sound similar in purpose to the compliance notices and restoration notices outlined in the consultation document as a means to ensuring compliance with agricultural regulations.

We note the Welsh Government's intention to apply civil sanctions to animal welfare - and would welcome further information from the Welsh Government as to the nature of animal welfare standards

³ The Welsh Government's code of practice for the welfare of cattle and sheep were last updated in March 2010.

that could be subject to such civil sanctions under a new regulatory enforcement regime, and how they would supplement existing animal welfare legislation and associated criminal penalties. However, ultimately, the RSPCA hopes the Agriculture (Wales) Bill will primarily be a legislative vehicle that incentivises the highest standards of welfare - in addition to sanctioning non-compliance with regulations, or poor welfare practices. The opportunity to link farm payments to animal welfare is an ideal opportunity to intrinsically link outcomes and standards to the new SFS, and reward farmers for higher standards rather than just penalise those failing to meet regulatory requirements. While a set of clear National Minimum Standards is important, the RSPCA would wish to see the promotion of higher animal welfare standards and the benefits of exceeding minimum requirements made more accessible to farmers; and economic support via the SFS is an ideal vehicle to achieve that. A tapered reduction approach in payments due to non-compliance with the regulations should also be put into legislation, otherwise a producer could still be receiving payments whilst breaking the law. The threshold for the tapering effect needs to be such that any severe non compliance is dealt with through prosecution and withdrawal of payments whereas any lower level offences are responded to by training and advice and low-level reductions in payments

What are your views on the proposed purposes for funding in support of the delivery of SLM? Are there other purposes which you feel should be considered?

The RSPCA welcomes the Welsh Government's clear acknowledgement that successive governments have provided financial support for increased agricultural production - often at "wider societal cost". Wales' withdrawal from the European Union - and the subsequent ending of the Basic Payment Scheme in Wales - is an ideal opportunity to move away from a payment system for farmers which incentivises intensive production; towards one which rewards high standards of farm animal welfare. As such, the RSPCA strongly welcomes the Welsh Government's decision to adopt a principle of a payment for the production of public goods. However, we remain concerned by the lack of emphasis and clarity as to whether improved animal welfare outcomes will be considered such a public good under this new framework - which is not clarified by this latest consultation into the matter.

Within the consultation, the Welsh Government does - positively - note that improving "the delivery of animal health and welfare standards beyond the legal baseline" will be part of the future Sustainable Land Management programme. However, the Welsh Government's intention to "reward farmers appropriately for the production of non-market goods" suggests that outcomes that could ultimately be marketable - such as rearing higher welfare produce - will not be subject to payments and incentivisation. However, the Welsh Government acknowledges within the consultation that evidenced sustainability will offer Welsh agricultural products additional headway in the marketplace. As such, even those outcomes noted as not being marketable - such as healthier soils, clean air, clean water, improved biodiversity and actions reducing global warming - could ultimately be utilised to advertise, market and sell associated Welsh produce. As such, it would seem a missed opportunity not to include improved animal welfare standards within the SFS. Furthermore, RSPCA economic research clearly shows that not all of the costs required for producing food at higher animal welfare standards can be recouped from the marketplace - and so the farmer will still potentially be at an economic disadvantage producing at higher welfare standards as producing at higher landscape standards. Both should be liable and open for payments under the new SFS.

RSPCA Cymru continues to call for assurances from the Welsh Government that higher welfare standards will be included in the public goods eligible for farm animal payments, given the impact this could have in improving the lives of millions of animals. Evidence suggests this would be in tune with public expectations - and 80 percent of adults in an RSPCA Cymru poll said that the welfare standards of

the animals reared is important in their purchasing decisions⁴. At a UK level, a Eurobarometer poll found that 62 percent of the British public do not believe animal welfare receives adequate importance in UK food policy⁵; and some 72 percent would pay more for products from animal welfare-friendly production systems⁶.

The Welsh Government wishes SFS payments to reward farmers for the production of outcomes set above regulation; which is welcome - and should be applied to farm animal welfare standards. Monitoring of improved farm animal welfare outcomes could be assessed by analysing the number of animals reared according to higher welfare standards, or the prevalence of animals reared within a formally-recognised, higher welfare farm assurance scheme. In tandem, the prevalence of key species-specific animal welfare problems, such as lameness in cattle, tail damage in pigs and feather cover in laying hens, could be used. The Welsh Government already acknowledges the role which farm assurance schemes could play in monitoring under its new agricultural framework, and ethical food labels would be a great way to provide guarantees around the provenance of animal produce; linking these higher outcomes to SFS payments for the very first time.

As highlighted in previous consultations, recognition of welfare via the SFS could be done on a two-tiered approach; with financial incentives given to members of a formally-recognised higher welfare farm assurance scheme, such as those delivering the RSPCA's evidence based higher welfare standards, or equivalent. This could be underpinned by 'transitional payments', whereby producers are financially incentivised for taking steps helping them on a journey to reach the eligibility for a higher welfare farm assurance scheme; for example one-off capital costs to cover buildings or training costs to improve stockmanship. This would be in line with previous support offered for capital expenditure via support schemes.

The recent report from the Trade and Agricultural Commission on how the UK should market its higher welfare produce overseas and ensure it is not undermined by lower imports highlights the use of farm welfare payments as an important tool to retain farmer competitiveness and it is hoped that the Welsh Government will utilise this recommendation.

What are your views on the proposed priorities for industry and supply chain support?

We note the Welsh Government's proposals to potentially direct some support to the wider agricultural industry and food supply chain, beyond the farm gate. Priorities are said to include improving the promotional offer and value of Welsh produce - and it therefore should be highlighted how ensuring high standards of animal welfare for agricultural animals from birth to slaughter - including beyond the farm gate - offer added ethical, moral and promotional value. To this end, support for abattoirs would be well placed to receive such financial support - including for the introduction of closed-circuit television systems, or use of the most humane slaughter methods.

The Welsh Government previously announced £1.1 million of grant aid for small and medium size slaughterhouses to – among other things – support the “installation and upgrading of CCTV monitoring

⁴ YouGov Plc. Total sample size was 1,001 Welsh adults (aged 18+). Fieldwork was undertaken between 4th - 8th September 2014. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).

⁵ European Commission, 2005. Eurobarometer – Attitudes of consumers towards the welfare of farmed animals Q12.

⁶ European Commission, 2016. Attitudes of Europeans towards animal welfare. Special Eurobarometer 442.

systems⁷, but this has not been effective. A recent investigation by the Senedd's Petitions Committee found a majority of abattoirs in Wales – 58 percent of them – do not currently have CCTV in place⁸. Financial support may need to be more targeted to specifically incentivise the installation of CCTV within the overarching policy framework for rural development, and potentially as a precursor to this becoming mandatory in law at a later date. We note respondents to a previous Welsh Government consultation - *Brexit and our Land* - proposed support for local abattoirs, and would welcome assurances that this is still planned under wider support for industry and supply chains. A recent report from the All Party Group on Animal Welfare in the House of Commons highlighted the link between local abattoirs being reinstated and reducing welfare problems from long distance transport. This would be particularly important in the more rural parts of Wales.

What are your views on the establishment of a national database for farms and livestock?

The RSPCA would broadly support a proposal for a national database of farms and livestock, alongside the licensing for farms. Presently, in Wales, you need a license to operate many establishments related to animals - including pet shops; and such licensing requirements are - we hope - due to increase with the Welsh Government committed to expanding upon its proposals contained within the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021, which are due to be relaid. Yet, despite this, licensing for farms is not presently required. However, we note, beyond the question listed in the consultation - there are no specific details about a database, how it would function, what it would record or how it would be maintained; and we would be eager to see such proposals and consider the role a database could play in disseminating best practice on agricultural welfare, and assessing the numbers of farms in Wales operating to higher welfare standards. The establishment of a national database would also assist the Welsh Government in tracking animal movements and locations in the event of a disease outbreak, such as foot and mouth.

In terms of the future scheme, what are your views on the proposals to enable the data we collect on a farm to be used by farmers to track progress and demonstrate their sustainability credentials?

What are your views on the proposals for improving the monitoring of regulatory compliance?

What do you think needs to be considered in future to enable regulators to effectively monitor regulations?

The Welsh Government recognises the importance of farms being able to demonstrate sustainability credentials - but highlights the role of adapting future monitoring, including through the use of technology. Importantly, inspections clearly have a key role to play in ensuring legal compliance at farms; and play an important role in meeting public expectations. RSPCA Cymru has long believed that taxpayers will want to ensure that poor animal welfare practices are not being subsidised via the new scheme, and instead standards are both checked and appropriately incentivised. To this end, it should be noted the role farm assurance schemes can play in monitoring progress, ensuring compliance with legal requirements, and preparing a framework for such requirements to be exceeded. Compliance with these schemes can pave the way for more risk-based targeting and earned recognition in terms of inspection scheduling and frequency.

⁷ Welsh Government press release - £1.1m grant aid scheme for small and medium size slaughterhouses, 22 March 2018

⁸ National Assembly for Wales - Petitions Committee report, Petition P-04-433 CCTV in Slaughterhouses, January 2020

What are your views on the proposals for additional powers for Welsh Ministers to: Specify ‘animal’, ‘farmed animal’, ‘livestock’, ‘pet animal’ and ‘animals intended for agricultural purposes’, beyond the current rigid traditional definitions to ensure animal disease control measures can be applied appropriately and flexibly to any species of kept animal where there is a potential disease risk?

Proposals around giving the Welsh Government flexibility to go beyond the traditional definitions of different animal types could help ensure more targeted, flexible and appropriate responses to a disease outbreak. However, we would urge the Welsh Government to ensure any changes to these specifications are done in close consultation with the animal welfare sector and are appropriate to the measures being applied.

What are your views on the proposal for a power to enable increased controls covering such matters as the manufacture, sale and use of snares? Do you think such a power is required? If not, why not? If so, what matters do you think the power should be used to address?

RSPCA Cymru warmly welcomes the Welsh Government's intention - outlined in this White Paper - to amend the Wildlife and Countryside Act 1981 to allow Ministers in Wales to regulate the use of snares. This decision follows a pertinent few years for snaring policy in Wales, following the publication of a Welsh Government's voluntary code of best practice on the use of snares (hereafter referred to as the Code) for fox control in 2015.

The RSPCA has long been opposed to the manufacture, sale and use of all snares or any trap that causes suffering. We have been pleased to participate in regular meetings with the Welsh Government to discuss the impact that snares are having on animals in Wales, despite the existence of the Code - a hugely useful forum which was a key recommendation of the Senedd's Climate Change, Environment and Rural Affairs Committee report in June 2017 into the use of snares in Wales⁹. We have worked hard via this forum to highlight the animal welfare problems snares continue to cause a range of species in Wales, and welcome the Welsh Government acknowledging this, with the assertion that "regular meetings ... with snare-user groups have failed to provide sufficient evidence to demonstrate that the Code is being adhered to across Wales".

Frequency of issues reported to the RSPCA concerning snares

Year	Incidents reported to the RSPCA	Number of animals involved
2020	7	8 4 - badgers, 2 - cats, 1 - moles, 1 - fox
2019	15	14 5 - foxes, 5 - badgers, 1 - herring gull, 1 - horse, 1 - cat, 1 - rabbit, 1 - set snares without animals

⁹ Recommendation 6 noted that: "The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snares."

2018	24	26 17 - wild mammals, 5 - cats, 2 - dogs, 1 - exotic birds, 1 - wild birds
2017	30	30 16 - wild mammals, 9 - cats, 2 - wild birds, 1 - dog 1 - exotic bird, 1 - farm bird
2016	21	21 17 - wild mammals, 2 - cats, 1 farm animal, 1 wild bird
2015	16	16 10 - wild mammals, 4 - cats, 2 - dogs
2014	15	17 9 - wild mammals, 6 - cats, 2 - dogs

Since the introduction of a Code of Best Practice on the use of snares for fox control, RSPCA officers have continued to deal with incidents where snares have been set in breach of both this voluntary Code and the law more generally.

- A badger was found trapped in a snare on Bog Road in Swansea in September 2020. The badger was successfully rescued from the snare, rehabilitated and returned to the wild. This incident occurred at a similar location to a separate incident, involving another badger being caught in a snare at the beginning of the year.
- A report to the RSPCA in February 2020 followed the discovery of a fox and two badgers in snares at Llansadurnen near Carmarthen. Sadly, one badger was found dead and the fox's wounds were so severe that he died despite treatment. [Video footage shows how tightly the snare became trapped to the live badger](#), with the animal also badly tangled in branches from which he was cut out by an RSPCA officer. Fortunately, the badger was successfully rehabilitated and later returned to the wild.
- In December 2019, the [RSPCA rushed to the aid of a Cardiff fox trapped in a snare](#). The fox was trapped in a snare set at the base of a tree in the CF5 area of Cardiff - which is both not compliant with the voluntary code of best practice, and likely to cause suffering. Thankfully, the fox in this instance was uninjured and was ultimately released back to the wild.
- A [young fox trapped in a snare near Fishguard was rescued and released by RSPCA Cymru in October 2019](#). The snare had been set at the base of a tree – which is not compliant with the Welsh Government's voluntary code of best practice on the use of snares. The setting of a snare also requires the authorisation of the landowner – but, in this instance, the local farm had no knowledge of the snare.
- In May 2019, a [fox was found in a snare in the Narberth area – with RSPCA Cymru suspecting illegal activity](#). Sadly, the fox was also found dead in the snare – suggesting the device had not been checked recently. Under the Wildlife and Countryside Act 1981, those setting a snare must

check the device “at least once every day at intervals of no more than 24 hours”. The setting of a snare also requires the authorisation of the landowner – but, in this instance, the owner of the farmland reports no such consent was gained. The snare was also set by fencing – despite the Welsh Government’s voluntary code of best practice on the use of snares in fox control noting that snares should never be set “under or near fences”.

- The RSPCA launched an appeal for information following [two concerning, unrelated incidents involving badgers in snares in West Wales in April 2019](#). A badger was found dead in a snare in Pontgarreg, Ceredigion, and a badger was also found alive in a snare in the Neath area. Although the snares involved in these incidents are legal to use for some species, it is an offence to catch badgers using snares and users of legal snares must take reasonable precautions to prevent protected animals such as badgers from being caught or injured by them.
- Complaints were also passed to the RSPCA concerning an individual allegedly trapping foxes with snares to sell their fur. This issue had [substantial media coverage](#).

Beyond snares, other forms of trap - and specifically illegal traps - have caused issues for animals and their welfare. RSPCA Cymru [launched an appeal for information after a tabby cat lost his front left leg following an "horrific" injury caused by an illegal gin trap](#) in Abercynon in September 2020.

These incidents underline the RSPCA's ongoing calls to ban the sale, manufacturer and use of snares in Wales - and we therefore regard providing Ministers with increased controls to act in this area to be an important and welcome inclusion in this proposed legislation. It also follows a proposal from the Law Commission in 2015 that "the operation and inspection of snares may benefit from additional regulations prescribing how relevant snares should be operated and inspected"¹⁰.

Wildlife legislation in Wales is complex and a myriad of laws, regulations and processes regulate the framework. RSPCA Cymru has long favoured a consolidating and updating of wildlife law in Wales via a Wildlife (Wales) Bill. However, the Welsh Government's lack of action on a single statute bringing together most wildlife law in Wales remains disappointing. While we had previously anticipated that new regulation regarding snaring may form part of a wider body of work into the consolidation of wildlife law, its inclusion instead in the Agriculture (Wales) Bill is very welcome if it leads to a reduction in the suffering too many animals still experience each year

¹⁰ Welsh Government - Report on the implementation of Law Commission proposals, February 2021