



Consultation Response

FROM THE RSPCA IN WALES

Evidence to the Economy, Trade and Rural Affairs Committee: Agriculture (Wales) Bill November 2022

Overview:

RSPCA Cymru strongly welcomes the introduction of the Agriculture (Wales) Bill 2022 to the Senedd, and look forward to contributing evidence to both Members and Committees over the coming months to ensure that animal welfare is at the forefront of agriculture policy in Wales.

Key Points:

- The Agriculture (Wales) Bill 2022 is the largest opportunity to ensure that animal welfare is at the forefront of agricultural policy in Wales since the introduction of devolution and possibly since the 1947 Agriculture Act
- RSPCA Cymru welcome the proposed ban on the use of glue traps and snares within this legislation, however are aware that there is currently no intention to place a ban on their sale.
- We welcome the potential for financial incentives to be provided to farmers within the agriculture sector in Wales who provide high standards in regards to animal health and welfare, however are aware there is no obligation for Ministers to use their powers.

RSPCA Cymru welcomes the opportunity to respond to the Economy, Trade, and Rural Affairs Committee's consultation on the Welsh Government's Agriculture (Wales) Bill. The scrutinising process of the Agriculture (Wales) Bill comes at a critical time for Agriculture in Wales, and is set to influence the manner in which animals in Wales will be reared in years to come following Wales' exit from the European Union. The RSPCA have been previously concerned with the implications for Agriculture and farming support in Wales when the UK was a member of the EU, as there was little opportunity within the Common Agriculture Policy to promote support towards animal welfare, given that 80% of the financial package available was for direct support which was a blunt instrument to pay farmers to produce food rather than promote public goods such as animal welfare or the environment. Leaving the European Union gives Wales a huge opportunity to use the present farm support budget, which is ring fenced until 2024 for ensuring animal welfare becomes a key objective for the Welsh Government in its agriculture policy.

In Wales, there are almost 9.5 million sheep, alongside over a million cattle and over 10 million poultry¹. It is evident that the Agriculture (Wales) Bill will impact a significant number of animals in Wales, with positive changes within welfare policy in the farming sector has the potential to change the lives of many animals across Wales. We have consistently pressured the Welsh Government to commit to the improvement of animal welfare across Wales, and it is our utmost belief that an Agriculture (Wales) Bill

¹ Welsh Government - Farming facts and figures: 2022 - 23 August 2022

will commit to the improvement of animal welfare across the farming sector. This is particularly important now, at a time when the sustainability of Welsh farming is under threat from Free Trade Agreements (FTAs) that the UK Government has signed or is negotiating. The Australian and New Zealand FTAs have now both been laid in the House of Commons and will come into effect by 1 January 2023. This will hugely increase tariff free imports of beef and lamb from Australia and New Zealand, without any pre-conditions. Australia in particular has lower animal welfare standards than Wales (eg maximum transport times of 48 hours compared to 24 in Wales, hot branding of cattle permitted, 20% of cattle reared in barren feedlots which are essentially banned in Wales). It is too early to assess the implications of this deal on Welsh hill sheep farmers or lowland cattle farmers but the Wales Agriculture Bill provides a perfect opportunity to reward farmers for producing to a high welfare level to counteract the impacts of cheaper beef and lamb entering the UK under the FTAs.

Glue-traps and Snares

RSPCA welcomes the publication of the Agriculture (Wales) Bill, and the introduced commitment by the Welsh Government to place a ban on the use of both glue traps and snares across Wales through this legislation. England banned the use but not the sale of glue traps earlier this year though specific guidelines on how it will be implemented still need to be drawn up. The RSPCA has provided evidence previously to the Welsh Government on the dangers of the use of glue traps and snares on animal welfare in Wales.

RSPCA Cymru are opposed to the sale, use and manufacture of all snares, with frontline officers regularly dealing with incidents where animals are found suffering in these contraptions. Between 2014 and 2018, the RSPCA received 106 reports in Wales where the caller specifically referenced a snare² - though the precise number of reports is likely to be considerably higher. The extent of the use of snares in Wales is 'hard to determine'³ given a lack of data. Since 2019, the RSPCA have dealt with 12 cases reported to our emergency line involving a snare - with six cases reported in 2020 and an additional four reported in 2021. These will involve often non target animals including badgers, which are protected, and domestic animals such as cats.

The use of snares in Wales is still widespread. A RSPCA study in 2013 found that snares were used on 6% of all landholdings. Extrapolation suggested that, at any one time and depending on the season, between 17,200 and 51,600 fox snares were in use in Wales at any one time⁴. The use of fox snares in Wales is subject to legal restrictions, principally through the Wildlife and Countryside Act 1981, Animal Welfare Act 2006 and Deer Act 1991. The use of self-locking snares which tighten with a ratchet-like mechanism is illegal as is the use of snares to catch certain protected animals like badgers and otters.

In 2015 the Welsh Government introduced a code of best practice on the use of snares in fox control and users of legal free-running snares must take all reasonable precautions to prevent them catching or causing injury to protected animals like badgers, and to check set snares at least once per day. However, as a voluntary code, there is no legal obligation on any individual setting a snare to follow the guidance. The RSPCA evidence shows that the existing Code of Practice on the use of snares for foxes in particular has failed to deliver improvements to welfare.

Snares are indiscriminate, and any animal that moves through the noose is a potential victim. This can include domestic pets and sadly, RSPCA officers regularly respond to incidents where wildlife and pets have become injured as a consequence of getting trapped in a snare. For instance, in October of 2019, a young fox trapped in a snare near Fishguard was rescued and released by RSPCA Cymru, with the snare found to be set at the base of a tree. This is currently not compliant with the current Welsh Government's voluntary code of practice on their use⁵.

² RSPCA call statistics - incidents logged in Wales via the RSPCA's National Control Centre, between 1 January 2014 and 31 December 2018.

³ Climate Change, Environment and Rural Affairs Committee - Report on the use of snares in Wales, p5, June 2017

⁴ Written Assembly Question - WAQ66377, February 2014. This outlined estimates which state the number of fox snares set in Wales are at a maximum in March at 51,641.

⁵ RSPCA News - Distressed fox found in illegally-set snare - 22 October 2019

The RSPCA 2013 survey found very few farmers had any formal training on the use of snares. A large number (84%) of operators made efforts to avoid capture of non-targets, but non-target species were still caught. 60% of operators had caught non-targets in fox snares at some time. In the fox snare field trials, non-target species were captured despite careful adherence to the Code of Practice by a competent and conscientious operator. The survey further found that no fox snarer was fully compliant with Code - in part because, at the time, no commercial snares were available off the shelves that were fully compliant. It was found that manufacturers' claims regarding compliance with the code could not be relied on. Quality of snare components is very important in the context of compliance and functioning of snare. So even with adherence to good practice, estimates suggest the number of non-target species caught by a snare is unlikely to drop below 40 percent⁶. This illustrates a major problem with snares - that it is near impossible to limit the species or type of animal that will become trapped in them. The indiscriminate nature of snares was further highlighted by the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee, who noted that snares pose "a risk to the welfare of target and non-target species"⁷.

So the RSPCA are pleased to see the intention in the Bill to prohibit the use of snares, alongside other cable restraints, for trapping or killing an animal. This proposed ban is world leading as it will see Wales become the first nation in the UK to introduce a formal legislative ban on the use of these traps.

RSPCA Cymru have also long campaigned for a ban on glue boards, and welcome the ban proposed in the Agriculture (Wales) Bill, and believe that this Bill can drive reform across the UK in regards to the use of both snares and glue traps. Numerous incidents involving animals in glue traps underline the RSPCA's call to ban the sale and use in Wales. Between 2017 and 2022, seven incidents in regards to glue traps have been reported to the RSPCA in Wales, with 73% of incidents reported to the RSPCA concerning glue traps involving non-target species such as pets and other wild animals, many of which were too injured to survive.

However, in its current state, the Bill fails to acknowledge how the Welsh Government intends to enforce the ban on both snares and glue traps, with a ban on the sale of these traps in Wales not introduced within this piece of legislation and only an emphasis on the ban of their use. As a result, there is no indication as to how the sale of snares and glue traps in Wales will be regulated to ensure that the traps are not used.

The RSPCA believe the inclusion of a ban on the use of glue traps and snares within Wales as a first step but further work needs to occur on the enforcement to prevent the use of snares and glue traps. In particular the Bill does not ban the sale of these traps in Wales and this may be a loophole that will be used to circumvent the ban on their use.

Sustainable Farming Scheme (SFS)

RSPCA Cymru welcomes the plans outlined in the Agriculture (Wales) Bill to introduce the Sustainable Farming Scheme, which provides a strong indication to include a system that will recognise and reward higher welfare standards within the farming sector. RSPCA Cymru have long called for farmers delivering the highest standards of animal welfare to be financially incentivised for their work - believing that this will ultimately encourage farmers within the sector to ensure that animal welfare is at the forefront of their work.

RSPCA Cymru welcomed the powers set to be provided to Welsh Ministers to provide support to farmers delivering on animal welfare following Wales's exit out of the European Union and market. RSPCA Cymru welcome the powers in regards to farming support given to Welsh Ministers, which we believe will allow and enable the continued operation of existing farming support in Wales, whilst ensuring effective operation within the sector and markets. The provided support by Welsh Ministers will also ensure that animal welfare within the industry is not compromised following EU withdrawal.

⁶Report of the Independent Working Group on Snares, Defra, August 2005

⁷Climate Change, Environment and Rural Affairs Committee - Report on the use of snares in Wales, p5, June 2017

RSPCA Cymru are supportive in the introduction of powers to Welsh Ministers, with the Bill outlining how support from Ministers will be provided to those who achieve and promote high standards of animal health and welfare, however we are aware that there is currently no obligation set within the Agriculture (Wales) Bill to use the powers granted to them within this legislation.

In regards to the Sustainable Farming Scheme, we are also aware how the Agriculture (Wales) Bill in its current form references very little to minimum regulatory standards. The creation of National Minimum Standards allows more accessibility for the existing framework, and ensures that it is more widely understood within the sector, and the current lack of reference runs the risk of no full set of standards being in place for the introduction of the SFS in 2025. RSPCA Cymru currently supports the creation of National Minimum Standards for agriculture on the basis that the ability to amend standards quickly by Welsh Ministers will ultimately provide animal welfare and health benefits within Wales, and it is currently assumed that the introduction of these standards would reference previous statutory requirements within animal welfare legislation. As a result, we recommend that National Minimum Standards are implemented by the time of January 2025 launch of the Sustainable Farming Scheme, in order to ensure that standards are in place for its introduction. This would also produce a baseline for higher welfare payments to be paid to farmers such as capital costs to cover conversion of buildings eg removal of cages for laying hen production or costs to cover differences in production costs in higher welfare chicken farming or pig farming. Wales is rightly proud of its food and animal welfare standards. For instance it has the highest percentage of free range laying hen production in Europe. This Bill provides a good launch pad to further develop Welsh food and exploit agri food export opportunities.