



Fergus Ewing MSP
Cabinet Secretary for the Rural Economy and Connectivity
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

BY EMAIL ONLY

27 June 2018

Dear Cabinet Secretary

Fallen Stock Derogation – Isle of Bute & Cowal

Thank you for taking the time to reply to our regional MSPs about the Animal by-products (enforcement) (Scotland) regulations 2003, and specifically the exclusion of Bute and Cowal areas from the derogated area.

We welcome your acknowledgement that circumstances change, and we believe that the fact that fallen stock from the North West of Scotland are now taken to Cumbernauld, for onward transfer to Dumriesshire where incineration takes place, demonstrates that there has been a huge reduction in local disposal services since 2003.

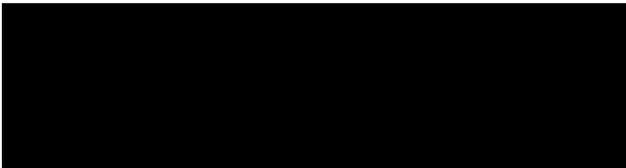
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We also welcome your commitment to formally review the Animal By-products remote area derogation and NFU Scotland are keen to work with you and your officials to ensure that a fair and equitable solution can be reached.

In the interim, we would call on you to reinstate the “temporary derogation” that was granted in October 2003, in order to facilitate the practical and effective burial of livetsock in these areas. It is imperative to our members in Bute and Cowal that their position in the remote Highlands and Islands is recognised by the Scottish Government.

Yours sincerely



Andrew McCornick
President, NFU Scotland

Cabinet Secretary for the Rural Economy and
Connectivity
Fergus Ewing MSP



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Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000
E: scottish.ministers@gov.scot

██████████, Chairman, Next Generation
Working Group, NFU Scotland

██████████, Agri-Affairs Chairman, Scottish
Association of Young Farmer's Clubs

By email to: ██████████@nfus.org.uk

Our ref: 2018/0013103
11 May 2018

John ██████████ *and* ██████████

Thank you for your joint letter of 4 April highlighting your concerns regarding the interpretation and implementation of the rules for new entrants to the agriculture industry.

You have advised of a number of cases where individuals have taken on a small number of livestock to gain agricultural experience and then subsequently find that they are not eligible for new entrant support when setting up in business. The rules governing Pillar 1 direct payment support to farmers are set out in EU Regulation 1307/2013. This regulation provides for the establishment and use of the National Reserve and Article 30 (6) stipulates that it should be used to allocate payment entitlements, as a priority, to Young Farmers and New Entrants to farming. Article 30 (11) (b) provides the definition for determining eligibility.

'.....in the five years preceding the start of the agricultural activity, did not have any agricultural activity in their own name and at their own risk or did not have the control of a legal person exercising an agricultural activity.'

Agricultural activity is defined in Article 4 (c) and includes '....production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes'

It is unfortunate that in the circumstances you describe the regulations result in the exclusion of some individuals. I acknowledge this is an issue and understand the frustration of those affected but as you will understand the Scottish Government is bound by the regulations in place. I have already voiced my belief that the CAP rules are too prescriptive and do not allow for enough flexibility however failure to comply would risk penalties and disallowance by the EU. There may be the opportunity post Brexit to look at the removal of overly prescriptive rules. However to fund such schemes would require commitments on funding that we do not presently have from UKG making good pledges made in the run up to the EU referendum that, in the event of Brexit full funding would be 'at least matched'.

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Turning to the Pillar 2 start-up schemes, I welcome your recognition of their success, and indeed of the wider benefits to the rural economy. But I feel it is very important to clarify that at no time did we announce the schemes would not re-open. In announcing on 17 March 2018 a further £4.2 million of start-up grants, we made clear that while there are no current plans to open future application windows, this may change as we continue to look for ways to put more money into the schemes. This commitment remains.

As you are aware, the original combined scheme allocation was £8 million but by already utilising other available funds across the SRDP we managed to increase this to £14 million. This has, so far, allowed funding of over 250 new agricultural businesses, the majority of whom are young farmers. As the only UK country to offer such dedicated schemes it, along with our Farming for New Entrants Programme and New Entrants Programme under the Farm Advisory Service, is clear evidence of our continuing support for generational renewal across the sector and so please be assured we are exploring all possible options to secure yet more scheme funding.

I hope this has clarified the situation in relation to young farmer and new entrant support however I would be happy to discuss further if this would be helpful.

Yours sincerely



FERGUS EWING

Cabinet Secretary for Rural Economy and Connectivity
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG
BY EMAIL ONLY



29 May 2018

Dear Fergus

I write to you following our previous discussions regarding livestock worrying.

As I have outlined to you, I am committed to ensuring that NFU Scotland (NFUS) does everything possible to support members who have suffered the blight of livestock worrying, and facilitating further progress to address this. I note from your recent comments to the Scottish Parliament that we share this aim.

I understand that Emma Harper MSP will shortly bring forward a proposal for a Private Members Bill on this issue and NFUS is very supportive of this proposed measure. My team have recently met with Ms Harper to explore the issue and give her insight into the key issues which NFUS believe need to be addressed through any legislative framework or guidance.

NFU Scotland has identified five areas which it considers merit further consideration, either through legislation or additional discourse with key stakeholders.

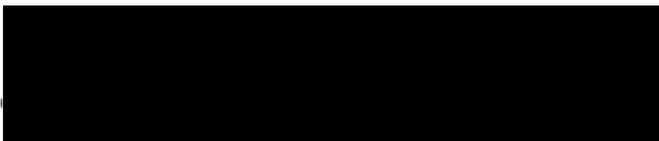
- Livestock worrying should become a recordable crime. This will allow for accurate measurement and monitoring of the issue, and provide easy identification of repeat offenders.

- An update of the Scottish Outdoor Access Code (SOAC) is needed to provide clearer guidance on accessing the countryside with dogs. NFUS believes that guidance should state that all dogs (with the exception of working dogs) must be on a lead around sheep. This will send a strong message to both those taking access to the countryside, and those who allow their dogs to stray.
- Police Scotland should be provided with powers to issue Dog Control Notices. Currently, only Local Authority Dog Wardens have the power to issue Dog Control Notices, as a result this mechanism is often unused. This will increase the use of this as a useful interim step.
- Police Scotland should have powers to obtain evidential evidence, seize dogs, and have dogs destroyed. These powers will assist in investigations and will prevent dogs from remaining in the custody of irresponsible owners – which experience has shown often results in a repeat offense.
- Fines levied on offenders must be proportionate, and full compensation should be provided for. NFUS considers that sanctions should include powers to disqualify offenders from dog ownership. This will act as a deterrent to dog owners, and will also ensure that farmers can redress any resulting cost to their livelihood.

I understand that the process for the Private Members Bill is at an early stage, however it is my hope that Scottish Government will support the proposals when they come to fruition.

I am, of course, very happy to keep in touch with you as this issue progresses.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Andrew McCornick, President, NFU Scotland

cc. Emma Harper MSP



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Andrew McCornick
President
National Farmers Union Scotland
By email:
nfuscotland@nfus.org.uk

Our ref: 2018/0017278
June 2018

Thank you for your emailed letter of 29 May in relation to the important issue of livestock worrying.

I absolutely agree that when livestock worrying takes place, it can be a terrible blight on farmers as their animals are harmed. I am committed to facilitating attempts to see what further action may be needed in this area to help protect the interests of farmers and their animals.

I note Emma Harper MSP has indeed indicated her intention to bring forward a Members' Bill proposal in this area. It is the case that full details of what may be contained in a Members' Bill are not yet available, but I can confirm that the Scottish Government will consider carefully the details of the proposed legislation when they are available.

You raise a number of areas where consideration could be given to adjusting the existing legislation in the area of livestock worrying and control of dogs more generally. I am sure these will be considered carefully as a proposal for legislation is developed by Emma Harper through her consultation process as well as other potential options that may be available too.

Thank you for keeping me updated on the views of the National Farmers Union and the importance you and your members place on protecting livestock. I am sure that we can all work together through the Scottish Parliament to help consider what changes can be progressed in this area to help minimise future incidents of livestock worrying.

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I am copying this letter to Emma Harper.

FERGUS EWING

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



Date : May 2018
To : MPs; MSPs
From : [REDACTED]
Direct dial : [REDACTED]
E-mail address : [REDACTED] nfus.org.uk

BRIEFING ON SCOTTISH LIVE EXPORTS FOR SLAUGHTER AND ANIMAL WELFARE DURING TRANSPORT

- This briefing summarises the NFU Scotland (NFUS) response to the Department for Environment, Food and Rural Affairs call for evidence on controlling live exports for slaughter and improving animal welfare during transport after the UK leaves the EU.
- Animal transport is an extremely emotive subject and one that NFUS understands generates high volumes of parliamentary mail. Given the high level of attention that it attracts there has also been considerable amounts of research carried out on the subject. It is important that decisions relating to animal transport are based on sound evidence and not misconstrued perception based on past tragic cases that have unfortunately taken place due to current, high legal standards not being adhered to.
- Animals travel for a variety of reasons including breeding, further finishing, slaughter or seasonal movements. For many reasons – geographical and climate challenges, and lack of local processing facilities, these movements are particularly essential for livestock farmers and crofters in Scotland.
- All journeys with live animals are tightly regulated and must meet the same regulatory conditions. The quality of the journey is not determined by the destination, location or type (i.e. slaughter vs. breeding). Banning live exports for slaughter, or modes of transport, using animal welfare as the reason must be backed by evidence and for the reasons outlined in this briefing, NFUS does not believe the evidence is there.

Background

1. Livestock production is critical to Scotland's rural economy. 40 per cent of Scottish agricultural output comes from the red meat sector with the direct supply chain supporting 32,740 jobs. The value of 'on the hook' beef and lamb exports from Scotland to the rest of the UK is approximately £80m annually, and growing year on year.
2. Animal movements are essential for Scottish livestock production. The nature of production in Scotland means animals may be moved for overwintering, better grass/forage availability, finishing, and for breeding, as well as movements to slaughter. While industry agrees that it is preferable to slaughter animals as close to the farm as possible, this is not always viable. Using CTS figures, an estimated 1.5 million movements take place in Scotland each year representing 20 per cent of the UK total movements. Approximately 56 per cent of the Scottish-born sheep and 15 per cent of Scottish cattle are processed elsewhere in the UK, making longer journeys essential. Therefore, the option of well-managed and regulated movements play an important role in the economics of production.
3. Transportation of livestock is tightly governed by European Regulations¹, with the current regulatory requirements protecting the welfare needs of animals during transport. Ventilation, temperatures, and stocking density have all been defined under respected scientific advice. NFUS is not aware of any evidence to suggest welfare differences between the different types of transport, as long as those standards are met, and the weather conditions are appropriate.
4. The EU Regulation was reviewed in 2011 and under substantial scrutiny it was determined that improved welfare has been delivered. The review also revealed that where there are deficiencies, these do not lie in the Regulation itself but how well it is enforced. The review identified discrepancies in how the Regulation was enforced across different Member States and how information and responsibility were shared in the case of cross-border transport. The recommendations made have not yet been fully implemented and NFUS suggests more focus should be directed at ensuring standards are met and information is shared for all journeys that originate from the UK.

¹ Council Regulation (EC) No. 1/2005

5. There is a considerable amount of mis-information surrounding animal transport. For instance, statements suggesting that some journeys to slaughter can be over 100 hours long are used to paint a picture of unacceptable journeys. Whilst it is true that some journeys do take place over several days and can last upwards of 100 hours, much of this 'journey time' is spent off the lorry, resting at approved sites with food and water for minimum periods of 24 hours. It is not all spent in transit.
6. Cases such as that seen at Ramsgate in 2012 are highly distressing but thankfully they are rare. In most cases such as this, it has become clear after the event that the transport conditions did not meet the required standard so were already illegal. The situation at Ramsgate was exacerbated by poor facilities and handling in investigating the initial breach. Ports handling the transportation of live animals must have suitable, safe facilities for unloading the animals in the case of emergency or investigation.

Live exports and animal movements – Scottish context

7. No animals are exported for slaughter directly from Scotland to outside the UK, but they may be exported indirectly via other regions of the UK. Live exports play a role in modern production systems providing an alternative market, especially when seasonal production levels are high, serving to support the home market prices. These movements are important to industry but should be well managed and regulated to minimise the risk of welfare problems.
8. It is important that governments support the UK industry and NFUS is concerned that the imposition of new rules and standards, paired with the possibility of produce that is produced to lesser standards being imported in to the UK, could damage the resilience of the industry and lessen rather than increase controls on production standards.
9. Scotland has many islands where livestock production is crucial to the island economy and which are an integral part of the livestock industry and rural economy of Scotland. Scotland's island livestock production prides its self on high welfare and any implication that journeys by ferry are 'bad welfare' could be damaging to their reputation.

10. Slaughter houses on islands have been tried but even on the larger, cattle dense islands, such as Orkney, they have proven to be unviable, making transport off islands for slaughter a necessity. Welfare during these journeys is taken very seriously for both welfare and product quality reputation.
11. Many ferry journeys take place every year using both roll-on, roll-off ferries and ferries where livestock are loaded into special containers, without incident. When animals are transported on ferries which operate roll-on, roll-off systems for lorries, it is the conditions within the lorry that are important for the animals. Lorries must all be suitably secured on the ferry and the captain of the vessel assumes responsibility for the livestock's welfare. This is taken very seriously, and crossings with livestock will only take place when it is felt that the conditions are suitable.
12. For longer crossings by water in Scotland (from the Northern Isles to Aberdeen in particular), a unique 'cassette' system of loading animals into special containers on the vessel is used. This system was designed with involvement from Scottish Government, official vets and other experts to ensure that it met the highest standards of welfare during lengthier crossings.

NFUS position

13. NFUS does not support a ban on the live export of animals. Whilst numbers of live exports out of the UK from Scotland are slim to none, NFUS considers that having the option of an export market is important to support producers and a healthy market within the UK. The EU market is a vital market for the UK meat sector, however if the United Kingdom doesn't reach an agreement with the EU then it's likely that tariff rates on exports could result in exporters facing a 92 per cent increase on beef carcasses, a 45 per cent increase on lamb carcasses and a 53 per cent increase in pig carcasses². Given the uncertainty over future trade which the UK livestock industry is currently facing within the Brexit context, there should be consideration by government to ensure that opportunities for the UK industry are not limited through domestic regulation.

² http://www.qmscotland.co.uk/sites/default/files/qms_briefing_paper_1_-_brexit_-_feb_2017.pdf

14. Given that the welfare standards for transport are currently the same across the EU, NFUS suggests that it is critical not to use animal transport as the conduit to ban live exports without evidence of deficiencies. If welfare problems are identified during export through poor implementation of rules during transport, slaughter or production system, this is a different problem and should be recognised as such. Using welfare as the justification to ban live export without clear substantiation could unjustly call into question the UK's domestic transport rules. NFUS is concerned this could severely damage the livestock industry.
15. It may be possible to get around implementation problems through use of a licensing scheme or approved operators without changing the transport rules.
16. NFUS feels very strongly that decisions and changes to regulations that potentially impact on the reputation of these services should not be made without fully understanding the importance of animal movements to Scottish livestock production systems, as well as the standards that are employed to protect the welfare of animals on these crossings.
17. NFUS has extended an invitation to the Secretary of State for Environment, Food and Rural Affairs to visit Scotland and see first hand the systems that have been in operation for many years to ensure that ferry transport on and off the islands is carried out to high standards. Regrettably, this offer has been declined. **NFUS would welcome any political support to encourage UK Government to engage in the systems already in operation in Scotland, particularly within the context of the current call for evidence.**

F/T: 0300 244 4000
E: scottish.ministers@gov.scot


 [@nfus.org.uk](mailto: @nfus.org.uk)

Our ref: 2018/0016900
June 2018

Thank-you for your correspondence of 23 May in which you shared a briefing setting out NFU Scotland's position on live animal transportation.

As you will be aware, I have previously written to the Rt Hon Michael Gove MP, to indicate the Scottish Government's support in principle for a UK consultation on live exports for slaughter to continental Europe. In my correspondence to Mr Gove, I did however make it very clear that any changes which could create further challenges or difficulties for our farming sector or that puts Scottish agriculture at a disadvantage would not be agreed to by Scottish Ministers. Furthermore, both myself and officials have been particularly clear in stressing both the critical importance of, and the world class welfare standards embodied within, the transport of livestock between the Scottish Islands and the Scottish mainland.

The UK Government subsequently issued the wider call for evidence seeking views and information on all aspects of animal welfare in transport and we again welcomed this development and remained content for the call for evidence to proceed. While our priority continues to be ensuring the highest standards of animal health and well-being in any transportation, we are determined that the Scotland's world-renowned farming and agricultural sector will not be placed at any disadvantage.

With that in mind, I welcome the considered and balanced submission that you have provided. This is a very important, and to many a very emotional issue and it is therefore critical that Scottish farmers and producer's voices are heard clearly in this debate and not lost amidst mis-reporting in the media, nor drowned out by on-line noise. I have forwarded this onto my Officials for their reference and look forward to continuing to work with you and your members to safeguard both the best interests of Scottish agriculture and the high standards of welfare that our animals currently enjoy.

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We also share your belief in the importance of evidence based policy making as evidenced by our funding of an international research project to gather evidence on the welfare of 4-6 week old dairy calves transported from Scotland to Spain via Ireland and France for further rearing for beef production. Initial reports are favourable for animal health indicators. Scientific evidence from research projects like this should inform the development of policy and practice in the transport of livestock – in any country, not just here in Scotland – to ensure the best possible welfare standards for animals everywhere.

I am disappointed that the Secretary of State for Environment, Food and Rural Affairs has not taken advantage of your invitation to see for himself the systems that are in place for transporting animals on the longer crossings by water in Scotland. If it would be of assistance, I would be happy to write to Mr Gove and offer to host such a visit in conjunction with NFU Scotland.

I hope that this has been of assistance.

FERGUS EWING

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