

COUNTRYSIDE ALLIANCE BRIEFING NOTE

NATURAL ENVIRONMENT AND ANIMAL WELFARE



The Voice of the Countryside

House of Lords Debate

“Improving the natural environment and animal welfare” (The Earl of Caithness, Con)

Thursday 7 December 2017

Contents	Page
○ Background	p. 1
○ Countryside Management	p. 1
○ Support Payments	p. 2
○ Environment	p. 4
○ Wildlife Management	p. 5
○ Animal Welfare	p. 5

Background

- The British countryside is famous around the world and is of great importance for our rural communities, wildlife and habitats, and tourist sector.
- The importance of farming and traditional land management in creating and sustaining some of our most iconic rural landscapes must be recognised in our approach to countryside management outside the EU. The work that the EU has done to improve environmental standards, particularly in water quality, should be continued and developed in a way that is appropriate for the UK.
- The UK produces some of the best food in the world, with the highest standards of safety and animal welfare. Our new relationship with the EU, and any new trade deals with non-EU countries, must protect these standards and allow our produce to be promoted globally and compete on the basis of quality.
- Leaving the EU provides the opportunity to develop an agricultural policy that is appropriate for the UK, targeting support payments for the public good provided by farmers.

Countryside Management

- Many areas of our countryside look ‘wild’ but the landscape is the result of existing management from farmers and other land managers which has developed over many centuries. Through the maintenance of fields, walls and hedges, woodlands and other landscape features, farmers play an important role in shaping and protecting some of our most iconic rural landscapes, including National Parks and Areas of Outstanding Natural Beauty.

- The decision to leave the EU has opened a public discussion about the future of countryside management, which we welcome. There are important questions about how to manage our countryside and support rural communities after we leave the EU, particularly in upland and other marginal farming areas. However, we are concerned by the suggestion that existing management is part of the problem and that management should be withdrawn or scaled back as part of a policy of 'rewilding'.
- There is no single definition of 'rewilding'. A report from the House of Commons Environmental Audit Committee in January 2017 stated their preferred definition was *"...reducing human intervention in some areas, preferably in a planned way, so that natural environmental processes will have more scope to shape the composition and structure of such landscapes..."*. The Committee acknowledged that 'rewilding' was a contested term and concluded that there was not enough evidence to recommend a general policy on this after we leave the EU, which we welcomed. However, we are concerned by the Report's suggestion that rewilding *"may arise out of necessity"* if changes to support payments or unfavourable trade deals *"lead to less land being viable for profitable farming"* after we leave the EU.
- Supporters of 'rewilding' often see farming as an obstacle to conservation but this ignores its benefit in many areas. Low intensity grazing plays a valuable role in preserving the Lake District's environment, which is home to extensive areas of rare habitat, internationally important rivers and lakes, and a key source of drinking water for cities in the North West. If remote areas in the UK were to be abandoned as part of a policy of 'rewilding' they would soon revert to scrub or woodland which would threaten some of our rarest moorland and grassland habitats.
- In many cases, 'rewilding' land management practices result in the loss of agricultural land or a reduction in its productivity. Land that is flooded as part of managed river and coastal flooding will be difficult to restore if there is a change in policy and the reintroduction of apex predators such as lynx and wolves can also make the land less productive by increasing predation. The economic advantages of 'rewilding' do not outweigh the potential loss of income to existing businesses or the social impact resulting from a loss of traditional employment in farming.
- Without a continuation of traditional land management practices many iconic rural landscapes would be lost with negative consequences for rural communities, wildlife and habitats and the tourist sector. It is vital that the UK Government continues to recognise the importance of traditional management and supports this after we leave the EU.

Support Payments

- Farmers in the UK benefit from support payments as part of the EU's Common Agricultural Policy (CAP). CAP payments are currently divided into two categories which paid UK farmers a combined total of £2.8 billion in 2015. The majority of funding is provided as direct payments under Pillar 1 and additional payments are available to help farmers implement development schemes under Pillar 2. Support payments from the EU currently make up approximately 50-60 percent of farm income in the UK.
- Support payments play an important role in the food and farming industry and the wider economy. In 2015, it was estimated that the contribution of farming to the UK across all areas was worth 7.4 times the funding it received in direct payments under Pillar 1 (approximately £2.2 billion). This is particularly important in rural areas where farming remains an important part of the economic and social life of the local community. We welcomed the announcement from the UK Government that funding under Pillar 1 will be

guaranteed until 2020 and the commitment that projects under Pillar 2, signed before the Autumn Statement in 2016, will also have their funding guaranteed.

- It is important that CAP is replaced with a fully funded UK agricultural policy to be in place and ready to be implemented before existing funding is removed. Farming in the UK has developed within the framework of CAP for the last 40 years and therefore the introduction of a new agricultural policy will need to include transitional arrangements to ensure that farm businesses in the UK are able to adjust as decisions often need to be taken years in advance. Farmers, particularly in upland and marginal areas, are often small to medium sized enterprises and a sudden change in agricultural policy would risk the sustainability of some of these businesses which are dependent upon support payments.
- The administration of the new agricultural policy must recognise the fact that many farmers are still unable to receive high speed broadband and those who are connected do not always have the skills to be able to use it to full advantage. The UK Government and the Devolved Administrations must ensure that applications under a new agricultural policy are able to be made by post as well as online for as long as universal connectivity is lacking.
- The UK Government has indicated that it wants to see a more market-orientated agricultural policy with a focus on competitiveness. Policies designed to make our farmers more competitive should be welcomed, however this must not be done to the detriment of the environment.
- Despite efforts and incentives to improve competitiveness, there will continue to be some parts of the UK where farmers cannot survive on the profits of food production alone and this needs to be addressed in a new agricultural policy as well as continued efforts to support diversification.
- Farmers in the uplands and other marginal areas are limited to low intensity grazing which has small profit margins and is often more exposed to market volatility than other sectors of the industry. Their work, however, often provides the most amount of public good in creating and maintaining some of our most iconic rural landscapes, which are so important to our cultural heritage and provide the recreational opportunities people value so much. A new agricultural policy should target support payments to those farmers who are providing the most amount of public good but not being rewarded for this by the market. This also means ensuring that support is provided to the people and businesses that have the task of carrying out this work on a daily basis.
- Farmers play a vital role in conservation. Using the skills and experience of farmers is often the best way to improve biodiversity and secure the future of our vital natural resources. If farming in upland and other marginal areas were to be abandoned because of changes to support payments, there would be detrimental effects on the habitat in these areas and the species they support.
- Farming is often central to the economic and social life of some of our most rural communities. As well as support payments helping to keep livestock on the hills, they also help to keep the local school open and provide employment in the wider rural economy from shops and garages to hotels and pubs. The importance of support payments to rural communities needs to be recognised when developing a new agricultural policy as without this support many of the most rural communities face the prospect of becoming unsustainable.

- The scope and level of funding of the new agricultural policy will be constrained by World Trade Organisation rules which state that *“the amount of payment shall be limited to the extra costs or loss of income involved in complying with government programmes.”* The principle of income foregone limits the extent to which payments can be used to support the provision of public good when there is no market for this and the UK Government will need to consider how best to provide support whilst remaining compliant with trade rules.

Environment

- The EU has developed environmental policy in a broad range of areas, including air quality, climate change, and waste and water management. There have been significant improvements in many of these areas as a result of EU regulations and it is important that these are continued and developed after we leave the EU.
- One of the most important areas of EU environmental policy has been water quality and the impact of EU Directives on the UK has been highly significant. The most important change over recent decades has been on waste water treatment which has led to significant improvements in the quality of rivers and coastal waters. Many EU Directives aimed at improving water quality are also vitally important for protecting fish, their habitats, and a range of other wildlife. Many fish stocks in and around the UK are in decline, but protection of EU Directives has generally slowed this decline and in some cases, particularly urban rivers, has led to a partial rehabilitation of stocks.
- The Urban Waste Water Treatment Directive 91/271/EEC made it illegal for untreated sewage and industrial chemicals to enter waterways, which helped to transform rivers like the Thames, Tees and Mersey, enabling fish stocks and wildlife to return. The Water Framework Directive 2000/60/EC established a system for the protection and improvement of all aspects of the watercourse including rivers, lakes, estuaries, coastal waters and groundwater. The revised Bathing Water Directive 2006/7/EC requires the UK to monitor and assess beaches used by large numbers of bathers for certain bacteria and includes a classification and notification system so that the public are aware of the status of the bathing water.
- It is important that the improvements made under these Directives are not lost as we leave the EU. We welcomed the Government’s intention to maintain existing EU environmental legislation and regulations as part of the EU Withdrawal Bill. It is also important that necessary arrangements are in place for robust enforcement of environmental protection from government agencies and the courts in order to replace the existing responsibilities of the European Commission and the EU Court of Justice. We are interested in the recent announcement from the Environment Secretary, Rt Hon Michael Gove MP, on the creation of a new regulator to enforce environmental standards and we look forward to further information on the role this would have in the enforcement of river and coastal water quality.
- It is right that the Government and the Devolved Administrations should take the opportunity of leaving the EU to review existing levels of environmental protection to ensure that they are fit for purpose and appropriate for the UK, as well as fulfilling our international obligations. This should include the development of a national fisheries policy, covering both marine and freshwater fish, which takes much greater account of the interests and requirements of recreational fishing.
- There is abundant evidence that where watercourses are managed for fishing, other wildlife benefits and many fishers undertake conservation work for its own sake. In 2016/17 the rod licence raised nearly £21 million and it is vital that this money continues

to be ring-fenced to ensure that the Environment Agency has the necessary resources to continue to improve water quality and river conservation on the ground. The role of fishing in conservation should be recognised in Defra's 25 year plan for the environment.

- As we leave the EU it will be essential to ensure that the UK develops its own representation on international bodies that are responsible for managing stocks. The UK is currently represented at the North Atlantic Salmon Conservation Organisation (NASCO) as part of the EU delegation. After we leave the EU it will be vital for the UK to be represented in its own right as one of the principal wild salmon producing nations in the North Atlantic region. This will require applying to NASCO for individual membership well in advance of the UK leaving the EU, to avoid losing influence within international salmon management negotiations and agreements.

Wildlife Management

- The EU has developed nature conservation policy that is comprehensive and ambitious compared with many other parts of the world. It has been a driving force for establishing and strengthening wildlife and habitat protection and this should be continued after we leave the EU.
- At the centre of EU nature conservation policy are the Nature Directives (the Birds Directive 79/409/EEC and the Habitats Directive 92/43/EEC). These Directives provide general protection of wildlife in the EU, in particular through the protection of sites that are of specific importance for certain species and habitats. The Directives are transposed into UK law through the Wildlife and Countryside Act 1981 and regulations which offer important legal protection to our wild birds and habitats.
- The UK Government and the Devolved Administrations should take the opportunity of leaving the EU to review existing levels of wildlife and habitat protection to ensure that they are fit for purpose and appropriate for the UK, as well as fulfilling our international obligations. This is an important opportunity to develop a sustainable nature conservation policy that balances the particular requirements of UK species and habitats while taking account of our economic and social requirements.
- There is abundant evidence that where land is managed for the benefit of game, other species naturally flourish and many shoots undertake conservation work for its own sake. Nearly 2 million hectares in the UK are actively managed for conservation as a result of shooting, with shoots spending £250 million each year on conservation work. As we leave the EU, it is vital that decisions about wildlife protection are not used to promote an anti-shooting agenda by changing the status of existing quarry species.
- The UK Government should continue to cooperate closely with the EU on biosecurity to help prevent and contain outbreaks of potentially damaging diseases such as avian influenza which are a significant threat to wild and reared birds.

Animal Welfare

- As the UK Government develops new trading relationships with non-EU countries, it must be ambitious but it must also be pragmatic. A shift towards promoting export markets outside of the EU is likely to increase the need for UK agriculture to become more competitive, but there will be some farmers who will always struggle to compete on price in the global market. Farmers in the uplands, and other marginal areas, are not in fair competition with global producers who are operating in very different environments, often with fewer safety and animal welfare laws to comply with, meaning their production

costs are significantly lower. This type of upland and marginal farming does, however, provide a vital public good in maintaining some of our most iconic rural landscapes and their communities. The interests of these farmers must be safeguarded in any new trade deals.

- Food and agricultural products should be treated as 'sensitive' in trade negotiations with non-EU countries to recognise that the high standards of safety and animal welfare which UK consumers expect, and our laws require, adds to the cost of production for our farmers. There are significant differences in legislation and best practice between the UK and many non-EU countries in areas such as biotechnology, hormone growth enhancers, and pathogen reduction treatments. There must be recognition of these differences in any new trade deals to avoid downward harmonisation and a lowering of our high standards. Flooding the domestic market with cheaper imports would put UK farmers at a competitive disadvantage and ultimately risk putting many out of business.
- Many of the countries with which new trade deals are seen as a priority, such as Australia, the USA and Brazil are also large meat exporting countries. These countries are likely to seek extensive agricultural concessions as part of any agreement with the UK and our farmers must not be used as a 'bargaining chip' in the negotiations. This is particularly important as World Trade Organisation rules do not allow the process by which something was produced to be taken into consideration when providing state support which is considered to have a distorting effect on the market.
- We welcomed the Government's announcement to increase sentences for animal welfare offences from a maximum of six months to five years imprisonment. However, it is also important that any changes to custodial sentences are taken forward in the broader context of the recommendations of the EFRA Committee's report into animal welfare last year, particularly in respect of private prosecutions. If custodial sentences were to increase to five years, the power and authority of those who enforce and prosecute offences would be significantly increased. This would make it even more important to ensure that there was accountability and transparency in all prosecutions which must mean the RSPCA ceasing to act a prosecutor of first resort, as the EFRA Committee recommended.
- It is impossible to have a debate about changes to animal welfare laws without considering the issue of enforcement and prosecution. Animal welfare, perhaps more than any other area of law, currently relies on private enforcement and prosecution, particularly by the RSPCA. The EFRA Committee considered this issue in some detail and whether the current arrangements are serving public interest, charitable law, and animal welfare.
- The RSPCA has an invaluable role in investigating allegations of animal mistreatment. However, recent criticism has led to its reputation being diminished in the eyes of the public and the organisation has itself acknowledged that it needs to be more transparent and accountable.
- The Wooler Report recognised that the RSPCA needed to make changes in terms of accountability and transparency before receiving statutory authority. Some of these changes are only being put in place two years after the publication of the Report and even they do not address the fundamental concerns about conflict of interest.
- The EFRA Committee agreed that the current model in England and Wales where the RSPCA brings private prosecutions alongside its investigative, campaigning and

fundraising functions, does not provide the necessary separation to ensure that there is no conflict of interest.

- The EFRA Committee agreed that the RSPCA should retain the ability to bring private prosecutions, where it reasonably believes that there is no statutory alternative and where such a prosecution would further its charitable objectives. However, it should “*withdraw from acting as a prosecutor of first resort*”.
- The argument that if the RSPCA did not prosecute then no one else would because of a lack of resources, is not justified. The Solicitor General has confirmed that the CPS does not refuse to proceed with prosecutions because of a lack of expert knowledge and made it clear that resources are never a bar to prosecution.

For more information please contact:

Sarah Lee

Head of Policy

Sarah-lee@countryside-alliance.org

0207 840 9250

James Somerville-Meikle

Political Relations Manager

James-sm@countryside-alliance.org

0207 840 9260