

Item: 9

Development and Infrastructure Committee: 2 February 2021.

Animal Welfare in Transport.

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider the Council's response to UK and Scottish Government's public consultations on proposals regarding Animal Welfare in Transport.

2. Recommendations

The Committee is invited to note:

2.1.

That both the UK Government, via the Department for Environment, Food and Rural Affairs (DEFRA), and the Scottish Government are undertaking a formal consultation on the proposals to review legislation regarding Animal Welfare in Transport.

2.2.

The DEFRA consultation, attached as Appendix 1 to this report, with the Scottish Government consultation available for viewing on the following link:

<https://www.gov.scot/publications/consultation-farm-animal-welfare-committees-opinion-welfare-animals-during-transport-scottish-government-response>

2.3.

That the consultation introduces a number of potential measures which would have significant impact on the operational practice for Orkney's agricultural sector, to the extent that it could threaten the viability of the sector in Orkney.

2.4.

That the National Farmers' Union has prepared a detailed response to the DEFRA consultation, attached as Appendix 2 to this report.

2.5.

That the Council's draft response to the SG consultation, which is more general in scope, and focussed on gathering data, is attached as Appendix 3 to this report.

It is recommended:

2.6.

That the Council endorses the National Farmers' Union consultation response to consultation on the proposals to review procedures and protocols regarding Animal Welfare in Transport, attached as Appendix 2 to this report.

2.7.

That the Executive Director of Development and Infrastructure should write to the Department of Environment, Food and Rural Affairs confirming the Council's endorsement of the NFU position, as outlined at paragraph 2.4 above.

2.8.

That the draft response to the public consultation by the Scottish Government Farm Animal Welfare Committee on the Welfare of Animals During Transport, attached as Appendix 3 to this report, be approved.

2.9.

That the Executive Director of Development and Infrastructure should submit the response to the Scottish Government Farm Animal Welfare Committee, on behalf of the Council, in relation to the consultation on the Welfare of Animals During Transport, by the deadline of 26 February 2021.

The Committee is invited to note:

2.10.

That, due to the time constraints involved, the Chief Executive would be requested to exercise emergency powers to authorise submission of the response, referred to at paragraph 2.9 above, prior to approval by Council.

3. Consultation on Welfare of Animals During Transport

3.1.

The UK Government made a manifesto pledge to end excessively long journeys for animal slaughter and fattening. After Brexit they are intent on delivering on the pledge and the Department for Environment, Food and Rural Affairs is undertaking a formal consultation on the proposals to review legislation, in England and Wales, regarding Animal Welfare in Transport, attached as Appendix 1 to this report. A deadline for consultation responses is set for 25 February 2021.

3.2.

The consultation proposal addresses the following key issues:

- Reduced journey times.
- Increased journey rest periods.
- Stricter temperature and ventilation controls.
- Space allowance and headroom controls.

- Prohibit journeys by sea during Beaufort Wind Force 6 or above.

3.3.

The Council has been engaging with the local branch of the National Farmers' Union regarding these matters. The NFU has prepared a detailed response to the consultation. A copy of this response is attached as Appendix 2 to this report. This confirms the NFU position that the DEFRA proposal introduces a number of potential measures which would have significant impact on the operational practice for Orkney's agricultural sector, to the extent that it could threaten the viability of the sector in Orkney. It is considered that this response from the NFU is a proportionate and effective summary of the potential impacts of the consultation proposal on agriculture in Orkney. It is therefore recommended that the Council endorses the NFU consultation response.

3.4.

Animal welfare is however a devolved function and the Scottish Government is undertaking a simultaneous consultation to that of the UK Government, but based on recommendations arising from a report by the Farm Animal Welfare Committee (FAWC). This consultation is less detailed and, at this stage, looks at gathering data rather than presenting proposals. The Council's statutory animal welfare service, within Trading Standards, was asked to comment on the Scottish Government's consultation and the draft comments are attached at Appendix 3 to this report. The deadline for comments to the Scottish Government is 26 February 2021.

3.5.

It is recommended that the Council endorses the National Farmers' Union consultation response to consultation on the proposals to review legislation regarding Animal Welfare in Transport, as attached as Appendix 2 to this report.

3.6.

It is further recommended that the Executive Director of Development and Infrastructure should write to the DEFRA confirming the Council's endorsement of the National Farmers' Union consultation response.

3.7.

It is further recommended that the Committee endorses the draft comments from the Animal Welfare Service to the Scottish Government consultation, attached as Appendix 3 to this report.

4. Links to Council Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority theme of Enterprising Communities.

5. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priorities of Strong Communities and A Vibrant Economy.

6. Financial Implications

There are no significant financial implications resulting from the recommendations in this report.

7. Legal Aspects

There are no legal implications arising directly from the recommendations in this report. However, by participating in the consultation, the Council is taking the opportunity to make its views known and therefore impact future legislation.

8. Contact Officers

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Gary Foubister, Trading Standards Manager, Email gary.foubister@orkney.gov.uk

Mark Evans, Animal Welfare Officer, Email mark.evans@orkney.gov.uk

9. Appendices

Appendix 1: Department for Environment, Food and Rural Affairs – Consultation on Improvements to Animal Welfare in Transport, December 2020

Appendix 2: NFU Response to Department for Environment, Food and Rural Affairs Animal Welfare in Transport Consultation.

Appendix 3: Orkney Islands Council Response to Department for Environment, Food and Rural Affairs Animal Welfare in Transport Consultation.



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government

Consultation on improvements to animal welfare in transport

December 2020

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Part 1 – Introduction

Context

1. The United Kingdom (UK) government has a manifesto commitment to end excessively long journeys for slaughter and fattening. This consultation is issued jointly by the UK and Welsh governments¹. The government is committed to the welfare of all animals and to making further improvements to animal welfare in transport. Now that the UK has left the European Union (EU), the government can explore alternative options to better protect animal welfare during transport.
2. The current rules aimed at protecting animal welfare in transport are derived from directly applicable EU law, Council Regulation (EC) No 1/2005². The Regulation sets out the requirements that anyone transporting animals in connection with an economic activity³ must comply with. There are growing concerns that the current requirements for the transport of animals do not reflect the latest scientific evidence on how best to protect animal welfare during transport.
3. The Department for Environment, Food and Rural Affairs (Defra) and the Devolved Administrations launched a Call for Evidence⁴ in 2018 on controlling live exports for slaughter and improving animal welfare during transport. The Farm Animal Welfare Committee⁵ (FAWC) were then asked to review this evidence and provide recommendations on improving the welfare of animals during transport. Scotland's Rural College (SRUC) and the University of Edinburgh conducted a systematic review of scientific research on the welfare of animals during transport and at markets. Evidence from the systematic review fed into FAWC's advice.
4. FAWC submitted their advice to Defra and the Devolved Administrations in 2019 which outlined concerns about how far and under what conditions animals can be transported under the current regulations. The FAWC advice identified several aspects of transport that negatively impact animal welfare, provided principles for best practice and recommended improvements to the current regulations on animal welfare during transport.

¹ The UK and Welsh governments are referred to as 'the government' hereafter unless otherwise stated.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>; hereafter referred to as "the Regulation".

³ This is not limited to transport where an immediate exchange of money, goods or services takes place. Transport for commercial purposes includes, in particular, transport which directly or indirectly involves or aims at a financial gain.

⁴ <https://consult.defra.gov.uk/animal-health-and-welfare/live-exports-and-improving-welfare-in-transport/>

⁵ The Farm Animal Welfare Committee, known as the Animal Welfare Committee since 1 October 2019, was responsible for advising Defra and the Devolved Administrations in Scotland and Wales on the welfare of animals.

5. Our objective is to end excessively long journeys for slaughter and fattening, and to improve animal welfare during transport more generally.
6. The purpose of this consultation is to seek views on the proposal to end the export of livestock⁶ and horses⁷ (this will not apply to poultry) from England and Wales for slaughter and fattening. Exports from England and Wales would be prevented whether the animals originated from or were travelling through England or Wales. Exports for slaughter are exports direct to a slaughterhouse. Exports for fattening are exports where the animal is to be slaughtered within 6 months of arrival.
7. This consultation also seeks views on proposals to reduce maximum journey times for all journeys in England and Wales, and to improve the conditions of animal transport more generally. In summary, we are seeking views on the following proposed changes to animal welfare policy:
 - **Live animal exports:** The government proposes to end the export of livestock and horses for slaughter and fattening, whether travelling from or through England and Wales.
 - **Maximum journey times:** The government proposes to reduce current maximum journey times for all journeys.
 - **Temperature conditions and ventilation:** The government proposes introducing stricter requirements for all journeys during extreme external temperatures.
 - **Headroom height:** The government proposes implementing new headroom height requirements for all livestock and horse journeys.
 - **Sea transport:** The government proposes to prohibit all journeys by sea during Beaufort Wind Force of 6 or above.
 - **Short and long journeys:** For all the new requirements, we are proposing that these apply to both short and long journeys⁸.
 - **Exceptions:** There will be no exceptions to the proposals to end live animal exports for slaughter and fattening. However, the government wants to gather

⁶ Livestock in this consultation are defined as cattle, sheep, pigs and goats.

⁷ References to horses in this consultation include 'registered' and 'unregistered' horses unless otherwise stated. A registered horse or pony is one that is on the stud book of a recognised breed society or registered with an international organisation that manages equestrian competitions. Current regulations provide exemptions for the transport of registered horses, including transport without the requirement for a journey log, being restricted by water and feed intervals, journey times, rest periods and the transport of animals of four months or younger without being accompanied by their dam.

⁸ We are not proposing any changes to the current journey definitions. Short journeys are defined as being over 65km and up to, and including, eight hours in duration. Long journeys are defined as any journey which exceeds eight hours in duration.

views on potential exceptions to the other proposed changes to the regulations, provided there are sufficient welfare protections in place.

8. The government is also seeking views on basing space allowances for animals on allometric principles.
9. The government aims to understand the way in which these proposals may affect day to day animal movements and what potential exceptions might be considered in order to keep regulatory burdens to a minimum whilst protecting welfare. This consultation will help determine the government's policy in this area.

Scope

10. These policy proposals will require changes to legislation, however, we are proposing no changes to the existing scope of the current legislation on animal welfare in transport; these proposed measures would apply to all animals that are transported for economic reasons as currently defined in the Regulation. When proposals that are not species specific are outlined, these are intended to apply to livestock, poultry and horses unless otherwise stated. This consultation is seeking views in order to achieve an appropriate balance between the requirements and conditions applying to journeys to protect animal welfare, and regulatory impacts on animal keepers and businesses.
11. The proposals outlined in this consultation relate to England and Wales only. Animal welfare is a devolved matter and we will discuss the responses to this consultation with the Scottish government and Northern Ireland Executive.

Audience

12. Anyone may respond to the consultation. Those who have an interest include:
 - Animal welfare organisations;
 - Breeding associations;
 - Farming unions;
 - Livestock and genetics businesses;
 - Livestock and poultry farmers, and horse owners;
 - Livestock, poultry and horse traders;
 - Livestock or animal vehicle manufacturers;
 - Local authorities (LAs);
 - Show, competition and race organisers;
 - Trade bodies;
 - Transport companies; and
 - The veterinary profession.

Responding to the consultation

13. This consultation starts on 3 December 2020 and closes on 28 January 2021.
14. We would ask you to respond to the consultation questions using the online tool which can be found on Citizen Space at <https://consult.defra.gov.uk/transforming-farm-animal-health-and-welfare-team/improvements-to-animal-welfare-in-transport>. However, responses could also be sent to Defra by email or post. Please state:
- **Your name**
 - **Your email address**
 - **Your organisation**

15. Enquiries and responses should be directed to AnimalWelfare.Consultations@defra.gov.uk, or

Consultation Coordinator, Defra

2nd Floor, Foss House, Kings Pool,

1-2 Peasholme Green,

York,

YO1 7PX

16. If you would like to receive hard copies of the consultation documents, you may contact AnimalWelfare.Consultations@defra.gov.uk

After the consultation

17. Members of the public may ask for a copy of the responses under the Freedom of Information (FOI) legislation. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer this will not count as a confidentiality request. Please explain why you need to keep the details confidential. We will take your responses into account if someone asks for this information under the FOI legislation. However, because of the law, we cannot promise that we will always be able to keep those details confidential.
18. We will summarise all responses once the consultation window is complete. This summary will include a list of names of organisations that respond but not people's personal names, addresses or other contact details.
19. This consultation is in line with the UK government's Consultation Principles. **Please note that a consultation period of 8 weeks applies.** More information on the UK

government's Consultation Principles can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>.

Part 2 – Consultation

Proposals

20. The policy objective is to end excessively long journeys for slaughter and fattening, and to improve animal welfare during transport more generally. The government believes that animals should only be transported when necessary and that journey durations should be minimised. The government believes that the following proposals will help achieve this outcome.

Live Animal Exports

21. Public concern regarding live animal exports has a long history and there have been a number of campaigns by animal welfare organisations since the 1990s, aiming either to end live animal exports for slaughter or to limit how far an animal can be transported on welfare grounds. More recently, Compassion in World Farming presented a petition in 2017 aiming to end long export journeys of live animals, which gained the support of a million European citizens⁹. In 2018, a petition advocating to end the export of live farm animals after the UK leaves the EU gained 100,752 signatures¹⁰.

22. The topic of live exports has also been raised repeatedly in Parliament. In 2016 Craig Mackinlay MP proposed a Private Members' Bill¹¹ to amend the Harbours, Docks and Piers Clauses Act 1847 to allow ports and local authorities to ban live exports. In October 2017 Theresa Villiers MP brought forward a Private Members' Bill¹² prohibiting live animal exports. In February 2018 live exports were the subject of a Westminster Hall debate¹³, led by Steve Double MP.

23. In response to the 2018 Call for Evidence, several concerns were raised by stakeholders in relation to live exports. The Call for Evidence found that 98% (247 of the 253) of the responses from the general public supported ending live exports. Many argued for ending exports for fattening as well as slaughter. In its 2019 report, FAWC recommended that animals should only be transported if it is 'absolutely necessary and that the most welfare considerate route is chosen'¹⁴.

24. The government recognises the long-standing public concern with live animals being exported for slaughter or fattening, in particular, the concern that these journeys are unnecessary. For this purpose the government considers that "exported for slaughter" should be defined as when an animal is exported direct to a slaughterhouse, and "exported for fattening" should be defined as when an animal is slaughtered soon after

⁹ <https://www.ciwf.org.uk/news/2017/09/1-million-strong-stopthetrucks-petition-hand-in>

¹⁰ <https://petition.parliament.uk/archived/petitions/200205>

¹¹ <https://services.parliament.uk/bills/2016-17/harboursdocksandpiersclausesact1847amendment.html>

¹² <https://services.parliament.uk/bills/2017-19/liveanimalexportsprohibition.html>

¹³ <https://hansard.parliament.uk/commons/2018-02-26/debates/39AF207E-7235-4D57-8723-54F6F87CC17B/LeavingTheEULiveFarmAnimalExports>

¹⁴ FAWC: Opinion on the Welfare of Animals during Transport, pp. 32

they have arrived at their destination, which we have defined as within 6 months of arrival. The government's view is that animals should only be transported if it is necessary and that the most welfare considerate route should be chosen. The government would prefer animals to be slaughtered close to the point of production and views these export journeys in particular as unnecessary given that the animals could be slaughtered nearer their point of production. This was one of the main issues identified by FAWC, who highlighted that animals are passing several abattoirs in the UK to be slaughtered overseas, leading to potential stress being experienced in the final stages of life¹⁵.

25. In the light of this, we are proposing to end the live export of livestock and horses going for slaughter and fattening travelling from or through England and Wales. Live export journeys for slaughter and fattening will not be allowed to depart from England or Wales for a destination outside the UK or transit through England or Wales on their way to a destination outside the UK. Therefore, live export journeys for slaughter and fattening beginning in Scotland, Northern Ireland or EU Member States such as the Republic of Ireland, that are destined for outside the UK, cannot transit through England or Wales. This proposal will not impact on necessary domestic livestock and horse movements between England, Northern Ireland, Scotland and Wales.
26. Under this proposal, the live export of animals for breeding will be allowed to continue. FAWC highlighted that breeding animals may be subject to export so that they can meet a requirement for improved genetic capabilities, and that these journeys should be considered as providing a more justifiable reason for an export journey, in comparison to those related to further finishing or slaughter where such actions could be carried out within the host country¹⁶. Furthermore, animals that are exported for breeding purposes are typically transported in very good conditions, with procedures put in place to ensure that the welfare of an animal is prioritised during the journey. For example, for transporting pigs, vehicles use air filtration systems to protect the animals from airborne disease and have full environmental control to ensure that the environment remains optimal. Animals exported for breeding are also typically able to live a full and healthy life once they arrive at the destination country, as opposed to animals enduring excessively long journeys before being slaughtered soon after arrival.
27. Equally, the live export of poultry will be allowed to continue. Significant poultry exports from the UK to the EU (excluding the Republic of Ireland) consist of day-old chicks transported for production on farm, with which there have been no major welfare concerns identified. This is in line with conclusions from the systematic review which highlighted that journeys of up to 24 hours may be still be appropriate for day-old chicks, due to energy and water reserves in the yolk sac¹⁷.

¹⁵ FAWC: Opinion on the Welfare of Animals during Transport, pp. 32

¹⁶ FAWC: Opinion on the Welfare of Animals during Transport, pp. 32

¹⁷ FAWC: Opinion on the Welfare of Animals during Transport, pp. 236-237

Q1: Do you agree that livestock and horse export journeys for slaughter and fattening are unnecessary? Please explain your views.

Q2: Do you agree that in order to prohibit livestock and horse export journeys for fattening where the animal will be slaughtered soon after arrival, these export journeys where animals are slaughtered within 6 months of arrival should be prohibited? Please explain your views.

Q3: Do you agree that the only exceptions to prohibiting live export journeys should be for poultry live exports, and animals going for breeding or production that will not be slaughtered within 6 months of arrival? Please explain your views.

Q4: What would be the financial impact to your business or organisation of no longer being able to export livestock or horses for slaughter or fattening? Please explain any impacts provided.

Q5: What alternatives would your business or organisation explore if it was not able to export livestock or horses for slaughter or fattening?

Maximum Journey Times

28. Animals are transported for a variety of commercial purposes, including for breeding, fattening, production and slaughter but also for some races, competitions, shows, etc. The current regulations specify the maximum journey times for individual species, and rest periods that are required mid-journey. Under the current regulations, these journey times can all be repeated after the minimum 24-hour rest period is applied, counting as a single continuous journey.
29. The ability to repeat the cycle of journeys has led to concerns that, under the current regulations, there is no absolute maximum journey limit and that this raises significant animal welfare issues as animals could be exposed to excessively long journeys.
30. FAWC recommended that new maximum journey times based on scientific evidence should be applied, and that these times should be considered the absolute maximum¹⁸.
31. The government's view is that, when live animals are transported, journey times should be minimised where possible and that the current maximum permitted journey times should be reduced in order to reflect the latest scientific evidence. The government proposes new maximum journey times for all journeys based on FAWC's recommendations. The current definition of journey time will continue to apply, which includes loading, unloading and any rest periods¹⁹. This definition is widely understood

¹⁸ FAWC: Opinion on the Welfare of Animals during Transport, pp. 40

¹⁹ Journey time definition from the Regulation, Article 2 (j): *'journey' means the entire transport operation from the place of departure to the place of destination, including any unloading, accommodation and loading occurring at intermediate points in the journey.*

within the industry, and is used across Europe, so we do not propose to change it. Table 1 outlines the specific journey times being proposed.

32. The government is also proposing that after the maximum journey time is completed for most species, a minimum rest period of 48 hours would need to be observed at an approved control post, instead of the current 24 hours requirement. After this minimum 48-hour rest period, the journey could commence again as a new journey. For cattle, we are specifically proposing a minimum 7-day rest period, to account for cattle’s metabolic pathway recovery time taking a period of up to 7 days post-transport ²⁰. Table 2 outlines the new rest period requirements.
33. If any transporter wants to conduct a journey that goes beyond 21 hours for recently hatched chicks, cattle, sheep or other species not specifically identified in Table 1, consent will be required from the Animal and Plant Health Agency (APHA) to allow the journey to take place. Approval for these journeys will take into account the reasons as to why the journey needs to go beyond 21 hours, alternative options for the journey and additional requirements needed to ensure that animal welfare can be adequately maintained for the duration of the journey.

Table 1: Government’s proposal for maximum journey times for animals during transport

Species	New maximum journey time limits
Broiler chickens	4 hours
Pigs ²¹	18 hours
Newly weaned pigs	8 hours
Horses	12 hours
Calves (up to 9 months)	9 hours
Recently hatched chicks ²²	21 hours (24 hours with consent from APHA).
Cattle	21 hours, (29 hours with consent from APHA).
Sheep	21 hours (48 hours with consent from APHA).
All other animals (until scientific evidence is provided, no animal should be exposed to journeys longer than 21 hours).	21 hours

²⁰ FAWC: Opinion on the Welfare of Animals during Transport, pp. 47.

²¹ Pigs should receive continuous water provision when on longer journeys (within the recommended maximum journey time recommendations).

²² A maximum journey time of 24 hours being acceptable in the first 72 hours post-hatching.

Table 2: Government’s proposal for minimum post-journey rest periods

Species	New minimum post-journey rest periods
Cattle	7 days
All other animals	48 hours

34. We would be interested to hear if you think there should be any exceptions to these maximum journey times and, if so, why. We would also welcome views on what, if any, additional measures should be required to protect animal welfare if exceptions were permitted.

Q6: Do you agree with the proposed maximum journey times as outlined in Table 1? Please explain your views and highlight any potential regional impacts that your business or organisation might experience.

Q7: Do you see a need for any exceptions to the maximum journey times and, if so, why? Please provide evidence.

Q8: In the case of such exceptions, what requirements should be put in place to ensure animal welfare is protected?

Q9: What would be the financial impact to your business or organisation due to new maximum journey times being implemented? Please explain any impacts provided.

Q10: Including loading, unloading and stops, how long is your average journey for the livestock, poultry or horses that your business or organisation manage?

Q11: Do you agree that a new journey should not start until a minimum of 48 hours have elapsed after the previous journey? Please explain your views.

Q12: Do you agree that there should be a minimum 7-day rest period for cattle? Please explain your views.

Thermal Conditions and Ventilation

35. Thermal conditions and ventilation are a key aspect of welfare in transport and extreme temperatures and poor ventilation can cause animal welfare issues to arise. Animals being transported are at risk of welfare issues arising due to sudden or severe changes in temperature during very hot or very cold weather and this can affect mortality rates if internal temperatures inside the vehicles cannot be maintained.

36. The current regulations specify that ventilation on means of road transport used for long journeys must be able to maintain a temperature between 5°C and 30°C. The regulations do not currently prevent transporters from transporting animals on long journeys when the external temperature is close to or outside of this range and provide a tolerance of $\pm 5^\circ\text{C}$ depending on the external temperature. The current regulations also do not recognise that different animals may be more susceptible to the cold or the heat, although transport guides do provide guidelines for temperature ranges for different species.
37. In addition to this, there is no requirement for vehicles on short journeys (below 12 hours in the UK) to have ventilation or temperature control equipment installed so there are no current thermal requirements. However, data from the Food Standards Agency (FSA) shows a significant increase in animals, especially poultry, which are dead on arrival (DOA) during hot and cold weather.
38. FAWC highlighted that more research and evidence is required in order to determine the acceptable temperature ranges for the different species and classes of animals²³. FAWC did suggest species specific temperature ranges for cattle, sheep, pigs and poultry that could be used as guides for future policy reform²⁴. For species not included in these guides, FAWC advised that the current regulations should be applied²⁵.
39. The government recognises the welfare concerns that arise due to thermal conditions and ventilation and wants to ensure that our policy reforms reflect the latest evidence and expert understanding where available. We agree with FAWC that more research and evidence is required to determine acceptable temperature ranges for different species and classes of animals before future reforms incorporate specific requirements for all species.
40. In the light of this, we are proposing that no livestock or horse journeys will be allowed to take place if the forecast external temperature for the journey is outside of a temperature range of 5-30°C, unless the vehicle is able to regulate the internal temperature within a 5-30°C temperature range for the duration of the journey by means of a thermo-regulation system. This will apply to both short and long journeys.
41. For vulnerable groups of animals, however, we propose that a more limited temperature range should apply. We recognise the specific concerns that have been identified in relation to the impacts that extreme temperature can have on poultry. FSA data has illustrated increased poultry DOAs during periods of very hot and cold temperatures. The systematic review also highlights that DOAs for commercial broiler transport have been associated with higher temperatures in transit²⁶.

²³ FAWC: Opinion on the Welfare of Animals during Transport, pp. 39

²⁴ FAWC: Opinion on the Welfare of Animals during Transport, Appendix C

²⁵ FAWC: Opinion on the Welfare of Animals during Transport, pp. 39

²⁶ FAWC: Opinion on the Welfare of Animals during Transport, pp.274

42. To address this, we are proposing that no poultry journeys will be allowed to take place if the forecast external temperature for the journey is outside of a temperature range of 5-25°C²⁷, unless the vehicle is able to regulate the internal temperature within a 5-25°C temperature range for the duration of the journey by means of a thermo-regulation system. This will apply to both short and long journeys.

Q13: Do you agree that we should prohibit both short and long poultry journeys when the external temperature is outside of a temperature range of 5-25°C, unless the vehicle is able to regulate the internal temperature within this range for the duration of the journey by means of a thermo-regulation system, and that this temperature range should be 5-25°C? Please explain your views.

Q14: What would be the financial impact to your business or organisation of prohibiting both short and long poultry journeys when the external temperature range is outside of 5-25°C? Please explain any impacts provided.

Q15: Do you agree that we should prohibit both short and long livestock and horse journeys when the external temperature is outside of a temperature range of 5-30°C, unless the vehicle is able to regulate the internal temperature within this range for the duration of the journey by means of a thermo-regulation system, and that this temperature range should be 5-30°C? Please explain your views.

Q16: What would be the financial impact to your business or organisation of prohibiting both short and long livestock and horse journeys when the external temperature range is outside of 5-30°C? Please explain any impacts provided.

Q17: Do you think that there are other species that should be considered as vulnerable and have a smaller external temperature range applied, outside of which journeys cannot take place? Please provide evidence.

Q18: What proportion of your current transportation vehicles have the facility to regulate temperature and provide ventilation?

Q19: For your vehicles which do not have the facility to regulate temperature and provide ventilation, what would be the cost of retrofitting to enable them to regulate temperature and provide ventilation?

²⁷ We have chosen this upper limit after considering the species-specific recommendations in the FAWC advice and the research conducted in the systematic review. Appendix C of the FAWC advice suggests an upper temperature limit of 28°C for end of lay birds and broilers. The systematic review highlighted that for newly hatched chicks an optimal temperature range of between 24.5-25°C and 63-60% relative humidity is recommended for chicks transported at commercial stocking density. The systematic review also illustrated that broiler chickens can experience increased weight loss (through evaporation) above temperatures of 24°C, indicating increased heat stress at higher temperatures. The systematic review also highlighted that temperatures between 22-25°C were deemed as high for transported broilers, 25-28°C as critical and anything above 29°C as lethal.

Q20: Are there any other steps that can be taken to ensure animal welfare can be maintained in extreme weather? Please provide evidence.

Space Allowances

43. Space allowances are specified in the current regulations for livestock, poultry and horses. FAWC have previously advised the government on the importance of space allowance in maintaining animal welfare during transport in 2013²⁸. High stocking density can lead to negative impacts on animal welfare, including animals finding it difficult to regulate their body temperatures. High stocking density can also lead to increased risk of trapping, compression, 'stepping on', or physical damage.
44. In its 2019 report, FAWC recommended that space allowances should be calculated according to an allometric system that relates size to body weight and provided specific equations for cattle and sheep²⁹. This advice is consistent with their 2013 report on the same issue. The area occupied by an animal does not change linearly as it grows in weight, therefore, if an animal is twice the weight of another it will not take up twice the area. The equation below describes this relationship³⁰.

$$\text{Area (m}^2\text{)} = k \text{ (constant value)} \times \text{animal weight (kg)}^{\frac{2}{3}}$$

45. The relationship as illustrated above is allometric as the exponent which is applied to the animal's weight is not equal to one. In its 2013 report, FAWC highlighted that most animal growth is allometric, with proportional measurements of body parts changing with growth (as distinct from isometric growth, with body parts staying proportionally the same)³¹.
46. Therefore, according to the above relationship, one animal twice the weight of another would need 59% more space. FAWC stated that this non-linear relationship is important e.g. an area that is just large enough for 10 animals each weighing 60kg will not be large enough for 20 animals each weighing 30kg, even though the total weight is the same at 600kg³².
47. In its 2013 report, FAWC also emphasised that space allowances based on allometric principles would need to be based on credible estimates of k , which should take into account:
- The type of animal (e.g. the k value for fully fleeced sheep will be greater than that for shorn sheep as shorn sheep of the same weight can occupy slightly less area than those with thick fleeces);

²⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324500/FAWC_advice_on_space_and_headroom_allowances_for_transport_of_farm_animals.pdf

²⁹ FAWC: Opinion on the Welfare of Animals during Transport, pp. 37

³⁰ FAWC advice on space and headroom allowances for transport of farm animals, point 30

³¹ FAWC advice on space and headroom allowances for transport of farm animals, point 31

³² FAWC advice on space and headroom allowances for transport of farm animals, point 34

- The extent to which different types of animals can be packed (e.g. choosing a lower k value will result in more packing); and
- The type of journey that is undertaken (e.g. it might be more important for animals to lie down on a long journey than on a short one, requiring more space and a higher k value).

48. Once credible estimates of k are developed for different animal species, it would be possible to produce tables of recommended space allowances for different types of animals over appropriate weight ranges.

49. The government recognises the welfare concerns connected to space allowances and accepts FAWC's recommendation that, where possible, we should move towards using allometric principles to establish space allowances for all animals. We want to work with you in order to understand your views on this approach to calculating space allowances, how this would relate to both short and long journeys and how this could be implemented in practical terms.

Q21: Do you agree that we should use allometric principles as a basis for future space allowance calculations? Please explain your views.

Q22: Do you think that reforms to space allowances based on allometric principles should apply to both short and long journeys? Please explain your views.

Headroom Allowances

50. In its 2019 report, FAWC also noted that it is important that animals other than poultry (poultry are transported in crates with specific requirements and constraints) have enough head space to stand in their natural position, which will ensure that there is adequate ventilation and will prevent any injury or suffering to the animals. This reflects previous advice in their 2013 report on the same issue³³.

51. The current regulations state that 'sufficient space shall be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position, without on any account hindering their natural movement'. FAWC highlighted that the concern with this is that there are no figures to further define what 'sufficient' means and that the natural standing position will vary depending on the type of animal and nature of the journey.³⁴

52. The government recognises the welfare concerns connected to headroom allowances. We agree that headroom allowances should be developed in a manner that takes into account species-specific requirements. In the light of this, we are proposing to

³³ FAWC advice on space and headroom allowances for transport of farm animals

³⁴ FAWC advice on space and headroom allowances for transport of farm animals, points 51 and 52.

implement headroom heights for specific species as suggested by FAWC, outlined in Table 3 below³⁵.

Table 3: Government proposals for headroom heights for different species (height above full standing head height)

Species	Recommendations
Dairy Cattle	20cm
Beef Cattle	30cm
Sheep	22cm
Pigs	9cm
All other animals (excluding poultry)	20cm above the head

Q23: Do you agree with the proposed species-specific headroom requirements? Please explain your views.

Q24: Do you think that the proposed species-specific headroom requirements should apply to both short and long journeys? Please explain your views.

Q25: What would be the financial impact to your business or organisation of the proposed headroom requirements for both short and long journeys? Please explain any impacts provided.

Sea Transport

53. All forms of transportation have the potential to adversely affect an animal's welfare. In its 2019 report, FAWC highlighted that new evidence is indicating that this is particularly the case for sea transport³⁶. For example, motion at sea, including side-to-side or up-and-down movements can cause increased stress in sheep and pigs. FAWC also highlighted that conditions where the Beaufort Wind Force is 6 or above can cause motion sickness in cattle and sheep³⁷.

54. There has been limited research conducted on the acceptable maximum journey duration at sea. FAWC recommended that reforms to animal welfare policy should

³⁵ FAWC: Opinion on the Welfare of Animals during Transport, pp. 38

³⁶ FAWC: Opinion on the Welfare of Animals during Transport, pp. 43

³⁷ FAWC: Opinion on the Welfare of Animals during Transport, pp. 43

prevent animals from being transported in severe weather and sea conditions where increased side-to-side or up-and-down motions may occur³⁸.

55. FAWC recommended that no animals should be transported over the sea during Beaufort Wind Force of 6 or above³⁹. In the event of poor sea conditions, contingency plans and the provision of venues to accommodate animals should be arranged by the owner or transporter⁴⁰.
56. The government recognises the concerns that have been raised in the FAWC advice on the sea transport of animals. Therefore, the government is proposing that live animal journeys will no longer be able to take place by sea during Beaufort Wind Force of 6 or above.
57. Transporters are currently asked to submit contingency plans that are inspected by APHA before conducting their journey. Under the section, '*What action will you take in the event of... weather conditions delay the journey?*'⁴¹ of the contingency plan form that is inspected by APHA, transporters will need to state what actions will occur in the case of Beaufort Wind Force of 6 or above.

Q26: Do you agree that we should prevent animals from being transported in rough weather at sea and that animals should not be transported during Beaufort Wind Force 6 or above? Please explain your views.

Q27: What would be the financial impact to your business or organisation of prohibiting transport during Beaufort Wind Force of 6 or above? Please explain any impacts provided.

Exceptions

58. There will be no exceptions to ending live animal exports for slaughter and fattening. However, the government wishes to explore whether there should be any exceptions to the other proposals outlined in this consultation. For example, reasons for applying for permission to exceed proposed maximum journey times might include:
- The transport conditions are of a significantly higher standard than the regulations stipulate e.g. improved stocking density or temperature control; or
 - The animals being transported are accompanied by a vet.

Q28: Do you think that there should be any exceptions to the previously mentioned proposals alongside the specific exceptions already outlined, excluding the proposal to prohibit live exports for slaughter and fattening? Please provide evidence.

³⁸ FAWC: Opinion on the Welfare of Animals during Transport, pp. 43

³⁹ FAWC: Opinion on the Welfare of Animals during Transport, pp. 43

⁴⁰ FAWC: Opinion on the Welfare of Animals during Transport, pp. 43

⁴¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780133/WIT27.pdf

Q29: What conditions should be met in order to ensure animal welfare is protected in the case of other exceptions?

59. Furthermore, depending on the reasons for applying for an exception, applications could be made for permission to apply the exception on an ongoing basis or for a limited time.

Q30: Do you think that it should be possible to obtain permission to use an exception on an ongoing basis to avoid the need for transporters to apply before every applicable journey? Please explain your views.

Impact of proposals

60. A provisional impact assessment has been prepared to measure the potential impacts on businesses as a result of any proposals to introduce changes to legislation on animal welfare in transport. This will be made available during the consultation period.

Legal status

61. These policy proposals will require changes to legislation.

Glossary

APHA – The Animal and Plant Health Agency

BSE – Bovine Spongiform Encephalopathy

CoC – Certificate of Competence

Defra – The Department for Environment, Food and Rural Affairs

DOA – Dead on Arrival

EC – Council Regulation

EU – European Union

FAWC – The Farm Animal Welfare Committee (now Animal Welfare Committee)

FOI – Freedom of Information

FSA – Food Standards Agency

LA – Local Authorities

MP – Member of Parliament

SRUC – Scotland's Rural College

UK – United Kingdom

Appendix 2



Submission

Orkney Branch

Date : 15th January 2021
To :
:
:
From : K A Slater
Direct dial : 01856 872048
E-mail address : kenny.slater@nfus.org.uk

DEFRA CONSULTATION ON ANIMAL WELFARE IN TRANSPORT

Response to Consultation Questions

Q1: Do you agree that livestock and horse export journeys for slaughter and fattening are unnecessary? Please explain your views.

No, the relentless pursuit of “cheap” food and pressure from the large retailers has led to the wholesale closure of small local abattoirs across the UK leaving a small number of large abattoirs. There may be occasions where the nearest available facility may be in another country. There may well be cases where the best option to protect the welfare of the animal is to use a non-UK abattoir.

Q2: Do you agree that in order to prohibit livestock and horse export journeys for fattening where the animal will be slaughtered soon after arrival, these export journeys where animals are slaughtered within 6 months of arrival should be prohibited? Please explain your views.

No, as indicated above it may well be the case that an export journey is the shortest viable option. We would suggest that welfare standards need to be the same or better than those in the UK.

Q3: Do you agree that the only exceptions to prohibiting live export journeys should be for poultry live exports, and animals going for breeding or production that will not be slaughtered within 6 months of arrival? Please explain your views.

If export for further finishing or slaughter is prohibited then the export of animals for breeding should be allowed. The trade in high quality animals is a vital component in the genetic improvement of farm animals. This can lead to improvements in animal performance that helps to improve efficiency which is an important element in helping the agricultural industry meet climate change targets.

Q4: What would be the financial impact to your business or organisation of no longer being able to export livestock or horses for slaughter or fattening? Please explain any impacts provided.

No direct influence but if leads to general price reductions with the loss of export markets there could be a significant knock to all domestic farm businesses.

Q5: What alternatives would your business or organisation explore if it was not able to export livestock or horses for slaughter or fattening?

No comment.

Q6: Do you agree with the proposed maximum journey times as outlined in Table 1? Please explain your views and highlight any potential regional impacts that your business or organisation might experience.

No. Without exact details of what constitutes travel time (in particular whether “neutral time” is retained) and how time at auction markets are dealt with it is not possible to comment in detail but there is the potential that if these proposals are implemented, as presented, that it makes livestock farming impossible in Orkney leading to huge environmental, social and economic consequences.

We only wish to comment on the transport of cattle and sheep. The climate geography of the highlands and islands of Scotland means that the transport of animals is essential for the welfare of those animals and that those journeys will take longer than those elsewhere in the country.

The definition of “calves” being “up to 9 months” is problematic and unjustified. The vast majority of calves are born in the spring on Orkney and usually weaned from their mothers well before they are 9 months of age. Many of these animals need to be transported because the quality and availability of forage deteriorates very quickly in the autumn meaning this movement is essential for the maintenance of the suckler cow so she can produce a calf again the next year without the calf competing with her for the available forage. With the boat journey from Kirkwall to Aberdeen taking 10 hours plus road transport at each end of the ferry journey then it is patently impossible to adhere to a 9 hour journey.

The 21 / 24 hour journey time limits for older cattle and sheep could be accepted if the current “neutral time” arrangement for the specialist livestock containers used on our ferries continues to be maintained. However if the time on ferry is not considered “neutral time” then all journeys from Orkney would be virtually impossible.

Q7: Do you see a need for any exceptions to the maximum journey times and, if so, why? Please provide evidence.

Yes, as stated in Q6 the definition of a “calf” needs to be amended to make a distinction between weaned calves, which are as robust as adult cattle, and baby calves which need totally different management. Limiting journeys to 9 hours for calves up to 9 months would be unworkable for the remote areas such as the Highlands and Islands of Scotland, so this definition needs to be changed.

Similarly the 21 hour limited would also be unworkable if time in market and time in lairage facilities is included in journey time. And again, the use of neutral time arrangements is essential, and justified, in making compliant journeys for older animals otherwise compliant transportation of these animals would become impossible.

Q8: In the case of such exceptions, what requirements should be put in place to ensure animal welfare is protected?

There are already well established protocols observed with in auction markets, lairage facilities and on ferries using specialist livestock containers that ensure animal welfare is protected. These include the provision of feed and water, space, shelter, groupage with similar type animals and regular inspection. Further regulation is considered unnecessary.

Q9: What would be the financial impact to your business or organisation due to new maximum journey times being implemented? Please explain any impacts provided.

The impact of these proposed journey times on the remote areas like the Highlands and Islands cannot be overstated. If implemented, they would spell the end of sheep and cattle production in these areas, where livestock farming is currently the mainstay of the whole economy. This will have drastic economic, environmental and social impacts on the whole rural communities not just the individual farmers and crofters and would lead to wholesale land abandonment.

Q10: Including loading, unloading and stops, how long is your average journey for the livestock, poultry or horses that your business or organisation manage?

As referred to above, it is impossible to answer this question without detail of what constitutes journey time. Examples of typical journeys are noted below;

i) Cattle from one of the outer islands of Orkney being sold through the local Auction Market then onward to farms in North East Scotland.

Cattle loaded on holding of departure	
Arrival at island ferry terminal	1 hour
Inter Island Ferry journey	1.5 hours
Transport to Market / Lairage	0.5 hours
At grazing / In lairage at Market	2.5 days

Loaded into Specialist Livestock Containers	
Transport to ferry	0.5 hours
“Check-in” / loading to ferry departure	4.0 hours
Sailing time	10 hours
Unloading / transfer to road transport	1 hour
Transport to holding of arrival	2 hours

ii) Cattle from Mainland Orkney going direct to Slaughter

Cattle loaded on holding of departure	
Transport to Lairage	1 hour
In lairage	2 hours
Loaded into Specialist Livestock Containers	
“Check-in” / loading to departure	4 hours
Sailing time	10 hours
Unloading / transfer to road transport	1 hour
Road Transport to Abattoir	5 hours

iii) Cattle from Mainland Orkney going North East Scotland Market

Cattle loaded on holding of departure	
Transport to Lairage	1 hour
In lairage	2 hours
Loaded into Specialist Livestock Containers	
“Check-in” / loading to departure	4 hours
Sailing time	10 hours
Unloading / transfer to road transport	1 hour
Transport to Market	2 hours
At grazing / In lairage at Market	4 days
Transport to holding of arrival	2 hours

Q11: Do you agree that a new journey should not start until a minimum of 48 hours have elapsed after the previous journey? Please explain your views.

No. As referred to in Q10 when animals are moved from the more remote locations many elements of the journey have to work together to ensure the smooth transportation of livestock. An enforced two day break in the journey could have severe implications for animal welfare meaning that animals are in transit much longer than necessary, to the animals detriment. Where animals are moved through an auction market a 48 hour restriction could curtail the markets ability to operate and could have implications for animal health when animals from different sources and health status are forced to mix unnecessarily. Both cattle and sheep appear to rest very well within far shorter periods than 48 hours.

Q12: Do you agree that there should be a minimum 7-day rest period for cattle? Please explain your views.

No. The typical journeys described in Q10 show that a week long break in these journeys would totally prevent the livestock markets operating.

Again there is a animal health risk, the 7 day restriction would mean that there is enforced mixing of animals and it would be impossible to have the market premises emptied of animals as required to control disease spread. The seven day rest period is too long. The aim from an animal welfare perspective should be to get the animals settled into their new environment as soon as possible.

Q13: Do you agree that we should prohibit both short and long poultry journeys when the external temperature is outside of a temperature range of 5-25°C, unless the vehicle is able to regulate the internal temperature within this range for the duration of the journey by means of a thermo-regulation system, and that this temperature range should be 5-25°C? Please explain your views.

No. The proposal is complete nonsense. Temperatures at the upper end of the range will rarely impact on producers in the North of Scotland but the temperatures regularly fall below 5°C for extended periods. Cattle and sheep are perfectly happy at temperatures well below this figure and there is no credible evidence that transporting ruminant animals when the temperature is below this causes any harm to the animals being transported.

Indeed to restrict movements of animals where the outside temperature is below this level could have severe animal welfare impacts. Examples where this preposterous suggestion could impact negatively on animal welfare include;

i) Being unable to get newly born lambs and their mothers to grazing. Many flocks are taken indoors for parturition, where supervision can be given at lambing. It is essential that the newly born lambs and their mothers are able to get out to grass soon after birth otherwise there are horrendous welfare implications for the wellbeing of the lambs from mis-mothering, physical injury and disease build up. The outside temperature routinely falls well below 5°C at lambing time.

ii) Being unable to get cattle transported to abattoir. The bulk of calving takes place in Orkney in the spring. Natural growth patterns means these animals are ready for slaughter at around 20 – 22 months of age (i.e. November to February) The temperature in this period can fall below 5°C for long periods, these proposals would prohibit transportation for much of this period and make journey planning impossible. It is essential that animals are slaughtered at the correct time to ensure they meet the processors specification. This is also important in the interests of efficiency and animal welfare when scarce feedstuffs are used up and cattle accommodation becomes overcrowded.

Q14: What would be the financial impact to your business or organisation of prohibiting both short and long poultry journeys when the external temperature range is outside of 5-25°C? Please explain any impacts provided.

It would make it impossible to continue farming in Orkney.

Q15: Do you agree that we should prohibit both short and long livestock and horse journeys when the external temperature is outside of a temperature range of 5-30°C, unless the vehicle is able to regulate the internal temperature within this range for the duration of the journey by means of a thermo-regulation system, and that this temperature range should be 5-30°C? Please explain your views.

The answer given to Q13 applies.

Q16: What would be the financial impact to your business or organisation of prohibiting both short and long livestock and horse journeys when the external temperature range is outside of 5-30°C? Please explain any impacts provided.

The answer given to Q14 applies

Q17: Do you think that there are other species that should be considered as vulnerable and have a smaller external temperature range applied, outside of which journeys cannot take place? Please provide evidence.

No comment

Q18: What proportion of your current transportation vehicles have the facility to regulate temperature and provide ventilation?

On virtually all road going vehicles the temperature is regulated through the use of ventilation hatches to the sides of the vehicle / trailer. This is through the natural flow of air through the vehicle rather than mechanically forced air movement.

On the ferries travelling to Mainland Scotland the specialist Livestock Containers rely on the same passive ventilation but the ships have upgraded forced ventilation controlling temperature and humidity levels within the ships.

Q19: For your vehicles which do not have the facility to regulate temperature and provide ventilation, what would be the cost of retrofitting to enable them to regulate temperature and provide ventilation?

It would neither be practicable nor is it necessary to retrofit temperature regulation machinery on most cattle and sheep transporters.

Q20: Are there any other steps that can be taken to ensure animal welfare can be maintained in extreme weather? Please provide evidence.

Not seen to be an issue. We would not agree that temperatures of below 5°C can be considered extreme weather.

Q21: Do you agree that we should use allometric principles as a basis for future space allowance calculations? Please explain your views.

The principle of allometric principles to work our suitable space allowances may be sound but the practicalities of putting this into practice is very difficult, Experienced stockmen and hauliers use this principle every time the load animals into a transporter, taking account of the species, age, breed, size, weight, wool length and variation before deciding how many will go in a set area. Hauliers undertaking longer journeys are already trained and assessed as competent when loading animals to the correct stocking density. Current guidance is much easier to understand and works well in practice ensuring there is no issue requiring to be addressed at present.

Q22: Do you think that reforms to space allowances based on allometric principles should apply to both short and long journeys? Please explain your views.

No not necessary on either journey type, as per Q21.

Q23: Do you agree with the proposed species-specific headroom requirements? Please explain your views.

The headroom heights proposed seem arbitrary. All current purpose built livestock floats and containers are built with the deck height that is sufficient for the class of stock they carry. We are not aware of any issues arising from the current vehicle design. Indeed, increasing the headroom above the animals in transit could well be detrimental to animal welfare by increasing the propensity of animals to jump on the backs of other animals within the group, with the obvious dangers from injury and suffocation. Should vehicles have to be redesigned adapted there will be implications for vehicle stability again leading to animal welfare issues. Heightened vehicles could well restrict the ability of livestock transporters to be able to use ferries due to deck height, stability and visibility issues.

Q24: Do you think that the proposed species-specific headroom requirements should apply to both short and long journeys? Please explain your views.

Not to both as explained above, Q23.

Q25: What would be the financial impact to your business or organisation of the proposed headroom requirements for both short and long journeys? Please explain any impacts provided.

The cost replacement of vehicles would be massively expensive and it is unlikely that current hauliers would be prepared to invest in equipment that could easily be rendered redundant by future ill considered changes to legislation. This will undoubtedly lead to increased difficulties in being able to arrange transport for livestock.

If these proposals are implemented then it is almost certain that less stock could be carried in current vehicles requiring many more vehicle journeys to transport the same number of animals. This would have a negative impact on the environment through additional fuel use, in addition to the financial cost and extra time involved.

Q26: Do you agree that we should prevent animals from being transported in rough weather at sea and that animals should not be transported during Beaufort Wind Force 6 or above? Please explain your views.

No, such a suggestion demonstrates that the questioner has no understanding of the multitude of factors that can impact on the conditions that need to be taken into account when a sea passage is planned. It is absolutely imperative that the discretion on whether a ship sails, and whether livestock is carried remains with the ships master.

It is particularly disappointing that the FWAC cites data that is neither current nor relevant to the type of livestock carried on the ferries transporting livestock out of Orkney and relates to a totally different means of transporting livestock, bearing no comparison what-so-ever to the purpose built Livestock Container system used in Orkney. The failure to use relevant information is all the more regrettable as the FWAC were invited to, and accepted the opportunity, to view the livestock shipping system deployed to serve the Northern Isles in October 2018, yet irrelevant data, twenty years old, is trotted out to come up with this blunt and unjustified and damaging recommendation to restrict livestock shipping to passages where the wind speed will be below Force 6.

The FWAC were in Aberdeen on 23rd October 2018 and viewed both cattle and sheep coming off the ferry. That sailing had travelled overnight from Kirkwall, wind speeds were gusting to Storm Force 10 from the West. Members of the FWAC expressed the opinion that the livestock looked to have travelled well and were showing no adverse affects from the journey demonstrating both the professionalism and judgement of the master and the suitability for purpose of the Livestock Containers used.

The determination on whether conditions are suitable to allow safe transport of livestock depends on many factors including ship size, ship design, wind speed, wind direction, duration of wind from said direction, tides, availability of shelter, design of the livestock transporter, where on the ship the livestock are located (which deck and position on deck), species carried and the age of animals carried. These factors are all taken into account when the sea journey is planned, so a blunt suggestion that only wind speed should be taken into account is neither in the interests of animal welfare nor helpful for those transporting livestock. To put the nonsense of this proposal into context, meteorological data offshore Kirkwall for 2020 shows that wind speeds of Force 6 or above were recorded on 234 days yet significant wave height (over 3m) was recorded on 36 days.

The current system of transporting livestock serving Orkney and Shetland was developed by collaborative approach involving individuals from the livestock industry, state veterinary service, animal welfare groups, Government, Local Authorities and Harbour Authorities and has been in operation for almost two decades. It has an impeccable record in looking after the welfare of animals being transported. In 2020 around 180,000 animals were carried in the Livestock Container system with an injury rate of 0.006% of all the animals travelling.

The proposal that animals should be prevented from travelling when winds speeds are Force 6 or above should be scrapped.

Q27: What would be the financial impact to your business or organisation of prohibiting transport during Beaufort Wind Force of 6 or above? Please explain any impacts provided.

The proposal that animals should be prohibited from travelling when winds speeds are Force 6 or above would make the transportation of animals off Orkney practically impossible. To put the proposals into further context, livestock are usually shipped out of Orkney on a Monday each week, with an overnight sailing to Aberdeen. In 2020, out of the 52 Mondays – on 47 occasions the transportation of livestock would have been prohibited by the wind speed being Force 6 or greater. Out of the 5 remaining occasions 2 would have been ruled out by the proposal to prevent transportation of livestock when the outside temperature fell below 5°C, leaving only 3 days in the year where the transport of animals by sea would be permitted.

Q28: Do you think that there should be any exceptions to the previously mentioned proposals alongside the specific exceptions already outlined, excluding the proposal to prohibit live exports for slaughter and fattening? Please provide evidence.

Thankfully the quality of livestock produced in Orkney means that there is a ready demand for the animals from farmers and from the abattoirs on the Scottish Mainland. It is in no one's interest to do anything to compromise the welfare of the animals when transporting them. The extremely low level of injuries sustained by the animals in transit on the ferries demonstrates that corners are not being cut when it comes to the care for the livestock. Regular feedback is also given to producers from abattoirs as to the condition that the animals arrive in and again, with very few exceptions, animals are arriving in good condition.

These proposals are wholly impractical and add nothing to improve the welfare of the animals but potentially make livestock farming in the more remote areas of Scotland virtually impossible. We would contest that there are few, if any, examples of animal welfare issues in transit that cannot be addressed by enforcement of the current regulations. These proposals will need wholesale change otherwise large scale exemptions will be required or else the impact on farms, crofts and businesses and communities that rely on them will be catastrophic.

Q29: What conditions should be met in order to ensure animal welfare is protected in the case of other exception

No comment.

Appendix 3

FAWC Consultation Questions and draft OIC Responses

Q.1. Do you agree with the FAWC recommendations for future research and the Scottish Government's position and proposed course of action? Please provide any further relevant information.

The system in place for transporting animals by sea from Orkney to mainland UK is long established and is believed to be working very well. With 25000 cattle and over 150000 sheep transported out of Orkney by ferry last year with a mortality of less than 10 animals it is indicative that there are no tangible welfare issues. Animal welfare colleagues in Aberdeen, where the animals are generally transported to are not contacting Orkney Islands Council at any time to advise of problems with animals having been transported by sea. The recommendations of the UK Government, if implemented and duplicated in Scotland, with regard to sea transport will certainly curtail the quantity of animals that can be moved out of Orkney. The alternative to sea transport would be road transport down the A9 which is not feasible.

Q.2. Do you agree that prior permission should be obtained from the relevant UK authority for some journeys exporting live animals and permission should only be granted if the reasons for not undertaking a shorter alternative journey are justified? Please provide any further relevant information.

Agree. There are sufficient slaughter facilities in Scotland that there should not be any need to export live animals for slaughter. In 2019, there were twenty-four licensed red meat abattoirs operating in Scotland with cattle being processed at 20 sites, while 18 processed sheep and 16 processed pigs.

This is an indication that there is sufficient facility in Scotland to slaughter animals and therefore the need to export is averted. The cost to get an animal from Scotland to a slaughter facility outside of the UK would likely be prohibitive.

Q.3. Do you agree with the Scottish Government's position on determining fitness for transport and proposed course of action? Please provide any further relevant information.

Agree that there could be a better definition of fitness to transport. However, all services involved in animal welfare and transport on Orkney are well known to each other and work closely and collaboratively. On the rare occasion that there is an issue as to whether or not an animal is fit to travel this is discussed by all involved and mutual agreement reached.

Q.4. Do you agree that there should be no distinction between registered and unregistered horses in future legislation on welfare during transport? Please provide any further relevant information.

Agree that the Scottish Government should consider applying animal welfare in transport regulations to all horses alike, both registered and unregistered.

Q.5. Do you agree with the Scottish Government's position on the means of transport and proposed course of action? Please provide any further relevant information.

Agree. The Auction Mart in Orkney is staffed by people who are from the farming industry and therefore they all have experience with working with animals and they know how to handle animals. We can understand, however, that nationally there may be a need to have a system whereby there is training provided at markets where staff have a duty of care that they need to adhere to.

Q.6. Do you agree with the Scottish Government's position on the maximum time an animal may spend at market and proposed course of action? Please provide any further relevant information.

The market in Orkney is set up with separate buildings from the market itself in order to facilitate the care of animals which regularly arrive at the market days before sale due to coming in on ferries from the outer isles of Orkney. The market also has adjoining fields which can be used for this purpose. It is not considered that this practice causes any undue stress to the animals. Cattle can also be held over at the market when the ferry to the UK mainland is full and the cattle therefore are transported on ferries later in the week. The market has the manpower and facilities to provide this service. It is considered that potentially restricting this timeline would be detrimental to how the market in Orkney operates. The market is fully aware of the need for cleansing and disinfecting after sales and the need to keep animals away from the market building in order to comply with biosecurity measures. The market is inspected yearly by APHA and therefore is in line with all the requirements of legislation already.

Q.7. Do you agree with the Scottish Government's position on space allowances for animals in transport and proposed course of action? Please provide any further relevant information.

There are already space allowance parameters as per size weight and number of animals that be loaded into a livestock container when being shipped from Orkney to the UK mainland. The staff operating the loading and handling facility follow guidelines set out with regards to stocking density. In terms of transporting animals to and from the Orkney mainland to Orkney's inner and outer isles again there are space allowance procedures and indeed the Council has recently invested in new containers for use in shipping to isles which have no roll-on, roll-off ferries.

Q.8. Do you agree with the Scottish Government's position on transport practices and proposed course of action? Please provide any further relevant information.

As long as the course of action ultimately implemented takes account of what is working effectively in the islands then if all animal transportation must comply with the same regulatory control then everyone will be operating under the same guidance and regulation and this will make enforcement and inter agency work easier to implement.

Q.9. Do you agree with the Scottish Government's position on thermal conditions and ventilation for animals in transport and proposed course of action? Please provide any further relevant information.

We agree that more research into this matter is required before any decision is made. We do have concerns that the lower temperature range indicated is not suitable in Scotland. There would be a significant number of sale days at market which would not be allowed to proceed due to the minimum temperature. Farm animals kept in Scotland are able to tolerate lower temperatures and do so when kept on the farm with no evidence of any adverse welfare impact. Due to the relatively short distances travelled to get to the market or lairage they are not spending great lengths of time in transit.

Q.10. Do you agree with the Scottish Government's position on maximum journey length and proposed course of action? Please provide any further relevant information.

We note that the position indicates that it will take into consideration geographical constraints when arriving at any decision and this is reassuring given the animal transportation practices from Orkney to the UK mainland. As previously intimated a great deal of preparation and resource was invested in designing the livestock containers used on the ferries with animal welfare very much the main consideration. The single figure reports of any incidents of animal welfare concerns each year is testament to the fact that animals are arriving at their destination on the UK mainland in good health, irrespective of the length of journey or weather conditions.

Q.11 Do you agree with the Scottish Government's position on mid-journey breaks and proposed course of action? Please provide any further relevant information.

It is noted that mid-journey breaks refer to drivers, so it is assumed that this relates to road journeys. The rest periods referred to as the Scottish Government position do not seem unreasonable.

Q.12 Do you agree with the recommendation that anyone who transports livestock, poultry or horses should require transporter authorisation and a Certificate of Competence, including if they only transport animals on short journeys? Please provide any further relevant information.

The 65km threshold is such that given Orkney's geography no internal animal transportations are caught by the threshold. If the threshold was removed and all journeys covered by the requirement for authorization and a Certificate of Competence

this would potentially create a high level of administration and bureaucracy when there is no evidence of any issues with animal welfare concerns with livestock arriving at Orkney's market.

Q.13 Do you agree with the Scottish Government's position on transportation of animals by sea and proposed course of action? Please provide any further relevant information.

Transportation of animals by sea

As nearly all cattle and sheep in Orkney are transported off-island by sea this is a vital service for the industry. The evidence referenced previously indicates that the welfare of the cattle and sheep on arrival at port of destination is not markedly compromised and so this supports the assertion that the practices in place at the moment are suitable to protect the welfare of the animals in transit. In relation to the sea travel, both the local authority at port of departure and at port of destination are satisfied with the welfare of the animals as is the company tasked with providing the transportation service which has invested heavily in equipment and resource to ensure that the animals are transported as comfortably as possible.

Evidence also suggests that should a maximum Beaufort wind speed be introduced for sea journeys then this could severely restrict the number of sailings that could be used to transport animals from Orkney to the UK mainland. Given the A9 road, transportation by road is not considered a suitable alternative. As previously stated evidence indicates that present shipping practices do not generate any animal welfare concerns.

Q.14. Do you agree the Scottish Government should consider the proposed review on research into transportation by rail or air alongside other research priorities? Please provide any further relevant information.

We would agree with undertaking more research in this regard but would not expect it to have significant impact on animal welfare in transport on Orkney.

Q.15 Do you agree with the Scottish Government's position on the collection and use of feedback to identify welfare risks in transport and proposed course of action? Please provide any further relevant information.

We agree that using feedback is imperative to determine the best course of action. We also note a suggestion of better alignment between local authorities and APHA and we fully support this too. We would, however, comment that informally we already work very closely with APHA. Given our island location and the absence of any APHA employee, physically based on Orkney, on occasions when an APHA employee visits Orkney, or has any concern with an Orkney premises, this is as a matter of course discussed with the local authority and any visits are joint visits for the purpose of corroboration.

Q.16 Do you agree with the Scottish Government's position on the enforcement of welfare of animals in transport and proposed course of action? Please provide any further relevant information.

As stated in Q15 in Orkney the local authority and APHA already work closely together in any animal welfare issues and indeed as does the SSPCA in any cases they are involved in. We would be supportive of any review of penalty options.

Q.17 Do you agree with the Scottish Government's position on post-export protection of animal welfare and proposed course of action? Please provide any further relevant information.

We would agree that no animal should be transported to a country with lesser animal welfare standards than Scotland and would hope that this would not impinge on any ability to transport animals to other countries in the UK.