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Rt Hon Steve Barclay MP
Secretary of State for Environment, Food and Rural
Affairs
By email: Secretary.State@defra.gov.uk

21 November 2023

Dear Steve,

I write to congratulate you on your appointment as Secretary of State for Environment, Food and Rural Affairs, and look forward to working with you on several critical areas relevant to both of our portfolios. I would very much welcome an early meeting to discuss the priorities set out below:

Rural Funding post-Brexit

While we were in the EU, we enjoyed the benefit of a seven-year multi-annual framework with Scotland receiving nearly a billion pounds in funding annually to support farming, food production, woodland creation, environmental protection and wider rural priorities. Since Brexit, our funding allocation has been on an annual basis, and shrinking.

Agriculture requires future funding certainty due to the long-term nature of investment decisions and long lead-in time for farmers, crofters and land managers. Now we have no funding commitment at all from the UK Government beyond 2025. Regrettably, there has been limited engagement with the devolved governments on future funding and future policy development, contrary to the UK Government's acceptance of the Bew Review recommendation for collective engagement.

This has direct implications on the management of our existing programme and our Agriculture Reform Programme. It would be a great start to our working relationship if you might commit at the earliest possible opportunity that the UK Government will fully replace EU funds in order to minimise the disruption to rural industries, commit to multi-annual funding, engage meaningfully on future funding allocations and fully respect the devolution settlement and the Scottish Parliament in any future arrangement.

The Border Target Operating Model (BTOM)

I recently met with Baroness Neville-Rolfe and Lord Benyon to discuss the implementation of the new BTOM. In this meeting, I outlined my dismay at the lack of meaningful engagement so far, despite repeated assurances from the UK Government ahead of my agreement to publish the model in August.

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Substantive outstanding issues remain. These include how we operationally identify Qualifying Northern Ireland Goods and non-Qualifying Northern Ireland Goods; agreeing the parameters of needed checks across the West Coast; and working collectively on a sustainable and feasible charging regime. On this last point, I was disappointed to be informed that DEFRA have pressed ahead with charging and funding proposals that currently only apply to England. I must stress the importance of a GB-wide approach which takes into account the unique landscape, both literally and figuratively, that Scottish ports and Border Control Posts sit in.

Given the urgency of ensuring we have workable arrangements in place in the New Year, this would be my top priority for an early discussion.

Personal imports of animal products

Another concern, which I am sure you will share, is the growing evidence from Border Force exercises of the large amount of illegal animal products entering the country at our major ports and airports. The lack of robust controls at the GB border is putting the Scottish and wider UK livestock industry at risk. The movement of African swine fever to Sweden highlights the very real risks to Scotland and the UK that illegal animal products pose.

I know that our officials continue to discuss the new personal imports policy and how to promote it. It is vital that we are joined up in delivery of a communications plan to announce this new policy and promote compliance from the public, and the Scottish Government will continue to collaborate with the UK and Welsh governments to achieve this.

Comprehensive Veterinary Agreement

While welcome progress is being made on border biosecurity, and the implementation of import checks, leaving the EU has resulted in an unnecessary burden for businesses importing and exporting food and other animal products. The UK must abandon its opposition to alignment with EU standards and adopt a pragmatic approach to trade with our largest trade partner to enter into a Comprehensive Veterinary Agreement, negating the need for SPS controls between the UK and the Single Market.

A similar agreement should be developed for plants and plant products.

Rural Visa Pilot proposal

You will be aware that rural and island communities have been particularly impacted by Brexit and the loss of freedom of movement. Brexit has resulted in labour shortages in key sectors, instead reliant on the UK Government's immigration system which seems designed to keep people out, rather than enable people to come and work, study and live here, to contribute to our economic and social wellbeing. This has negatively impacted on the sustainability of Scotland's rural and island communities, businesses and public services.

The Scottish Government proposed a Rural Visa Pilot in September 2023 to address these challenges and I have enclosed a link to its proposals to allow you to consider it afresh. It has secured significant support from a wide range of sources.

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Independent Review of Labour Shortages in the Food Supply chain in England

I also wrote to Minister Spencer over the course of the summer, about the 30 June 2023 independent review of labour shortages in the food supply chain in England. It would be helpful to agree that the devolved governments will have early sight of the UK Government's planned response to this review.

This is because any recommendations taken up by the UK Government, in light of the review, particularly those linked to UK migration policy, are relevant to the significant labour shortage issues I have outlined above.

Post-Brexit Trade Deals

I know we both want to see the best possible outcomes from free trade agreements for our respective portfolios. Whilst this may be a new portfolio for you, I'm sure your experience will help to deliver strong Anti-Microbial Resistance commitments in free trade agreements. I have long supported such progressive text as part of the One Health approach and the Swiss FTA provides an early opportunity to set an excellent precedent in this regard.

Scotland's ambitious trade strategy is set out in our Vision for Trade and our Scotland a Trading Nation plan. The Scottish Government has consistently been supportive of trade deals provided they are consistent with those values and are executed in a balanced and nuanced way. Our world famous agri-food sector is a trade success story, but it requires safeguarding from potential threats from lower food safety and animal welfare standards and lower quality produce. These are safeguards which our industry and consumers rightly expect. Regrettably, the deals secured with Australia and New Zealand were not in line with our trade strategy, nor the needs or expectations of industry and are likely to impact adversely on Scottish beef and lamb.

We now need to ensure that lessons are learned in time for the conclusion of the Canadian, Indian, and Mexican trade deals, some of which may be entering their final stages, as well as ensuring that traders can leverage any benefits from these deals to help recover from Brexit. In this regard I wrote to your predecessor and Minister Spencer on the 28 February and again on 16 March of this year, and I have yet to receive a response. I would therefore be grateful if you could consider those letters and issue a response to them.

Fisheries Trade

The EU remains Scotland's most important and valuable overseas market for seafood, and so minimising trade barriers, border delays and export costs remains absolutely critical; as does ensuring a level playing field for our seafood businesses. I would welcome your views and co-operation on how we can ensure our seafood businesses can successfully access European markets and, in particular, effectively address any EU concerns that delay the movement of seafood products across borders.

Deposit Return Scheme (DRS)/Extended Producer Responsibility (ERS)

The Scottish Government remains committed to the delivery of a successful Deposit Return Scheme (DRS) and recognises the need to work with all parts of the UK to ensure these important schemes are launched successfully and on time. Our Minister for Green Skills, Circular Economy and Biodiversity leads on this work for the Scottish Government.

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Common Frameworks are a helpful and positive forum for this inter-governmental engagement, but only where the principles agreed by all governments, including respect for devolution, are upheld. I welcome the collaborative working on single use vapes, for example, but it is regrettable that the Internal Market Act continues to threaten the effect of devolved legislation and prevented us from launching DRS in Scotland.

On that basis, I and Ms Slater look forward to continuing to work with you and colleagues in other nations on Extended Producer Responsibility for Packaging (ERS), an important step towards a more circular economy. It is right that the burden of funding efficient and effective household packaging collection services is placed onto producers. In that context, it will be important for us to work closely to ensure a fair distribution of funds through this programme, including ensuring that individual local authority circumstances – such as rurality and levels of deprivation - are fairly reflected when calculating efficient disposal costs.

Banning Sales of Horticultural Peat

DEFRA has set a date of 2026 for banning the sale of peat for professional horticulture. Regrettably, this is in advance of the Scottish Government's intention to ban the sale of horticultural peat and, because of the interlinked nature of supply chains, is likely to impact on the Scottish horticulture industry. We are aware that this has caused significant alarm and concern among Scottish and UK growers of plants and trees and will be almost impossible for them to comply with. It would be helpful to remove this arbitrary date to enable discussion to arrive at agreement with the horticulture industry and across all nations on a date that gives the industry sufficient time to transition.

Inter-Ministerial Group (IMG)

Last but definitely not least, the Inter-Ministerial Group is a long-standing forum that supports good relationships between governments within the UK constitutional arrangements; it provides for an effective exchange of views on matters of shared interest based on mutual respect for the responsibilities of each government – the IMG meets next on 4 December, and I very much look forward to meeting you then.

I very much look forward to working with you and I have asked my Private Office to liaise with yours to secure a date for us to discuss the issues raised above, and how we might work constructively on them.

I am copying this letter to Lesley Griffiths MS, Minister for Rural Affairs and North Wales and Trefnydd; Julie James MS, Minister for Climate Change; and Katrina Godfrey, Permanent Secretary at the Department for Agriculture, Environment and Rural Affairs in Northern Ireland.

Yours sincerely,



MAIRI GOUGEON

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