



Huw Irranca-Davies
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff
CF99 1SN

16 December 2022

Dear Huw,

In order to assist the Committee in the ongoing process of Stage 1 scrutiny of the Agriculture (Wales) Bill, I want to provide points of clarification on a number of other matters relating to the 21 November evidence session to assist the Committee in considering their report.

Consultations

I stated “we've done several consultations, and we've had those three consultation exercises and also the White Paper”. To clarify my meaning, there have been three formal consultation exercises; Brexit and our Land (2018), Sustainable Farming and our Land (2019) and the White Paper which focused on future Welsh agricultural policy. In addition, we have recently concluded the survey, workshops and interviews which formed the second round of co-design for the Sustainable Farming Scheme (SFS) and intend to publish a full report in 2023.

Sustainable Land Management

We discussed the objectives which are on the face of the Bill (section 1) and the meaning of Sustainable Land Management (“SLM”) at the Committee, if I provide a fuller response and expand on those objectives and the duty placed on Welsh Ministers below for information.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The SLM objectives are as follows:

- (1) The first objective is to produce food and other goods in a sustainable manner.
- (2) The second objective is to mitigate and adapt to climate change.
- (3) The third objective is to maintain and enhance the resilience of ecosystems and the benefits they provide.
- (4) The fourth objective is to conserve and enhance the countryside and cultural resources and promote public access to and engagement with them, and to sustain the Welsh language and promote and facilitate its use.

In each case, in doing so is to (a) to meet the needs of the present without compromising the ability of future generations to meet their own needs, and (b) to contribute to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

The SLM duty (sections 2 and 3) requires certain functions¹ to be exercised in a particular way - i.e. in the way the Welsh Ministers' consider best contributes to achieving the SLM objectives. This serves to focus action to contribute to achieving particular outcomes. It is a high threshold, and in so doing, this requires the exercise of discretion in the way the Welsh Ministers' consider best contributes to achieving the SLM objectives (in the round), so far as consistent with the proper exercise of the function.

The SLM duty and objectives are supplemented by detailed monitoring and reporting provisions, which include provision for indicators and targets to be prepared, published and laid before the Senedd. The indicators and targets will enable progress to be measured, which in turn will be used to assess and report on the progress made towards achieving the SLM objectives. In preparing or revising indicators and targets, the Welsh Ministers must consult the Future Generations Commissioner for Wales and any other persons they consider appropriate. The first report must be published and laid before the Senedd no later than 31 December 2026, and subsequent reports must be published and laid before the Senedd at least every 5 years. Together, these monitoring and reporting provisions are intended to provide important evidence for policy development, and effective participation and scrutiny by the Senedd, stakeholders and the wider public.

I would also re-iterate the “made in Wales” legislation which has informed the development of SLM (in particular, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016), and the policy response to the climate and nature emergencies declared by the Senedd.

Further, to clarify for the committee, the SLM provisions provide a framework for the exercise of certain functions, and those functions, including the power to provide support, must be exercised in a way that is consistent with the SLM duty, but the SLM provisions are not the basis on which support would be provided.

¹ The functions referred to are, (a) functions under the Act, (b) functions under any other enactment that require or allow the Welsh Ministers to provide support for (i) agriculture, or other activities carried out on land used for agriculture, or (ii) ancillary activities; (c) functions under any other enactment that require or allow the Welsh Ministers to regulate (i) agriculture, or other activities carried out on land used for agriculture, or (ii) ancillary activities (section 2). This is subject to certain exceptions relating to the basic payment scheme as set out at section 3.

Section 32 and 33 Enforcement provisions

I highlighted the different enforcement provisions for different matters and I thought it may be worthwhile providing some examples to highlight why all the individual provisions are not on the face of the bill.

Some examples of current enforcement regulations which have been made using powers previously contained within European legislation include:

- Eggs and Chicks Marketing (Wales) Regulations 2010
- The Poultrymeat (Wales) Regulations 2011
- The Beef and Veal Labelling (Wales) Regulations 2011

These are all very different product types and represent only a few of those product types for which the provisions within the bill will provide the powers to marketing standards for. It is my view the provisions would be overly long on the face of the Bill to provide regulation for all of the products for which specific marketing standards apply.

The Schedule to the Bill provides a list of products for which marketing standards can be made, and although this list of products can be amended, this would be by way of regulations made under the affirmative procedure allowing for full Senedd scrutiny, as will the making of regulations setting out the enforcement regime for the specific subject matters.

Therefore, we have arrived at a framework which does contain a significant amount of detail, and a list of products for which enforcement regimes can be made as well as the flexibility to tailor that regime to the product type, with the scrutiny of the Senedd through the use of the affirmative procedure.

Likewise, carcass classification considers pigs, bovine and sheep. But these carcasses comply to different standards and so could potentially have different enforcement regimes around them.

Section 43 Glue Traps

I would also like to bring one other point of clarity to the committee's attention regarding the questions raised on Local Authorities (LA) consultation on Glue Traps. We did contact all 22 LA's but not all replied. Responses covered seven of the 22 Local Authorities in Wales were received to the targeted stakeholder consultation. Of these, five responded to state they rarely use glue traps and only in extremely limited circumstances.

Regards,



Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd