

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



Llywodraeth Cymru
Welsh Government

Paul Davies MS
Chair, Economy, Trade, and Rural Affairs Committee

26 November 2021

Dear Paul,

Thank you for inviting me to attend the Economy, Trade, and Rural Affairs Committee to provide evidence as part of the Committee's review of the Water Resources (Control of Agricultural Pollution) Regulations 2021 (the Regulations).

As you are aware, the Regulations are currently subject to judicial review. Whilst the hearing of the case has been completed, the case remains active and a judgment has yet to be made. I understand the judgement will not be delivered before the proposed Committee session on 9 December.

The appropriateness of holding the Committee session just before the court gives judgment in the case is a matter for you as Chair of the Committee. As a Minister, I must determine the appropriateness of any evidence I, or my officials, provide as part of the Committee's review, particularly as it is my decision based on my officials' advice which is the subject of the legal challenge.

After considering the potential risks of impeding or prejudicing the court proceedings, I have determined any evidence I or my officials could provide in advance of a judgment in this case, would need to be limited to matters not relevant to grounds of challenge in the legal case. I have concerns this would significantly limit my ability to engage with the review process effectively which I would find unsatisfactory, and believe Committee members would feel the same.

Questions put to representatives of Natural Resources Wales (NRW) by the Committee on 30 September related directly to the grounds of the case and matters raised in the court hearing. Unlike NRW, I would not be able to respond fully to questions on those matters, or on a number of other issues the Committee is likely to raise.

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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.

Whilst I recognise the Committee is mindful of the Senedd's instruction to urgently review the Regulations, I suggest consideration is given to postponing the Committee session at which my officials and I will give evidence until after a judgment has been issued and these constraints no longer apply. This will enable more informative responses to be provided and would provide the additional benefit of enabling the court's decision to be taken into account during the session.

I am happy to instruct my officials to liaise with the committee's clerk to ensure you are informed as soon as the court lists the case for judgment so arrangements can be made to convene the committee session as soon as possible after that date.

Regards,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in black ink and is positioned centrally below the "Regards," text.

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