

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

8 December 2021

Dear Paul,

Thank you for your letter of the 30 November. You will be aware, I supported the Senedd's instruction in June for a relevant committee to 'urgently review' the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. I can assure you I fully intend to attend the ETRA Committee and provide evidence. My position remains unchanged in suggesting the Committee session to receive my evidence be delayed until the Judicial Review judgment has been issued and the constraints on my evidence no longer apply.

As you have recognised in your letter, the ongoing judicial review adds a level of complexity. The evidence submitted to the court was substantial and covered extensive areas of the policy development process and the content of the Regulations. The judge has yet to make his decision and there appears to be little scope for me to provide the full meaningful responses I would like to give the Committee the level of scrutiny the subject deserves.

As a Minister, I am the responsible decision maker in respect of the Regulations and any evidence provided to the Committee, which is subject to public scrutiny, would be treated very differently by the courts compared to other participants. It is important to note representatives attending the Committee hearing to date differed from those providing witness statements to the court. In addition, the evidence provided by NRW, the farming unions and the environmental bodies as part of the Committee review is unlikely to have a similar impact on the court's decision.

Whilst your letter refers to the possibility of a long delay due to the potential for appeal, the constraints would likely be limited to the grounds of the appeal and would not be the equivalent of a re-hearing. An appeal would normally be on a point of law and it is anticipated, even were an appeal to be made and, subject to the grounds, there should be adequate scope to provide detailed answers to a relatively broad range of questions following any initial judgment.

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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.

Please be assured once a judgment has been delivered, and the outcomes known, I look forward to engaging fully with the Committee and I remain as committed to open scrutiny of these Regulations by Committee as I did in supporting the original instruction in June. My officials will continue to liaise with the Committee clerks regarding suitable dates.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS

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