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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 of the Economy, Trade and Rural Affairs Committee

Paul.davies@senedd.wales

1 November 2022

Dear Paul,

In order to assist the Committee in the ongoing process of Stage 1 scrutiny of the Agriculture (Wales) Bill, I would like to take this opportunity to highlight a small number of corrections which are required to be made to the Explanatory Memorandum following further review by officials.

I have included these in the attached document for the Committee's information.

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.

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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.

Annex 1 - Table of changes to the Explanatory Memorandum

Definitions	Page / Paragraph
<p>3.298 <i>The definition of “agriculture” is not-exhaustive (in the sense that it includes a fixed list of activities), but what is included within each subheading of that definition is expanded on within the list below;</i></p> <p>a) <i>The management and cultivation of gardens, including ornamental horticulture and market gardens (as forms of horticulture).</i></p> <p>b) <i>Farming arable crops for the production of food or agricultural goods, includes the use of crops grown for bioenergy.</i></p> <p>c) <i>The keeping and breeding of livestock for the production of food, drink, oils, fibres or leathers or to graze land.</i></p> <p>d) <i>The practice of keeping dairy animals for the production of dairy products.</i></p> <p>e) <i>Controlled environment agriculture which is the growing of plants in a closed ecosystem in which environmental variables are controlled. This ranges from the use of polytunnels to vertical farming methods.</i></p> <p><i>The definition of “agriculture” can be amended by regulations made by the Welsh Ministers. So, for example, the activities in section 48(1)(a) to (i) could be removed or amended, or a new activity added into section 48(1).</i></p>	Paragraph 3.298
Food Strategy	Page / Paragraph
The Programme for Government and the Co-operation Agreement commit to developing a Community Food Strategy (CSA CFS) to encourage the production and supply of locally sourced food. The CSA CFS may include relevant to targets/objectives to the production of food in an environmentally sustainable manner.	Paragraph 7.561
Forestry	Page / Paragraph
<p><i>Refusal of licences or consent is currently avoided by informal agreement between NRW and licence applicant, but such agreement is not legally enforceable.</i></p> <p><i>Is actually part of the paragraph 3.211, not a heading.</i></p>	Paragraph 3.211
“compensation is made available when a felling licence is amended, suspended or revoked due to environmental harm...”	Paragraph 3.239
Snares & Glue traps	Page / Paragraph

<p>Following indications from Department for Environment, Food and Rural Affairs (Defra) that consideration was being given to legislate to regulate glue traps in England, and during a review of options in Wales, an opportunity to amend the Wildlife and Countryside Act 1981 was identified within the Agriculture (Wales) Bill. Officials engaged with stakeholders between November 2021 and January 2022. Responses were sought from the pest control industry; animal welfare organisations; and local authorities in order to understand the scale of use; the impact of, and for support for, a ban; and any other evidence for or against banning glue traps</p>	<p>Paragraph 4.42</p>
<p>Responses covering seven six of the 22 local authorities in Wales were received to the targeted stakeholder consultation. Of these, five two responded to state they rarely never use glue traps and two only in extremely limited circumstances. One local authority quantified this as being far less than 1 per cent of all pest control incidents and another had not used them in the preceding 12 months.</p>	<p>Paragraph 4.45</p>
<p>Snares: It has not been possible to quantify the impact of banning snares on businesses and individuals who use them. We expect a glue trap ban on snares will have minimal financial impact in the long term.</p>	<p>Page 105</p>
<p>There is substantial public opinion that there is a need to ban the use of snares in Wales.</p>	<p>Paragraph 7.795</p>
<p>'Representations covering seven six local authorities in Wales were received to the targeted stakeholder consultation. Of these, five two responded to state they rarely never use glue traps and two only in extremely limited circumstances. One local authority quantified this as being far less than 1 per cent of all pest control incidents and another had not used them in the preceding 12 months</p>	<p>Paragraph 7.814</p>
<p>It should be noted that where other licensing systems for the use of glue traps exist, such as the system the State of Victoria in Australia had until recently (they now have a total ban), professional pest controllers are required to have an operating licence and are regulated by the state government. England has yet to release any details on how pest controllers will be defined in the legislation to ban glue traps in England – this is not due to come into force until spring 2024</p>	<p>Page 350, footnote 320</p>
<p>The Scottish Government, having initially indicated regulations might be introduced to restrict the use of glue traps to professional pest controllers, have recently (in January 2022) announced a complete ban, although they await suitable legislation to take this forward. This followed a petition of over 5,000 signatures in Scotland calling for a ban on the use and sale of glue traps.</p>	<p>Paragraph 7.824</p>
<p>Rentokil is one of the largest pest control businesses in the UK and it has adopted a policy of not using glue traps –, this is despite having contracts with premises identified by the trade body BPCA as 'high risk' (such as hospitals).</p>	<p>Paragraph 7.874</p>
<p>'....but it is unlikely to come into force until late summer / early autumn 2023....'</p>	<p>Paragraph 7.875</p>
<p>Local authorities have responsibility for pest control within various public services (the extent varies from local authority to local authority) and during consultation five two of the seven six local authorities represented reported never using glue traps but and two only in a very</p>	<p>Paragraph 7.877</p>

<p>limited number of cases – one local authority was able to quantify this as far less than 1 per cent of all pest control incidents and the other had not used them in the past year. Shared Regulatory Services (minus Cardiff Council which responded separately) estimated using glue traps for rodents about a dozen times a year.</p>	
<p>Following a ban on glue traps those five four³³⁸ local authorities that use glue traps will have to switch to alternative methods ³³⁸There are 45 16 local authorities who did not respond to the consultation, and it is reasonable to assume there will be a mix of those that do and do not use glue traps amongst them.</p>	Paragraph 7.878
<p>Compliance with the new legislation will be predicated, as most legislation is, upon the majority of people adhering to the law. Once the indicated ban on glue traps has been passed into law in Scotland and England's ban comes into force (spring 2024) it may be possible to introduce restrictions on the sale of glue traps, to further aid enforcement, which would require a review of any impact on the police</p>	Paragraph 7.887
<p>Increased standards in animal welfare clearly benefits wider society³⁴¹.</p>	Paragraph 7.899
<p>Agricultural Markets</p>	Page / Paragraph
<p>The section beginning on page 299 is incorrectly titled as intervention in agricultural markets, when it should be marketing standards. This also applies to the title of Option 2 on page 300.</p>	Page 299 and 300