



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Newid Hinsawdd, Amgylchedd a  
Materion Gwledig](#)

[The Climate Change, Environment and Rural  
Affairs Committee](#)

01/02/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Jayne Bryant	Llafur
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Labour
Sian Gwenllian	Plaid Cymru
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	The Party of Wales
Vikki Howells	Llafur
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Labour
Huw Irranca-Davies	Llafur
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Labour
David Melding	Ceidwadwyr Cymreig
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Welsh Conservatives
Jenny Rathbone	Llafur
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Labour
Mark Reckless	UKIP Cymru (Cadeirydd y Pwyllgor)
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	UKIP Wales (Committee Chair)
Simon Thomas	Plaid Cymru
<a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Rhodri Asby	Dirprwy Gyfarwyddwr yr Is-Adran Newid Hinsawdd ac Adnoddau Naturiol, Llywodraeth Cymru Deputy Director, Climate Change & Natural Resource Policy Division, Welsh Government
Kevin Austin	Dirprwy Bennaeth yr Is-adran Cynaliadwyedd a Datblygu Deputy Head of the Sustainability and Development Division
Steve Fletcher	Pennaeth y Rhaglen Forol, Rhaglen Amgylcheddol y Cenhedloedd Unedig Head of Marine Programme, UN Environment Programme
Tim Glover	Blue Marine Foundation
Lesley Griffiths	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig) Assembly Member, Labour (Cabinet Secretary for Environment and Rural Development)

Dr Sue Gubbay	Ymgynghorydd ar yr Amgylchedd Forol Marine Environment Consultant
Andrew Slade	Cyfarwyddwr Amaeth, Bwyd a'r Môr Director, Agriculture, Food & Marine
Yr Athro/Professor Lynda Warren	Prifysgol Aberystwyth Aberystwyth University

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol  
National Assembly for Wales officials in attendance**

Louise Andrewartha	Dirprwy Glerc Deputy Clerk
Martha Da Gama Howells	Ail Glerc Second Clerk
Alun Davidson	Clerc Clerk
Wendy Dodds	Y Gwasanaeth Ymchwil Research Service
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 10:16.  
The meeting began at 10:16.*

**Ymchwiliad i Reoli Ardaloedd Morol Gwarchoddedig yng Nghymru:  
Cyflwyniad gan Academyddion  
Inquiry into Marine Protected Areas in Wales: Introduction from  
Academics**

[1] **Mark Reckless:** Bore da, good morning. May I open this first session of our marine inquiry and thank all four witnesses for coming in to see us today? The committee members, I think, have varying degrees of prior expertise in this area, but, certainly, from my own perspective, I'm on a relatively steep learning curve. And, in this first session, I think we have quite an academic bent to the panel, and I think it's an opportunity for Members to learn and expand their understanding, to support our research for the rest of the inquiry.

[2] If I may, could I ask each one of you to introduce yourself and, briefly, your role or position for the record? Steve.

[3] **Dr Fletcher:** Okay. Well, good morning, everybody. My name is Steve Fletcher. I have two jobs. One is at Plymouth University, as an associate professor in marine policy, but my main job is working for the United Nations Environment Programme World Conservation Monitoring Centre, which is based in Cambridge. And the job of the centre is to offer specialist biodiversity support to countries, and to the UN system in general, and I lead the marine team. So, we do a lot of work on marine governance, marine protected areas—that sort of thing.

[4] **Mark Reckless:** Thank you. Sue.

[5] **Dr Gubbay:** Hello. Good morning, everybody. I'm Sue Gubbay. I'm a marine ecologist, and I'm an independent consultant. As it happens, the area I've chosen to specialise in over many years has been marine protected areas. And I've done that work for Government agencies, private sector, non-governmental organisations, in the UK, Europe and wider international. So, that's where my background comes from.

[6] **Mark Reckless:** Lynda.

[7] **Professor Warren:** Lynda Warren. I'm a retired academic from Aberystwyth University. I'm a marine biologist by original training. I did my PhD on marine biology, and then I changed into an environmental lawyer overnight. And I've done research for the last 20 to 25 years on marine environmental protection, mainly marine protected areas. At the same time, I've been quite active in Government agencies. I was on the board of JNCC—the Joint Nature Conservation Committee—for a number of years, and finished up as deputy chair of that. I was on the board of the Countryside Council for Wales, when it existed, and I was on the board of Natural Resources Wales. And, again, in each of those, my specialist area would have been looking at marine conservation.

[8] **Mark Reckless:** Tim.

[9] **Mr Glover:** Good morning. I'm Tim Glover, and I'm not a scientist. I'm a UK projects director for Blue Marine Foundation, which sets up and facilitates marine protected areas around the world. So, I run the UK. We've got projects running in the south of England and eastern England at the moment—Lyme bay and the Solent—where we've run management projects to manage MPAs and to try and bring together all the communities of fishing

and conservation for the interests of that MPA.

[10] **Mark Reckless:** Thank you. I propose to commence the session by having four Members aim question at a particular member of our panel initially, and then, once we've had those four openers, I think we'll then open it up to panel contributions more generally. Can I begin with you, Sue? Could I just ask you to describe in summary to the committee what you see as the key pressures on the marine environment of Wales?

[11] **Dr Gubbay:** I'll perhaps set it in context first. This is not necessarily specific to Wales, but if we look at the Irish sea overall, because I think you need to look at the Welsh situation in that broader context, you will all know that there are a tremendous range of pressures from the inshore coastal development issues through to offshore windfarms, different types of fishing activities, oil and gas, recreational activities—there's a huge number of users. Some of those create more pressure than others and more impacts on particular habitat types. So, having just a general list of what is the greatest pressure is slightly misleading. You have to look at what environment you're concerned with and what that associated pressure is. So, if you're looking at things to do with sea bed communities, soft sea bed communities, you might say activities that affect the bottom, like the dredging activities, would be good to have as a highlighted pressure. If you're looking at water quality, then, clearly, discharges from various facilities would be the biggest pressure.

[12] So, you can look at it in a variety of ways, and the other thing to say is that quite a lot of work has been done in creating what we call a pressures–impacts matrix, where you look at a list of activities or groups of activities, and you cross–refer that to different habitats or species and look at the science behind it and all the reports that have been done, looking at those interactions. There are quite a lot of these matrices, and they highlight 'red' where there's an interaction that creates a potential problem or 'green' where there's none or 'blank' if we don't know what those interactions are. So, I would suggest looking at those types of documents to see what the pressures are overall, and then making it more specific to the area you're interested in, or the habitat or species that you're interested in.

[13] **Mark Reckless:** We learnt yesterday from the Welsh Government that it had officially designated three new special areas of conservation, a new special protection area and two SPA extensions—the ones on which it was previously consulting. Can you give me some idea as to what difference that

will make, what will change, because these new areas have been designated?

[14] **Dr Gubbay:** Well, yes, that's an interesting question, because there's an awful lot of emphasis on what percentage of a country or a region has got marine protected areas, and I think you will all know that the percentage is one thing, but it's the actual management measures you've brought alongside that that make the difference. I don't know what specific measures are proposed for those SPAs and SACs. One would hope that they're better than the status quo, because I think we already know that we're working in very degraded environments. Sorry—

[15] **Mark Reckless:** Sorry, I was just—Huw, were you indicating that you wanted to come in?

[16] **Huw Irranca-Davies:** I was just interested in what Lynda Warren's thoughts on this might be as well.

[17] **Professor Warren:** You saw me mouth my answer to the question.

[18] **Mark Reckless:** In which case, Vikki, it's over to you in a moment, but, Lynda, perhaps you can just add to that.

[19] **Professor Warren:** I was involved through the JNCC work in looking at some of these. Firstly, I will say: what did we achieve from that? We achieved an enormous increase in our scientific knowledge. Is that going to help conserve anything? I think absolutely not. I think that the reason we've had those SACs is to meet pressure from Europe and avoid infraction. The view of the marine scientists that I have spoken to who've been involved at Government-type level is that we can achieve exactly the same level of protection through other provisions—the species protection provisions rather than the site designations—as we could with the SAC. Whether we're doing it is a different matter, but, on paper, I don't think it adds anything whatsoever.

[20] **Mark Reckless:** Vikki.

[21] **Vikki Howells:** Thank you. So, I wanted to ask you, Lynda, whether you thought the Welsh Government had previously given sufficient resource and priority to enable effective MPA management.

[22] **Professor Warren:** No, I don't think they have, and that's not really a

criticism of Welsh Government; it's a criticism across the piece. It's really difficult. One of the questions was: what is the greatest issue facing MPA management? The greatest issue is that it's a really difficult thing to do. It's expensive to do marine research. All the time, we're in a system where we're putting so much emphasis on having robust scientific evidence that will stand up in court to a judicial review, and you're spending more and more money on minutiae, which means that you haven't got the resources to think holistically. And, with all the pressures that there are across the piece, I can understand why those resources have not been made available. Where I think Welsh Government is perhaps not helping particularly is that things might've improved more if we could've made faster progress with marine planning. That would at least have given a broader view and may have taken some of the pressures off.

[23] **Vikki Howells:** Thank you. What about Natural Resources Wales's role in this? Do you think they've given sufficient resource and priority?

[24] **Professor Warren:** I haven't been involved in NRW since 18 months or so ago, now, but certainly, when I was on the board, I think it would be fair to say that it was mainly one or two of us on the board who kept putting the pressure on and trying to point out that Wales consisted of quite a lot of land but an awful lot of sea, and it was about time we looked at nature conservation in the sea. Whether that is still the case, I can't tell you.

[25] **Mark Reckless:** Can I bring in Huw, who has a question for Tim Glover?

[26] **Huw Irranca-Davies:** Yes. If we go way back through the history of designations to Lyme bay, could I ask Tim Glover, because I know you have an interest and an expertise in this area, I remember Lyme bay was enormously controversial when it was first designated back in 2006—

[27] **Mr Glover:** 2008 was the SAC designation.<sup>1</sup>

[28] **Huw Irranca-Davies:** 2008, yes. It's moved on a lot now, away from that pure no-fish zone into much more of that multipurpose MPA. Can I just ask you: how is it going? What have we learnt about designating places and enforcing them? We've just heard about the importance of enforcing. Has it

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<sup>1</sup> Cywiriad:/Correction: '*The controversy Huw was referring to was the Statutory Instrument which closed 60 sq miles of Lyme Bay to scallop dredgers and bottom trawlers in 2008, but the designation of candidate SAC came in 2010.*'



worked? Why has it worked?

[29] **Mr Glover:** Okay. The first thing is that it's all well and good designating something as an MPA, but you've actually then got to manage that MPA and that hasn't happened right the way through the UK.

[30] The reason we went into Lyme bay in the first place, as a charity, was because the removal of the bottom-gear fishers from the reef areas of Lyme bay was very good in itself, because it stopped the damage to the reef and the species damage, but the effect of that was that the potters and netters could now put their nets and their pots down with gay abandon, because the mobile gear boats wouldn't tow them away. So, the whole of the bay was cluttered with pots and nets, which was doing almost as much damage as the mobile gear operators. So, that was the problem, and that was an unforeseen result of a very good measure to ban towed gear boats from the bay.

[31] But the most important thing, I think, listening to my colleagues here and looking at the whole MPA question, is about engagement. You've got to engage all the local stakeholders—fishermen, mostly—because if they don't want it to happen, they will stop it, they will obstruct it. So, you've got to engage all the fishermen and the rest of them. I think we're the first group in the country that actually managed to get fishermen, local authorities, marine authorities, conservationists and scientists all around the table together to discuss what would happen.

[32] To answer the last bit of your question, which was: what have we learnt and how's it gone? We've done a lot of research down there, so it's evidence-based management, which I think is vital, but what doesn't happen in the UK anywhere is enough research and more up-to-date research. It's no good looking at something from five years or six years ago; you want it for last year. What we've learnt is that these things do work. We've now got a much better reserve, fish stocks are up, the reef has recovered and we've still got a committee of 35 people who turn up to it and it still works very well.

10:30

[33] **Huw Irranca-Davies:** It's good to hear it has come a long way. I just have one follow-up question at this stage for you, and perhaps for somebody else who might want to answer it, but this issue of enforcement seems key. Marine planning is one thing, and getting that in place so that we know what we should be doing and where we should be doing it. We learn by the

evidence as that goes along. But then it's the enforcement. We're always going to be stuck on resources for enforcement. Can I just ask one simple question? To what extent, whether in Lyme bay or elsewhere, should it be the obligation on those who use the seas to contribute towards it? What I mean by that is on-board vessel monitoring, scientists on vessels, the Norwegian fisheries model, where you actually video everything that comes on board. Everything is live-time monitored. It doesn't even go into a dockside; it's sold on board and so on. This overlap of fisheries and marine protection, surely, we've got to use—. Well, what's your view? My view would be that we've got to use the people who are out there to help us monitor and enforce.

[34] **Mr Glover:** Well, that's what we do in Lyme bay. They've all got on-board monitoring systems—IVMS units. Those are all tracked. We have a brand that we've invented to actually reward the fishermen for taking part in the scheme, called Reserve Seafood. Again, they then relay what they've caught back to the merchant before they even leave the fishing ground. So, all that's happening, but it's resources. It's money for the authorities to actually patrol. But again, you're quite right; I think the fishermen themselves will self-police if they've got the incentives to do so.

[35] **Mark Reckless:** Can I bring in Jenny?

[36] **Jenny Rathbone:** Dr Fletcher, obviously, the role of the United Nations and its environmental protection monitoring centre is crucial given that fish don't know any territorial boundaries. I just wondered what your assessment is of the UK's current policy direction in relation to MPAs and whether it's just tokenism or whether it's actually effective.

[37] **Dr Fletcher:** Right, okay. Gosh. Thank you. So, my organisation tends to take a global view and generally engages with less-developed countries to support their direction towards MPAs. We also monitor—this is kind of getting to your question—we also monitor the global coverage of marine protected areas. So, what that enables us to do is look at the global distribution of where MPAs are. What we see very clearly is a strong pattern of large remote marine protected areas, largely in European countries and overseas territories where, arguably, there is limited pressure but good biodiversity. So, the UK has been, foremost, really pushing that designation of large overseas remote marine protected areas. One observation that the UN system has made, and my organisation has made, is that, really, what we perhaps need to do is to start encouraging countries not to designate the

easy places—if I could call them that—but really think about the areas that are highly threatened that actually support people’s engagement with the sea as well. So, difficult coastal areas where there are multiple pressures and multiple uses; to really begin to focus marine protected area designation and decent management in those areas. So, it’s not so much a comment on the policy; it’s really a reflection of perhaps future priorities going forward now that, perhaps, the easy cases have been designated.

[38] **Jenny Rathbone:** Okay. So, what’s your assessment, then, of the story so far, with both the UK and the Welsh Government, in terms of the red alert that there should be around the number of species that are just disappearing if we don’t do anything?

[39] **Dr Fletcher:** If you look globally at just the percentage coverage, notwithstanding the comments about the need for decent management as well, and the coverage being a very basic measure of anything, then both Wales and the UK generally are well above the global ambitions for a 10 per cent coverage. I’ve seen different figures, but our figure around Wales is around 20 per cent of its territorial sea, or territorial waters. Just to echo, really, what Sue was saying: in terms of the effectiveness of any MPA, it’s around the management measures, and the management measures always have to be tailored to the purpose of the MPA. That requires almost drilling down at the MPA-specific level to answer a question like that. I’m sorry; my knowledge isn’t at that level—

[40] **Jenny Rathbone:** Okay, but just going back to these remote areas, what is to stop these industrial fishing boats just going out there and hoovering it all up anyway? I appreciate it’s remote from any populations, but still, these industrial fishing boats with refrigeration, you know, they can go anywhere, and whatever we do in marine protected areas, as long as they’re just immediately outside those areas, they just Hoover it all up.

[41] **Dr Fletcher:** Well, theoretically, yes, that is true. If a vessel undertakes that sort of activity where that activity is banned, then it’s illegal fishing, and then that goes down the illegal fishing enforcement route and punishment route, if they’re caught. If fishing activity takes place outside the boundaries of an MPA where fishing is perfectly legal to be undertaken, then there is no real issue with that. In a sense, the designation of the MPA does attract fishing to its boundaries because of the observation that fish stock tends to increase around MPAs. So one argument for MPAs over and above their conservation value is that they do support more sustainable fisheries. So, in a

sense, it's a two-sided issue really; having significant fishing on the boundaries of MPA's is potentially problematic for the MPA, but, actually, in a sense, it's a huge benefit that the MPA provides to the fishing sector.

[42] **Jenny Rathbone:** Okay. So, we're doing something, but in the world context it's a drop in the ocean.

[43] **Dr Fletcher:** Yes, potentially, although I would caveat that slightly with the reflection, once again, that is about the management measures.

[44] **Dr Gubbay:** Just to add something to that about Wales within the global context; I'm happy to send the committee a report that's just come out, which is a red-list assessment of all the marine—and, actually, terrestrial—habitats in Europe. It includes the north-east Atlantic area and you can see from that that we have quite a lot of data deficiency, but there are a lot of soft sediment habitats in particular that are high on the threatened list, and these are ones that are present in Wales. So, it's not a Welsh or UK-specific report; it's Europe wide, and you can see in that context that clearly Wales has a task ahead to contribute to removing the threatened status of some of these habitats that are actually very common in Welsh waters.

[45] **David Melding:** I want to declare that I'm a life member of the United Nations Association, so I'm always keen to hear about the UN system that has been deployed. Have the French and UK Governments kind of deflected their obligations? I mean, was it anticipated, when they committed to these, you know, up to 30 per cent of sensitive area management or whatever—did people realise that the French and the British still have the fallout of their empires and islands dotted all over the south Atlantic and Pacific, or do other countries do the same? Is there a particular issue here that the French and the UK Governments have—? You know, it's a bit of wheeze.

[46] **Dr Fletcher:** I think it's a pretty broad-ranging practice for countries with overseas territories. I would say that. Often, particularly European countries, they have relatively small marine areas compared to their overseas territories. So, Portugal, for instance, has a very small European mainland territorial sea and exclusive economic zone, but its overseas territories, I think, are the largest of any country in the world. So, it's not so much dodging its obligation, but maybe you could say it's focusing where its key marine biodiversity exists, in many ways.

[47] **David Melding:** But these targets were aimed at the highly developed and stressed coastlines, weren't they, really?

[48] **Dr Fletcher:** Not strictly speaking, no. The targets are very broad. So, the current sustainable development goal target 14.5 is for 10 per cent of the coastal marine areas to be protected globally, and it doesn't specify what type of marine areas should be protected. However, there is the observation that it is the remote, large reserves that have been designated. So, already the 10 per cent target has been met globally, yet many of the really threatened marine habitats remain at risk.

[49] **Mark Reckless:** We were alerted to this issue by Wendy, our researcher here, who wrote in our brief:

[50] 'Countries such as the UK and France have been competing to create the "world's largest" MPAs in their overseas territories.'

[51] She flagged the example of Pitcairn at 830,000 sq km, but then proposals for the Cook Islands that are 1 million sq km and then something in the Sargasso sea of, apparently, 5 million sq km. You said, Steve, I think, 'Designation as MPAs attracts fish within their boundaries', and I just wonder if you could explain that a bit more. For instance, on Pitcairn, when this was designated, what actually changed, and how, for example, might that have attracted fish into the area?

[52] **Dr Fletcher:** Okay. I think I might remove the use of the word 'attract' in correcting the transcript. Fish are not strangely attracted to MPAs, but—

[53] **Huw Irranca-Davies:** That's because they can't read the policy.

[54] **Dr Fletcher:** They're pretty rubbish like that. Largely, when an MPA is designated, it reduces fishing pressure on the area concerned. An immediate side effect of that is greater breeding and that a greater fish stock is developed within the marine protected area. So, largely, you'd expect an increase in the biomass within the marine protected area—everything living within the marine protected area—which would include the fish stock. Therefore, you tend to have a more commercially fishable set of species or set of fish stocks associated with the marine protected area. It's quite a well-recognised scientific phenomenon, I think it's fair to say.

[55] **David Melding:** It's kind of what we want to happen, isn't it?

[56] **Dr Fletcher:** It is, precisely. That's why it's a slightly contradictory thing. It's good to happen, but it then does attract fishing to the boundary of the MPA, because the fish don't know where the boundary is, and therefore they swim around and get caught.

[57] **Mark Reckless:** Can I just say—? If witnesses at any point need Welsh translation, it is available on channel 1, if required, on the headsets. Can I bring in Simon at this point?

[58] **Simon Thomas:** Thank you, Chair. I knew at the start of this inquiry that this was a very complex area. It became even more complex as soon as we started making inquiries, and if I can say so, it's even more complex now after hearing evidence from you. That's no reflection on yourselves; it's extremely difficult to pin down responsibility, management structures and control structures that could actually be usefully used. Particularly, I'm focusing on the Welsh context—I know there's an international aspect to this—but pinning down what changes we can do that would be of benefit to our coastal communities—I represent them in Mid and West Wales as a region—and particularly with the overall context of leaving a fisheries policy that is decided at the EU level, and now having to marry that policy with our environmental policy: it's a huge challenge for us. So, just to ask you a broad-brush question to start, how effective at all is this kind of spatial approach to the marine environment in particular? Because, I think, Lynda Warren, you suggested that a species-led approach could be a more effective kind of way. No, you didn't? Okay.

[59] **Professor Warren:** No; the opposite.

[60] **Simon Thomas:** Oh, the opposite. Right, that's good. Sorry, that's why I was going to ask, but obviously if you suggested the opposite, that's different. Can you just clarify, then, how this spatial approach to a marine environment, where on the fringes you'll get pressures and things created by that spatial approach, how does that work—and particularly in the Welsh context, where my understanding is that some of these are literally lines on maps? There has not been the scientific underpinning for some of the lines we've drawn; it's been a response to European legislation rather than a sort of science-led mapping of the ocean.

[61] **Professor Warren:** I don't think that last point is quite right. I think they have been scientifically led, but the reason they've been scientifically led

is because there has been pressure from Europe, and they may not have actually thought it sufficiently high profile or high priority to make those designations. That's my point there. The marine environment is very, very complex. It's very difficult, and we've got marine protected areas that feed on that difficulty in that, I think, every type of marine protected area we have is based on protecting features. So, they're not really marine protected areas; they're areas of the sea in which certain features or species are protected, which then means you have to put all your emphasis on finding out in great detail what impact is happening on those particular species. Whereas what would be a much easier and more meaningful approach, and which happens in the larger ones, is that you want to look holistically. You want to look across the piece. It doesn't matter whether or not you're protecting that particular species if another species is suffering as a consequence. We, I think, are arrogant if we think that by determining that on a year-by-year basis we've got more fish or more scallops or whatever, and that means it must be working, because we don't have the knowledge to be certain of that. If you go on a spatial basis, and you say, 'Okay. We can tell from broad habitat work, from broad data that we have, that these areas look as if they have got the maximum amount of interest in them, so, if we're going to protect anywhere, this will be a good place'—that will be a good place to start. I would actually refer you back to—and I can give you this at the end of the meeting—a piece of work that Sue and I were involved in in 1991, where we were working with a whole range of non-governmental bodies and Government agencies on the best way of dealing with—in those days, it would have been marine nature reserves, how they would work. We came up with a very simple formula that says you have a very, very few tightly protected areas where you really are concerned about that little bit of hard coral that doesn't occur anywhere else, but then you have much bigger areas where you just say, 'No, people can use these, unless—we reckon that at certain times or certain places you wouldn't want to do this', which is a little bit like the marine conservation zone idea, as put forward in Wales, for having highly protected ones. But done spatially, on a large enough scale—yes, you will still have boundary effects, but they're going to be much less when you've got a much bigger boundary.

10:45

[62] **Simon Thomas:** So, just—

[63] **Mark Reckless:** Sorry, Steve Fletcher just wanted to add something on that.

[64] **Dr Fletcher:** Yes, thank you. Following on from what Lynda was saying, if most MPAs are designated around certain species or habitats of importance and the management measures are prepared accordingly, that then creates a bit of a challenge to generate significant benefits to local communities, potentially, because the MPA's been designated for a totally different reason—it's to protect a certain species. And so the management measures may not have many direct benefits to communities, so it's a bit of a stretch sometimes. So, an alternative approach would be to think about how we put management measures into MPAs that are specifically designed to generate benefits, so it would require a slightly different approach to how we think about marine protected areas, but it is—. The idea beneath your question is perfectly doable, provided that there's a clear, philosophical approach to achieving that.

[65] **Simon Thomas:** That's precisely the thought that I wanted to return to, but, before I do that, can I just add one thing, just for me to be clear? Obviously the area I'm most familiar with is Cardigan bay, so, to build on what you've been saying, that designation, as I understand it, was for a particular mammal, and therefore all the conflict and the debates that we have in Cardigan bay really turn around, 'Well, does it harm a particular species?' rather than the overall, kind of—what we've just been discussing. Is that an example—? To be clear, that is a relevant example to what we're examining, yes?

[66] **Professor Warren:** Yes, and it's true for any of the marine SACs—they're all designated either for a particular habitat type or for a species.

[67] **Simon Thomas:** Yes, there's also reef designation, isn't there?

[68] **Professor Warren:** But what makes it particularly bad is, if you look at the annexes in the habitats directive, if you look at the ones for terrestrial, there are reams and reams and reams of subdivisions and subtypes. You look at the marine, and there are very, very few categories, because the people drawing up those annexes were not familiar with how you would categorise marine environments. So, we start off with a paucity of designations that we can make. When you look at the species, hardly any marine species are listed. So, again, you're limited—if you want to protect an area, you may actually have to choose a particular mammal because there is no other way in which you can get that area designated. So, that's another problem.



[69] **Simon Thomas:** Sorry, Tim Glover, I don't know if you wanted to come in.

[70] **Mr Glover:** Yes, I just want to come back to Lyme bay again, which is exactly that kind of issue. The SAC designation was to protect the reef, but, as we've gone over the last five years managing the reserve, what we've done is to take an ecosystem-management approach and look at everything—look at it, as Lynda said, holistically, at what are the impacts on the species, on the reef, on other organisms in that ecosystem. I think—you know, it's a pretty good model for how that can be successful, but it takes a hell of a lot of work and a hell of a lot of money.

[71] **Simon Thomas:** I'm mining a particular seam here, which isn't the right—or fishing a particular, whatever—. What you've done in Lyme bay and what we're pursuing in these questions, that's clearly feasible under current EU legislation, but is it correct to say it's not the approach that the EU legislation takes, therefore you're working against the tide, almost, in that sense?

[72] **Mr Glover:** I don't think you're working against it; I think you're sort of maybe diverting and taking a broader approach to it.

[73] **Mark Reckless:** Sue, did you have something to add?

[74] **Dr Gubbay:** Well, just quickly on that, it certainly is feasible. We've taken a feature-led approach because that's the most obvious direction under the habitats directive, but it talks about site integrity, so it's perfectly possible to look at the other features within the site. One other thing about the feature/site question, I suspect—. I mean, features are handy in various regards, they're good for promoting the message about the site, they're good for monitoring, and—

[75] **Simon Thomas:** And most people can identify them.

[76] **Dr Gubbay:** Yes, so there is that, but, as we know, the ecosystem is all intertwined, so you do need to look at the site. Another reason why you might look more on a site basis than a feature basis in some places is, if we want to have restoration and recovery of our marine environment, if you focus on one particular animal, or one particular bit of seabed habitat type, that really is limiting your options there. If you draw a line around that,

you're not going to look at the potential for recovery. I think Lyme bay is a good case. It was designated for the reefs, but, when various types of fishing were stopped in that area, we noticed that some of the reef communities were starting to develop in adjacent areas. Now, if you'd done the strict line of just the reefs, you wouldn't have got that restoration. So, again, taking a broader view, looking at a site, seeing how it all interacts, can be really helpful. Sorry, the restoration and recovery is one we haven't looked at at all, and it's really important.

[77] **Mark Reckless:** Lynda, did you have anything to add?

[78] **Professor Warren:** Yes, I just wanted to pick up on the point you made about conflict with Europe. I agree, there is no conflict; you're able to do it. The question is: have you got the money to do it and have you got the will to do it? If I were a marine officer working for Natural Resources Wales right now and I knew there was an issue over a marine SAC, whatever sort of issue that would be, I would be looking at what I had to do in order to prevent my Government being shouted at by a UK Government being shouted at by Europe for infraction. They would be the things that would take up all my time and money. Then, adding on to that, if you want this broader community-type basis, as Tim has said, it takes a long time, a lot of effort, and, therefore—because it's manpower—a lot of money. The only positive side I can see on that is that Wales is probably in a very good position to do that because of the legislation on well-being and the fact that there's already—. I know, from other work I do on the completely different topic of radioactive waste management, there is already a lot of effort going on in getting community engagement on issues. So, I think we could do it.

[79] **Simon Thomas:** On that, and I'd like to just follow through on the point that Steve Fletcher was making earlier as well, and the point that I was trying to get to, which is really, now, terms around management, I think you're quite right to say that a lot of what we've done is very defensive, to stop challenges, or being able to demonstrate on pieces of paper that boxes have been ticked and things have been done, without looking at the outcomes of that and whether there's been a benefit for the environment and also for the coastal communities. We've been waiting a long time for an improvement plan for MPAs in Wales—that still hasn't been delivered. CCW, I think, recommended that that should be happening. With the decision to leave the EU, it almost seems to me that we could take a fresh look at this now anyway, with our own legislation that's in place, to do some of this holistic thinking. So, would you think that it's probably better to—even

though we had the previous recommendation of CCW to do a lot of work—look again at some of this and to try and rebuild from the bottom up on a spatial basis, a wider kind of integrated, all seas—. Well, we've also got the six to 12 mile limit problem as well, but let's leave that to the side at the moment, in terms of legislation. But is there an alternative approach that we could be taking and starting the management from day one side by side with this? Because it seems to me what we've done in Wales is we've designated sites without a management process in place, and therefore nothing has happened. I don't know who wants to—. But you're all nodding, so—.

[80] **Mr Glover:** I totally agree.

[81] **Dr Gubbay:** I would just like to add a bit of a cautionary note about starting from scratch. Whilst it's a nice idea, we have got some really good protected areas. I would flag up Skomer as the obvious example. It would be pretty bad news if something—

[82] **Simon Thomas:** I wasn't suggesting we dump what we have, but try to integrate this into a holistic approach.

[83] **Dr Gubbay:** I think you need to look at what we have already and see how that can be improved, how it can be safeguarded. A lot of that is to do with the management. There's a certain amount of extra sites and there's been some gap analysis to look at new areas that we might want to cover, but it's really about making the most of what we have and banking that and then improving it to see the new management measures that you might want to bring forward.

[84] **Mark Reckless:** Can I bring in Huw, but perhaps give Lynda the opportunity to answer first?

[85] **Huw Irranca-Davies:** It's further to Simon's question. A lot of the discussion so far has understandably focused on NPAs, probably the 12-mile limit, the inshore waters, all of that, but, actually, off Cardigan bay, of course, we're out into the big Irish sea. Off south-west Wales, we're into the south-west fisheries, one of the most complex fisheries in the world. At the moment we have European policy, but, following on from Simon's question, if you're going to have this multiple-benefit approach, where you have buy-in, we don't have to wait for Brexit to get on with having a more joined-up approach with our Irish neighbours, our south-west neighbours, and our north-west Scotland neighbours, on how we manage that sea area beyond

the 12-mile limit, out to the median line, but that whole pool that is there.

[86] I recall that we started to do this in the North sea area back in 2009, 2010. I don't know how it's gone—I've lost touch with it—but the idea was that you pool the scientists, the industrialists, the fishermen and everybody else, and they get on with it. Of course, UK Ministers carry the buck for it if it fails, but they've got to get on with it. What do you think about that approach, which goes beyond the inshore, but within a sea area says, 'Here's the evidence that we have; it's never perfect, you guys have got to get on with it and decide what the priorities are'?

[87] **Professor Warren:** I find it quite difficult to answer. It takes me back, I don't know, 30 years or more to when we had an Irish sea project, which was designed to actually start the thinking very much on that. We have got to the stage where we've got the maps, we've got the drawings, and we can see the pressures, but, ultimately, to deal with some of those issues, you're talking politics—they're quite big politics. I would say that I don't think that the UK, in so far as Wales is concerned—and I'm thinking both Welsh Government and UK Government there—is strong enough in its ideas as to what it actually wants at the moment to be able to give the lead to people to do that. That would be my guess, but it is very much just thinking on the spur of the moment.

[88] **Huw Irranca-Davies:** Just to say then, because we had an interesting discussion before you came in, regardless of Brexit, how do you reconcile the overlap with common fisheries policy and what may come after it, because even if we got bilaterals or whatever, there's going to have to be transnational and international negotiations on fisheries management in common seas—how do you reconcile that with marine conservation?

[89] **Professor Warren:** Right. You've pressed a button there. I think we have confused the issues greatly over the years. If we want to have fisheries, we need a decent policy that works, yes, but then you have to then take that into account when you're looking at your marine conservation. What we tended to try to do in the past is have our marine conservation and then say, 'Oh, you fishermen, you're getting in the way of our marine conservation', and all the evidence, right from day one, shows that it doesn't work—it doesn't work because you're alienating a whole workforce that are going to lose their jobs; it doesn't work politically. So, something has to change.

[90] So, yes, I would agree with you that what we do on marine

conservation has to gel in some way with what we need to do for fisheries. At the moment, we have a system—because we've got the marine areas, but we haven't got the other controls and the other spatial bits—where, every time someone wants to do something and it affects a marine area, they see it as a hindrance, and it shouldn't be. It should be something that is working together for the benefit of all: so, something that delivers what you want, where you would have the fisheries management drawn up taking an account of the marine conservation needs, which themselves are drawn up taking account of fisheries and all the other needs. It sounds like marine spatial planning to me, and wouldn't it be a great idea?

[91] **Mark Reckless:** Any other comments on Huw's question?

[92] **Dr Gubbay:** I will just add a little bit about that. Yes, of course, we need to work with neighbouring countries to look at the management of these areas, and I think you'll find that the Joint Nature Conservation Committee, when they're looking at the offshore zone—so, that's from the 12 to 200—have negotiations, bilateral, et cetera, and it has to be through the European Commission, through various processes of the common fisheries policy, agreed by all the interested member states. So, there is that process and I see no reason why that shouldn't continue—well, it has to continue, because you've got multiple fisheries.

[93] In terms of where we go next with the fisheries management and marine protected areas where other countries are involved, we haven't really got into any detail on Brexit, but I think that one of the things that worries me the most is that, in the last revision of the common fisheries policy, environment was one of the considerations in making fisheries management decisions. That was embedded in the fisheries management decisions, and that is really important because it's the other side of the coin, if you like, because we're working in the environment sector and we are approaching all the stakeholders and having discussions about that. But this is the other way. And ensuring that type of commitment carries on is really key to make our MPAs effective, and other things, actually.

11:00

[94] **Dr Fletcher:** Just a point of information, I suppose: there is a lot of work going on, funded by the European Commission right now, to look at those very issues, particularly around how marine spatial planning approaches in adjacent countries can better match up with each other, and

they talk a lot about the connection points, the ‘docking stations’ they’re sometimes called as well, as to what are the bits of the adjacent plans that actually link up. And fisheries and marine protected areas are critical to that, and a lot of that work is being presented at a big conference in Paris in March. So, I think that will come out in due course, and answer—well, not answer, but certainly contribute to that thinking.

[95] **Mark Reckless:** Can I go to Simon for a follow up, and then to Jayne?

[96] **Simon Thomas:** Just a specific question then, just to get your opinion as to why the marine conservation zone approach failed in Wales. I’ve got my own views on that, but what you’ve been suggesting moves towards that kind of approach, at least in principle, and the previous Government tried to do that; it collapsed. What lessons can we learn from that for future planning?

[97] **Professor Warren:** I think the biggest lesson from that was that—. I was quite heavily involved in it and a couple of the committees that worked on that and there were two things that I observed. One was that the Countryside Council for Wales, as it then was, was put into a position where it was forever having to justify its science, which was moving away a bit from the principles of why we were doing it—going down to those minutiae all the time. That led to a great delay. It led to a long, long time before Welsh Government were prepared to go out and say what they’d got. We had a stakeholder group, which I chaired, which we, as a group, thought was there to advise the Government as to how to do their stakeholder work, but which Welsh Government seemed to think was a stakeholder representation group, although we told them on many occasions that we weren’t able to represent anyone. So, that’s why I think it went wrong.

[98] I think what we need to do is see that as a great opportunity, because we now have one MCZ in Wales, which is what was Skomer marine nature reserve. We still have the legislation there. That legislation is pretty good. It does talk a little bit about features, but, basically, it talks about marine flora, marine fauna, and geological interest across the piece. You can do what you like, if you need to. And there is the opportunity for Welsh Government to think again and come up with something that I would like to think is more in line with what CCW had persuaded Welsh Government they initially wanted, which was these. They called them highly protected; it’s the wrong sort of language. It’s protected areas that are there where you are safeguarding the environment and you’re only allowing other things in when you’ve checked to

see what they're going to be doing. And you could make those quite large scale. You could take into account the fisheries. You could involve people right from the start. But I think that involvement has to come from the political level and the Government level. Too often, we have relied on nature conservation non-governmental organisations to try and work and establish relationships with the fisheries, which is fine until the fisheries find they can't do something, and then they turn to Government to support them. If they know that this is something that's going to happen, and they have to work with Government, I think you actually could. They're not unwilling if they can see the benefits, and most fishermen that I've met in Wales do see the benefits. I think we could do it and now's the opportunity.

[99] **Mr Glover:** Could I say something? There has been, right around the UK, not just in Wales, an aspect of, 'This is my train set and I'm going to play with it.' And I think collaboration, a broader collaboration of pragmatic management, is what is called for. It's all right having policies, but you've actually got to get them on the ground. They've got to be pragmatic and they've got to work if they're going to be worth anything. So, broad collaboration right from the start. Forget whose train set it is; let's try and work it out.

[100] **Mark Reckless:** Jayne.

[101] **Jayne Bryant:** Thank you, Chair. This committee's heard on a number of occasions over the last few months about the aspects of the implications for the environment of leaving the European Union and, indeed, you've touched on some of those today yourselves. Sue, in particular, has warned against the risk of starting from scratch on some of these things. Do you have any further comments on how Brexit will affect the marine biodiversity?

[102] **Dr Gubbay:** I can make some guesses. At this point, of course, we don't know quite what we're going to be doing, so all I can do is tell you about what I see as worries and what I see as opportunities, and then we need to go from there. I think, starting on the positive side and the opportunities, we've talked about, from the nature directives point of view, maybe looking more at sites and site management and restoration rather than going down this rather focused, feature-based approach. But there are many things that I would say, on the worrying side, where we need to make sure that we don't lose them, some on fisheries, like regional fisheries management and like having the environment embedded into fisheries decision making.

[103] But, in terms of the nature directives, there are some red flags, if you like. One of them must surely be the European-wide perspective on wildlife and habitats. I don't mean EU—I mean European-wide. At the moment, with our habitats directive sites, we assess them, and we monitor them and we look at them in a European context. So, just to take grey seals, we have a large number of the world population in the UK, and we have a reasonable number in Wales; when we do the assessment, you look at the whole picture: 'How's it doing in Europe?', not just in Wales and not just in the UK. It's really important we don't lose that.

[104] And then there's the whole thing about the incentive, the sanctions, the European Court of Justice. If we lose these things, how are we going to look at our progress in a wider context, and have the incentive and motivation? The reason I worry about it is because I know that it took maybe 20 years to get three marine nature reserves when it was just UK legislation. And, once we got the European habitats directive, look where we are now in terms of the number of our special areas of conservation. So, where's the motivation going to come from? There are financial implications and there are assessment implications. Those are just a few that come to mind.

[105] **Professor Warren:** Just to add one more to that—I agree with everything Sue says—we don't know what would happen when someone would be challenging a decision, say, on an application to do some work and there's been an appropriate assessment. If we get any judicial reviews coming through, the question for me would be: 'What level of evidence would a court be looking for? How much are they going to be prepared to go back and look at the European standards when we're no longer dealing with European standards?'

[106] **Mark Reckless:** I'll take Huw and Jenny, who'd indicated, briefly, and also I know Steve wants to come in. Steve, do you want to comment just briefly on where we were?

[107] **Dr Fletcher:** Specifically on the Brexit question, yes. In terms of opportunities, the key opportunity is to better align Welsh marine protected areas and biodiversity conservation policy to Welsh policy ambitions that are broader than just nature conservation. So, if you view marine protected areas as just simply a management tool, the management tool can be empowered to do all sorts of different things—protect nature, sure, but also deliver benefits for communities. Those two are not mutually exclusive.



[108] The other thing to say is that there are lots of countries that are not within a European Union-style union, and those countries still have marine protected area networks and marine protected area activities, although, through my UN-related role, we still encourage those countries to work with their neighbouring countries because, of course, individual nations can't manage the marine environment individually. So, there is still a need for networks and communication between adjacent countries.

[109] The final thing is that Wales and the UK generally are part of the OSPAR convention—the Oslo-Paris convention—and that is one of the regional seas organisations, of which there are about 20 globally, around big marine regions. That also provides a connection between countries—in the north-east Atlantic in this case, which one might argue could replace the European Commission as the vehicle through which some of the necessities that both Lynda and Sue mentioned regarding measuring progress in Wales against progress elsewhere.

[110] **Mark Reckless:** Huw.

[111] **Huw Irranca-Davies:** Had you—?

[112] **Jayne Bryant:** Yes, just—

[113] **Mark Reckless:** Is that finished? I know Jenny wants to come in as well.

[114] **Jayne Bryant:** [*Inaudible.*—I'll come back in—*Inaudible.*]

[115] **Huw Irranca-Davies:** Simply following up on Jayne's question, how important do you think it is that, with your concerns over a diminution in the standards that we've got, we're actually not simply maintaining or building upon what we've got, but that we have a UK framework?

[116] **Dr Gubbay:** We do need a UK framework, I think, as well as a Welsh framework and as well as a European and regional sea framework. You just nest it, depending on what management measures you're looking at. I wouldn't go down to a very detailed level—sorry, a very small spatial level. But, overall, coming back to the whole marine spatial planning idea, I think we need to have that for Welsh seas and UK seas and, within that, embed our Welsh marine protected areas, but they will be part of a network of sites throughout the Irish sea.

[117] **Huw Irranca-Davies:** Let me just conject: I'm sure this wouldn't happen, but it would be fascinating if a different approach to that balance between conservation and other interests, fisheries and other interests, were to be taken in a neighbouring water in England to what was going on here. It could be a complete disconnect. So, it just seems that the need for a good, ambitious UK framework is key.

[118] **Mark Reckless:** Lynda.

[119] **Professor Warren:** I would just agree entirely with that, and actually I'd say there is already quite a difference. There's quite a divergence, particularly if you bring in Scotland as well, which does things very, very differently. But the key thing is that there is a commitment under the legislation, which is UK legislation—the marine Act—to have that network. And then, it is, I guess, a political issue to make quite certain that the powers that be get their heads knocked together and come up with that UK framework. When I was on the JNCC, we were trying very hard to set that up. I don't know what has happened since and whether there has been any progress on it, but, yes, it's essential.

[120] **Mark Reckless:** Jenny.

[121] **Jenny Rathbone:** Two quick questions: one is on the impact of climate change. We can't do anything as a National Assembly or the Welsh Government about the impending disaster in the Arctic and the Antarctic, but are there specific headline things that we ought to worry about in terms of the seas around the Welsh coast?

[122] **Dr Gubbay:** Well, I can talk about the role of marine protected areas in that; I don't work on the bigger picture, but that's one of the reasons why people are quite keen on having these recovery/restoration control areas as not only measures of change, but looking at the potential of seeding out—sorry, I'm thinking of the terminology now, but, when other areas are degraded, to actually be able to enhance them from the adjacent marine protected area. In terms of climate change, there are a lot of other things, but I don't work on those, unfortunately.

[123] **Professor Warren:** The other advantage of doing that and having some fairly large, broadly purpose-based MPAs is that climate change is going to lead to change. It's going to change due to the biota. So, if you've been quite

specific as to what your purpose of a marine protected area is—to protect species A or species B—species A and B may well have gone, and you want that marine reserve, the marine protected area, to still have a function. So, the idea of having some quite broadly based ones that are there to protect whatever is there—and, as Sue then said, seed out in other areas—I think climate change makes that even more imperative, that we are pragmatic and general and holistic in what we're looking at.

[124] **Mark Reckless:** Why do you necessarily want that reserve to continue to have a purpose? Can't you envisage there being, in an area of a marine environment where there is a particular issue with a particular species—there may not be too many of them—and we're very keen to protect it—? What is wrong with the idea of having a zone just to protect that and then, if it doesn't work, focusing elsewhere?

[125] **Professor Warren:** There's nothing wrong in doing that and, again, I take you back to the paper I'm going to give you, which talks about type 1 reserves and type 2 reserves, and the type 1 reserve is exactly that. There will be places where there is something so precious, so unique—and it may not even be biological; it could be a wreck, say, a cultural interest—and you want to absolutely protect that. Yes, fine, but that's not going to give you an ecosystem approach to managing our seas for the benefit of the people of Wales.

[126] **Mark Reckless:** Thank you. Jenny had a second question.

[127] **Jenny Rathbone:** My last question is: one third of all food is thrown away before it reaches the table; could you just tell us, now that we've got larger fishing nets, what is the level of fish waste, particularly in relation to the areas around Wales?

[128] **Professor Warren:** I can't answer that.

[129] **Mark Reckless:** Anyone fancy—?

[130] **Dr Gubbay:** No, sorry.

[131] **Dr Fletcher:** No, sorry.

11:15

[132] **Mark Reckless:** Okay. David, did you have any questions you wanted to ask?

[133] **David Melding:** Yes. It's been very interesting, just the complexity of everything, but I take away from this that we need a more generalist, spatial approach that's effectively managed, and please contradict if I've got that wrong. But I think, sometimes, we need to be looking at very much the big picture. Again, please correct me if I've misinterpreted this, but the International Union for Conservation of Nature has said of fully sustainable oceans, 30 per cent of the area needs to be free of extractive activity. Is that how radically we should be looking? Presumably, that means all of the oceans and not just bits that are a very, very long way from any development and population. So, where does that sit in the sort of intergenerational view that we should be taking, I guess, on something as precious as our sea resources?

[134] **Dr Fletcher:** Shall I try first? There are incredibly different perspectives on the minimum percentage coverage of MPAs that are thought to deliver global benefits. So, other suggestions have been to close all of the high seas to fishing, for example. The official target is 10 per cent. So, there are multiple interpretations. I don't know if there is a correct figure; I don't even know what 'correct' would mean in this context. It's very difficult. But what I would say—and this is boringly going back to the same thing—is that it's the management measures that matter; the percentage coverage is a bit of a red herring, if I could say that, in this instance.

[135] **David Melding:** Okay. So, there's no categorical shift for less extractive activities—you know, this is what they say you need for sustainability. Presumably, we're not at sustainability, or are we near it? I want to just get an order of magnitude, a bit of guidance from you, of how radical we may need to be.

[136] **Dr Gubbay:** As Steve said, there's quite a lot of discussion about whether it should be 10 per cent or should it be 30 per cent. In a strange way, I don't get too hooked up on that. What I'm seeing is that Wales has 0 per cent of no-take zones. So, that's our starting point. If we get to 10 per cent, then maybe we can see whether we're even in the area that makes it sustainable for Wales. So, whilst that's very helpful in a global situation, looking at Wales, we've got to start.

[137] **Mark Reckless:** Can you answer, what's so special about those zones? What makes them so different from other degrees of protection and why is it

so important that Wales should have some, rather than zero protection?

[138] **Dr Gubbay:** There's a lot of science on no-take zones, because now—. Let's call them that, no-extraction, no-deposition areas. There's been a lot of work on that over the years, and we've learned many things. One of the first was actually that you can't necessarily 100 per cent predict what's going to happen in those areas. There's a very well-told story of a situation in New Zealand when they set up the first no-take zone, which was near a marine lab. Not a special place; just an interesting bit of sea, handy to do some research; nobody thought anything great would happen; it was quite a small area, and, over time, all sorts of things improved. Biomass improved, there was export of crayfish to surrounding areas, but nobody predicted that in the first place.

[139] So, from those beginnings, many of these no-take zones have been measured and their effects. It's different in different places. So, you cannot say, 'There's going to be a lot of this in five years' time'; it may be something else, and there are patterns and there are changes. It's a buffer; it's a space for recovery, it can export to other areas, it's a control area for science. We talk about evidence base all the time, but we haven't got our control areas, so how can you do that? So, there are many things.

[140] The final thing to say on that is that it takes time. If you set up these areas, it's no point saying in five years, 'Well, you know, has it succeeded or not?' In the places where we have these, sometimes there are still changes in 20 years; there are cyclical changes, and so on. So, if you're going to go for it, I would say go for the long term.

[141] **Mark Reckless:** Lynda and Tim, very brief comments and then a final question from Huw.

[142] **Professor Warren:** Mine's very brief. The other advantage of a no-take zone is it's simple, and therefore, it's easy to enforce; it's easy to see whether someone's in or out, rather than what they're doing when they're in there.

[143] **Mr Glover:** My only comment would be that I think targets are dangerous. As Sue has quite rightly said, every area is different and different outcomes will come from that. So, I think targeting specifically by saying a percentage of an MPA must be no-take is a dangerous route to take. I think you've got to look at every MPA on its own merits.

[144] **Mark Reckless:** Thank you. I think Huw's question has been answered, so if I could thank all four of our witnesses very much for what's been, I think, an extraordinarily valuable introduction in bringing us up to speed in this area. Thank you.

[145] Can I declare a five-minute break? The Cabinet Secretary is outside, so we will start again in five minutes, I would suggest. Thank you.

*Gohiriwyd y cyfarfod rhwng 11:20 ac 11:30.  
The meeting adjourned between 11:20 and 11:30.*

**Ymchwiliad i Ddyfodol Polisiâu Amaethyddiaeth a Datblygu Gwledig  
yng Nghymru: Craffu ar Lywodraeth Cymru  
Inquiry into the Future of Agricultural and Rural Development Policy in  
Wales: Scrutiny of the Welsh Government**

[146] **Mark Reckless:** Bore da, good morning. Cabinet Secretary, thank you very much for coming in to the committee this morning for what we intend to be a focused session to help us push towards the conclusion of our post-Brexit agriculture and rural development inquiry. Could I ask your team, perhaps, to introduce themselves for the record?

[147] **The Cabinet Secretary for Environment and Rural Affairs (Lesley Griffiths):** Yes, thank you.

[148] **Mr Slade:** Andrew Slade, director of agriculture, food and marine.

[149] **Mr Austin:** Kevin Austin, head of agriculture strategy and policy.

[150] **Mr Asby:** Rhodri Asby, I co-ordinate the work on Brexit within the department of environment and rural affairs.

[151] **Mark Reckless:** Thank you. Cabinet Secretary, could I start by reminding you of the statement I made on 9 November on behalf of the committee in Plenary? As part of that, I think the committee may very strongly want to see a continuation of the moneys that we've had for agriculture, and rural development more broadly, under the common agricultural policy framework. But, we also asked in that statement that if the UK Government does ensure a continuation of prior EU funding to Wales in

full, then we call on the Welsh Government to make a commitment in return. We ask that the Welsh Government agrees to protect funding, once transferred to Wales, for the support of agriculture, environment and rural development policy. Are you able to give such a commitment?

[152] **Lesley Griffiths:** I'm not able to give a commitment because, at the moment, we just don't know what funding we're going to have post 2020. As you know, we're okay up until 2020. At the moment, there's a black hole. What I have continually said is, I cannot envisage a time when we will not need to support the agricultural sector. It's very interesting, even the UK Government—. You'll be aware, George Eustice who's the UK farming Minister, prior to the EU referendum said:

[153] 'if we left the EU there would be an £18bn a year dividend, so could we find the money to spend £2bn a year on farming and the environment? Of course we could. Would we? Without a shadow of a doubt.'

[154] Last month, I was at the Oxford Farming Conference with other agricultural ministerial counterparts, where he's changed quite noticeably and said that first we need to define what future agriculture and environment policy should contain, and then we'll need to work out what money might be needed to underpin them.

[155] If we had the same level of funding from the UK Government post 2020—bear in mind that this Government would have another year to go, 2020–21—and the UK Government said we would continue to have that funding, and we said all along that we expect to have that level of funding come to Wales, I would think that we would have to give that level of funding, whether it's ring fenced or not; we could not just stop funding. For that year, 2020–21, I would say, yes, we would be able to give that level of funding. Post 2021, we'll have a new Welsh Government and obviously I can't tie them down to that.

[156] **Mark Reckless:** And the current assurance from UK Government is that funding through to 2019–20, and this would be the first additional year, were money to continue flowing.

[157] **Lesley Griffiths:** Yes.

[158] **Mark Reckless:** So, for that one year, you are willing to give that—.

[159] **Lesley Griffiths:** Well, I can't envisage how we couldn't. I wouldn't want to use the term 'ring fence', but I don't see how we could just suddenly stop that money, even if you had a temporary measure. But, as I say, that would be only for 2020–21, because then we would have a new Welsh Government in place.

[160] **Mark Reckless:** I'm grateful for that assurance, Cabinet Secretary. I haven't been shy of holding leave campaigners to account on this as well. In my statement I said that was, after all, the promise made by a number of senior campaigners on the leave side. We do know there have been changes in the level of CAP funding and things have changed over time, but what I take from what you've said is that that's a commitment that's reasonable to give in light of where we are and the support that people have had in the past: UK Government giving up to 2019–20, your Government will continue for another year. Am I right in interpreting what you said as, because the current Government will be in power until May 2021, that's a reasonable period to ask for assurances over, but you don't want to go beyond that because we will have an Assembly election and a potential new Government coming in?

[161] **Lesley Griffiths:** Well, I can't go beyond 2021. I could not tie down a future Government. But I think, from 2021, obviously, there'll be a new UK Government in place in 2020. They've assured us that we will have that money up until 2020. I have said all along that I cannot imagine not having support for the agricultural sector, and I don't think that you could suddenly stop it. What I would say now is, even if it was a temporary agreement around that funding from 2020–21, I would be happy to give that.

[162] **Mark Reckless:** I think that is helpful because, when we make the case for Wales to UK Ministers—I, as Chair, and potentially the committee as a whole would think—it's a more persuasive and easier argument to make: we've had this from the EU, people have relied on this, people said during the campaign that it should continue, and isn't it reasonable that they should continue to have support? I think it's a more compelling argument than one that's simply, 'We should add it to the block grant and the Welsh Government will do whatever with that.' We didn't use the word 'ring-fencing'. We were careful not to actually use that word. But I think what you've said is on the record and, I think, will be helpful from that perspective.

[163] **Lesley Griffiths:** Certainly at the Oxford Farming Conference, I don't think I was asked that particular question. There was a panel of all the



agriculture Ministers and a representative from Scotland. That was the phrase that was used. However, in all our discussions with the sector—and, as you know, we've had a great deal of engagement—obviously, that is a matter of concern for them. But I'm with you on that. We were promised that we would receive every single penny, even if we left the EU; and we will hold them to that.

[164] **Mark Reckless:** The 2021 Assembly election will be on the first Thursday in May of that year. That will be within what is the 2021–22 fiscal year, and we'll have other budget processes in advance of that. In light of that, is that an approach, do you think, that could reasonably be continued into that fiscal year?

[165] **Lesley Griffiths:** Well, clearly, we'll know a lot more. As I say, at the moment, there's just a black hole after 2020. Presumably, with the new UK Government being in place in 2020, we would know a lot more about our funding post 2020.

[166] **Mark Reckless:** Well, thank you for extending the clarity from the Welsh Government perspective. Jenny.

[167] **Jenny Rathbone:** I just wanted to ask whether, amongst your Cabinet colleagues, and indeed amongst other colleagues in Westminster, there is an appreciation that the money that currently goes into our rural development is not just about the money for people who currently work the land, but also the landscape of Wales, which is such a key part of our tourism; and whether, therefore, you think that there is commitment to keep funding our rural economy, even if we don't know what lies beyond.

[168] **Lesley Griffiths:** Yes, absolutely. We haven't had those detailed discussions yet, but you're absolutely right: the funding that goes to our farmers is not just for food production, for instance. It's about the way that the land is managed. It's about the funding that then goes out from the agricultural sector, down the supply chain, to the food processors and the hauliers. It's about all aspects of the rural economy. So, those are obviously discussions to be had. But absolutely, as the Welsh Government, we fully recognise the importance of the agricultural sector.

[169] **Mark Reckless:** Jenny, did you want to raise the issue of the single market?

[170] **Jenny Rathbone:** Okay. Yes. Just broadening the subject out it's really to understand what your department is doing to understand the implications for Welsh agriculture of trading with the EU under World Trade Organization rules, which looks increasingly likely to be the scenario.

[171] **Lesley Griffiths:** Well, we have our WTO expert on my left, so I'll probably bring Kevin in afterwards. There is a huge amount of work going on at ministerial level and at official level, particularly. Obviously, there's a great deal of work being undertaken to have a look at the different scenarios. Again, going back to the stakeholder work we've done, I think trade probably is getting to be top of the list now of their concerns, going forward into the negotiations. So, we've actively been engaging with our stakeholders, not just sectorally but cross-sectorally to make sure we've got that information before, or as we are actively engaging with the UK Government, because we need to make sure that there's a very clear UK process to support the work of trade negotiations. Obviously, trade is a reserved issue, but I think it's the area where—. There are lots of non-devolved areas where we need to be having negotiations and discussions now, and I think trade is one of them.

[172] If we have the World Trade Organization rules, I think the impact on agriculture, on fisheries and on food is going to be very significant. Obviously, tariffs are a big concern to the sector, but as I say, I'll bring in Kevin to say a bit more about WTO.

[173] **Mr Austin:** Obviously, as the Minister has said, the level of exports to the EU from Wales is quite significant. We're looking at £168 million currently just on our beef and sheep in terms of exports to Europe, and that represents in the case of our important lamb sector—34 to 40 per cent of our production is going to the EU. So, access to that market is fairly critical, hence the Government's position in terms of free and unfettered access to the single market.

[174] But what WTO per se would actually mean in terms of actual tariffs that would apply to those products—you're looking at an ad valorem tariff rate of 12.8 per cent on those products, but beyond that there's also what's called the non-ad valorem addition. So, you also pay per weight of product that you are exporting under WTO rules, too, which means that in practice, under some scenarios, depending on price, tariff rates have exceeded 40 to 50 per cent in terms of the actual cost of exporting that product.

[175] Now, clearly, in the very tight margins that our Welsh beef and lamb

sector are operating in, that would have a significant impact on our ability to export to the EU.

[176] **Jenny Rathbone:** Tariffs is one threat, but at the moment they'd be somewhat counterbalanced by the fall in the value of the pound. But I think an even bigger threat, potentially, is the imposition of so-called free trade, of what I would regard as adulterated food coming from other countries—things like ammonia-washed chickens, hormone growth in cattle, and the use of pesticides that are banned in Europe. What conversations have you had about ensuring that the social and environmental regulations that currently protect us from all that by being part of Europe are going to be still there once we leave Europe?

[177] **Lesley Griffiths:** Well, obviously, at the moment it's the EU that stops that happening, so we need to make sure that the UK Government in their negotiations ensure that that continues to be the case. So, I haven't had those conversations yet at a ministerial level. Probably at official level they've started—yes. It's about getting the right trade deal, and I think that that absolutely shows what the impact of a bad trade deal would be.

[178] **Jenny Rathbone:** So, is there anything your officials can say about assurances that we're not going to simply be dumped with adulterated food?

[179] **Mr Slade:** I think the key comment is—I think item 5 in the six key points in the White Paper is about maintaining our social, environmental and economic protections through the deal to be done through Brexit and beyond. A very large part of our agricultural base and the food products that we supply is built around the quality and the standards that underpin the market here. The expectation is that we wouldn't be allowing stuff in that didn't meet our high standards. The same will be an issue for the EU thinking about its relationship with us moving forward as well, particularly if we end up with some sort of deal, as we hope, in relation to access to the single market. The EU will be very concerned to understand that we're not, as a UK, letting inferior standard products in here and then from there on into the rest of the EU market.

[180] **Jenny Rathbone:** Okay, thank you.

[181] **Mark Reckless:** Cabinet Secretary, you referred just now to the Welsh Government position of free and unfettered access to the single market. The First Minister said yesterday that he wanted full and unfettered participation

in the single market. Do you consider those phrases to be equivalent? Shall I ask the Cabinet Secretary?

[182] **Lesley Griffiths:** Yes.

[183] **Mark Reckless:** So, essentially they mean the same thing.

[184] **Lesley Griffiths:** Yes, and I think, in fairness, that sort of phrase, 'free and unfettered access to the single market', has gained a lot of traction. You're hearing it coming from the Prime Minister, you're hearing it coming from Scotland and, I presume, Northern Ireland as well. So, I think it was the First Minister who started saying that, and it's certainly gaining traction.

[185] **Mark Reckless:** Yes, and the 'free and unfettered access' phrase is one that I'm happy to sign up to myself, so I think we have a very broad consensus around that objective. Can I bring David in briefly, and then Huw and then Vikki?

11:45

[186] **David Melding:** I just want to clarify, rather than make any political points—if we're not in the customs union, any subsidy regime would have to be in accordance with the WTO rules—this is my understanding; please contradict me if I'm wrong—and given the Doha and now the Nairobi package, the basic position is that subsidies to the whole market have to be reduced rapidly if they currently exist, so that you're open much more to the world market. Subsidy for exports is simply not allowed, so how, if we are reliant on WTO, could we sustain direct payments?

[187] **Mr Austin:** Sure. Okay. So, the WTO rules spell out in the annexes what is and isn't eligible in terms of types of support, and you're referring to the negotiations in terms of the aggregate measurement of support, which is where the European Union signed a commitment to reduce that type of support. Now, direct payments are actually under the exemptions to that, so it's the basis for exemptions from the reduction commitments. So, direct payments aren't covered by that; they are considered, I suppose, in layman's terms, to be what is called 'the green box', and that is because we decoupled those payments from production.

[188] **Mark Reckless:** Huw.

[189] **Huw Irranca-Davies:** Could I ask, in the scenario where we are outside of the EU and we're no longer at the top table discussing things like the transatlantic trade and investment partnership or other negotiations that the EU will be carrying out, but we expect to import into the EU—and much of our produce is based on the highest quality welfare standards and so on—what does this mean in terms of the future standards of our products? Does it matter one iota, frankly, us being in or out? If we want to continue trading with the EU, our producers are going to need to comply with what the EU tells us. Am I wrong in this?

[190] **Mr Austin:** Absolutely—to trade into any market you will need to, obviously, meet the standards that that market applies.

[191] **Huw Irranca-Davies:** So, they're not going to give us derogations. They're not going to say, 'You can have a lower standard'.

[192] **Mr Austin:** No, not generally speaking.

[193] **Huw Irranca-Davies:** Okay. The second question I have is to do with—. Following up from Jenny's point, produce that's coming into our market—we've talked a lot, Chair, about UK frameworks in various ways, and one of those UK frameworks that seems key to me is to do with imports: a UK framework that agreed standards. Are you anticipating any areas where the UK Government and the Welsh Government might have a different view, whether that's on genetically modified—? There are countries in the EU at the moment that have derogations on GM—Wales has a specific voice on GM, but there might be other ones, as Jenny was alluding to, that will say, 'Well you might be happy with that at a UK level, but we're not happy with it.' This is quite fascinating.

[194] **Lesley Griffiths:** Absolutely, and GM is a classic example of where we have different views now in the UK. That's why it's so important that we have the level of engagement with the UK Government now, because they also have to be very clear when they're speaking for the UK, and when they're speaking for England. This is a point that I have constantly made, and I know officials are constantly making, as we step into negotiations.

[195] **Huw Irranca-Davies:** Do you anticipate fundamental disagreements, not simply on GM but on other areas where we would think in Wales it might either be to the detriment of the consumer or to the detriment of the producer, where you would bang the table and say, 'It's not us—we're not

agreeing to that’?

[196] **Lesley Griffiths:** Absolutely, and that’s why we’re saying that any frameworks—I think frameworks is probably a classic example—can’t be imposed. They have to be done in collaboration, and we have to negotiate around that. So, yes, the short answer to your question is ‘yes’. I can see where there will be disagreements.

[197] **Huw Irranca-Davies:** Thank you.

[198] **Mark Reckless:** Vikki.

[199] **Vikki Howells:** Thank you, Chair. I am very concerned about the future of the Welsh lamb industry, and I know that the farming unions and Hybu Cig Cymru are concerned about that as well. Kevin, you quoted a figure of 40 per cent—up to 40 per cent of our lambs are exported to the EU, and for that reason, obviously, the free and unfettered access to the EU single market is so crucial. But if we look at the trade deals that Theresa May has already begun exploring, she has stated that Australia and New Zealand are two countries that she’s already begun to have discussions with. Now, from the UK, we have 6 million lambs currently being exported to Europe, but we also have the same number of lambs—6 million lambs—coming in from New Zealand and Australia. Am I right to be so concerned about the possible impact of that in the future? Could it actually lead to the decimation of the Welsh lamb industry?

[200] **Lesley Griffiths:** Yes, absolutely. One of the discussions we’ve had around lamb is the concern that if we have this huge influx of New Zealand lamb, it will absolutely destroy the Welsh lamb industry. I don’t want to say, ‘I told you so’, but I think that was one of the issues that we certainly tried to get out there ahead of the referendum.

[201] **Vikki Howells:** Is there anything we could be doing to try and counter that threat, or are our hands actually tied?

[202] **Lesley Griffiths:** Yes, and that’s part of the discussions. What you were saying about full and unfettered access—that’s something I know officials have been talking about. If it’s negotiated correctly, we could have something called a special rate of quota, so that’s part of the discussions going forward. But I think that is a huge concern for us all.

[203] **Mr Slade:** If I may, I think it's one of the interesting things, going back to UK frameworks, and the point that the Cabinet Secretary was making about our interest in matters that are not currently devolved but reserved to the UK Government—that is an obvious example of an area where a policy set in London could have a very detrimental impact on a part of the UK, and, hence, we're saying devolution should be respected. We will need UK frameworks in order to make the single market operate effectively within the UK and to stand behind things that we do internationally. We'll need new machinery, constitutional machinery, to make all that work, including dispute and resolution mechanisms. We'll need to have a much clearer idea around when England Ministers speak for England and not for the UK, and vice versa. And we'll need access to issues that are not currently devolved in order to have a chance to make these sorts of points and understand that future trade agreements or competition agreements will have an impact on Wales, much as our colleagues in Scotland and Northern Ireland will want that kind of protection, too.

[204] **Mark Reckless:** Can we take the area, just as an example, of meat that's been hormone fed or chlorine treated, either of those as a process? Does the competence or authority or the decision-making power as to whether that can be admitted and sold in the UK lie with the UK Government because trade is reserved, or does it require the agreement of Welsh Government because regulatory decisions in agriculture are devolved? Do we have a clear answer?

[205] **Mr Slade:** Some of that is a grey area, I think—

[206] **Lesley Griffiths:** It is a grey area, yes.

[207] **Mr Slade:** So, trade is a reserved competence—

[208] **Lesley Griffiths:** Agriculture's fully devolved—

[209] **Mr Slade:** Agriculture's fully devolved—

[210] **Lesley Griffiths:** —and animal health and welfare are fully devolved.

[211] **Mr Slade:** Again, this underlines the importance of having appropriate mechanisms and conversations at a UK level, to make sense of that for the market here, and what we're doing internationally.

[212] **Mark Reckless:** I worry we increasingly use the phrase ‘UK framework’ as cover for an area in which there isn’t agreement and where we don’t understand where authority will lie. Jenny, can I bring you in and then Jayne, please?

[213] **Jenny Rathbone:** Sticking with this example, because most of the supermarkets are UK-wide, and they run their warehouses in a particular part of the UK and then service all those outlets, how would Wales, in practice, be able to protect our citizens, and indeed our farmers, from a flood of adulterated food if the UK Government, on behalf of England, says that it’s ok for them to come in here? I mean, our borders are porous.

[214] **Lesley Griffiths:** I go back to what I was saying that at the moment it’s the EU that stops that happening. So, these negotiations are very, very early, but once those negotiations—. That’s why it’s so vital that we get it right, you know, in being part of the negotiations. We will have to do that, and going back to Huw’s point about whether we will have different views to the UK Government—yes, we will.

[215] **Jenny Rathbone:** I’m sure we’ll have different views, but how are we going to protect our industry, given that the supermarkets are all run on a UK-wide basis?

[216] **Lesley Griffiths:** That will be part of the negotiations of what is being imported. As of now, it’s the EU that stops that happening—well, it will be the UK.

[217] **Jenny Rathbone:** Thank you.

[218] **Mark Reckless:** Jayne.

[219] **Jayne Bryant:** Thank you, Chair. Just quickly, I think that, on the back of what Jenny was saying, really, the high environmental and animal welfare focus is really important for the future, but I was just wondering if you could talk a little bit more about the EU protected food names—we’re talking about Welsh lamb, how important that is, and for something like Halen Môn, which is becoming a brand. Perhaps you could say a little bit more about what you feel that we can do to make sure that these products are sold and people know that they are of good quality.

[220] **Lesley Griffiths:** You’re absolutely right. I think those protected names



are something that the food sector and the agricultural sector take great pride in. The early discussions we've had is that we can continue to use those. Again, in our engagement with stakeholders, it's something that they think is very important. We've got a few just going through the scheme now. We're continuing to support them. We'll take it up as far as we can. We've just had a new one a couple of weeks ago.

[221] Certainly, at the beginning of these discussions, we thought we might have to have a specific UK scheme. But the discussions we've had at the moment seem to suggest that we can continue to use it. I don't know if officials have got any updates.

[222] **Mr Austin:** It's certainly true that you don't have to be a participant of the EU to participate in those schemes. So, for example, the one that's always quoted to me is Mexican tequila, as an example of a product that has protected status negotiated through the EU. That would obviously be part of the negotiations in terms of our exit and would be something that would be on the table for discussion.

[223] **Jayne Bryant:** Thank you.

[224] **Mark Reckless:** Can I take this opportunity to bring in Sian?

[225] **Sian Gwenllian:** Byddaf yn **Sian Gwenllian:** I'll be speaking in  
siarad yn Gymraeg. Welsh.

[226] I'll speak in Welsh.

[227] Rydw i eisiau troi ein sylw ni at y mater rydych chi wedi'i grybwyll yn barod, sef y taliadau uniongyrchol i ffermwyr. Wrth gwrs, mae hyn o bryder mawr. Mae ffermwyr eisiau gwybod beth sy'n digwydd yn y tymor byr efo hyn. Rydych chi wedi cadarnhau, rydw i'n meddwl, bod modd parhau efo'r taliadau uniongyrchol, bod y busnes yma nad ydynt yn gysylltiedig efo cynhyrchu yn caniatáu hynny i ddigwydd.

I want to turn our attention to the issue that you have already mentioned, namely direct payments to farmers. Of course, this is of great concern. Farmers want to know what is happening in the short term with this. You have confirmed, I think, that it will be possible to continue with these direct payments, that this issue of them not being linked to production allows that to happen.

[228] Ond rydw i eisiau sbïo ymlaen hefyd ychydig bach. Gan gymryd bod yr un lefel o gyllid yn mynd i barhau, neu o leiaf bod yna gyllid yn mynd i fod yn dod i Gymru, sut ydych chi'n gweld pethau wrth symud ymlaen rŵan, wrth greu polisi newydd o gwmpas taliadau uniongyrchol? Rydym ni wedi clywed lot o negyddiaeth y bore yma ac mae rhywun yn mynd yn ddigalon iawn efo'r sefyllfa, ond tybed a oes yna gyfle yn fan hyn o gwmpas y taliadau uniongyrchol i feddwl mewn termau polisi newydd yn symud ymlaen i greu system lai cymhleth. Mae honno wedi bod yn broblem fawr ymhlith y gymuned amaethyddol ac mae honno i raddau wedi llywio ychydig o'r farn ynglŷn â'r Undeb Ewropeaidd. Mae'n bwysig, wrth symud ymlaen, bod system lai cymhleth, sydd yn fwy deniadol i amaethwyr, yn cael ei ddatblygu. So, mae hwnnw'n un agwedd.

But I want to look forward a little bit too. Assuming we have the same level of funding continuing, or at least that funding will be coming to Wales, how do you see things going forward now, in creating a new policy around direct payments? We've heard a lot of negativity this morning and you lose heart over the situation, but I wonder whether there is an opportunity here around direct payments to think in terms of a new policy moving forward to create a less complex system. That is something that has been a significant problem amongst the agricultural community and, to some extent, has informed some of the opinion about the European Union. Moving forward, it is important that a less complex system, which is more attractive to farmers, is developed. So, that is one aspect.

[229] Ond hefyd yr agwedd—. Ar hyn o bryd, wrth gwrs, mae yna ddau daliad: y taliad o dan golofn 1 a'r taliad o dan golofn 2. A ydych yn gweld posibilrwydd i ddod ag un cynllun ymlaen rŵan fel bod y deilliannau yn fwy clir o ran yr amgylchedd, a bod y broses hefyd yn fwy clir o ran yr amaethwyr?

But also the aspect—. At the moment, of course, there are two payments: the payment under pillar 1 and the payment under pillar 2. Do you see a possibility of bringing one scheme forward so that the outcomes are more clear in terms of the environment, and that the process is also clear in terms of farmers, agriculturalists?

[230] **Lesley Griffiths:** I'll take the second question first. Certainly, yes, I think one scheme would be better. Red tape and all the issues around the red tape around CAP, I think, was one of the reasons why the agricultural sector were generally 'leavers'. Whenever I ask farmers, 'Why did you vote "leave"?'

That is probably the No. 1 reason why. So, I have said that we need to get away from pillar 1 and pillar 2 and have one scheme. So, should it be simpler? Absolutely.

12:00

[231] Around the negativity that you mentioned, I've had that discussion, certainly with the farming unions and with individual farmers, about the need for them to get out their message to the public, because I don't think the public understand the subsidy or support—I prefer the word 'support'—that farmers get. I've said—and you will have heard me say it; I'm sure I've said it in committee—that, up to now, my predecessors, and certainly my successors, will not have to—you know, it will be very different. My predecessors have not had to sit around the Cabinet table and argue for public funding, because that funding has come from Europe. It is public funding, but, again, I don't think the public recognise it in that way. I and my successors will have to do that and I think we need to get away from the negativity, we need to explain what farmers do—they're so much more than food producers. And you're quite right that, when the new system comes in, I think we need to tie it much more in with environmental outcomes. I think we do do that in some aspects of it now, but I think, going forward, the direct payments, and, again, direct payments, the basic payment scheme—I'd like to get away from BPS and talk about direct payments. I think—you know, to get away from CAP, I do think there are genuine opportunities to kind of improve the type of support that we do offer to our land managers, because that's what they are.

[232] **Sian Gwenllian:** Rydw i'n Sian Gwenllian: I agree with you  
 cytuno efo chi ynglŷn â rheoli tir ac about land management and perhaps  
 efallai y dylem ni fod yn siarad mewn we should be talking in terms of a  
 termau polisi rheoli tir wrth symud policy of land management moving  
 ymlaen—byddai hynny yn ddisgrifiad forward—that would be a better  
 gwell ac yn ein symud ni i ffwrdd o'r description and would move us away  
 rhaniadau hanesyddol sydd wedi bod from these historical divisions that  
 rhwng amaeth a'r ochr there have been between agriculture  
 amgylcheddol. Pe byddem ni'n and the environmental side. So, what  
 symud i fanna, beth fyddech chi'n ei would you think about that?  
 feddwl am hynny?

[233] **Lesley Griffiths:** Yes, I absolutely agree with you. One of the reasons for having—you'll be aware of the very intensive stakeholder engagement

we've had and we continue to have. We've got our next stakeholder event on Monday—we've actually got another one tomorrow, because I've invited the Secretary of State, Andrea Leadsom, to Cardiff tomorrow, so I've asked her to meet with some of the stakeholders. One of the reasons for bringing them all together and not working in those silos was, going forward—. All these stakeholder events now are to enable us to formulate that policy going forward. It was really important to have not everybody working in silos but everybody together, forestry included, to make sure that whatever scheme we come up with does get away from that negativity.

[234] **Sian Gwenllian:** Mae hyn yn fy arwain i at y cwestiwn nesaf mewn ffordd: hynny yw, mae'n bwysig ofnadwy bod y cysylltu efo rhanddeiliaid yn parhau ac mae cael y ffocws penodol yna ar ddatblygu'r polisi yn rhyw ffordd hefyd o gadw'r morâl mor uchel â phosibl—nid yw hynny'n hawdd iawn. Ond rydw i'n meddwl bod rhoi'r ffocws ar greu rhywbeth newydd a thynnu pobl i mewn yn y ffordd yna'n bwysig. Felly pa waith sydd gennych chi rwan ynglŷn â datblygu polisiau newydd—pa fath o ymgysylltu fydd yn digwydd dros y blynyddoedd nesaf yma rwan?

**Sian Gwenllian:** This leads me to the next question in a way: that is, it's very important that that engagement with stakeholders continues and having that specific focus on developing the policy is a way of keeping morale as high as possible—that isn't very easy. But I think that putting the focus on creating something new and drawing people in in that way is very important. So, what work do you have ongoing around developing new policies—what kind of engagement will happen over the next few years?

[235] **Lesley Griffiths:** I think you're right about morale, but, I have to say, I haven't found morale low with the sectors. I think they're very much up for the challenges, they very much see that it is an opportunity. Of course, there are lots of risks and challenges, but they do see the opportunities. So, we've been having the round-table meetings every other month. I don't see that stopping. As I say, we've got another one on Monday, the First Minister's coming to the meeting on Monday to discuss the 'Securing Wales' Future' White Paper, so they can see that Welsh Government—you know, it's absolutely a priority for us and it's very important that we meet with them. We had a significant amount of workshops over the summer, which officials led, and then there's obviously the ministerial engagement as well. It's very important that I am able to feed back to stakeholders what discussions I'm having that they know that we're having those discussions. So, again, agricultural Ministers, we meet monthly. The Secretary of State had asked for

quarterly meetings. The first one was supposed to be last week but she postponed it, so it's now going to be next month.

[236] **Mr Asby:** It might be helpful to flag that we're currently consulting on the new statutory natural resources policy, which is out for consultation at the moment and for which we've been taking a very active approach in terms of engaging across sectors. Obviously, as key managers of our natural resources in Wales, then the agriculture sector, the forestry sector, and so on, are key parts of that and we've been using it as one of the key things that we've been working with them on through the workshops that the Minister mentioned.

[237] **Mark Reckless:** Is there recognition at the UK level of the linguistic issue that simply the cutting off of agricultural support—the impacts on the Welsh language disproportionately in rural communities, how great the impact of that could be? Is that an issue that Andrea Leadsom, for instance, would have any awareness of, and is that something you can develop a better understanding of through these contacts with Ministers and stakeholders?

[238] **Lesley Griffiths:** I suppose the short answer is, 'Why would she?' So, it's absolutely vital that we get that message across. The agricultural sector probably uses the Welsh language more than any other sector in Wales. We certainly recognise the importance of that but it's up to us to make sure that she is aware of it. But, no, I wouldn't think—and certainly looking back at her previous jobs, she probably hasn't had much to do with devolution. In fairness to her, she's said she wants to engage with us. She's coming to Cardiff tomorrow at my invitation. She's going to meet several stakeholders, do visits, I know she's meeting with yourself—

[239] **Mark Reckless:** Alas, not anymore, Cabinet Secretary. They told me you had her for the whole day, but I've now had a communication that she has to shoot off to Merthyr. I don't know whether that's part of your programme, but I now will no longer be seeing her, although I'm seeking to see whether it's possible to set up a potential meeting, perhaps in London, at a future date, and George Eustice is coming to us on 9 February.

[240] **Lesley Griffiths:** I think it's really important that we all make that point to her.

[241] **Mr Slade:** Certainly, at official level, in our conversations with DEFRA, with DExEU—the Department for Exiting the European Union—and a number

of others, including the Department for International Trade, we've made the point that agriculture policy goes wider than just the sheer commodity element. You've mentioned, Chair, the issues around communities. You've got a whole supply chain—picking up from earlier on the future of the lamb or the red meat sector—suppliers, vets, local contractors, hauliers; you name it. There's a vast infrastructure that goes around those industries that will be affected if we end up with the wrong kind of deal moving forward.

[242] **Mark Reckless:** Can I bring in Simon Thomas?

[243] **Simon Thomas:** Diolch, **Simon Thomas:** Thank you, Chair. I Gadeirydd. Gobeithio y bydd yr hope that your cold is better by annwyd yn gwella ar gyfer yfory, tomorrow, Cabinet Secretary, and Ysgrifennydd Cabinet, ac y byddwch that you'll be a little better. The UK chi bach yn well. Mae Prif Weinidog y Prime Minister has said that we're Deyrnas Gyfunol wedi dweud ein bod leaving the single market. So, what ni'n gadael y farchnad sengl, a we're discussing here is creating a dweud y gwir. Felly, beth rydym ni'n new single market for the UK, which trafod fan hyn ydy creu marchnad is then able to trade with the single sengl newydd ar gyfer y Deyrnas market that will be left in the EU, and Gyfunol, sydd wedyn yn abl i can trade internationally as well. In fasnachu gyda'r farchnad sengl fydd that context, the frameworks that ar ôl yn yr Undeb Ewropeaidd, ac yn we've already mentioned are going to gallu masnachu yn rhyngwladol be vital. There's not much meat on hefyd. Yn y cyd-destun yna, mae'r the bones in terms of these ideas yet, fframweithiau rydym ni eisoes wedi but everyone can think of a context eu crybwyll yn mynd i fod yn where a UK framework makes hollbwysig. Nid oes llawer o gnawd ar common sense. Bird flu—I hope you y syniad yma eto. Mae pawb yn gallu don't have bird flu—is an obvious meddwl am gyd-destun lle mae one. So, everyone agrees now, in fframwaith Deyrnas Gyfunol yn terms of dealing with bird flu, it gwneud synnwyr cyffredin. Ffliw makes sense to discuss that at a UK adar—gobeithio nad ffliw adar sydd level. But have you had any gyda chi—mae ffliw adar yn un discussions yet with the Ministers at amlwg iawn. So, mae pawb yn cytuno the UK level about what these nawr, o ran delio gyda'r clefyd ffliw, frameworks are, and how we can sustain that single market after Deyrnas Gyfunol. Ond a ydych chi leaving the other single market? wedi cael unrhyw drafodaethau eto Using the same word is a bit gyda'r Gweinidogion ar lefel y complex, but that's what it is, to all Deyrnas Gyfunol ynglŷn â beth yw'r intents and purposes: we're

fframweithiau yma, a sut byddem recreating the single market, but for  
ni'n gallu cynnal y farchnad sengl yna these nations.  
wrth adael y farchnad sengl arall?  
Mae defnyddio'r un gair bach yn  
gymhleth, efallai, ond dyna beth  
ydyw, i bob pwrpas: rŷm ni'n ail-greu  
marchnad sengl ond ar gyfer y  
gwledydd yma.

[244] **Lesley Griffiths:** 'No' is the short answer. I mentioned that Andrea Leadsom had set up these quarterly meetings. Our first one was supposed to be last Thursday, which the Secretary of State postponed ahead of the JMC plenary on Monday, which was held in Cardiff. This was one of the things that we would be starting to look at. So, that meeting is going to be next month in Edinburgh now. The Scottish Government—

[245] **Mr Slade:** Later this month.

[246] **Lesley Griffiths:** Oh, sorry, yes, we're in February. Sorry, I forgot it was February today. Later this month, sorry, in Edinburgh. I think, you know, we do need to start putting some flesh on the bones, so it was very disappointing the meeting was cancelled last week, because the UK frameworks, you're right, are going to become more and more important. You mentioned bird flu—and, no, touch wood, I don't have it, although I did joke with Christianne this morning that that's what it was. Bird flu is very intrinsic, as you say. Obviously, the UK Government put the prevention zones and the precautionary measures in place first, and Scotland and Wales—it was all on the same day, I think, if I remember rightly. Of course, now, we're still getting new cases. So, we are discussing it at a UK level. However, again, there are differences and we need to ensure, going forward, that these UK frameworks that I mentioned before are not imposed; that we negotiate and we do it in collaboration. It's absolutely vital that we are at the table all the time. That's why we are putting so much emphasis on the ministerial engagement. I mentioned that, as agriculture Ministers, we meet monthly. We also take opportunities when we're all together, for instance if we're in Brussels at the agri council. We had discussions at the Oxford Farming Conference. The Northern Ireland Minister and George Eustice and myself were there. The Scottish Minister wasn't. Clearly, we've got issues now with Northern Ireland obviously having an election, but again, they're very keen to be fully involved.

[247] **Simon Thomas:** A ydych chi, hyd yn oed, eto, wedi rhestru'r meysydd yr ydych chi'n meddwl y bydd yn feysydd ar gyfer rhyw fath o gytundeb fframwaith y Deyrnas Gyfunol—meysydd sydd yn bendant yn perthyn i'r gwledydd datganoledig? Yr oedd Mr Slade yn cyfeirio gynnu fach at 'grey areas'—y llefydd lle nad ydych cweit yn siŵr. A ydych chi hyd yn oed wedi sgopio hyn?

**Simon Thomas:** So, have you even listed those areas that you think will be areas for some kind of framework agreement at UK level, and areas that definitely belong to the devolved administrations? Mr Slade referred earlier to grey areas—you know, those areas where you're not quite sure. Have you even scoped this out?

[248] **Lesley Griffiths:** We've started to scope that out, and another issue we've raised with the UK Government—. Obviously, they're the member state at the moment, and they seem to think that there are some sort of magic powers that mean that, going forward, they have that kind of—not importance, but, you know, they want to see what that is. But in law, that doesn't stand. So, whilst there are grey areas, as Andrew said, we need to be very specific about devolution and make sure that they fully respect it.

[249] **Simon Thomas:** I barchu datganoli, oni fyddai'n haws dechrau gyda'r safbwynt o ddweud ein bod ni eisiau i bopeth ddod yn syth o'r Undeb Ewropeaidd i'r fan hon—i Gaerdydd—ac wedyn fe wnawn ni bŵlio yr hyn yr ydym yn cytuno ei bŵlio, mewn cytundeb gyda gwledydd eraill? Rydych yn dechrau o'r safbwynt hwnnw. Os ydym yn mynd i mewn i sefyllfa lle mae gadael yr Undeb Ewropeaidd yn ein gadael ni gyda marchnad sengl Brydeinig, sydd jest mor gymhleth ac sydd jest mor llawn o reolau a *red tape* â marchnad sengl yr Undeb Ewropeaidd, nid oes neb yn mynd i fod ar eu hennill yn y cyd-destun hwnnw.

**Simon Thomas:** To respect devolution, wouldn't it be easier to start from a position that we want everything to come immediately from the EU to here—to Cardiff—and then we'll pool what we agree to pool, in agreement with the other nations? You start from that position. Because if we go into a situation where leaving the EU leaves us with a British single market, which is just as complex and is as full of red tape as the EU single market, no-one is going to win in that situation.

[250] **Lesley Griffiths:** No, I think you're right. They use the expression



'repatriation'. I don't see it as repatriation; they're ours.

[251] **Simon Thomas:** Yes, we've got them already.

[252] **Lesley Griffiths:** They're ours, yes. They don't need to be repatriated. So, you're right; they should come to us, and then we will, as you say, see what—

[253] **Simon Thomas:** So, that's the principle you're working on.

[254] **Lesley Griffiths:** That's absolutely our principle, yes. It's like the great repeal Bill. Again, officials are having significant discussions around that, but again, if you look at my portfolio, it's very broad. So, just in agriculture and fisheries, we know that there are 5,000 pieces of EU legislation. But again, they're ours. So, it will be up to us then to decide the way forward.

[255] **Simon Thomas:** Yes, because although they are often word-for-word the same as the English legislation, it is Welsh legislation.

[256] **Lesley Griffiths:** It is Welsh legislation. Absolutely.

[257] **Simon Thomas:** Can I just turn to something slightly different but relevant to this, I think? As a committee, some of us were in Dublin last week, talking to members of the Dáil and officials. There were a lot of questions from two sister committees, as it were, to this committee. They were concerned about their access to the UK market because, obviously, there is a British isles—a geographical term—single market in most respects now. Irish beef, in particular, of course, comes here, but we sell over there. I'm focusing now on agricultural produce, but there are other exchanges in that case. Are you able to have direct conversations? Because I got the impression, from talking to the Members there, that they would be very keen to have direct conversations with the Welsh Government about how they can also be part of, at least, these discussions. Because, clearly, reflecting on earlier questions that were asked, if the UK market were to suddenly open to a flood of cheap South American beef, it would affect our farmers, but it would also affect Irish farmers, and it would undermine a long-standing—in fact, a very long-standing; 4,000 years old—tradition of livestock movement between the two islands.

[258] **Lesley Griffiths:** You're right; I think it is a discussion that we have to have. We haven't even had it at official level yet. I know that Andrew has

spoken to a couple of stakeholders in the republic, but we haven't had ministerial or official engagement.

12:15

[259] **Simon Thomas:** It struck me that they were very keen to have that discussion directly with Wales, and they were hearing voices from Wales that they weren't hearing at the UK level. So, they would hear perspectives that they wanted to hear that they weren't getting from the UK Government. So, they might be allies for your case within the wider economic case for that—. There's not going to be hard borders within the two islands of the British isles—there are more than two islands in the archipelago, I know, but you know what I mean—and therefore, there has to be an agreement between the Irish Government and the UK Government as well, and that has to have some implication for what we agree within our single market.

[260] **Lesley Griffiths:** Yes. I'd be very happy to have those discussions. Certainly, my discussions with Michelle McIlveen from Northern Ireland—obviously they're having significant discussions with the republic, and that's certainly the message she gave back to me as well. So, that's something we can set up.

[261] **Simon Thomas:** Finally, is there anything that you're concerned about today—I mean, we're all concerned about trade and what the UK Government might be negotiating—but is there anything about the framework and the internal workings that you really think are—? You've talked about repatriation, and this use of terminology that isn't helpful in that sense, but is there anything that you can see the UK Government is trying to grab hold of, and wanting to keep to itself at this stage, that you think we should be alerted to and try to fight?

[262] **Lesley Griffiths:** I can't think of anything. We are keeping a very close eye. I think it was very helpful; the Prime Minister was obviously in Cardiff on Monday and she said there was no land grab. I think the messaging coming from the Prime Minister also needs to come from the UK Ministers, shall we say. So, we are keeping a very close eye on what is said. I have said all along that whilst, of course we accept the outcome of the referendum, I do not see it as a watering down of devolution. Certainly, none of my discussions with our stakeholders have led me to believe that they think devolution should be watered down. We're keeping a very close eye on the language that they use, and I will say to them I don't like the word 'repatriation'—they are ours.

That's all we can continue to do. Again, officials are very aware of that. I think that's the message that you give out to officials in the UK Government also.

[263] **Mr Slade:** It underlines the point that you've both been making about the need to get into this discussion around UK frameworks quickly. We haven't got long to do all of this, and if we're going to be ready for D-day plus one of exit, we can't have these sorts of discussions left to some point later down the track.

[264] **Lesley Griffiths:** I mentioned that we were very disappointed the meeting last Thursday was cancelled, and the reasoning around it was that it was ahead of the JMC plenary on Monday. I don't think much substantive came out from the JMC on Monday, and I think it would have been beneficial to have had that meeting last Thursday—

[265] **Simon Thomas:** JMCs only rubber-stamp the work that's gone before—

[266] **Lesley Griffiths:** I think we all accept it's much more of a showpiece. The meeting last Thursday would have been our first quarterly meeting, and we made the point to the Secretary of State that the next quarterly meeting would be after article 50 had been triggered. So, we were very hopeful that we would get a bit of meat on the bones last Thursday. We're now not having that meeting, as I mentioned, until—I think it's 23 February in Edinburgh. So, the end of March is rushing towards us, and it is absolutely vital that we do have something much more substantial than we've had.

[267] **Mark Reckless:** Cabinet Secretary, can I just give you an example? David Davis, Secretary of State for Exiting the European Union, on 24 January said:

[268] 'There will be powers coming from the European Union and we will have to decide where they most properly land, whether that is Westminster, Holyrood or wherever.'

[269] Is that a statement you would push back against?

[270] **Lesley Griffiths:** Well, yes, because they're our powers, so our powers should land in Cardiff. As I say, I don't like the word 'repatriation' and we certainly don't want to see them—the First Minister's used the word 'steal'—

we don't want to see them stealing any. We have to keep on top of that, and I think officials are doing that.

[271] **Mark Reckless:** Do some UK Ministers not understand the devolution settlement, and therefore use language loosely? Or should we interpret those type of statements as a potential land grab?

[272] **Lesley Griffiths:** Well, as the Prime Minister has said that there is no land grab—that was the point I was making. I think the Prime Minister has been very clear. I think it's very helpful that she said that on Monday. She needs to ensure, and we need to ensure, that all the Ministers recognise that. I think some Ministers are more aware of devolution. George Eustice, for instance, has been the agricultural Minister for about three years, so certainly in my dealings with him, I think he absolutely understands devolution.

[273] **Mark Reckless:** Theresa May, in her big Brexit speech, said that no decisions currently being made by the devolved administrations will be removed from them. Is that something you'd take reassurance from or not?

[274] **Lesley Griffiths:** Yes. Yes, I do. As I said, I think she was very helpful on Monday by saying that about the land grab, but it is really important that all Ministers recognise that.

[275] **Mark Reckless:** Huw and then Jayne.

[276] **Huw Irranca-Davies:** I want to move beyond the land grab issue, because the game has changed, even as we speak. We've had clarification already that there are monthly meetings with the agriculture Minister. I share your disappointment at the quarterly meeting being postponed, but it is coming. But I share the disappointment; this is so key and the ground is moving so fast. I think the message, I suspect, from the committee would be that we need to maintain these meetings, because the detail is now starting to be fleshed out. But the game has changed. Can I ask you: what is your anticipation, currently, as they meet in the Commons today and vote on the second reading on article 50; what's your understanding, from here to the point of Brexit, of your relationship with the UK Government? Is it a relationship that is similar to that that has been there under the EU, which is that the UK has pole position, speaks for the UK, negotiates with the devolveds, but actually, then has the defining say—and I've been in that position; I know what it's like—or is it now that you are saying to the Ministers, actually, 'Us, the Northern Irish and the Scots: we are now equal;

when we define this framework and when we define what flows from here on, we are equal in parity'? What's your understanding, currently?

[277] **Lesley Griffiths:** I have to say, I've been to—I'm trying to think—two or three agriculture councils and I have been very happy about the level of engagement and the discussions that we've had in our negotiations. I mentioned that—

[278] **Huw Irranca-Davies:** Sorry; I didn't want to confuse you. Agriculture council, I understand; that relationship carries on. The EU relationship carries on as it has; the UK is at the top table. I'm talking about the intergovernmental discussions that are currently going on; the ones that we've just been talking about. Is it your understanding that the UK is still top dog, or that there is parity amongst the four constituent parts of the UK in shaping the UK framework?

[279] **Lesley Griffiths:** No, I understood what you meant. I was trying to sort of talk it through. So, we've had those negotiations, which I think have been very beneficial now, going into the Brexit discussions. I do think they recognise that we are all equal. We've made it very clear that there can be no imposition; there has to be collaboration. I mentioned about them thinking that, maybe they did have this magic set of powers because they had been the member state, but again we have made it very clear that that's not the case: it's not part of the devolution settlement and we absolutely are all equal around the table.

[280] **Mark Reckless:** In those meetings, is the UK Government only negotiating for England, or is it also there representing the UK as a whole?

[281] **Lesley Griffiths:** Well, I made the point that they have to tell us when they're negotiating for England and when they're negotiating for the UK. So, I go back to—. You'll be aware of the 25-year vision paperwork around agriculture and environment. I was asked the question: had we had any input? Well, no, because they're not our papers. So, to me, that is England. It was a part of the Tory manifesto ahead of the 2015 election. So, they have to be very clear. And perhaps, sometimes, they're not clear in a way that I would want. So, at the UK farming conference, for instance, I was the first Welsh Government Minister to ever go. I think it was in its eighty-first year, not that we've had Welsh Government Ministers that long, but you know what I mean. I think I was the first Welsh Minister to go to the farming conference. It was very important that we were there to make sure that people do recognise that

equality that's there.

[282] **Huw Irranca-Davies:** I'm trying to strip out here—. You just brought in the 25-year plan; the 25-year plan of DEFRA is a UK plan. Now, I would anticipate that your officials would've had input into that in some way to make sure that it didn't—. You're shaking your heads. You had no input into the DEFRA UK 25-year plan?

[283] **Lesley Griffiths:** No.

[284] **Mr Slade:** We don't know what the plans will contain and we don't yet know when they will emerge and we don't yet know the relationship between those documents and, say, the UK Government's White Paper in association with article 50—

[285] **Simon Thomas:** Just to be clear, it sounds like you don't recognise it as a UK plan.

[286] **Lesley Griffiths:** No.

[287] **Simon Thomas:** But you did say that it has to be recognised as—  
[Inaudible.]

[288] **Lesley Griffiths:** I do.

[289] **Huw Irranca-Davies:** Sorry; I think this is quite critical. Is your anticipation that that UK plan—the 25-year plan for farming and the environment—is one that binds the UK's four constituent member nations and regions together? Is it an outward-facing document to the world, or is it one that is meant to be a master plan for the UK?

[290] **Lesley Griffiths:** We don't know, but it certainly doesn't bind us.

[291] **Huw Irranca-Davies:** Well, okay, let me leave that there for a moment.

[292] **Mr Slade:** My understanding at official level is that it will be of a more consultative nature, so asking a series of questions. The point that the Cabinet Secretary is making is: what's the scope of those questions? If it's in relation to England and DEFRA's England-related strategy work, that's a matter for them, but, if it purports to be a UK document, then the engagement with the devolved administrations needs to be very different

from what we've had to date.

[293] **Lesley Griffiths:** Through the agricultural ministerial meetings, we've asked for an update, but certainly we haven't had sight, and I don't think officials have had sight—. I'm just asking—.

[294] **Mr Asby:** We've had sight of the environment plan, but not the agriculture and food plan. And, for the environment plan, we went back to ensure that it was clear that the document, in terms of its frame of reference and scope, was covering the functions that relate to the environment in England.

[295] **Huw Irranca-Davies:** Okay; I'll leave that lie for the moment, but there's interesting work to do there. Can I just come back to this issue of—? We've talked about respect and we've talked about parity; it would be good for me to be able to understand what is going to be laid down in black and white about the different relationship that now exists so that there is that parity. The First Minister has talked about the need, now, for example, to put forward a council of UK Ministers, rather than the JNCC, and that would be an area for arbitration and dispute resolution, et cetera, et cetera. It seems to me that, even before we get to Brexit, we're in the situation where we have to have this, because there are going to be some tricky issues here and, if the UK Minister can turn around at any one point and say, 'Well, actually, we're still in the situation where I'm top dog. So, I've heard what you've got to say, Northern Ireland, I've heard what you've said, Wales, but for the good of the UK—'. Where is it going to be laid down?

[296] **Lesley Griffiths:** Where, or when?

[297] **Huw Irranca-Davies:** Where is this different relationship going to be laid down? Is that going to be in your quarterly meeting with Andrea Leadsom?

[298] **Lesley Griffiths:** Yes. I would say that's something that would be discussed at the quarterly meetings. But I go back to the 25-year plans—again, they've separated them. So, you've got your farming, you've got environment; we haven't done that. We've specifically brought everybody together.

[299] **Huw Irranca-Davies:** Yes, okay.

[300] **Mark Reckless:** Can I bring in David Melding to conclude our questioning?

[301] **David Melding:** What happens to the UK framework if the current Conservative administration says, 'We're not federalists and we're not going to have a council of Ministers with—', and this is much more important, '—independent arbitration'? Do you then retain your powers?

[302] **Mr Slade:** Well, the devolution settlement doesn't operate in that way, and I suppose that's the Cabinet Secretary's point, and also picked up in the Chair's question, about levels of understanding across UK Ministers and also top officials within Whitehall. As things stand, and, in a sense, the Supreme Court judgment bore this out last week, devolution doesn't rest on our membership of the European Union, so in a situation where we're no longer in the European Union, agriculture, environment matters, and so on, formally, in law, as we understand it—I've not heard anybody say differently—come here.

[303] **David Melding:** I understand that. My question to the Minister was: if you don't get your council of Ministers with independent arbitration, do you just retain all those powers? Is that a feasible position for you ever to be in?

[304] **Mr Slade:** I think in law that is the case—

[305] **David Melding:** I realise it's in law; we're talking about policy and what a Government might do in these very testing circumstances. Is that a feasible position, do you think?

[306] **Lesley Griffiths:** I think this is part of the discussions, and this is why, I think, before article 50 is triggered, we need to have these very detailed discussions, which, unfortunately, we haven't had.

[307] **David Melding:** And your Scottish colleagues? Presumably, ultimately, a UK Government, if it was so minded, might not be persuaded by Welsh obstruction in this—if they saw it as that; I'm not saying that's what I would call it—but the Scottish case, if they call for a council of Ministers with independent arbitration, is perhaps a tougher one to sideline.

[308] **Lesley Griffiths:** I think, certainly, in the discussions we've had at a ministerial level, I think Scotland—. You know, I am trying very hard to maintain discussions, as are Scotland. However, I think—. You know, you saw



the First Minister of Scotland with her comments after JMC plenary on Monday. I just think it's really important that we are around that table, that we have that parity that Huw referred to, but I think we need to have much more flesh on the bones than we've got at the current time.

[309] 12:30

[310] **David Melding:** Okay, I think I've taken that as far as it's going to go. Can I just clarify on the World Trade Organization? It's probably for your official, really. In terms of direct payments and how they could be reinterpreted or put in a context away from production and much more in land use, is that now part of the general WTO rule book, or was it just a negotiation that pertained to the EU?

[311] **Mr Austin:** Direct payments are specifically referenced as a measure that was seen within the exemptions within the WTO agreement on agriculture.

[312] **David Melding:** So, that now applies to all members of the WTO?

[313] **Mr Austin:** It does apply to all members of the WTO. It is not without controversy; if you're looking at the third world, for example, they view the application of direct payments by the western world as a means of obtaining support.

[314] **David Melding:** It certainly is—. If you could talk about being in a more comfortable position, if we end up with WTO, then there could be a worse scenario for us, couldn't there, if that had not been embedded in the general rule book, rather than just the specific one relating to the EU's negotiations? Can I just ask on process? I think you've said that you expect that most of the legislation, anyway, will come back. There may be aspects that are at a UK level, but probably at the more tertiary level. How easy do you think they're going to be to transpose? In terms of speaking for England, the Secretary of State there said that three quarters, I think—or was it two thirds—anyway, would be fairly easy to transpose. Is that your expectation for us in Wales as well?

[315] **Lesley Griffiths:** Yes, I think she said two thirds would transpose easily, leaving a third that wouldn't. But, again, I think the largest proportion of EU legislation could be rolled over into domestic law, but the estimate that was presented doesn't reflect the extent or the significance of the changes

that will be required.

[316] **David Melding:** I'm just trying to get a sense of how much work this committee and the constitution committee might have in terms of trying to deal with all this transposition, I suppose.

[317] **Lesley Griffiths:** A lot. A huge amount. I mean, there's just so much work going on at an official level, so I would imagine—. 'Significant' would be the word that I would use.

[318] **David Melding:** I think those who've operated in this area are not necessarily calmed by the expectation that only a third comes your way, because that is still one hell of an avalanche, potentially, if the other two thirds can be done fairly—

[319] **Mr Slade:** And as we've discussed in this committee before—in fact, I think you raised it before, Mr Melding—we've got a situation where, even within the apparently relatively straightforward stuff, there are questions about what names go in as references in place of EU institutions, or other bits of decision-making machinery. It's straight back into Mr Irranca-Davies's point about how you frame that—what's the mechanism that you use to drive this process forward? And, of course, the attention is on article 50 and on future trade deals and what we might do after. But, actually, this stuff about how we work within the UK to make all this happen is vital, and it's urgent stuff.

[320] **Mr Asby:** So, for that reason, we've also highlighted the need to look at constitutional operability as a key consideration for the rolling over of legislation in those areas.

[321] **Mark Reckless:** Clearly, there'll be a lot more work for the department, as well as this committee with Brexit. Cabinet Secretary, thank you very much for coming and getting through this session. I'm very grateful to you and to your officials. Thank you.

12:34

## Papurau i'w Nodi Papers to Note

[322] **Mark Reckless:** Can I just ask Members, before I ask to move into

private session, to note the paper we had from the Cabinet Secretary on 18 January in respect of snares? I particularly note the point that their use is not encouraged by Natural Resources Wales on Welsh Government land. But if we can note that to have that on the record, please. Agreed.

12:35

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to  
gwahardd y cyhoedd o'r cyfarfod yn exclude the public from the meeting  
unol â Rheol Sefydlog 17.42(vi).*

*in accordance with Standing Order  
17.42(vi).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[323] **Mark Reckless:** Could I also propose that we now move into private session under Standing Order 17.42? Is that also agreed? Thank you.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:35.*

*The public part of the meeting ended at 12:35.*