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Mick Antoniw  
Committee Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

||

October 2018

Dear Mick

### **Agriculture Bill**

Thank you for your letter of 24 September. I welcome the opportunity to explain the provisions further.

As you note, the nature of the Wales schedule is to confer a series of delegated powers on Welsh Ministers. The powers are broadly similar to those taken by the UK Government in relation to England. The breadth of the provisions reflects the uncertainty of Brexit and the fact Welsh policy remains subject to consultation. I believe it is prudent to take these powers but am clear no policy decisions have been made.

As you note, my intention remains to bring forward an Agriculture (Wales) Bill to the Assembly once the Welsh Government has completed the necessary consultations and impact assessments. "Brexit and our Land" marks the first, high-level consultation and I expect further documents to follow. The next consultation will be a White Paper in Spring 2019.

In relation to delegated authority, the general approach taken in the Bill is to use the affirmative procedure for regulation-making powers to establish new frameworks (for example, financial assistance and information gathering frameworks) and the negative procedure for technical matters relating primarily to the administration of payments under existing legislation. I expect this distinction to be debated in the UK Parliament during the Bill's passage, particularly by the Delegated Powers and Regulatory Reform Committee.

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

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

I am committed to ensuring the Assembly has appropriate opportunities to scrutinise these provisions through the Legislative Consent Motion process and I have provided a memorandum. This includes a reference to the two outstanding issues: the World Trade Organisation and Red Meat Levy provisions. I will keep the Assembly and the Committee updated as negotiations progress with UK Government on both these matters.

I will also keep the Assembly updated on my inter-ministerial discussions on cross-UK frameworks. Alongside the publication of the Agriculture Bill, I issued a joint statement with the Secretary of State on these matters which is available on the Welsh Government website at <https://gov.wales/about/cabinet/cabinetstatements/2018/introukagribill/?lang=en>

A handwritten signature in blue ink that reads "Regards" on the top line and "Lesley" on the bottom line. The signature is written in a cursive, flowing style.

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs

## Climate Change, Environment and Rural Affairs Committee

### Land Use Policy

#### Coed Cadw – the Woodland Trust

Coed Cadw – the Woodland Trust the UK's largest woodland conservation charity, working for a UK rich in native woods and trees, for people and wildlife. In Wales we have over 14,000 members and 85,000 supporters. We manage over 100 sites in Wales covering 2,697 hectares (6,664 acres). Wales is one of the least wooded countries in Europe, with woodland making up just 14% of the landscape and less than half of this is native woodland.

#### **Brexit and our Land: evidence session on the future of land management in Wales**

1. Coed Cadw – the Woodland Trust would like to make the following comments in relation to the current discussions on post Brexit land use policy and its relation to climate mitigation policy. We are in the process of responding to the Welsh Government's consultation "Brexit and our Land", and have followed with interest CCERA's considerations of carbon targets, particularly in relation to land management and the need for significant woodland expansion. We recently responded to the consultation on Low Carbon Pathways.
2. Our analysis of the evidence and arguments and suggested solutions are in the longer discussion paper on **Woodland Carbon Policy** submitted with this document. In summary, we suggest that the public goods components that should be supported by public funding of forestry can be delivered best in the following ways:-
3. We agree that there is now a need, and an opportunity, to align land use policy to support the need to protect woodland carbon stores and enable a significant increase in tree cover in Wales. Both actions are central to meeting the Paris Climate Agreement targets. We note the comments highlighted by CCERA that the **current Welsh Government aspirations are not sufficient to meet the target of 80% emissions reduction by 2050.**
4. We suggest a need for **close alignment between land use and climate change mitigation policy**, but this point is not being made prominently in the current debate on land use policy.
5. We support the forestry sector in seeing a role for the expansion of commercial woodland, **especially as a farm diversification option**. However we do not agree with claims being made that an expansion of commercial softwood plantations will

necessarily and automatically deliver a full range of public benefits. (see Section 5 of our accompanying Woodland Carbon Policy paper.)

6. **Land use, economic and policy alignment** to ensure that delivery of carbon outcomes is integrated with other crucial co-benefits for health and wellbeing, biodiversity and water resources.
7. The two principle carbon public goods that can be delivered by trees and woodland are **carbon storage and carbon sequestration. These are best delivered in different circumstances.**
8. We support the concept of **whole farm and woodland management plans**, with technical and peer-to-peer support, as a means of planning and delivering integrated schemes.
9. Carbon storage is best achieved by protecting and retaining the substantial carbon store in mature trees and woodland. We maintain that there is an **urgent need to protect this store by addressing threats and providing support for the assessment, protection and maintenance of trees, especially mature trees.** This should be wherever they occur- in urban areas, in hedgerows and in the farmed countryside generally and in native woodland. (see Section 4 of our accompanying Woodland Carbon Policy paper)
10. **There is currently no public funding support for the management of woodland to deliver public goods such as carbon storage, biodiversity, water resource benefits and recreational, health and well-being benefits.** This results in dependence on timber income which can result in net loss of carbon, and marginalisation of these other substantial public goods.
11. **Payments should be for assessment and whole farm management planning, for the protective and restorative management of ancient woods and wood pasture,** and can be related to outcomes such as the number/area of mature trees, with a premium for ancient trees.
12. We point out that **aggressive harvesting of mature woodland can lead to forests being net emitters of carbon rather than net sinks,** especially where exacerbated by additional losses from pests, disease and storm damage, and delays in restocking. **The situation is made worse if mature trees are used as biomass fuel,** for example by conversion to wood pellets. This results in large short term emissions of previously stored carbon which is not reabsorbed by new growth for decades, undermining rather than contributing to meeting Paris Agreement targets (see Section 5 of our accompanying Woodland Carbon Policy paper.)
13. We agree there is value in producing timber for long duration uses, but only relatively small proportions of the total carbon in felled trees ends up in durable products.

- There is a need for more comprehensive evidence on actual carbon budgets for production forestry.** (see Section 2 of our accompanying Woodland Carbon Policy paper.)
14. We suggest that a specific need is to support the carrying out of [l-tree assessments](#) to ensure the **valuing and protection of mature trees in urban areas** especially in response to cost saving and development threats.
  15. **Carbon sequestration** is best achieved by creating **additional new woodland**. We propose a wide ranging strategy, incorporating a minimum 20% tree cover target for all urban areas; extensive promotion of hedgerow restoration and other agro-forestry options, and creation of substantive areas of additional new woodland. **We advocate a concept of a forest as a landscape of connected tree cover that also incorporates other land uses and habitats.**
  16. **Specific payments are needed to actively promote additional tree cover on farms** through agroforestry, and in urban areas, recognising the substantial co-benefits for soil and water management, livestock management and biodiversity and the different approaches and additional capital and maintenance costs needed.
  17. We suggest establishing a **pilot carbon sequestration scheme for land owners**, for example around the objective of carbon neutral farms, suggested by the Cambrian Mountains Initiative work. (see Section 9 of our accompanying Woodland Carbon Policy paper)
  18. Our view is that new woodland can and should include new commercial woodland, provided that forest design is determined by climate mitigation needs and other co-benefits, and it is these latter considerations that attract the public funding. This could help incentivise a **move away from the high risk, low diversity plantations composed principally of just a handful of species**. We do not agree with claims being made that an expansion of commercial softwood plantations will necessarily and automatically deliver public benefits. (See Sections 3,4 and 5 of our accompanying Woodland Carbon Policy paper.)
  19. The **priority for biodiversity public goods in woodland** should be for the **identification, protection and enhancement of high value biodiversity features and habitats associated with ancient woodland**. These are our richest terrestrial wildlife habitat. These include the wide variety of other habitats found within with native woodland and wood pasture, and the surviving ancient features found in the one third of all ancient woods that have been compromised by conversion to conifer plantation.
  20. **Biodiversity outcomes should be funded on the basis of the extent and security of these features and habitats** rather than on increases in particular individual species.

The high biodiversity value of ancient woodland derives from the continuity of woodland soil evolution over thousands of years, and much of the conservation value lies in the soil, leaf litter and dead wood. This supports the rich species assemblages that are found in these woods, much of which is in the form of poorly studied invertebrates and lower plants.

21. Support for public goods relating to **water resource management** should be based on outcomes in terms of **actual water quality and risk of pollution incidents, with woodlands specifically designed and managed for catchment protection**. Support should be given to extensive natural process driven catchment management including conversion to forest systems that **exclude high risk practices such as drainage, road construction, clear felling, soil disturbance and pesticide use**. We do not accept that business-as-usual clear fell plantation forestry is good at delivering catchment protection.
22. Support for public access as a public good we believe should be **targeted at high quality, charge free permissive access that is regularly maintained**. Support should be locationally targeted where health and wellbeing and/or regional tourism benefits can be best demonstrated.
23. The majority of public funding for support for the management of woodlands we believe should **be targeted at farmers and land managers unable to realise substantial commercial timber income**, and be targeted to achieve **step change in delivery of public goods** described above.
24. We suggest that achieving these objectives will require a **review the UK Forest Standard (UKFS)** and strengthen its requirements and enforcement to ensure climate smart and sustainable forestry. **Adoption of the more demanding and independently audited UK Woodland Assurance Scheme should be encouraged**.
25. Additional policy recommendations are included in Section 10 of the accompanying Woodland Carbon Discussion Paper and in our [Policy Paper on Sustainable Land Management in Wales](#).
26. Overall, we suggest that the Welsh Government could re-launch its Woodland Strategy in the form of a more **comprehensive ambition for a restorative, landscape scale, multi-use woodland development strategy**. This could combine woodland expansion intentions, the need to respond to the devastating impact of tree diseases, and its commitment to the protection of ancient trees and woodland

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