

Senedd Cymru  
Pwyllgor yr Economi, Masnach a Materion Gwledig  
Bil Bwyd (Cymru)  
FWB-02  
Ymateb gan: Undeb Cenedlaethol yr Amaethwyr Cymru

Welsh Parliament  
Economy, Trade, and Rural Affairs Committee  
Food (Wales) Bill  
Evidence from: National Farmers' Union Cymru

To: The Senedd Economy, Trade  
and Rural Affairs Committee

Date: January 2023

Dear Committee

## **The Food (Wales) Bill**

NFU Cymru champions Welsh farming and represents farmers throughout Wales and across all sectors. NFU Cymru's vision is for a productive, profitable, and progressive farming sector producing world renowned climate-friendly food in an environment and landscape that provides habitats for our nature to thrive. Welsh food and farming delivering economic, environmental, cultural, and social benefits for all the people of Wales whilst meeting our ambition for net zero agriculture by 2040.

We welcome the opportunity to provide the Economy, Trade and Rural Affairs Committee with our views on the Food (Wales) Bill as part of this Stage 1 process. Our views set out in this submission are based on our current understanding of the Bill as introduced, something which may well evolve further as we develop our knowledge of the Bill, and as the Bill itself is amended as part of the scrutiny process.

### **Introduction**

1. NFU Cymru is grateful for the opportunity to comment on the Draft Food (Wales) Bill. NFU Cymru agrees with the overarching principles which the Bill seeks to achieve and commends Peter Fox MS for taking the initiative with the introduction of this Bill. As representatives of primary producers, we have long made the point that access to high quality, safe, affordable food is the most basic requirement for all people in society and we consider the Bill and its provisions to be an important step forwards in terms of according the food system the status it deserves.
2. As a Union we are proud to represent the farmers and growers who provide the raw ingredients for Wales' £8bn food and drink sector, which in turn supports over 229,000 jobs. We very much see the sector and the primary production it represents as inextricably linked to Wales' future economic prosperity, as well as the health and wellbeing of the nation.
3. We believe that a key sign of success in food policy is that consumers do not have to worry about food security, safety, and resilience. We are keen to work with the Welsh Parliament, the Welsh Government, and other stakeholders in order to deliver

on a successful food policy and see the Food (Wales) Bill as a key plank in the delivery of a food policy.

4. NFU Cymru believes that Wales has a social responsibility to contribute to global food security, as food production systems around the world become increasingly strained, and in so doing play to our strengths of producing food in a climate friendly manner and to high environmental and animal welfare standards.

## General Principles of the Bill

5. NFU Cymru has been consistently warning about threats to our national food security and productive capacity for many years. Global and domestic food supply chains have been placed under particular strain over the last two and a half years as the Covid pandemic and the UK's departure from the EU's single market have impacted. More recently of course events in Ukraine and drought conditions at home and abroad have amplified the challenges facing us as producers of food.
6. We all wish for a speedy resolution to the conflict in Ukraine, unfortunately it is likely that there will be a long and protracted conflict with a significant tail to the energy and inputs price spikes which have rippled through markets and supply chains, and ongoing uncertainty about the all-important export of Ukrainian grains and oilseeds.
7. Whilst legislation will never be able to anticipate unforeseen or sudden events, it does have the potential to ensure that as a nation we are in the best possible position in terms of our domestic food security to respond to challenges and disruption in food supply chains and to mitigate some of these adverse impacts by having a more resilient food system in place.
8. Maintaining food production, which has historically been ensured through the Common Agricultural Policy, has acquired a particular salience as a number of factors and challenges coalesce to threaten our productive capacity, and in particular as we transition away from CAP legacy schemes, schemes which have historically ensured ample supplies of safe, affordable, high-quality food.
9. We would make the point that we do not see this as being about having self-sufficiency in a range of foodstuffs, as Wales is currently and hopefully will remain an exporter of primary product to other parts of the UK and the rest of the world, instead NFU Cymru sees this as being about ensuring that food production in Wales does not start to decline.
10. NFU Cymru is clear ensuring supplies of safe, high-quality food domestically is increasingly important and should be a priority for government. It is important to recognise that Wales is expected to become an area increasingly favoured for agricultural production moving forward, when compared to other regions across the world where climate change impacts are expected to be more severe and disruptive. Wales's productive agricultural capacity should be maintained and enhanced and decarbonisation and other environmental policies in Wales should not result in widespread land use change.

11. We would also make the point that a strong, undeniable linkage exists between primary production (agriculture) and Welsh language and culture, with 43% of Wales' farmers speaking Welsh. If the Bill is successful in achieving its stated objectives, then it should also help to preserve Wales' language and culture, something which we should all very much welcome.
12. With the UK Government publishing its food strategy for England and the passing of legislation in Scotland, Wales does now risk becoming an outlier in terms of its approach to food policy. We therefore feel that it is appropriate that there should be some legislative provision in this area in Wales and so we welcome the Food (Wales) Bill
13. NFU Cymru has long advocated for food security and the moral imperative to play our part in producing climate friendly food for our nation and for our trading partners.
14. Whilst it is commendable that the Welsh Government has set and achieved some ambitious targets around things such as growing the size of Wales' food and drink sector, these targets are not statutory targets.
15. It is our view that it would be desirable to put targets in the Food (Wales) Bill on a statutory footing and oblige the Welsh Government to report to the Senedd on its performance against these targets. Mechanisms need to be established to ensure levels of domestic food production are assessed, maintained, and enhanced alongside climate, biodiversity and broader environmental objectives, particularly as we move towards new arrangements for supporting our farmers
16. NFU Cymru supports the inclusion of Food Goals within the Bill as a means of underpinning the policy objectives, including the creation of a Primary Goal supplemented by Secondary Goals.
17. It is the Union's view that there could be more explicit provision made around public procurement and food production in the food goals. Although increased public procurement of Welsh food and drink and enhanced levels of production may well be natural corollaries of setting of the primary and secondary goals, NFU Cymru is of the view that procurement and the safeguarding and growing of food production levels need to be integrated as goals in their own right.
18. The Union is also of the view that Welsh Government should be obliged by the provisions of the Food (Wales) Bill to carry out Regulatory Impact Assessments on any proposed new regulations and policies to determine their impact on food production and/or food resilience.
19. We are concerned that the impact of regulatory and policy actions may not always be properly thought through in terms of their potentially adverse impacts on productive capacity, and we would draw attention to the water quality regulations as a case in point. By obliging Welsh Government to consider the impact of the regulatory and policy choices it makes on food production this could help avert or mitigate some unintended, negative consequences in relation to food production capacity.

20. NFU Cymru agrees that there need to be targets set in order to help ensure that food goals are being met. We would also point to our comments above regarding the need for explicit public procurement and food production goals, as well as the need to assess the impacts of new policies and regulations on food production.
21. Although we recognise the need to establish the Welsh Food Commission for the purposes of advising Ministers ahead of making regulations setting targets, we do consider the timeline for the making of the regulations setting those targets to be quite long at 24 months, and we would suggest looking to see if there are any ways of truncating this process.
22. We note that the reporting date for any target set will be specified by Welsh Ministers in regulations. NFU Cymru would suggest that reporting to the Senedd should take place at least once a year. NFU Cymru would also suggest that as part of the scrutiny process that the Senedd should debate the statement by Welsh Ministers. We consider the reporting requirement to be particularly important and relevant on account of the current volatility facing the agricultural sector, as well as the challenge presented by changes to agricultural support.
23. In the past NFU Cymru have called for the establishment of a Food and Farming Commission, headed by an independent Commissioner, and tasked with overseeing food and farming policy from 'farm to fork' with an annual reporting requirement and the establishment of national indicators for food security.
24. NFU Cymru agrees with the establishment of a sufficiently resourced Welsh Food Commission which will monitor and report on progress towards Government commitments and statutory commitments to oversee the delivery of the food goals and food plans and to advise public bodies in relation to food matters. NFU Cymru agrees with the goals and functions of the Welsh Food Commission, its size, and the process for appointing its membership.
25. We would be keen to emphasise the need to ensure a clear demarcation between the work of the Welsh Food Commission and the Food Standards Agency (with the latter continuing to be responsible for food safety and food hygiene). We must ensure that the public do not become confused in relation to their respective roles and responsibilities.
26. We consider a five-year term of office for a Commission member or Chair, with re-appointment limited to one further term of office to be appropriate.
27. As part of the scrutiny of the work of the Welsh Food Commission, it would be appropriate that its members should appear before relevant committees of the Senedd periodically.
28. The growth of the Welsh Food and Drink Industry since devolution should be commended. Credit should go to the work undertaken under successive Food and Drink Industry Plans / Strategies, that were initially delivered under the umbrella of the Welsh Development Agency (WDA) and more recently through the Food and Drink Industry Board and the Food Directorate of the Welsh Government alongside many hundreds of food and drink businesses with a dedication and passion to ensure the

production of high-quality produce. As farmers we are extremely proud to be the providers of the primary produce that underpins the entire sector.

29. NFU Cymru have consistently highlighted the importance of both Welsh farming policies and the Welsh Food and Drink policies sharing a similar ambition; meeting shared agreed targets and working towards one common goal. In our responses to successive Welsh Government consultations on both food and farming policies we have said that this is the only way that we feel a truly integrated supply chain could be achieved in Wales. We have been surprised and disappointed that Welsh Government has not taken advantage of the great opportunity presented to more closely align food and farming policies in Wales. We would see a National Food Strategy delivering on this ambition.
30. The approach of government to food is not always joined up with tensions sometimes arising between different government departments, which may on occasion be in pursuit of policy objectives which are at odds with one another. Gathering the data needed to inform a food strategy will in our view help focus the minds of Welsh Ministers, civil servants, and civic society on current and evolving threats to our food production.
31. We therefore believe that the having a National Food Strategy would help to co-ordinate and cohere action between various government departments and help ensure that policy pulls in one direction and raise appreciation of factors which could have a negative effect on Welsh food production from field to fork.
32. NFU Cymru acknowledges that there are resource implications stemming from the creation of a National Food Strategy and delivering against its objectives and targets. We do however believe that putting in place a National Food Strategy at a time when a number of factors appear to threaten both consumers' access to high quality, safe, affordable food, and the ability of our farmers to produce food, is the right thing to do and a sensible use of resource.
33. NFU Cymru agrees that there need to be local food plans given the role of local authorities and local health boards as significant procurers of food. The food goals identified in the Bill are also very much in the scope and interest of local authorities and local health boards to deliver.
34. We believe that that draft Bill contains sufficient provision relating to local authorities' duties to consult ahead of making local food plans
35. We do consider the timeline for the publication of a local food plan to be quite long at two years, and we believe that there may be merit in considering a shorter timescale.
36. We believe the requirement to report on local food plans at least every two years could be more ambitious, particularly as we move away from CAP legacy support schemes and farmers are subject to significantly increased costs of production which are likely to persist for some time into the future.
37. NFU Cymru agrees with the list of persons identified as public bodies for the purposes of the Bill in the first instance. We note the power conferred upon Welsh Ministers to

expand and amend the field of persons captured by the definition of a 'public body' and it may well be the case that at some stage in the future Welsh Ministers may need to revisit this list. We would however wish to be clear that it should not be open to Welsh Ministers to amend subsection 1 so that Welsh Ministers are not captured by the meaning of 'public body'.

38. When it comes to conferring regulation making power on Ministers, a balance needs to be attained between equipping Ministers with the powers they need to pursue the objectives of the primary legislation and react appropriately to evolving and changing circumstances, whilst ensuring that the powers and discretions open to Ministers are not excessive or unfettered.
39. Attaining the right balance in these circumstances is challenging, and furthermore it can be difficult to fully anticipate how, when and for what purpose regulation making powers might be utilised. NFU Cymru does therefore generally favour obliging Welsh Ministers to consult ahead of exercising regulation making powers as well as the use of the affirmative procedure in order to help ensure that these powers are used appropriately and following stakeholder engagement.