

## Welsh Government Consultation

*Environmental principles and governance in Wales post EU exit*

### Sustainable Food Trust written evidence

May 2019

#### Introduction

1. The Sustainable Food Trust welcomes the opportunity to submit written evidence to this consultation and would be pleased to provide further information or to elaborate on any points.
2. The Sustainable Food Trust (SFT) is a small UK based organisation, established in 2011, that works in the UK and internationally to accelerate the transition to more sustainable food systems. We focus our work in three main areas:
  - Leadership and Collaboration: Influencing leaders, policy makers and individuals
  - Research and Policy: Enabling policy change based on sound science
  - Communications: Acting as a source of information, sharing ideas and empowering citizens

#### **Question 1: Do you agree the following principles should be included within legislation for Wales?**

- **Rectification at Source;**
- **Polluter-pays**

Both principles of “rectification at source” and the “polluter pays” principle should be included in legislation for Wales. Within the farming sector, the Welsh Government has indicated a desire to support farmers to deliver public goods. To implement this vision of a sustainable future, farmers or food businesses that are causing very significant damage through intensive practices should be made financially responsible for the damage that they cause. Our recent report *The Hidden Cost of UK Food* found that for each £1 spent on food in the shops in the UK, consumers incur extra hidden costs of £1.<sup>1</sup> In addition to the £120 billion spent annually on food by consumers in the UK as a whole, the UK food system generates further costs of £120 billion in external costs. These extra costs are currently not paid by the food businesses that cause them, nor are they included within the retail price of food, but instead they are passed on to society. Mindful of the negative environmental (and public health) externalities from industrial food production, we would encourage the Welsh Government to consider the introduction of both the principles of “rectification at source” and the “polluter pays”. Introducing these principles would help to tackle the damage done by industrial food production and intensive farming methods to waterways, air pollution, biodiversity loss, and GHG emissions, amongst others.

#### **Question 2: Do you think there are other principles, which may also need to be included?**

Yes, both the precautionary principle and the principle of animal sentience should be enshrined in Welsh law after we leave the European Union.

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<sup>1</sup> Sustainable Food Trust, *The Hidden Cost of UK Food*, 2017, available here:

<http://sustainablefoodtrust.org/wp-content/uploads/2013/04/HCOF-Report-online-version-1.pdf>

Animal sentience is an essential principle that needs to be transferred over from European law into Welsh law. This principle holds that animals are able to experience genuine emotions such as pain, fear, frustration and therefore are deserving of compassion and consideration. The principle legally protects the way that they should be treated. By adopting such a principle, Wales can become a nation where all animals are guaranteed a “good life” with access to the outdoors, humane treatment and the ability to express natural instincts. The value of adopting such a principle would also help to ensure that livestock produced to a lower animal-welfare standard (such as in the US) would not be able to gain access to the market in case of future trade deal and potentially undercut Welsh farmers who produce meat of a higher quality. Given the strength of the Welsh livestock industry, animal sentience is an essential legal provision.

Furthermore, the “precautionary principle” should also be enshrined in Welsh law in order to protect the Welsh environment and the future of the ecosystem. The precautionary principle is valuable since it embraces a cautious and responsible approach to technology, recognising that there is not always a simple technological fix to systemic issues. Often times, even with the best intentions, technologies have unintended consequences and if a new innovation has been rolled out, it is impossible to backtrack and correct any damage caused. The precautionary principle is increasingly under threat by industry that are looking to bring new technologies and products to market more quickly. To this end, industry have been actively promoting the innovation principle, which the Sustainable Food Trust would strongly oppose. By adopting the precautionary principle, it would legalise an understanding that the lack of evidence of harm is not the same thing as evidence of lack of harm. In other words, the crux of precaution lies in the rigour of avoiding the chance of scientific error occurring by mistakenly assuming safety.

**Question 3: Do you agree the duty to pursue sustainable management of natural resources and the application of the SMNR principles should be extended?**

Yes. Around the world, natural resources are being progressively eroded and systematically destroyed, and once they are gone, it will be impossible (in most instances) to repair the damage. Wales, and the wider UK, is no different. Aware of the deleterious impact that the industrialisation of Welsh farming has had on the national ecosystem, the Sustainable Food Trust has long advocated for a more environmentally-sustainable approach to food production across Wales with practices that maintain and enhance natural resources and human capital. To achieve this vision of sustainable land management, there needs to be stronger oversight of natural resources in Wales so that they can be better protected for future generations. Consequently, the Welsh Government would be well-placed to extend the concept of sustainable management of natural resources in order to protect the natural Welsh environment from further damage.

**Question 4: On which Welsh public bodies, within devolved competence, do you consider a duty to pursue SMNR should apply?**

N/A

**Question 5: Do you agree with the gaps identified [in accountability], or do you consider there are other gaps, which need to be considered?**

N/A

**Question 6: What role should existing accountability bodies provide in a new environmental governance structure for Wales?**

N/A

**Question 7: Is the outlined role and objective appropriate for a body responsible for overseeing the implementation of environmental law in Wales?**

N/A

**Question 8: Which policy areas should be included within the scope of new governance arrangements?**

N/A

**Question 9: Do you consider the proposed list of bodies to be appropriate?**

N/A

**Question 10: Do you consider there are other Welsh bodies, which should also fall within the remit of an oversight body?**

N/A

**Question 11: What should be the status, form and constitution of an oversight body?**

N/A

**Question 12: Should an oversight body be able to act in an advisory capacity?**

N/A

**Question 13: Should an oversight body be able to scrutinise implementation of environmental legislation?**

N/A

**Question 14: What should be the extent of this function?**

N/A

**Question 15: What powers should a body have in order to investigate complaints from members of the public about the alleged failure to implement environmental law?**

N/A

**Question 16: What informal and formal methods of enforcement do you consider an oversight body should operate in order to delivery on its role and objectives?**

N/A

**Question 17: What enforcement actions do you consider need to be available?**

N/A

**Question 18: Would there be advantages in have a shared core set of common environmental principles?**

Yes, there would be an advantage of the Welsh Government adopting shared core principles. By identifying a core set of principles, stakeholders across Wales will have a clear picture of what they are aiming towards. By identifying the objectives, the targets are more likely to be reached because all relevant stakeholders and the public at large will be pulling in the same direction with a clearly defined target. By clearly stating a set of common goals and then working collectively towards their delivery, it is more likely that these objectives will be achieved. This is the logic behind the Paris Agreement on Climate Change since if we are to meet the challenge of the climate crisis and keep the planet within the 1.5degree limit of global warming, the entire world needs to be working together to achieve common objectives. Closer to home, the UK as a whole need to agree common principles across the devolved nations in order to deliver a sustainable future for the entire union.

This vision of a shared environmental objectives is at the core of the Sustainable Food Trust's harmonised farm—level sustainability assessment. We believe that, in order to eligible for the receipt of public money, farmers should be required to complete a sustainability assessment (based on a harmonised framework of indicators and metrics) each year in order to demonstrate how their farming methods are impacting the local environment, whether positively or negatively. The benefit of the assessment would be that it would allow the Welsh Government to have a better understanding of the national situation for each specific public good, such as biodiversity and net carbon emissions. This data would then allow for more targeted interventions to help to meet the stated goal. Additionally, farmers could benchmark themselves to show that they are delivering on their commitments and provide evidence of the improvement. Farmers should be encouraged to progressively increase their environmental commitments since all farms can become more sustainable, and the annual sustainability assessment would provide the necessary information to improve. For the assessment to be comprehensive, there needs to be a blend of specific targets, proxies and hard data collection methods. These would include (but not limited to) monitoring:

- Soil organic carbon levels and microbial life
- Air and water quality
- Levels of on-farm biodiversity
- Energy and resource use efficiency
- High welfare management of livestock
- Climate change mitigation
- Social and cultural benefits

**Question 19: What potential governance structures do you consider are needed to enable collaboration and collective decision-making to enable interface between administrations?**

N/A