

Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

Minutes

Title of meeting:

Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

Location: Microsoft Teams Meeting

Date of Meeting: 11th July 2022

Present:

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Marc Williams, NRW

James Ruggeri, HCC

Chris Mills, WEL

Einir Williams, Farming Connect

Shane Thomas, Carmarthen Fishermen's Federation

Creighton Harvey, Carmarthen Fishermen's Federation

Mathew Walters, Welsh Government

Polina Cowley, Welsh Government

Nichola Salter, NRW

Sarah Jones, Dwr Cymru

Sarah Hetherington, NRW

Liz Franks, Hafren Dyfrdwr

Additional Attendees Present:

None

Secretariat:

Bronwen Martin, NRW

Apologies:

Rachel Lewis-Davies, NFU Cymru

Chris Thomas, NRW

Fraser McAuley, CLA

Andrew Chambers, Welsh Government

Kate Snow, United Utilities

Item 1 Introductions, Apologies and Declaration of Interest

1. Zoe Henderson, NRW welcomed all to the Microsoft Teams meeting and noted apologies. Please note that the meeting is being recorded for the purpose of capturing the minutes and the digital file will be deleted once the meeting minutes have been approved.
2. Zoe asked the group whether there were any declarations of interest. Creighton Harvey, CFF raised that he had recently attended an NRW stakeholder dinner.
 - NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.

Item 2 Review of Minutes

3. The Chair confirmed that once the meeting minutes have been reviewed and formally agreed by the group, they will be published on the NRW for the public to access. Therefore, it is important that the minutes are an accurate record of the meetings.
4. The group reviewed the previous meeting minutes from 16th May 2022.
5. Zoe recalled the discussion about undersowing ryegrass and suggested that a specific action should be included to find out why undersowing maize is supported but not undersowing ryegrass. Matthew Walters, Welsh Government said he would follow this up.

AP July 01: Bronwen Martin, NRW to add an action point to the May 2022 meeting minutes regarding undersowing maize/ryegrass.

6. Zoe also pointed out a typo error in point 39 which will be corrected before publishing.
7. No further comments or suggested amendments were received in respect of the May meeting minutes.

Item 3 Matters Arising

8. Zoe welcomed the group to discuss any matters arising from the previous meeting minutes or relevant documents.

9. Matthew Walters, Welsh Government mentioned that the Economy, Trade and Rural Affairs (ETRA) Committee published its report [Review of The Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021](#) on 8th June 2022. The report contains a series of recommendations for Welsh Government to respond to. A response will be prepared for the Minister to publish in due course. Zoe suggested that this topic should be put on the agenda for the next meeting so that it can be looked at. Sarah Hetherington, NRW asked what the timeframe is for this response. Matthew said he could not give a definitive answer regarding timings for the response. Chris Mills, WEL said the ETRA Committee report is relevant to the forthcoming discussion on Alternative Measures and requested that a link to the report could be included within the minutes of this meeting.

AP July 02: Bronwen Martin, NRW to include a link to the Economy, Trade and Rural Affairs (ETRA) Committee report within the July 2022 meeting minutes.

10. Zoe reminded the group of the work that the Welsh Government SAC Rivers Oversight Group are doing which are looking at phosphates. Zoe sits on the Welsh Government Oversight Group and has previously suggested that there should be additional representation for agriculture. Zoe recalled that at the WLMF Sub Group meeting in May, it was recommended that as the agricultural pollution group there should also be a focus on phosphate, not just nitrates. There is a need for us to get up to speed and have more of an understanding of phosphates in agriculture. Zoe announced that Delyth Lewis-Jones, AHDB has agreed to join the Welsh Government SAC Rivers Oversight Group, as well as Chair a small group for a limited time looking at phosphate from an agricultural perspective. Zoe said membership of this small group has not been shaped yet, but asked those present to think about who they thought would be appropriate representatives. Zoe recalled the guest presentation from the meeting in May and suggested that it would be great if Liz Davies or Bridie Whittle from the Wye & Usk Foundation would be willing to get involved.
11. Polina Cowley, Welsh Government said she would like to be kept updated on the work of that group. Polina mentioned that the WLMF Sub Group has been concentrating on nitrates and the Control of Agricultural Pollution Regulations, and it would be good going forward if the group can also include a focus on ammonia emissions. Polina suggested that in order for this group to concentrate on nitrate and ammonia, perhaps it would be appropriate to move phosphate to another group to concentrate on because it is closely connected to poultry. Zoe said she would like to bring phosphates to this group to keep everything well aligned because it is interconnected, although more effort is needed over the short term to get up to speed on the issue.
12. Creighton said the shadow over this group was the prospect of regulations in relation to nitrates. Creighton mentioned that the regulations have now been introduced, we have had the annulment vote and the review and report by the ETRA Committee have been published. That is a big chapter of our work done but we still have to monitor the nitrates situation. Creighton suggested that this group has little choice but to expand into phosphate because this is an agricultural pollution group and not a nitrate group. Sarah Hetherington, NRW agreed, when looking at slurry and manure you are looking at nutrients and you cannot look at one without looking at the other, as well as the gaseous side. We must keep it all together because other ways we are not looking at the whole picture. Zoe agreed and said we probably just need a bit of extra focus work in the short term.

Item 4 Presentation & discussion: Alternative Measures

13. Chris Mills, WEL is the Chair of the Alternative Measures Task & Finish Group and agreed to provide an update on the work of this group, give an overview of the proposed Alternative Measures and also discuss the structure of the report which will be submitted to Welsh Government. The deadline to submit an Alternative Measures proposal to Welsh Government is 1st October 2022.
14. Chris began by thanking the members of the Alternative Measures Task & Finish Group for their perseverance in staying on task, their hard work reviewing the regulations and for working well together. Membership of this group comprises people with different backgrounds and different experiences which has been helpful when coming up with a way forward. So far, the group has entirely met virtually and as we approach the report writing phase we may need to meet in-person.
15. Prior to the meeting, an excel spreadsheet was shared with WLMF Sub Group members which showed the workings of the Alternative Measures Task & Finish Group. A document discussing some of the wider issues has also been shared which gives an overview of some other issues we have considered. An outline of the report structure has also been laid out for comment.
16. The Task & Finish Group have divided the Regulations into three key topics: storage, spreading and carrying capacity/nitrogen limits. Each regulation has been reviewed by the Group in detail and comments have been collated on a spreadsheet.
17. Chris mentioned some of the general points for Alternative Measures that have been discussed by the group, including:
 - Clarity of language in the regulations, to ensure clear, concise, and appropriate for farmers and landowners to understand.
 - Consistency of terms used in the Regulations, e.g., watercourse/controlled waters/inland freshwater.
 - Record keeping requirements – harmonise with existing record keeping dates, e.g., livestock inventory. Clarify the record keeping requirements including where exemptions may apply.
 - Regulations to be evidence and data driven, e.g., soil and crop need, and spreading activities
18. Chris said there are two main areas where substantial alternatives could be proposed. Firstly, Regulations 18 and 22 which are linked to the timing of spreading. Chris suggested that these regulations also connect to the ETRA Committee review and recommendation 8 within the report. Chris discussed the group's thought process for an alternative, including the possible opportunity to embrace new technology. The second key area is concerning the carrying capacity where Regulation 4 states the total nitrogen limit for whole holdings of 170kg/ha. A derogation could be proposed to increase the total nitrogen limit per holding from 170kg/ha to 250kg/ha if a full nutrient management plan and recording is implemented and submitted to demonstrate there is no detriment to the environment. However, it is important to get farmers to understand

what their soil can accommodate and what the crops require. This process is looking for a system which allows more flexibility and individual nutrient management plans might be a suitable and effective way forward.

19. Chris said the Task & Finish Group would welcome any comments or feedback on the documents which have been circulated to the WLMF Sub Group members. Chris also asked members to provide examples of evidence which might support this work.

AP July 03: WLMF Sub Group members to provide comments or feedback on the Alternative Measures Task & Finish Group documents by 29th July 2022.

AP July 04: WLMF Sub Group members to provide examples of evidence which could be used by the Alternative Measures Task & Finish Group.

20. Sarah Hetherington, NRW recalled the discussion about nutrient management plans, but the key thing is implementing them and evidencing the implementation of those plans. Sarah asked whether that has been part of the discussions or whether it was just about having the plans. Chris said farmers would need to evidence them and it then questions the resources to scrutinise them. Sarah said it was great that the discussion went beyond just having the nutrient plans. Regarding soil and crop need, Sarah mentioned that there is work ongoing in England which shows that soil and crop need needs to be at the time of application and not necessarily for next season's crop growth, particularly if it is autumn application. Sarah asked when defining soil and crop need was it at the time of application or was it in preparation over the winter for next seasons growth. Chris said the group have not defined it and asked if Sarah could provide any links to the evidence for why it should be at the time of application.

AP July 05: Sarah Hetherington, NRW to provide links to evidence regarding soil and crop need.

21. Creighton mentioned the use of new technology and said the new [Sustainable Farming Scheme \(SFS\) - Outline Proposals for 2025](#) make reference to the use of alternative technology and innovation. This suggests that there will be some support from Welsh Government for that and they recognise that new technology might be a way forward. Regarding carrying capacity and a possible derogation, Creighton reiterated there is a concern that evidence should prove there is no damage to the environment if there is a derogation; it's not just a case of handing out a derogation and seeing what happens.
22. Zoe asked about the group discussions around the 'all-Wales' nature of the Regulations, particularly in relation to those farmers to which things looked like an onerous requirement. Chris said opinion was divided within the group. The argument for the regulations to be 'pan-Wales' is that it would be much simpler to enforce and perhaps prevent the problem being shifted from one area to another. The argument against it being pan-Wales is that there are farms where perhaps these regulations are of little significance and perhaps people are unduly worried at the moment that there will be added burden and/or cost. That might be to some extent, a communication issue that needs to be addressed to reassure people in certain situations that whilst the regulations are Pan Wales, in practice they would not actually apply to them. There was also another issue which was raised, which was around biosolids, and the fact that the pan-Wales approach would almost certainly create additional costs for the spreading of biosolids from the water industry. That needs to be considered because

there would be a knock-on effect there and that additional cost at some stage is going to be passed on to the charge payer and with the current cost of living crisis, it would not be very welcome. Chris suggested that this topic is perhaps not going to be solved by the group, but the report might mention the pros and cons to be considered. Zoe agreed that communications are incredibly important and key points need clearly highlighting so farmers do not overly worry about it.

23. Creighton recalled participating in a Farming Connect webinar regarding the Regulations and mentioned that it was highlighted at the time that there is a huge communication problem. Creighton said there were 114 farmers on the call which is not a great deal considering how many agricultural holdings there are in Wales. Creighton suggested that people tend to listen to the industry line which is there is a burden across the board, but the burden has not been properly explained, for example there might be an administrative burden but in practice there might not be a burden at all.
24. Chris said there has been extensive discussions as to whether these Regulations should include phosphate. In effect, the current Regulations use nitrates as a proxy for phosphate, and assumption managing nitrate levels should also control phosphate levels. The group felt that this would not always be the case, for example, poultry manure contains high level of phosphorus will need to be managed more carefully, particularly in areas with high levels of legacy phosphate. It was pointed out that a simple solution goes back to the idea of specific nutrient management plans that accounted for both the residual nutrients in the soil and crop need.
25. Creighton said the playing field has changed since the Regulations came in on 1st April 2021. The Regulations were brought in on the basis of nitrate which is applicable to the nutrient management plans and nutrient application. If this changes in terms of different measures, phosphate will also need to be considered because if not, then you might be making a decision based on nitrate, when in fact you are increasing the phosphate supply when doing so. Therefore, you have an unintended consequence and so it is now very important to consider the phosphate position before considering any alternative measure.
26. Zoe asked whether there is an accepted template of set nutrient management plan. Matthew Walters, Welsh Government said regarding the nutrient management plans within the regulations, there is a template within that and a digital workbook. It is nitrogen focused at the moment. Matthew confirmed that there is no phosphate requirement within the regulations, but it is something individuals can do on their own basis for their own nutrient management plan. Chris asked how difficult it would be then to incorporate phosphate into that. Matthew said it would require a change to the Regulations. Currently, there is not a requirement within the regulations for phosphate to be managed at any stage, so it would require a fundamental change to the regulations to incorporate phosphate into the approach. This might go beyond just the just the record keeping requirement because you might also have to consider the suitability of application and any potential limits if it was to be considered. Chris suggested that that is the idea of alternative measures then. Matthew said yes, there is a mechanism for that, but it would need to assess then if you were to consider a phosphate limit for example or where would you have your N and P scores/values that could then be enforceable and then be part of your nutrient management approach. So that is where the complexity of the next step comes in.

27. Chris mentioned the issue around tenant farmers and said Dennis is on the group. There are quite a few issues around tenant farmers within these regulations that do need to be resolved and so we will be highlighting that in our in our final report. Dennis mentioned the SFS outline proposals and the potential effects of the SFS and the Control of Agricultural Pollution Regulations on tenant farmers. Welsh Government are aware of the issues and there is a tenancy working group being formed to look into some of the issues. In the meantime, Welsh Government could look at exempting tenant farmers from Regulations provided there is no imminent pollution until they come up with a solution. Creighton said at the SFS meeting on Friday, Welsh Government recognised that tenant farmers are a special group, but measures have to be put in place to make their farming practicable and under the new regime.
28. Chris discussed the proposed structure of the Alternative Measures Report and the requirement to provide evidence.
29. Marc said the report needs to be submitted to Welsh Government by 1st October 2022. The group will look to have a draft report in August and will then present it to the WLMF Sub Group and give enough time for them to comment.
30. Zoe asked about what the group felt was working well. Chris said there are quite a few Regulations where the group is not advocating the need for any major changes. It might be a slight tweak of a clearer definition or something like that. We are not trying to find problems where they do not exist. The spreadsheet highlights where we do not have any issues with a particular regulation.
31. Dennis reminded the group that it is highly unlikely that these alternative measures group will come up with some fantastic new scheme to replace the Regulations. Welsh Government said they would look at any alternative ways of implementing the existing regulations, but it must be within regulations. Chris agreed and said this is about trying to make the regulations easier to understand, easier to implement and more effective in reaching the outcome that we are all trying to achieve. Creighton said if you look at the record, the regulations dealing with the closed period and the increased storage, we've looked at the closed period and the use of technology. If you read the report of the economy, trade and Rural Affairs Committee, they make recommendations in relation to technology and spreading. They don't make any recommendation in relation to the increased storage. You would think you would have to have increased storage in place because if somebody was finding it difficult to manage any alternative provision or manage their nutrients on the farm, then that would mean that increased storage would be necessary as a backstop – it would give flexibility to the farmer.
32. Creighton asked whether anyone within the farming industry is coming forward with an alternative approach. Creighton also reminded the group that it will be Lesley Griffiths MS and her advisors that will make the decision, not the Senedd or any committee of the Senedd; so, we have to bear that in mind that the audience who will be considered any recommendations we make.
33. Chris thanked Marc Williams and Bronwen Martin, NRW for their assistance throughout this process.

Item 5 General Updates

34. This is an opportunity for members to share what their organisations are currently doing especially ahead of the Royal Welsh Agricultural Show (RWAS).
35. Marc mentioned that NRW will have a stand and the theme this year is 'Water Quality'. Marc encouraged those who plan to attend the show to visit the NRW stand. On the Tuesday afternoon there will be a presentation on the NRW stand from John Owen (Gelli Aur) talking about Project Slurry along with Chris Clarke, GEA who will be discussing the commercial aspect and how it can be incorporated into this sort of technology.
36. Dennis said he will be attending the show on Monday, Tuesday and Wednesday. They have planned meetings to discuss tenancy matters. Dennis suggested having a meeting to discuss the Alternative Measures and the issues around tenancies. Chris said he will not be attending the show but is happy to meet Dennis at another time to discuss that.
37. Creighton confirmed that he would be at the show on Monday and has been invited to a few events over the course of the day.
38. Einir said Farming Connect have a stand which will be fully staffed all week. Farming Connect will also have a presence on the Welsh Government pavilion as well. As always, themes include business, livestock and land. There is ongoing support for farmers including manure and soil clinics and infrastructure clinics. Development offices across Wales have also sent out e-mails last week detailing what farmers need to be doing and when, along with information about the support structure that Farming Connect have in place.

In planning, Farming Connect have surgeries where people can learn how to put a risk map together and surgeries where people can learn how to complete the workbook. Farming Connect have not arranged the dates for those yet, but they are upcoming and there is a reserve list of people that are interested.

Having read the outline proposal for the Sustainable Farming Scheme, Creighton said a huge amount of work will fall upon Farming Connect. There is going to be a change of approach required from Farming Connect which is something to bear in mind overcoming months.
39. Sarah Jones said Dwr Cymru Welsh Water has a corporate stand which will be located in the environment area. Sarah said her team that does the catchment management work, are a sponsor of Wales YFC so in exchange they will also have a small stand there for people to learn about catchment management work and sign up to the free disposal scheme for pesticides. On Monday, DCWW will also be launching their Water Source Ambassador Scheme, where they will be offering two placements for Wales YFC members to come and work with them through the year periodically with the Catchment Team.
40. Zoe briefly summarised the itinerary for the NRW stand for events across the RWAS week.

41. Dennis mentioned that he recently attended a Livestock ID Stakeholder meeting. New grants have been announced in England for slurry stores but in order to get a grant you have to have storage for six months (increased from 4-months to 6-months) and cover the store. Dennis said that the grant will be available for either a new store or upgrading an existing one, which is something that this group has repeatedly asked Welsh Government. Zoe suggested that Welsh Government colleagues could take these comments away. Matthew said he would look at the requirements in England and see what the differences are.
42. Dennis asked whether there was an update regarding the next edition of the WLMF Sub Group newsletter. Marc said he would ask Katy for information.

AP July 06: Marc Williams, NRW to ask Katy Simmons, NRW for an update regarding the next edition of the WLMF Sub Group newsletter.

Item 6 Any other business

43. Polina Cowley, Welsh Government mentioned that the Control of Agricultural Pollution Regulations mainly concentrate on water pollution, however, there is another area of agricultural pollution which is air and air quality. Regarding air quality and ammonia, agriculture in Wales contributes to 90% of this pollution. Polina introduced the Welsh Government 'Agricultural Ammonia Emissions' leaflet which will be launched at the RWAS next week. Polina mentioned the [Welsh Government - Code of Good Agricultural Practice guidance on reducing ammonia losses from agriculture in Wales \(2019\)](#). Farming Connect previously developed a tool to help farmers understand how they can improve air quality - [Farming Connect - Improving Air Quality](#).

Zoe asked whether there is an ability to locally evidence this (e.g., citizen science, local monitoring etc) so that people can understand the issue. Polina said this was a good point and made a note of this, how can people 'see' the issue, with water you can see/taste but with air you cannot. Polina said ammonia 'connects' to smog (CO₂) and that is where the issue is at the worst and particulate matter is formed. Polina mentioned a study undertaken by Bangor University which suggested that for every £1 spent in the UK reducing ammonia emissions results in £23 benefit to national health savings. Polina also discussed the impact of ammonia on farm health and safety, particularly the cardiovascular and respiratory health of farmers. Zoe asked whether there is evidence which can be shared, Polina said yes there are studies which can be shared and noted that the impacts are documented but suggested awareness is low.

AP July 07: Polina Cowley, Welsh Government to share information and evidence regarding the impacts of ammonia emissions on the health and safety of farmer populations.

Creighton said there have been a number of high-profile cases in Northern Ireland which document the dangers of ammonia emissions. Creighton asked where the ammonia leaflet will be available. Polina said the interactive tool has been live on the Farming Connect website for a while. The leaflet will be launched at the Royal Welsh Agricultural Show.

Chris Mills mentioned that in The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, Regulation 15 'Controlling how nitrogen fertiliser is spread'

there is a spreading requirement of below 4 metres from the ground. The Alternative Measures group were amazed that it was as much as 4 metres and were concerned with the emissions impact of that. A minor amendment the group have considered is why Welsh Government is allowing spreading to 4 metres height because almost certainly that would create ammonia emissions. Chris asked if this is such a serious problem then why it isn't being regulated. Polina said unfortunately, it has not been regulated, there is no EU regulation or UK regulation but there is the 'Code of Good Agricultural Practice guidance on reducing ammonia losses from agriculture in Wales' and the UK has [DEFRA - Clean Air Strategy \(2019\)](#). Polina said the UK also consulted on reducing ammonia emissions from urea fertilisers last year ([DEFRA Consultation - Reducing ammonia emissions from urea fertilisers](#)). Northern Ireland is currently leading on reducing ammonia emissions and have invested in resources, researching the topic and are trialling various things. Polina said there is an opportunity for the WLMF Sub Group to have conversations, raise awareness and try to help come up with some answers.

Sarah Hetherington, NRW said this Group has worked on different measures to solve issues through innovation, advice and guidance, incentivisation, regulation and voluntary approaches. Sarah noted that there is a discrepancy between water and air and how these topics are treated. For example, if you build a new slurry store, you can write that off against your farm business tax within the year (aids investment). However, when it comes to putting a cover over that store, that is written off over 33 years at 3%. Sarah said ammonia is not seen as an equal issue in that measure, and suggested that it may be worth looking at the investment side of things as one of the potential solutions. When it comes to nutrients, we have to consider them in the whole, otherwise we will pollution swap (e.g., if we solve the ammonia issue, it might mean more nitrate going into our systems), therefore we need a holistic approach. Polina thanked Sarah for her comments particularly around pollution swapping and agreed that we need to look at the bigger picture and coming up with a holistic approach which can actually work not to the detriment of other pollutants.

Dennis mentioned that there have been significant deaths from people entering reception pits of slurry stores, because silage affluent mixed with slurry produces sulphur dioxide, which kills you in about half a minute. Dennis recalled a presentation at the Clean Air seminar which described how ammonia was combining with sulphur dioxide in plants and producing particulates, which were killing lichens and mosses that were growing on the trees. Polina said ammonia is only one part of toxic slurry gases that kill people, and it is not only slurry stores which is why housing measures for livestock are very important.

Zoe thanked Polina for raising the issue and for this very important and interesting discussion about ammonia emissions. There is more work to do with this topic as we move forward.

44. The next WLMF Sub Group Meeting is Monday 15th August 2022.

Close meeting