

## Welsh Government call for evidence on agricultural waste

### Role of Natural Resources Wales

Natural Resources Wales is responsible for regulating the waste industry, including those wastes used or originating from the Agriculture sector. We are a principal adviser to Welsh Government and an adviser to industry and the wider public and voluntary sector. We also communicate about issues relating to the environment and its natural resources.

Natural Resources Wales is the competent authority in Wales for the implementation of the Water Framework Directive and is working to develop the next River Basin Management Plans which will identify measures to maintain and improve the water environment. Pollution from agriculture, including run-off from fields and farm yards is identified as one of the main reasons for water bodies failing to meet objectives.

### General Comments

Overall the evidence available indicates that agricultural waste is not at a strategic Wales level a problematic waste and this is due to the relatively small quantities involved. However, it is worth noting that waste components for example asbestos from farm buildings, demolition wastes, hazardous farm chemicals, animal health care waste or sheep dip chemicals can cause local problems if not managed correctly.

We therefore support your view that a specific Sector Plan for Agriculture is not needed and that a Position Paper to cover the issues is more proportionate.

Specific responses to the Consultation questions are listed below and we have additional comments on other aspects highlighted in the document which are as follows;

- We are aware of the concerns with regards Fly Tipping on Agricultural land and while Natural Resources Wales can take enforcement action against identifiable perpetrators leaving waste on public land in the main it falls to the private landowner to manage/ dispose of this waste when dumped on their land. The farming unions are members of Flytipping Action Wales and their concerns are highlighted within these groups.
- Natural Resources Wales is fully supportive of the Welsh Government's policies within the consultation document 'A Fly Tipping Free Wales'. We support the proposals in relation to both Fly Tipping on private land and Agricultural Land.
- We support the current position for exemptions removing the requirement to hold an environmental permit and instead allowing the use of organic wastes produced on the farm to be treated by Anaerobic Digestion. This is to be encouraged. Whilst the types of waste, manure and plant matter, do not produce high levels of biogas during the treatment process, it does allow farmers to make use of a renewable energy source which can provide or offset the energy needs of the farm. Digestate produced from Anaerobic Digestion is also a very useful fertiliser substitute and its use should be encouraged where its benefit to land can be realised in a manner that does not cause pollution.

**1. Do you have evidence of actual types and volumes of agricultural waste produced, and the types and volume of waste recovered on agricultural holdings annually in Wales?**

Natural Resources Wales is the regulatory authority for the landspreading of waste on agricultural land and as such, we have details of the types and quantities of non-agricultural wastes recovered on agricultural land under mobile plant permits and deployments. This information has been provided to the Welsh Government previously. We also have information on the amount of hazardous wastes consigned from Agricultural premises.

Improved data and data sources is always to be welcomed. In addition, the further support of farmers in sustainable waste management, highlighting the wider benefits they could achieve may have a greater effect in developing better waste management practice. In particular, the use of the Codes of Good Agricultural Practice (CoGAP) are a useful way to provide further information to farmers on the effective and environmentally beneficial methods of farm management. Natural Resources Wales have helped review these documents and will be providing guidance on the effective management of wastes for both use on farms and for the treatment and recycling of farm generated wastes. We support the use of this guidance and its incorporation into the draft position statement.

**2. Do you have evidence of the methods/facilities (including waste types and volume) used currently by the agricultural sector to manage wastes and if there are adequate facilities and capacity available?**

Natural Resources Wales has information where the activity is covered by a permit, although it is difficult to separate out certain streams that are generated by the industry such as packaging wastes, vehicle wastes (e.g. oil, batteries tyres). We also have details of the numbers of exemptions being utilised by agricultural premises but this does not specify actual types and quantities of waste used. However, it does include the numbers of agricultural premises that carry out anaerobic digestion or composting activity under the terms of the relevant exemptions.

**Regulation**

**3. Do you have evidence of whether management of agricultural waste has improved since Regulation was introduced in 2006? Do you consider that there is adequate knowledge within the agricultural industry on sustainable waste management and how to comply with Regulations?**

When farming activities were brought into regulation in 2006, one of our legacy organisations Environment Agency Wales worked with the farming unions in Wales to lead a high profile publicity campaign to inform the farming industry. Since this time, there has been a notable reduction in the use of environmentally damaging disposal methods that were previously outside the control of regulators such as the burning and burial of wastes on farmland.

We have continued to use this approach as subsequent regulatory changes have been introduced. For example, over 20,000 exemptions were registered by the farming industry in October 2013. In addition, Natural Resources Wales regulates the beneficial deposit of wastes on agricultural land, such as landspreading of waste derived material. Improving knowledge and sustainable waste management is a focus for Natural Resources Wales and therefore we encourage the development of a waste management focus in Cross Compliance schemes as an alternative to stricter regulation.

#### **4. Do you think current waste regulations are adequate to control the management of waste from the agricultural sector sufficiently to protect the environment and human health? How could they be improved and what are the main issues with agricultural waste (compliance, enforcement, monitoring)?**

It is our view that the current regulations are sufficient to manage agricultural waste. However, as farming in Wales is mainly conducted by small businesses effort should be focused on providing advice and guidance direct to these individuals.

The evidence available so far, particularly as it indicates that there are relatively small quantities involved, suggests that agricultural waste is not, at a strategic Wales level a problematic waste.

#### **5. Do you have any evidence for the effectiveness or otherwise of waste legislation controlling the use on farm land of wastes produced by other sectors?**

The Mobile Plant Standard permits and associated deployment requirements are currently effective ways of controlling the beneficial use of external wastes as fertilisers/soil conditioners. However, the processes in place do not establish an effective regulatory structure to monitor the actual applications. The Environment Agency are developing proposals that will include stricter requirements to cover this aspect, and we are monitoring these developments with a view to consider similar changes to our permit conditions.

Largely the legislative requirements of exemptions such as the 'U1 exemption' on the use of waste for construction purposes have been complied with. However but there have been instances where farmers have been involved in the deposit of wastes in excess of the exemption limitations and are being used as an illegal disposal route. We treat these as illegal waste operations and the business and premises involved are investigated and enforced against under the terms of our Enforcement Policy.

#### **Information**

#### **6. Do you have evidence of the practical issues and main barriers to the agricultural industry in managing, reducing, reusing and recycling agricultural waste?**

Whilst we have no direct evidence, we are aware that in Wales the agricultural sector is predominantly a small business activity usually limited to family members. With the pressures they face in managing the agricultural activity for the farm they may not have the time and resource to focus on waste management e.g. separation and segregation of materials for recycling. We would advocate these businesses being given additional support, to aid their further understanding that managing wastes properly is essential, and can help reduce their waste management costs. There would also be merit in considering whether providing financial incentives to make waste management as easy as possible is an option.

This consideration could occur through partnerships with farm organisations such as the Farming Unions, Farming Connect and others. The Working Smarter Stakeholders initiative would also be well placed to do this and utilise methods of direct communication in a range of settings such as on farm group demonstration days.

## General

### 7. What do you think are the main issues concerning agricultural waste management in Wales?

It would be helpful to ensure that farmers are made aware that there is the potential for wastes that are offered to them for use on their land could be contaminated with substances that would have a detrimental effect on their landownings or stock. There is a need for them to carry out their own assessments of the materials prior to acceptance. This is an area where the CoGAP guidance and the involvement of the Farmers Unions in providing impartial advice could be a significant benefit to farmers in protecting their operations from unscrupulous attempts to use farming as an illegal route for the disposal of waste.

For wastes produced on the farm that require off site management, farmers need to have clear and specific guidance on their Duty of Care in Managing this waste including any hazardous wastes they produce. The introduction of a revised version of the Waste Management Duty of Care Code of Practice would be an opportunity to publicise good practice to this industry.

### 8. Do you have evidence of how the agricultural sector can support other sectors in reducing, reusing and recycling waste in a sustainable way?

The beneficial use of biodegradable wastes as fertilisers and soil conditioners as outlined above are the main examples.

#### Comments on the draft Position Statement.

The code is quite rightly focused on agricultural waste however many farms have also diversified into other activities such as outward bound activities, tourism and kennelling and catteries. These new activities will each produce its own waste streams that may well need different handling techniques. For instance, kennel waste should not be used in applications to land because of the threat from spreading diseases. We were therefore suggest that there may be merit for the code to include a section highlighting the potential effects of these other types activities on the general management of agricultural wastes.

Finally, the statement only considers the exemption system, although it is possible for farmers themselves to obtain permits for activities on the farm (especially as there is the ability to utilise them for recovery activities and not just disposal). It is suggested that an additional section could be included in S4 to cover this. These should be referred to as Environmental Permits and not Waste Management licences as stated in s3.2. In this context you may wish to add a link to the NRW permitting guidance in S6.

#### For more information

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