

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: 25th April 2022

Present:

Zoe Henderson, NRW (Chair)

Bob Vaughan, NRW

Dennis Matheson, TFA

Marc Williams, NRW

James Ruggeri, HCC

Chris Mills, WEL

Einir Williams, Farming Connect

Shane Thomas, Carmarthen Fishermen's Federation

Geraint Hamer, Welsh Government

Creighton Harvey, Carmarthen Fishermen's Federation

Chris Thomas, NRW

Fraser McAuley, CLA

Andrew Chambers, Welsh Government

Mathew Walters, Welsh Government

Polina Cowley, Welsh Government

Ruth Johnston, NRW

Bernard Griffiths, FUW

Charlotte Priddy, AHDB

Nichola Salter, NRW

Additional Attendees Present:

Ioan Williams, NRW (Item 3)

Secretariat:

Bronwen Martin, NRW

Apologies:

Rachel Lewis-Davies, NFU Cymru

Sarah Hetherington, NRW

Sarah Jones, Dwr Cymru

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. No declarations of interest were raised in respect of Agenda items.
 - 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.
3. Zoe welcomed today's guest; Ioan Williams (NRW) to the meeting.

Item 2 Review of Minutes

4. 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.
5. The group reviewed the previous meeting minutes from 21st March 2022. No comments or suggested amendments were received in respect of the March meeting minutes.

Item 3 Presentation: Water quality improvements for the SAC River Project

6. Ioan Williams, NRW joined the meeting to provide an overview of the water quality improvements for the SAC River Project as well as an update on the creation of the Nutrient Management Boards. Ioan is the Lead for 'Workstream 3' of the SAC Rivers Project, Water Quality Improvements.

7. Ioan began by outlining the Compliance Assessment of Welsh Rivers SACs against Phosphorus Targets. All Special Area of Conservation (SAC) are protected under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations). NRW has set new phosphate standards for the riverine SACs following the revised Common Standards Monitoring guidance update by the Joint Nature Conservation Committee (JNCC). The targets are 50-80% tighter than previous. A compliance assessment, conducted by NRW, against the standards found failure to meet the targets in the Dee, Cleddau, Wye, Teifi and most significantly, in the Usk.
8. Tighter phosphate targets are due to new evidence about the impact of Phosphorus and in the context of a changing climate. NRW Evidence Review shows over 60% of rivers are failing. Ioan showed a map illustrating the location of all 9 SAC rivers in Wales; River Dee (failing), Afon Gwyrfai (passing), Afon Glaslyn (passing), Afon Eden (passing), River Wye (failing), River Usk (failing), Afon Teifi (bottom is failing), Afon Tywi (passing) and Afonydd Cleddau (some failures).
9. Ioan described why phosphorus is important and what the problem is. Phosphorus is an essential and potent plant nutrient. It is critical for ecosystems but too much is a bad thing. Too much phosphorus:
 - Causes harmful changes to river ecosystems, promoting growth of nuisance species such as algae
 - Resulting in damage to or loss of important species such as water-crowfoot
 - Can cause river gravels to become deoxygenated, killing river invertebrates
 - Increases the risk of algal blooms, especially in combination with other pressures such as drought or loss of river shading
 - Is often a marker for other water quality problems such as ammonia or low oxygen
10. Ioan mentioned that there is work ongoing with Dwr Cymru Welsh Water looking at source apportionment on a whole catchment basis. Results have not yet been published but there are some initial findings.
11. A key message is that phosphorus is widely agreed to be the nutrient most likely to harm freshwater systems. Climate change is increasing these risks because more drought and sunshine provides better growing conditions for algae.
12. Ioan gave a brief overview to the SAC Rivers Project which includes 5 Workstreams:
 1. Advice and position statement
 2. Standards / compliance
 3. Water Quality Improvements
 4. Monitoring & evidence
 5. Permitting & waste

Additionally, the Welsh Government Oversight Group.

13. loan used maps to illustrate the different targets in the River Usk and then gave an overview of some general findings from each of the 9 SAC Rivers.
14. In summary, of 107 waterbodies assessed, 42 (39%) passed their SAC phosphate targets and 65 (61%) failed. In waterbodies that met the standards, the headroom to accommodate increased levels of phosphates may be limited. If phosphate levels are allowed to rise, the waterbodies could be at risk of failing. In waterbodies which already fail the target there is no headroom. Further increases in phosphate will further worsen the condition of the SAC.
15. loan gave a brief overview and update on the Nutrient Management Boards:
 - All SAC Rivers will have a Board
 - What will they do? – collaboration between partners (farmers, anglers, public etc.) and deliver Nutrient Management Plan as a tool to manage phosphate in the catchment
 - Focussing on failing SACs first
 - Usk will be Chaired by BBNPA (all others are Chaired by Local Authorities)
 - Structure, Terms of Reference
 - Stakeholder / Technical Groups
 - How can the WLMF Sub Group contribute?
16. Bernard Griffiths, FUW recalled that data gathering, and monitoring is key and that the targets have been tightened between 50-80%. If 61% of waterbodies have failed on these new targets, everything looks negative because the targets have been tightened and could possibly mask improvements that have already taken place. Bernard asked what percentage would have failed using the old targets. loan said he did not know these figures but would take that away and get back to Bernard. The targets have been tightened as a result of advice from the JNCC which oversees the environmental bodies in the UK and NRW has acted on this evidence a guidance. It is really important that we drive forward water quality improvements.
17. Chris Mills, WEL mentioned that he Chairs the Alternative Measures Task & Finish Group who have recently been discussing whether it would be beneficial to include phosphate within the Control of Agricultural Pollution Regulations – Chris asked loan for his views on this proposal. loan said he would welcome the Regulations to include all nutrients, including phosphates.
18. Fraser McAuley, CLA asked loan whether a copy of the presentation could be circulated because it was very clear in helping understand the situation and process. loan agreed that the presentation could be shared. Fraser asked whether the Nutrient Management Boards (NMBs) will provide guidance to Local Authority Planning Departments regarding what is possible within those catchment areas and whether they will be providing nutrient calculators that can be used by developers. loan said

planning guidance will not be done by the NMB, it will be done via the SAC Rivers Project. Ioan said there has been some updates and changes which are pretty imminent on the NRW website. Regarding nutrient calculators, Carmarthenshire County Council has developed their own based on the Natural England model. NRW are waiting to see the technical document and data behind it to give a view on whether it would be appropriate to be used as an all-Wales nutrient calculator.

AP April 01: Bronwen Martin, NRW to circulate a copy of Ioan Williams, NRW presentation.

19. Zoe mentioned that she is located in North Wales and is aware that other catchments also experience problems. Zoe asked how are NRW making sure there is good coordination across all rivers not just SAC rivers. Ioan said part of earlier work was to pull together information for every catchment and gave an example of the Cleddau Catchment which included key projects (e.g., Dairy Project, 4 Rivers LIFE projects etc), River Restoration Plans, Land management agreements, WFD work, Cleddau reaches partnership etc.
20. Einir Williams, Farming Connect said that Farming Connect colleagues would probably benefit from hearing this presentation and asked whether it is possible to contact Ioan to try and set something up. Ioan said he would be happy to deliver the presentation or meet in person.

AP April 02: Bronwen Martin, NRW to share Ioan Williams' contact details with the group.

21. Dennis Matheson, TFA mentioned a historical project which looked at the trying to reduce the amount of phosphate going into the rivers. Dennis also mentioned that in the past, farmers were given advice on the amount of nutrients applied on their land including basic slag and lime. A study was undertaken by Professor Wyn Jones for Farming Connect a few years ago looking at the lime status of farms in Wales. Generally, across the board there was a major lime shortage, which means the growth of crops is compromised. Dennis wondered whether there is a link between phosphate and lime status. Ioan said that farmers are encouraged to do a whole farm Nutrient Management Plan with soil analysis to make sure the pH is right. Chris Thomas, NRW mentioned that in a lot of cases, soil pH is far too low and could potentially make a difference.
22. Einir mentioned that Farming Connect offer support on Nutrient Management Planning through the [Farming Connect Advisory Service](#). Farming Connect also offer free soil testing clinics to farms that are registered with them.
23. Nichola Salter, NRW said that Farming Connect also offer a course (Master Slurry) storage and use of organic manures or slurry which is delivered by Lantra. Although we are talking about nutrient management, we also need to think about the practicalities of actually storage it and using it safely. Einir said Farming Connect offer 80% funding for the [Farming Connect: Training Course - Safe Use and Application of Slurry](#).
24. Zoe thanked Ioan for the presentation and discussion. There is great value in this group to keep communicating and help get that important information to farmers in a practical and understandable way so that positive changes can be made.

Item 4 Matters Arising

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

26. Zoe mentioned that the outcome of the Judicial Review has been announced since the last WLMF Sub Group meeting, but the important thing is that we can now move forward. Andrew Chambers, Welsh Government said the main point of focus is that we need to move forward and support farmers to implement the Regulations. Zoe said that the Alternative Measures Task & Finish Group still have a window of opportunity to suggest some alternatives.

Creighton Harvey, CFF recalled some of the points within the judgement and asked whether Welsh Government are aware if there has been a notification of appeal. We want people working together now to try and solve the problems. Andrew confirmed that no notification of appeal has been submitted and the timescale to do so has now run out.

Fraser McAuley, CLA recalled a meeting he had with Welsh Government Officials which was requested following the announcement of the £223 million funding for rural development over the next couple of years, with £100 million available imminently in the coming weeks and months. Some of the schemes were really applicable to what we talk about in these meetings. So perhaps it would be useful to invite them to a meeting to talk to the group. There is more clarity coming forward about what this scheme is going to look like and there is been some really useful information published on the Welsh Government website where the table and annex about when the expressions of interest are open.

AP April 03: Bronwen Martin, NRW to clarify the request by Fraser McAuley, CLA about inviting Welsh Government Officials to a meeting to discuss the new scheme.

27. Zoe mentioned the Constructed Wetlands Policy Position Statement document which was circulated to members. The group has been asked to provide comments by Monday 4th July 2022.

28. Zoe proposed that the group should consider inviting Welsh Lamb and Beef Producers Ltd (WLBP) to join the WLMF Sub Group as a regular member. WLBP provide assurance of farm standards through the Farm Assured Welsh Livestock Beef and Lamb (FAWL) Scheme and the group has previously received a presentation from them. Zoe asked whether anyone had any objections of inviting a representative from WLBP to join this group? No objections were received therefore this proposal was approved.

29. Chris Mills, WEL gave a brief verbal update on the progress of the Alternative Measures Task & Finish Group.

30. Bronwen Martin, NRW reminded the group that NRW are looking for stakeholders to help share information/communications with their members about the upcoming changes to Waste Exemptions. Information has recently been circulated so if members are willing to help with this request then they should contact Geraint Richards, NRW directly.

AP April 04: Bronwen Martin, NRW to recirculate contact details for Geraint Richards, NRW regarding the request for members to help share communications about the upcoming changes to Waste Exemptions.

Item 5 CLA Nutrient Neutrality Guidance

31. Fraser McAuley, CLA shared a presentation giving a brief overview of the CLA Nutrient Neutrality Guidance Note. Fraser mentioned that this document is still being updated as the situation changes.
32. The overall purpose of the note is to give members a bit of legal context, explain the problem in reasonable detail, identify all the key catchments that are affected and what it means for members if they trying to actually develop some of their buildings. The Note is also a bit of a sign posting document to give members an understanding of where they can go to find out more information.
33. This topic is a really big concern for CLA members at the moment and some have said they are not aware of SACs, or not aware of nutrient neutrality requirements, or are not aware of phosphates. So, to help everyone, this Guidance Note comes at the topic from a more understandable level.
34. Many CLA members are not aware of the background or the impact that nutrient neutrality or phosphate and nitrate requirements have on development. So, it covers the legal context and case law because we are still affected by the EU regulations that were set out. It also explains the reasoning behind limiting nutrients into SAC's, the impact on development, what catchments are covered, and some practical steps people can take. The Note also describes the impact of excess nutrients on the environment, the potential legacy impacts of phosphates and the apportionment between the different sectors.
35. Fraser described some of the practical steps the Guidance Note has for CLA members including checking planning authority websites for guidance, using the Government website to find out if a proposed development is located in or near to protected nature conservation sites, the use of the nutrient neutrality budget calculator and securing mitigation.
36. Fraser mentioned some next steps including waiting for latest guidance from local authorities / NRW, recording the number of developments on hold from CLA members, sharing information where appropriate from the WLMF groups and updating the CLA Guidance Note.
37. Fraser mentioned that this Guidance Note is continually being updated and suggested that this could be revisited at a meeting in a few months' time when there is more clarity along with an update on the evidence base from CLA members or progress on the ground.

AP April 05: Bronwen Martin, NRW to circulate a copy of Fraser McAuley, CLA presentation about the CLA Nutrient Neutrality Guidance Note.

38. Zoe thanked Fraser for sharing an overview of this CLA Guidance Note. This is a practical example of communicating clear information to farmers.

Item 6 Tenanted Land FAQ Document

39. Matthew Walters, Welsh Government has recirculated the draft Frequently Asked Questions (FAQ) document for Tenanted land associated with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. Welsh Government has requested further comments regarding this draft document by Monday 9th May 2022.
40. Zoe suggested there is an opportunity to look at the impact and scale of this and noted that approximately 30% of farms in Wales are tenanted but what number of those will potentially face challenges with their Landlords.
41. Dennis Matheson, TFA mentioned that this can potentially impact any tenant farmer that has cattle. Regarding the FAQ document, it is nearly 12-months since the draft was first circulated for comment. Dennis suggested that the document mentions more of the problems but does not come up with solutions. TFA Cymru made a number of suggestions for improving the original draft document but none have been taken on board. Dennis went on to describe some of the problems and challenges facing tenant farmers and graziers.
42. Andrew Chambers, Welsh Government said this is a challenging area for Welsh Government because tenancy agreements are individual agreements, so providing advice and guidance that cover at the range of possibilities is very difficult. Regarding the earlier question about how many farm businesses this affects, Andrew said this is another challenging area to make a proper assessment because there is a vast range of different types of tenancies.
43. Fraser McAuley, CLA said he has passed the document on to colleagues who normally deal with tenancies so that they can provide comment.
44. Bernard Griffiths, FUW said this situation has come about because these Regulations are in conflict with the tenant's law and this document is just guidance and no solutions will come from that guidance document. Bernard suggested that Welsh Government could have addressed things like the transition periods for tenants to have maybe a bit more flexibility as opposed to owned farms. Bernard recalled looking at data that Chris Thomas had sent him a few months ago, where an extra 14% of tenant farms are not reaching the four-month storage capacity for slurry and the same for the five months storage. So, apart from there being problems within the law itself (one law in conflict with the other) there is also a specific set of circumstances facing tenant farmers.
45. Zoe asked members to review the document and to also suggest some practical solutions which give tenant farmers a better opportunity.
46. Bob Vaughan, NRW suggested that this could be something which the Alternative Measures Task & Finish Group could look into. Chris Mills, WEL (Chair of the Alternative Measures T&F Group) said perhaps it is not really appropriate for the T&F Group to address this because if Welsh Government is going to bring in regulations, they should consider the full implications of those regulations and how they impact on people. Ultimately, there is a fundamental problem of two legal systems that are conflicting and that will not be easy to unravel.

47. Dennis thanked the group for taking this problem on board because these Regulations really do affect all farmers.

Item 7 General Updates

48. This is an opportunity for members to share what their organisations are doing in the coming weeks and months and suggest content for the WLMF Sub Group Newsletter.

49. Zoe mentioned that the Royal Welsh Grassland Event 2022 is being held at Coleg Cambria Llysfasi on 12th May and NRW will have a stand at the event. Zoe also mentioned the Royal Welsh Show 2022 and asked members whether their organisations have made plans for the show yet and whether they have chosen a theme or organised any speakers and talks.

50. Charlotte Priddy, AHDB mentioned that this meeting will be her last as she is leaving AHDB and is off to work for Maternity Action. Charlotte thanked Zoe and the group for the support over the last few years. Charlotte mentioned her colleague David Ball will be attending these meetings going forward. Zoe thanked Charlotte for her input, support and participation over the last few years and wished her luck with her new role.

51. Einir Williams, Farming Connect confirmed that Farming Connect will also have a presence at the Grassland Event and will have staff there to answer questions for farmers. Farming Connect will also have their normal stands at the Royal Welsh Show as well as coworking with Welsh Government. Regarding the WLMF Sub Group Newsletter, Einir said it would be good to include information about what they have planned in relation to the Comms Plan for the Control of Agricultural Pollution Regulations.

52. Bernard said that FUW have submitted a response to the Defra consultation on the mandatory digital tracking of waste. This is looking at hazardous and non-hazardous waste from the producer, through the collector and to the processor. FUW have been working with NRW over the last couple of years on the review of the shooting and trapping of wild birds, new general licenses will be coming out 1st July. Bernard said there has been disappointment that General License 004 'Licence to kill or take certain wild birds for the purpose of conserving wild birds' will now only be able to control carrion crow going forward. So, birds like Magpies, which are not on the conservation list will now be protected and there is a real risk that the song birds will suffer as a consequence. FUW have also attended the WLMF Agriculture (Wales) Forestry Provision Sub Group which is looking at options to amend, revoke and suspend felling licences. There is a lot of work going on within the FUW on the effects of the Ukraine war in terms of the cost of food, fertiliser etc.

53. Marc Williams, NRW said that NRW will have a stand at the Royal Welsh Show and this year's theme is 'The Water Cycle' and will look at water from the source to the mouth. Discussions are ongoing to decide what the stand will include but some suggestions include illustrations of the water monitoring process, invertebrate sampling, indicators of good water quality, flooding, coastal waters, and something interactive for children. Marc mentioned that there will likely be some talks on the stand.

54. Zoe said it would be good to have some key messages for farmers that this group can support. Marc suggested that if members have any talks planned or any key messages

for the Royal Welsh Show then these details could probably go into the newsletter which can be promoted.

55. Fraser said CLA are still planning their Royal Welsh Show programme and should be able to give more detail at the next meeting.
56. Dennis said he is hoping to attend the Grassland Event. TFA Cymru will also be at the Royal Welsh Show and will be organising some meetings. Dennis mentioned that TFA Cymru have been working with Welsh Government on various things including the National Forest for Wales which they oppose the scale envisaged. Bob mentioned that one of his teams looks after the Glastir Woodland Creation work for Welsh Government and NRW do the verification work and the last two rounds have almost hit 2000 hectares a year, so the levels have dramatically increased from two or three years ago. TFA Cymru are also working with Welsh Government for access to the new Sustainable Farming Scheme for tenants.

Item 8 Any other business

57. The next WLMF Sub Group Meeting is Monday 16th May 2022 and will be held in-person and hosted by The Wye and Usk Foundation. More details to be circulated shortly.
58. Bronwen Martin, NRW mentioned that an NRW colleague Ieuan Davies wanted to let this group know that they are planning a River Restoration Seminar. This will be an event which is going to be taking place in two stages, so a North Wales session and a South Wales session both towards the mid to end of June. Ieuan is currently looking for interested parties to attend the event and possibly present with information about research or delivery of projects. At this point, they are looking for stakeholders to get involved. Bronwen said she would circulate more information and details to members.

AP April 06: Bronwen Martin, NRW to circulate more information about the River Restoration Seminar.

59. Chris Thomas, NRW mentioned that the Dairy Project has had an official extension to March 2023 and colleagues are working on a plan for after that. Chris mentioned that he is leaving the Dairy Project for similar reasons to other staff which is related to the short-term nature of contracts. Chris will become the Senior Land Management Officer in the Four Rivers for LIFE Project. Chris suggested that it might be good if he or his new Team Leader Susie Kinghan could attend these meetings going forward. Chris mentioned they could also give a presentation to the group about the work of the Four Rivers for LIFE Project.

AP April 07: Chris Thomas, NRW to give a presentation on the Four Rivers for LIFE Project.

Zoe said it is disappointing that people are moving too fast through the Dairy Project and a longer-term plan is really important. Creighton agreed and highlighted the high staff turnover of the Dairy Project. Creighton asked Chris what percentage of staff members for the Dairy Project are currently in post. Chris said probably about 40% in post. Creighton asked what the projected time for filling those posts. Chris said NRW are trying to finish the project recruitment over the next few months, but the posts can only be guaranteed until

March 2023, so that does limit the interest of those who will apply. Creighton asked how long the longest serving member of the project is been in post. Chris said probably about two years, there are another two which would be similar, one dairy officer has been in post for about two months and there is also a new one has just started in mid Wales. So that's encouraging. Zoe said she understood Creighton's frustration and mentioned that this is something which is regularly raised in NRW Executive Team meetings and the NRW Board are also very aware of the challenges associated with short term funding from Welsh Government.

Nichola Salter, NRW mentioned that although the Senior Dairy Officer may have been in this post for a short time, he is actually a very experienced Environment Officer and brings his extensive experience to this project. Creighton thanked Nichola and clarified that his concern is when this started in 2018, we were told that the new people coming in would be given increasingly difficult farms both in terms of infrastructure and personalities. So over time, the experience would increase within the project and eventually you would have a project which is fully staffed with very experienced people. Creighton said the frustration comes as no sooner we get an announcement that somebody is taking a senior role within the project, then we are told that they are leaving. That causes great concern, especially as there are increasing numbers of reports that farms which have been certified as compliant with the new Regulations but on looking at them again, they are not compliant. Nichola could not comment on the last statement but many share this frustration because often when the Dairy Project Officers leave, then the Environment Teams have to pick up this work along with all their other work and it is difficult having to pick up work that they have not been involved in since the beginning. So yes, it is problem and NRW are aware of it internally. Creighton suggested that it would be nice for farmers to build up a relationship with the Dairy Officers, but they are not staying long enough to do so.

Regarding points raised about compliant/non-compliant farmers, Zoe asked Creighton whether he could share the information about the reports he has received. Creighton said there are difficulties because of confidentiality and so he might get information, but he cannot repeat it and it must be anecdotal.

Close meeting