

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: 17th May 2021

Present:

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Creighton Harvey, CFF

Bob Vaughan, NRW

Sarah Jones, Dwr Cymru

Marc Williams, NRW

Edward Davies, NRW

Bernard Griffiths, FUW

Chris Mills, WEL

Spencer Conlon, WG

Andrew Chambers, WG

Nichola Salter, NRW

Jamie McCoy, AHDB

Geraint Hamer, WG

Katy Simmons, NRW

Einir Williams, FC

Fraser McAuley, CLA

Kate Snow, United Utilities

Ruth Johnston, NRW

Matthew Walters, WG

Sarah Hetherington, NRW

Additional Attendees Present:

Simon Bareham, NRW (Item 5)

Phil Roberts, Welsh Government (Item 5)

Secretariat:

Bronwen Martin, NRW

Apologies:

Delyth Lewis-Jones, AHDB

Rachel Lewis-Davies, NFU Cymru

Shane Thomas, CFF

Elizabeth Franks, Hafren Dyfrdwy

Item 1 Introductions, Apologies and Declaration of Interest

1. Zoe Henderson 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 completed.
2. No declarations of interest were raised in respect of Agenda items to be considered.
 - 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 and Actions

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 19th April 2021.
5. Einir Williams, Farming Connect clarified that in Point 58. regarding the Farming Connect Engagement Reports, the Total businesses is actually the number of businesses *registered* in that catchment.
6. No other comments were received regarding the April 2021 meeting minutes.

7. Bronwen Martin, NRW shared the Action Log spreadsheet for the group to review the outstanding actions from previous meetings. The following notable comments were mentioned:
- AP January 18: Zoe to continue seeking communication with Red Tractor and invite them to a future meeting.
 - *Red Tractor and FAWL will be invited to present to the group at the June Sub Group meeting.*
 - AP January 23: Sarah and Marc to take version control comments to the digital programs and feed back to the group.
 - *Marc Williams, NRW has met with the Media Team and will follow this up.*
 - AP March 05: Meinir to link up with Farming Connect and any other Sub Group members to discuss the communications plan for the implementation of the regulations.
 - *Katy Simmons, NRW said that NRW are happy to support with sharing of messages at this stage. When NRW have all of the information needed, NRW-specific comms on how the regulations will be enforced will be made available.*
 - AP 05 (22nd March): Bob Vaughan, NRW to share guidance with the group that states new slurry stores are considered phosphate neutral developments.
 - *Bob Vaughan, NRW said that there have been some discussions regarding this. A meeting will be organised with Rachel Lewis-Davies shortly.*
 - AP April 01: Spencer to share the update to the FAQ document regarding tenant farmers.
 - *Spencer said that the document is currently with Welsh Government lawyers. Once the document is ready it will be circulated to members.*
 - AP April 05: Sarah Jones, DCWW to invite a member of the Biosolids Team to a future meeting to give a presentation.
 - *A member of the DCWW Biosolids team has been invited to present to the group at the next meeting in June.*
 - AP April 10: Farming Connect to provide details of upcoming organised events and factsheets to Ed Davies / Bronwen Martin, NRW so that this information can be shared with the Sub Group organisations and then circulated to their members.
 - *Einir Williams, Farming Connect said that the first webinar has been given the go ahead which will give a general overview of the regulations and the support available. Once dates and content have been finalised the information will be shared with the Sub Group.*

8. Chris Mills, WEL suggested that a projected date for completion of actions should be incorporated into the spreadsheet to help track them.

Item 3 Matters Arising

9. The Chair mentioned that this item provides an opportunity for members to discuss and report any significant information related to the actions from the previous meeting, the update paper or just a chance to share any relevant information with the group.

10. The Chair began by saying that she had looked over the Welsh Government Communications Plan document and noted that there are lots of good things coming up. Zoe mentioned that the document was missing detail on 'how' some of the things are going to be delivered. Due to Covid, there is an ongoing challenge because people are not yet meeting face-to-face, Zoe questioned how will the messages be delivered to farmers.

Spencer Conlon, Welsh Government said that Farming Connect will be doing a lot of the delivery and have been successful in engaging with farmers. One of the purposes for sharing the Communications Plan information was to gain ideas from the Sub Group. Members of the group have their own communications methods and can help get the messages out.

Fraser McAuley, CLA mentioned that they have received a lot of calls and had discussions with their members when the regulations were first introduced. Fraser said that the CLA are trying to keep the conversation going with their members regarding the future phases of the regulations and the upcoming changes farmers will need to make. CLA are using the usual methods such as eNews as well as webinars. Continued communication will be needed particularly for information on planning, infrastructure changes and applying for funding. A cross-border meeting is being organised with DEFRA officials as well as Welsh Government officials to look at the regulation differences in England and Wales and how members who straddle the border will deal with them.

Andrew Chambers, Welsh Government asked Fraser whether the cross-border meeting has been arranged yet. Fraser said that the meeting is subject to Covid restrictions but is pencilled in for August, if the situation allows.

11. A Project Slurry update document was sent out to members ahead of the meeting. Creighton Harvey, CFF questioned the 'success' of Project Slurry stated in the document. Creighton said that in reality, the project has failed to produce the result required in the time required. Creighton mentioned that in the early days of the project, he and many others were concerned that unless Project Slurry was successful it would be an excuse for not taking forward any updates on farm infrastructure to prevent agricultural pollution. CFF representatives were on the Project Slurry steering group and have attended public meetings where they have spoken to people who thought that the answer to agricultural pollution was around the corner in the form of Project Slurry. Creighton suggested that Project Slurry could be added to the next meeting agenda to discuss the progress of the project because it is holding back some investment to improve farm infrastructure. This was not the original intention.

Zoe suggested the group could go back through some of the other innovation projects which were explored at the same time as Project Slurry, to get an understanding of where they are at now.

AP May 01: Ed Davies / Bronwen Martin, NRW to find information on the other innovation projects and provide an update to the group.

Marc Williams, NRW said that Project Slurry has some further funding to progress. They have looked at stripping out a lot of the nutrients and suspended solids. There is still some work to do on COD and colouration which is why they are looking at doing a constructed wetland for polishing off some of the water. John Owen is more than happy to come to the group to provide an update and further information about what they are doing and the next steps. John Owen said he would also like to invite the group back to have a look at the progress, when the situation allows. There have been some limitations and delays with Covid, but they are hoping to move forward with some of the next steps of the project.

12. Dennis Matheson, TFA said that he is disappointed that the FAQ document update for tenant farmers has not been published yet. The only advice from Welsh Government they have received regarding complying with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 is 'talk nicely to your landlord'. Currently, the only reference to tenant farmers within the FAQ document, is that the rules apply to all farmers regardless of whether you own the land or rent it. Dennis mentioned that there is reference to whatever the land manager does on the farm in a year affects what a new land manager or owner can do for the rest of the year. Therefore, if you are a tenant farmer the new occupier would need to know exactly how much slurry/muck/artificial fertiliser has been put on the land and the stocking rate up to the point of change in occupier. This means that in a tenant's case, the landlord would need to know this information which will affect the way in which the rent is calculated. Dennis mentioned that there are many things within tenancy agreements which could be affected by The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, and questioned whether Welsh Government have the expertise and competency to give advice on the problems and challenges of farm tenancies.

Spencer Conlon, Welsh Government said that the FAQ update regarding tenant farmers is currently with the lawyers because it is a very complex subject area.

13. The Biosolids Assurance Scheme Standard Position Statement document was sent out to members ahead of the meeting. Ed Davies, NRW raised that there is lots of reference to 'Nitrate Vulnerable Zones' in the document. Therefore, there is potential that this language will confuse farmers where 'Nitrate Vulnerable Zones' are referred to in the standards after the implementation dates. In reality, the NVZ regulations are being withdrawn, so it would be better to just refer to 'land' considering that the whole of Wales will be operating under the same rules. This suggested amendment may remove any ambiguity. Ed asked who would be best to raise this issue with the Biosolids Assurance Scheme; NRW, utility companies or the group.

Nichola Salter, NRW said that Julie Tate is the Waste Policy Lead within NRW who would normally deal with this. Pre-covid there would have been a meeting between NRW and DCWW to discuss the regulations, but due to the current situation it has been pushed back.

AP May 02: Nichola Salter, NRW to talk to Julie Tate, NRW and arrange a meeting with DCWW Waste/Biosolids Team (date to be arranged before the next Sub Group meeting).

Sarah Jones, DCWW said that her colleague Shaun Thomas (Biosolids Operations Manager) will be providing a presentation at the next Sub Group meeting in June. It would be helpful if members could pass on any specific questions or queries prior to the meeting for Shaun to tailor the presentation accordingly.

AP May 03: The Sub Group members to provide any specific questions or queries to Sarah Jones, DCWW or Bronwen Martin, NRW to pass on to Shaun Thomas ahead of his presentations (questions to be sent no later than 14th June).

Item 4 Terms of Reference and Email Preference

14. The Chair noted that the Terms of Reference (ToR) for the WLMF Sub Group require updating. A redrafted document has been sent to members to review and hopefully a final draft can be agreed at the next meeting. The group were asked for any feedback and comments.
15. Dennis Matheson, TFA said that the document should read 'Tenant Farmers Association Cymru'.
16. Creighton Harvey, CFF said he was very concerned with a few paragraphs, particularly points 4.3 and 4.4.

'4.3 All of the members subscribe to the principles of The Group and agree to being supportive of the Group's objectives. No member will point blame or undermine the work or views of another. The Group will work towards a shared vision by presenting opinions and views in a respectful and constructive manner. Any future members will acknowledge and agree to these principles.'

Creighton mentioned that this is very concerning as it is restrictive on people's thoughts and behaviour. If you look at what is currently going on with two members of this group, NFU Cymru are currently judicial reviewing the actions of Welsh Government in bringing in the regulations. This shows how nonsensical this paragraph is and it is effectively trying to mute the concerns of a member. Creighton suggested that 4.3 should be removed.

'4.4 ...Adhere to a 'no surprises' policy' as part of a collaborative approach to the work of the Group'

Regarding point 4.4, Creighton mentioned that member organisations of this forum will have difficult conversations within the group and are not always going to disclose things at meetings. Creighton said that it cannot say all members are working collaboratively at all times because the interests of individuals are so widely diverging. Creighton suggested that this point within paragraph 4.4 should also be removed.

17. Spencer Conlon, Welsh Government said he agreed with Creighton's comment but for different reasons and acknowledged the example he raised. Spencer said that although Welsh Government try to work with as much transparency as possible, they would not

be able to agree to the 'no surprises' approach. Spencer said he will look at the document in more detail and provide further comment.

18. Chris Mills, WEL agreed with earlier comments but suggested there needed to be a reference to the way in which people conduct themselves at meetings. Chris said people do need to express varying opinions sometimes, but everyone should always be respectful.
19. Sarah Hetherington, NRW mentioned that these paragraphs were trying to embed the principles of the ways of working from the Well-Being and Future Generations Act. Sarah suggested that perhaps the wording within the document needs some attention but we still need to address that this group was set up to do part of the collaborative work we are statutory required to do. Sarah said that she would not want these paragraphs to totally be removed but amended accordingly.

Chris asked whether the provision applies to statutory organisations only or whether it also applies to non-statutory organisations. Sarah said it does apply to statutory organisations. Chris said that then there is an issue because the group comprises both statutory and non-statutory organisations. Zoe mentioned that the wording and language needs to be clear.

20. Creighton mentioned that the document needs to be drafted so that it is not open to interpretation.
21. Zoe asked that apart from the points already raised, did the group think that the document had captured what the group is about. No further comments were received.

AP May 04: All members to submit any comments or queries regarding the ToR draft document to Ed Davies / Bronwen Martin, NRW by 4th June so that the document can be redrafted ready for the next meeting.

Item 5 Clean Air (Wales) Act Discussion

22. The Chair handed over to Phil Roberts, Welsh Government and Simon Bareham, NRW to discuss the Clean Air Act, the Sustainable Farming Scheme and ammonia.
23. Simon began by describing the impacts of nitrogen:
 - Nitrogen is lost to the air as ammonia
 - It falls on to the land, interfering with ecosystems
 - It can also react with other pollutants to make Particulate Matter
 - Farming contributes around 85% of ammonia emissions
 - Ammonia emissions need to be 16% lower compared to 2005 levels
24. Phil mentioned that the Clean Air Plan was launched in August and it sets out how Welsh Government will support farmers by:
 - Giving farmers up-to-date advice on how to lower ammonia emissions

- Supporting them to farm sustainably through a new payment scheme
- Introducing new legislation (when advice and support are unlikely to reach the same outcome)
- Consultation on Clean Air Bill closed in April

25. Phil described the proposed Sustainable Farming Scheme (SFS) which will reward farmers for carrying out actions which deliver SLM outcomes (must provide 'additionality' above regulation). The future scheme must:

- Support sustainable, safe and nutritious food production
- Respond to the climate emergency
- Help reverse the loss of biodiversity

26. Welsh Government are also developing:

- Capital support
- Links to SBVs
- Support service

27. Welsh Government are designing a scheme which:

- Supports and rewards farmers for sustainable food production
- Makes sure SLM outcomes are delivered together (no trade-offs)
- Is accessible to most farmers at the same time as incentivising/rewarding best practice
- Rewards creation as well as maintenance

28. Phil demonstrated where ammonia is lost in the farming system and identified the areas where 'leakages can occur, for example ammonia leakages from animal housing, storing and spreading muck and spreading fertiliser.

29. Potential SFS actions considered within the scheme include (percentage refers to individual reduction based on evidence exercise):

- Nutrition management (15%)
- Frequent scraping (15%)
- Washing collection yard (70%)
- Low emission flooring (35%)
- Air treatment (90%)

- Drying poultry muck (30%)
- Slurry store cover (80% / 50%)
- Lower slurry pH (50%)
- Precision spreading (30% / 60% / 70% / 90%)
- Ploughing in muck (45-80%)
- Urea fertiliser (70% / 80% / 90%)
- Tree belts (20%)

30. Phil discussed some examples of what an 'ideal' farm system could contain, including the following:

- Nutrition management
- Extended grazing season
- Frequent scraping
- Low emission floor
- Air treatment
- Drying poultry muck
- Covered store
- Lowered slurry pH
- Tree belts
- NMP
- Precision spreading
- No urea
- No fertiliser

31. Phil mentioned that Welsh Government have been working on gathering evidence with the other UK administrations including the Nitrogen Futures project which looked at some broad actions within the industry. The main question is 'how can we target SFS actions to get the most benefits?', some suggestions include:

- Meet air quality targets
- Improve biodiversity (protected sites)

- Make best use of taxpayers' money
- Give farmers flexibility

32. Dennis Matheson, TFA said that trees have not been mentioned in detail within the SFS discussion along with the benefits of hedgerows; both of which are a major problem for tenant farmers.

Phil said that he is aware of the issues regarding farm tenancies but perhaps it will only be a problem if the scheme says 'every farm will have to plant' a certain amount of trees, in which case this would be a serious issue for tenant farmers. Phil said it is unlikely that the scheme will say this but there may be certain elements of the scheme which tenant farmers will not access. There are things Welsh Government can work on with the Tenant Farmers Association (TFA) to see how these issues can be overcome. Phil mentioned that 'hedges' are often under looked regarding the benefits they have in terms of carbon capture and other things. Tenant farmers may only have to focus on hedgerows but there are some huge benefits that can come out of managing them and this is an example of an option which can be explored with the TFA.

33. Fraser McAuley, CLA agreed with Dennis' point and hopefully it will become clearer how tenants and landlords can work together, once more detail of the scheme is provided. Fraser said that one of his colleagues has worked with George Dunn, TFA on a guidance note for tenant farmers and landowners regarding tree planting.

AP May 05: Fraser McAuley, CLA to look into whether the tree planting Guidance Note can be shared with the group.

Fraser said that the presentation was really interesting. Currently, the CLA members just want to get on with these things as 2024 is really not that far ahead but yet we still do not know what will happen. Lots of the upcoming changes will require learning and investment, so it would be helpful to have as much detailed information as soon as possible, for example whether things require testing, trialling or pilots.

34. Bernard Griffiths, FUW said he also agreed with Dennis' points, but there are problems for all farmers not just tenants. Bernard asked the group to consider the current position with trying to agree free trade agreements between various countries around the world, where Australia, New Zealand and USA are already holding out for tariff free access to our markets but they are not going to be facing the same level of regulation that the UK farmers are going to face. Bernard suggested that this is something that was missing from the presentation, farming is a business and a competitive business at that and we are going to have to compete with other countries.

In terms of Brand Wales, Bernard said that it is a good concept but when you go into a supermarket just open your eyes and see what consumers are buying because people are generally buying on cost. Some people may support Brand Wales, but most of the population will not.

Bernard suggested that there are many trade-offs regarding the SFS. The sustainable management payment will be replacing the basic payment scheme that farmers were receiving where they could take it directly into the business and invest as they wanted to. There will also be trade-offs in terms of what these measures will mean farmers can

deliver in terms of production. Therefore, there are lots of things to take on board when designing this scheme.

Bernard agreed that agriculture is responsible for most of the ammonia emissions but suggested that if you dig a little deeper into the climate change debate, agriculture is not the main sector which is responsible for global emissions. When you consider transport, manufacturing and other industries, agriculture is not the main culprit.

Phil agreed that the UK will likely face increasing pressure from abroad but there will also be new opportunities. Phil said he is looking at ways to encourage farmers to be more profitable and also improve their environmental footprint. These often go hand in hand, for example when looking at the farm system, if you are losing less nutrients to the environment, you will have a more valuable fertiliser which is a win-win and this scheme is going to pay farmers to do these sorts of things.

35. The Chair suggested that there are many farmers who are putting in new dairy systems and the more they know about this information the better. It is more cost effective and efficient in putting in a special low emission floor when they are investing initially rather than retrospectively. This is another great opportunity for communicating with farmers so Zoe offered the services of Phil and Simon to present to the Sub Group organisations to help them communicate the messages.

36. The Chair handed over to Simon Bareham, NRW to provide an update on the Ammonia Assessment for planning and permitting.

37. Simon mentioned that this is an update on the guidance which was issued in 2017:

- The new guidance went live on the 13th May 2021
- E-mails have been sent to all the people who responded to the consultation
- The consultants that do the modelling have been contacted

38. Simon gave an overview on what changed as a result of the consultation:

- Structural changes to aid clarity
- Maps updated
- Removed the requirement to model critical load
- Screening distances changed to reflect risk
- Emission factors standardised, only one set to be used
- Included guidance on detailed modelling
- Explained how we deal with projects that improve overall emissions or risk of pollution
- Added in a page on how to size and maintain acid scrubbers

39. Simon explained what happens now, including:

- All new applications to use the new guidance
- Applications in the system will be assessed using the appropriate guidance (some consultants are already using the new guidance)
- Those applications caught in between guidance versions will be looked at pragmatically.

Further information can be found on the NRW website using the following link:

[Natural Resources Wales / Ammonia assessments for developments that require a permit or planning permission](#)

40. Bob Vaughan, NRW mentioned that he and Simon Bareham, NRW spoke to Dennis Matheson, TFA a few weeks ago with Mark Alexander, Welsh Government regarding this topic. Bob said that he and Simon would be happy to discuss the topic with any of the Sub Group members to see how this impacts them. Simon mentioned that a series of workshops were organised on the Nitrogen Futures Project which received a lot of helpful feedback.

41. Nichola Salter, NRW mentioned that the update paper contained a web link to the [Natural Resources Wales / Silage and slurry storage](#) update. The two are connected to each other for example if someone is applying for planning permission for a new slurry store, these two webpages (ammonia assessments and silage and slurry storage) can be used for information.

42. Bob Vaughan, NRW suggested that some information on ammonia assessments and silage and slurry storage could be provided and used as communication for members in the Sub Group Newsletter publication.

AP May 06: Ed Davies, NRW to include information on the ammonia assessments and silage and slurry storage in the Sub Group Newsletter publication.

Item 6 Alternative Measures (Earned Autonomy)

43. The Chair handed over to Spencer Conlon, Welsh Government to introduce 'Alternative Measures (Earned Autonomy)' for the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. This is an opportunity for the industry to propose alternative measures based on evidence and science and submit them to Welsh Government for consideration.

44. Spencer explained that the term 'earned autonomy' is often getting confused with 'earned recognition' which are two very different things. The regulations are clear and uses the term 'alternative measures' which is the term that will be used going forward.

45. Spencer shared a presentation which gave an overview of what the Control of Agricultural Pollution Regulations 2021 say regarding alternative measures:

- Recognises there may be alternative approaches which '*would deliver the outcomes more effectively than the measures contained in these Regulations*'

- The review provision enables proposals to be made for alternative measures to achieve outcomes within 18-months of coming into force.
- The provision is deliberately not overly prescriptive and provides a very broad scope for the development of proposals (i.e. there is not a requirement to replace the measures in the regulations 'en masse'.
- As officials advising the Minister, we will provide guidance on the development of proposals, but stakeholders will be responsible for developing proposals and have the freedom to develop them as they see appropriate
- Ultimately, it will be for the Minister to decide if any proposals can become suitable alternative measures.

46. Spencer highlighted extracts from the Regulations, including:

- Regulation 45:
 - 45(1) If proposals for an alternative suite of measures for delivering the outcomes in regulation 44(1) are received within 18-months of these Regulations coming into force, the Welsh Ministers must consider whether those measures would deliver the outcomes more effectively than the measures contained within these Regulations.
 - [Regulation 44(1): The Welsh Ministers must establish a monitoring programme to assess the effectiveness of the measures imposed by these Regulations as a means of reducing or preventing water pollution from agricultural sources.]
 - 45(2) If the Welsh Ministers are satisfied that proposals submitted under paragraph (1) would be more effective in delivering the outcomes in regulation 44(1), they must publish a statement within two years of these Regulations coming into force, explaining what action will be taken.

47. Spencer explained that an alternative measures proposal would need to include or would benefit from providing the following:

- Must be implemented via the regulations (e.g. not a voluntary scheme)
- Scientifically robust evidence that the alternative measures would more effectively deliver outcomes than the existing measures.
- A precautionary approach should be applies addressing risk.
- Must include a robust assurance and enforcement approach.
- A mechanism which would enable farm businesses implementing the alternative measures to be identified
- A clear mechanism for farm businesses to select which option they would be implementing
- Consideration of any level playing field implications (e.g. trade implications)

- Ensure the alternative measures will work with future schemes (e.g. SFS)

48. Spencer said that it is up to whoever is putting a proposal together to decide which elements of the regulations they are proposing an alternative for. It could be that they will decide to propose an alternative for a significant amount of the current measures or for a smaller number of the current measures. Either way, it must be clearly defined which of the current measures the alternative is proposed for.
49. Spencer concluded that this is an opportunity for the industry to put ideas forward for alternative ways in which the same or better outcomes can be achieved.
50. Chris Mills, WEL asked why Welsh Government are providing this opportunity. Chris said that presumably in developing the regulations there was a widespread consultation period around how Welsh Government would do this and questioned why are they now introducing a level of complexity which is somewhat confusing.

Spencer said that the evidence on why the regulations were introduced has previously been discussed and the justification will not be rehashed. These regulations are in place and we are now progressing with implementing them. Spencer said that Welsh Government were consistently told in the run up to the regulations that there are better ways of doing things and were told that this is not an effective way of addressing the problem. This is an opportunity for the industry to come forward with proposals and if an alternative is put forward which delivers better outcomes in relation to protecting our waterways, then it will be legitimately be considered. If these alternative measures do provide better outcomes and are evidence based, they will then be included in the regulations. This is a time-limited opportunity, but it is open for whoever wants to come forward with an alternative measure proposal.

51. Sarah Hetherington, NRW asked Spencer if he could elaborate on the 'deliver outcomes' which was mentioned in his presentation. The regulations cover more than just water quality so what outcomes would people need to evidence against when putting forward a proposal.

Spencer said the main overall reason for the implementation of the regulations is to reduce agricultural pollution losses to water. To define the outcomes is difficult in terms of the different scales, for example the regulations are a national scale and it is likely that any alternative proposed will be on a farm scale. Welsh Government are not in the position to identify a numerical reduction in any pollutants to water from individual farms because that is not going to work. For example, if Welsh Government were to say that an objective in the regulations comprised reducing losses of pollutants to water by 5%, on a national scale that is quite significant, however this does not translate to an individual farm scale. Spencer said that proposals would need to be comparative and at the very least would deliver the same outcomes as the current regulations, or better.

52. Fraser McAuley, CLA understood Chris' point regarding the consultations which have happened over the last few years. The CLA's view is that a more targeted approach would work, however the regulations are coming in and we need to make things work as they are introduced. Fraser said that the difficulty in proposing alternative measures is the same difficulty that Welsh Government have in demonstrating that these measures will make a difference. Therefore, we are comparing two things which have

not yet taken place to see whether they will meet the aims of reducing agricultural pollution.

Fraser said that as we go forward, it will be really important to have greater clarity on how Welsh Government will support farmers, land managers and landowners to actually make the changes required, particularly in the later stages of the introduction of the regulations (for example the infrastructure changes). Some of the Welsh Government reports have demonstrated that the level of funding required to get people up to a certain level is probably insufficient as it has been set out in the farm business grant and other funding sources. The CLA requests that as soon as possible, Welsh Government identifies what support is going to be available post-2021/2022 to make what they have proposed work.

Spencer said that this is an optional opportunity for organisations to put forward a proposal if they wish to do so. Regarding the information, this is linked to the Communications Plan and an opportunity for the group to assist and tell Welsh Government what information is needed and in what form. The funding will be made as clear as possible, in as far ahead as possible.

53. Bob Vaughan, NRW said it is good that the alternative measures discussion has been brought up early in the process and has given the group plenty of time to think about what is required.

Bob said that NRW has already done a lot of work on difference approaches which can be adopted and adapted but asked Spencer what else does NRW need to give to Welsh Government to show that these things really do work.

Spencer said that Welsh Government are happy to sit down and discuss with the group or individuals. Welsh Government can assist and advise but will not drive this forward. Spencer reminded the group that an alternative measure proposal should be evidence based, risk based, precautionary and must be in a form which can be put into regulation.

Bob accepted the conditions Spencer stated. NRW put in a lot of work prior to the implementation of the regulations and it would be a great help to understand and identify where Welsh Government felt there was a short fall with this previous work. Spencer said that the Minister will require a specific proposal which is now in relation to the regulations which were not in place at the time. The proposal must specifically outline alternative measures to the current measures, prove that they are underpinned by evidence and give a better outcome than the existing measures.

54. Bernard Griffiths, FUW mentioned that this Sub Group along with the NFU-lead work and report submitted to Welsh Government on the farmer lead alternative measures involved a great deal of work. Bernard suggested that as a starting point, it would be useful if Welsh Government can identify the positives and the negatives of that report and where the gaps are. This would give some direction, highlight where future work is needed and indicate what level of resources are needed.
55. Regarding the cut-off dates and timescales, Zoe asked if the group worked on a proposal which helps farmers to spread slurry at a much more appropriate time, making

better use of the nutrients, reduced overall pollution and was evidence based through apps or data; is this the type of proposal or project which could come forward.

Spencer suggested that any alternative proposals put forward are likely to be linked to closed periods and storage requirements, as these are the topics Welsh Government have received the most correspondence and questions on. Welsh Government may receive proposals of alternatives that are evidence based and risk assessed and involve remote sensing or new technologies. However, proposals regarding dry winters are not risk and evidence based.

56. Zoe suggested members may want to consider the possibility of exploring options as a collective group or perhaps organisations will choose to examine opportunities independently.

57. Chris Mills, WEL asked if measures are modified or changed, would that result in further consultation. Chris said it would be wrong if the measures are going to be changed, not everyone will have access to that information and they may have reasons why they believe perhaps it is not going to work. Chris suggested that there needs to be some form of mechanism whereby others are given the opportunity to comment.

Spencer said it would be very unusual for regulations to be changed without a consultation.

58. The Chair asked for 'Alternative measures' to be put on the next meeting agenda so that the group can explore the possibility of working together on potential proposals or as individual organisations.

AP May 07: Bronwen Martin, NRW to add 'Alternative measures' to the next meeting agenda.

59. Chris Mills, WEL mentioned that the proposals for alternative measures need to be easier for farmers, good for the water environment and easier to regulate.

Zoe suggested that perhaps a list of principles could be developed in the next meeting.

Bob said that he is happy to sit down with members of the group to go through the previous work which was developed.

AP May 08: Bob Vaughan, NRW to discuss the previous work, which was developed with Chris Mills, WEL

Item 7 CLA Water Strategy

60. The Chair handed over to Fraser McAuley, CLA to introduce the new CLA Water strategy: a vision for the water environment.

61. Fraser said that the CLA Water Strategy report is due to be published soon (hopefully before the next Sub Group meeting) and gave an overview of the structure including:

- Vision
- Drought and water availability

- A thriving water environment
- Flood resilience
- Summary of recommendations

62. While this policy report identifies actions for water in three discrete sections they are all linked and have relevance to the wider environment. None can be viewed in isolation.

63. A useful way to understand how they interact is by considering water through a natural capital lens. We rely entirely on water for life, and the natural capital provided by a healthy water environment in turn supports social, human, physical and financial capital. By looking at water with a holistic, catchment-based approach, the right solutions can be identified, particularly those that have multiple co-benefits for both water quality and availability, increase resilience to flood and drought whilst improving biodiversity and working towards the Government's climate change targets.

64. Achieving the ambitions set out in this CLA report will require actions for farmers, landowners, the Government, water companies, local authorities, flood risk groups, internal drainage boards, water resources groups, This report demonstrates how the management of water and the stewardship that land managers provide over the water environment are truly public goods, and therefore should be at the heart of the future Sustainable Farming Scheme (SFS) in Wales.

65. The CLA's vision is that by 2030 rural land-based businesses have reliable access to water supplies for their current and future needs, are resilient to the risk of flood, and drought, and recognised for their stewardship of water quality and resources.

66. The report focuses on how CLA members can contribute to the stewardship of the water environment Wales, supporting businesses and communities. We look at all the considerations for landowners in both dry and wet weather: drought and water availability, water quality and the environment, and flood resilience. This report is a call to action for farmers and landowners, demonstrating how pivotal they are to ensuring we have a thriving water environment, but also a call to Government to make sure future agriculture and environmental policies support these actions through fair regulation, well-thought-out policies, adequate funding options and facilitated collaboration.

67. Fraser said water is vital to support the rural economy, which in turn adds great value to UK GDP. Farmers and land managers largely rely on rainfall for their farm businesses, but many also need to abstract water under a licence, usually for irrigating crops and food processing. Many farms do not have access to mains water so rely on private water supplies for livestock, domestic use or other rural properties. In short, secure and reliable access to water is critical for food production and processing.

68. Drought and water availability - case for action:

- Spring 2020 was the sunniest UK spring since records began in 1929
- Temperatures reached 36.4°C in summer 2020

- May 2020 was the driest May since records began in 1929 for the UK
- The UK is on track for temperatures to be 7.4°C hotter than current temperatures by 2050

69. Drought and water availability - key recommendations:

- Abstraction and drought: water into National Drought Plan, collaboration, guidance for water management, capital support
- Private Water supplies: fair charges for PWS owners, resilience support
- Water storage: capital support for on-farm reservoirs, small scale projects such as rain water harvesting

70. The CLA calls on the Government to:

- a) Natural Resources Wales (NRW) to include water for crops and livestock as an essential use of water in the National Drought Plan and in the abstraction plan, given that a holistic, catchment-focused water management is a necessity;
- b) work with water resources groups to find better ways of engaging all landowners in the collaborative process to agree sustainable, flexible abstraction plans;
- c) Provide information and guidance on water projections at a farm level to help with water management planning;
- d) Farm Business Grant in Wales for water saving and technology for efficient irrigation systems.

71. A thriving water environment - case for action:

- Good water quality is pivotal to biodiversity, ecosystems, human consumption and public enjoyment of water courses and the habitats that rely on groundwater
- 16% of water courses in Wales in 2015 achieved “good status”
- Not just farmers and landowners!

72. Tackling diffuse pollution requires action by everyone Agricultural practices must change to protect water quality. There have been big strides in addressing point source and diffuse water pollution from agriculture in recent years but there is still work to do to address the impacts of fertilisers, slurries and manures, pesticides and soil erosion. Nitrogen usage has fallen by more than a third in England and Wales since the 1980s, and phosphate usage has halved. However, the Environment Agency (EA) estimates that agriculture and rural land management activities are still responsible for 31% of the reason water bodies do not achieve good status, and agriculture is the largest sector responsible for significant pollution events.

73. A thriving water environment - key recommendations:

- Regulation, advice and guidance: continued support through Farming Connect

- Actions for farming: grant funding, integration into SFS, collaboration with private funding sources
- Monitoring and targets: agree targets with industry, NRW to continue to improve testing and monitoring placing less reliance on modelling

74. Sustainable Farming Scheme (SFS) in Wales fund land management practices and nature-based solutions that support water quality improvements, particularly those with co-benefits for climate change mitigation and adaptation and biodiversity, such as riparian planting and soil management.

75. Flood resilience - case for action:

- 2007 – summer floods across the UK
- 2013 – coastal surge East Anglia
- 2013-2014 – flooding Somerset Levels
- 2015-2016 – winter flooding in the North
- 2018 – coastal erosion in Hemsby
- 2019 – flooding in Wainfleet
- 2019 – flooding in Yorkshire Dales, Lincolnshire, Midlands, Wales
- 2019 – failure of the Toddbrook Reservoir
- 2019-2020 – extensive flooding from storm Ciara and Dennis
- 2020 – wettest February on record

76. In contrast with the increasing chance of drought and dry weather in summer, winters are projected to be warmer and wetter with a greatly increasing risk of flooding, storm surges, coastal erosion and heavy rainfall. The Met Office estimates that climate change has increased the risk of floods in England and Wales by at least 20% and up to 90%. While there is little that can be done to prevent rainfall, when it comes to reducing flooding, it is all about the “three Rs”: response, recovery and resilience. Both tidal and fluvial flooding can severely damage agricultural land. During the series of heavy rainfall and flood events in the winter of 2018-2019, farmers in Lincolnshire and the Midlands spent up to three months underwater, with the waterlogged soils resulting in poor crop yields, erosion and runoff, feed spoilage, water contamination, and impacts on animal health. An ADAS study following the 2013-2014 flooding in Somerset estimated that the total cost of that flood event to agricultural land was around £18.9 million.

77. Flood resilience - key recommendations:

- Landowner responsibilities: clarify flood defence responsibilities, support for landowners whose land is used to store water

- Flood defence assets: UK Government continue to fund new flood defence infrastructure, confirm SFS will incentivise Natural Flood Management (NFM)
- Catchment focussed flood risk work: somewhat out of date with recent Wales-wide regulations but there could be scope for targeted support for those catchments most affected by flooding

78. Ruth Johnston, NRW asked Fraser what is included in the report regarding water efficiency. Drought and availability of water were touched on in the presentation but what about efficiency in terms of water use.

Fraser said the report includes some sections on efficient use of water such as using efficient irrigation systems and rainwater collection on yards to separate rain water from slurry.

79. Phil Roberts, Welsh Government said that the SFS will include natural flood management on a catchment level and also helping farmers adapt to increased drought and how we should be storing water.

80. Bob Vaughan, NRW said that it is really important that the CLA have picked out this issue of droughts as they are an important facet we will all have to face up to in the future and droughts are very overlooked at the moment. It has taken a long time for people to make the link between flooding and land management, so we need to push for people to recognise that flooding is just one part of the cycle and drought is the other extreme. Droughts are likely to be a bigger issue for us in 10-20 years' time than floods are due to the longer-term impacts. Bob said he would welcome having a first look at the CLA Water Strategy document for comment and asked what the next step is once CLA have produced the document.

Fraser said that there will be a launch and information published in the press. The report brings together things that the CLA and others are working on relating to water. The CLA anticipates that the report will have value for the next 10 years or so but from a Welsh perspective it is about getting some of the recommendations into the Sustainable Farming Scheme (SFS). Fraser mentioned that his colleagues in London HQ will be working on some of the broader issues around infrastructure and drought plans by lobbying and working with the Environment Agency.

81. Zoe thanked Fraser for sharing this work that the CLA are doing.

Item 8 Any Other Business

82. Dennis Matheson, TFA asked the group who is the Minister is for the environment within Welsh Government. Spencer Conlon, Welsh Government confirmed that the Welsh Government Minister for Climate Change is Julie James MS and her portfolio includes the environment, whilst Lesley Griffiths MS remains as the Minister for Rural Affairs.

83. Katy Simmons, NRW provided a brief update on the Sub Group Newsletter. Katy said she has been working on a name for the publication and has put together a one-page guidance document for the partners which details the aims of the Newsletter, how people can contribute and what the editorial process is before it gets signed off and

sent to stakeholders. Katy said the guidance document will be shared via Bronwen for the group to review.

AP May 09: Bronwen Martin, NRW to share the Newsletter guidance document with the group for everyone to review.

84. The next Sub Group meeting is scheduled for 21st June 2021.

Close meeting