

# Minutes

## Wales Land Management Forum (WLMF) Agri-Pollution Sub Group

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**Monday 18<sup>th</sup> May 2020**

Skype Meeting

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### **1) Welcome & Apologies (*Chair*)**

1a Apologies received from:

Delyth Lewis-Jones, AHDB

Matt Lowe, NRW

1b Introductions

Confirmed attendance:

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Steven Bradley, DCWW

Aled Jones, FUW

Rachel Lewis-Davies, NFU Cymru

Creighton Harvey, CFF

Bob Vaughan, NRW

Sarah Hetherington, NRW

Marc Williams, NRW

Nichola Salter, NRW

Katy Simmons, NRW

Andrew Chambers, WG

Spencer Conlon, WG

James Ruggeri, HCC

Jamie McCoy, AHDB

Kate Snow, United Utilities

Liz Franks, Hafren Dyfrdwy

Fraser McAuley, CLA

Lee Price, Menter a Busnes

Stephen Marsh-Smith, WEL

1c Declaration of Interest

No declarations of interest made in respect of Agenda Items.

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### **2) Minutes from meeting on 20<sup>th</sup> April 2020 & outstanding action points**

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The Chair explained the secretariat from the March meeting has left the organisation and the recording with notes have been lost. Marc Williams have limited notes and will prepare draft minutes to circulate to the Sub Group members. Please review and add

***Action Point 1: Review the March draft minutes and send comments/additions to Marc Williams (All)***

Minutes: The Group reviewed the minutes from the April meeting and after an amendment they were approved as a true record.

Actions: The Chair reviewed the Actions and the following comments were made:

AP April 7: Andrew Chambers will follow this up and will provide an update at the next meeting or share information to the Sub Group via email. Creighton Harvey mentioned there is an active firm in Carmarthen that is collecting agricultural waste plastic. Creighton can provide details to Andrew. Marc Williams will forward details to the Sub Group of a company recycling agricultural wrap sent by Steven Bradley.

AP April 13: Bob Vaughan provided an update on supplying reference numbers to customers when reporting an incident. A written brief will be circulated to members to close this action. This is an IT issue within NRW as they are unable to create a new incident log when an existing one is still open. NRW are investing with the IT team to solve this issue. Creighton Harvey emphasised that the issue he had raised was operators not knowing that they should be offering a reference number to reporters of incidents. He stated that he would monitor the situation when he next reported an incident.

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### **3) Welsh Government Update**

Spencer Conlon provided a brief update and explained much of their attention is on the continued response to Covid-19. WG have reorganised teams internally to respond and support as a result of the pandemic. WG meet the Agricultural Resilience Group every week to deal directly with stakeholders and receive important feedback from the industry. The Minister phones in directly on occasion to listen to the very important feedback.

The recent announcement is the support to the dairy industry and the detail is currently being worked on. Everyone is aware that the draft regulations have been published on the WG website and the Minister thought it was very important to inform what is happening. A decision on any regulations will be made when viewed to be prudent in relation to Covid-19. WG are dealing with a large quantity of correspondence on this subject along with Freedom of Information requests.

Stephen Marsh-Smith questioned if the Co-design of the Sustainable Farming Scheme was still continuing? Sarah Hetherington provided an update that the Co-design is continuing and being run by Farming Connect, directly with farmers and land managers. Lee Price explained the deadline is the 30<sup>th</sup> May for farmers and land managers to register their interest on the Menter a Busnes website. It has been announced via social media and What's On press being sent to farmers. They have seen an increase in uptake, but Lee asked the members to share the information and posts on social media to achieve reaching all farmers and land managers across Wales.

Rachel Lewis-Davies raised that many farmers are not focussed on this at the moment due to impacts facing the industry from Covid-19. Lee Price has asked for an extension of the deadline, but they are waiting confirmation for a short extension. They understand the current issues facing the industry and they were planning on visiting livestock markets to explain the co-design which is now not possible. This is extremely important to the industry in the long term and they encourage as many to complete the survey as this will be the feedback to WG.

WEL asked if there was any scope for the survey to be completed by non-farmers and those interested in the environment. Lee Price explained that to complete this survey the person will have to have a Holding Number. Therefore, this process is primarily for farmers and land managers only. The Chair wanted to point out that many farmers have an interest in the environment as well.

CLA highlighted that they have circulated messages on the Co-design survey to their members but wanted to raise the same concern as NFU Cymru that there are many pressures facing the industry and this is a tight timeline. Any form of extension may result in more farmers and land owners responding to the survey.

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#### 4) COVID-19 Update and Issues

There was no update on Covid-19 issues from NRW, but they wanted to reassure members that officers are responding to pollution incidents. They would like the industry to be mindful to avoid any incidents to reduce the risk on NRW staff and land owners. Routine site inspections are on hold until it is safe to undertake these visits. Over the coming weeks more NRW staff will be undertaking safe site visits and return to monitoring to identify any changes or impacts during lockdown due to less transport etc.

Creighton Harvey wanted confirmation from NRW when the instruction went out to field staff restricting their movements? He was aware that the officers only responded to incidents if there was a risk to human health. This is a significant concern if officers are not attending general pollution incidents, including fish kill, and these incidents are not being fully recorded.

***Action Point 2: NRW to investigate the dates when NRW staff were instructed not to attend incidents and to limit attendance to incidents with a risk to human health, and when the restrictions were lifted (Bob Vaughan, NRW)***

Dennis Matheson reported an incident to Hafren Dyfrdwy after fractioning a sewage pipe whilst ploughing a field a week ago. There was a quick response from the team including a tanker to pump sewage from the village to prevent flooding the field. The team mended the pipe the following day and was issued a reference number at the time. They were very efficient during these difficult times and prevented the field being polluted.

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#### 5) WLMF Sub Group Next Steps

The Chair reiterated that the Interim Report published by the Sub Group in April 2018 is still a relevant document and is a mandate that the group works towards. Not all members are in favour of the draft regulations and it is the responsibility of individual organisations to lobby to the Welsh Government, but it is not for this Sub Group to do so. However, all members

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agreed with the recommendations set out in the report which included regulation as one of the five themes to tackle agricultural pollution. The Chair understands it is difficult to pick up all the actions due to resources, but the Sub Group must look again at the recommendations to move these forward. NRW are committed to recruiting a project manager to progress some of the actions and support this group.

Creighton Harvey accepted the basic principle of the Interim Report and wanted to raise that activities have changed, and we have made some progress since 2018. Stephen Marsh-Smith commented that when he first joined the Sub Group voluntary measures were being looked at to solve agricultural pollution. In his opinion voluntary measures cannot solve this issue. The group does not take into account that pollution destroys the environment for someone else, including fisheries.

The Chair understands the points raised but wanted to reassure that the underlying reason to tackle agricultural pollution is to protect the environment and are aware of the significant impact on fisheries and biodiversity. The Chair highlighted that the voluntary led approach is one of the five “legs of the stool” to tackle agricultural pollution and the Water Standard produced by Lorna Davis is an extremely valuable piece of work to help the group move forward. The Chair is fully aware of the issues, but we now need to work together and discuss the next steps in order to move forward.

Sarah Hetherington mentioned that regulations have not solved the problems to date and will not going forward unless delivering all five workstreams together. Bob Vaughan highlighted that in NRW and in line with government we follow the Regulatory Principles. This includes enforcement action, but it spans much wider taking into account the full range of tools available to tackle issues. Bob Vaughan explained how to move work forward and obtain input from all members. We have an idea of the regulations announced by the Minister and we now need to move forward the other areas of work.

***Action Point 3: Review the recommendations in the Interim Report to 1) ascertain they still achieve the aim of tackling agricultural pollution, 2) prioritise the issues, 3) how to move these forward as a group, and feedback comments to Bob Vaughan and Marc Williams by the next WLMF Sub Group Meeting (All)***

Spencer Conlon wanted to clarify that no decision has been made by the Minister on the regulations and what has been published are only a draft. This Minister understands to tackle this issue is multifaceted and regulations is only one aspect. Spencer agrees to look at the recommendations again and move the actions forward to address the issue.

Bob Vaughan highlighted that this work is down to all members on the Sub Group to move the recommendations forward and we all have the ambition to tackle this issue. There is a considerable amount of work ahead to deal with this and all members need to play a role.

NFU Cymru have been absent from a couple of meetings due to supporting members through the Covid-19 crisis and cannot be in a position to making a commitment around reviewing the recommendations in the Interim Report. However, they are fully engaged with the group and support all the recommendations. These are a package of measures that the whole group signed up to and should not to be seen as selecting recommendations over others.

## 6) NRW Communications Update

Katy Simmons provided a brief overview of work she has been involved with before joining NRW. As Senior Communications Officer she will be producing the Communications Plan for the Sub Group. Objectives for the plan have been drafted along with key messages to work on which were shared with the Sub Group. A toolkit approach would be useful for the Sub Group which includes standardised messages for press queries and stakeholder engagement. Other ideas include identifying key farmers to deliver messages and producing more videos with advice. Katy Simmons would like to do more work on newsletters and explore if this is the best way to communicate and provide messages to farmers and land managers. For this to work all members would need to input and provide messages to go out.

Katy Simmons would like support from members on what communication channels and social media groups are already available, audience insights and how farmers would like to be communicated. A review will be undertaken on what graphics, leaflets and literature we are currently in place in order to be consistent and whether to create any new material.

***Action Point 4: Provide any comments or additions to the Communication Plan objectives to Katy Simmons, NRW (All)***

***Action Point 5: Circulate the draft Communications Plan to the Sub Group before the next meeting in June (Katy Simmons, NRW)***

Jamie McCoy expressed a query related to the timeline of providing messages to farmers as she is aware how difficult it is to effectively communicate with farmers and actually develop any behaviour change from communications. This will be focussing on slurry and the target audience would be dairy farmers, who are facing difficult challenges with Covid-19 and the uncertainty on storage requirements in the new regulations. Therefore, the timeline is critical and other considerations must be taken into account. Katy Simmons agreed there will be provisions on what can be done during Covid-19 and after the pandemic. AHDB are currently producing Environment FAQ pages on their website and would like to work together to ensure consistency.

Lee Price commented on the importance of producing positive messages on what has been done by the different organisations and farmers along with the advice and guidance currently available. By starting with a positive approach will help engage with the farming sector and provide messages of good practices that have been done which could be implemented on farms along with the where to seek further advice.

Kate Snow is aware of the difficult challenges farmers are facing with Covid-19 but there are continued issues with slurry storage and we cannot delay this work as incidents will still occur. We need to address these issues with sensitivity but not delay vital work. In response to this comment Rachel Lewis-Davies highlighted there have been three SPG rounds prioritising grant support for water quality but can WG provide an update and status of each round along with any plans scheduled for another SPG round at the next meeting.

***Action Point 6: Welsh Government to provide an update on SPG rounds and any future scheme at the next meeting (Spencer Conlon/Andrew Chambers, WG)***

Dennis Matheson highlighted that the most important farmers to target with communications

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are those who are not online, do not receive newsletters or attend any meetings. Katy Simmons agreed that everything should not be online and via social media, but other means of communications must be explored.

Stephen Marsh-Smith mentioned the farming industry were in a tough position prior to Covid-19 as they are underfunded and not given a fair price for their produce. As a result, farmers are reluctant to invest in the infrastructure that can reduce the pollution. A solution would be to have a decent market price for products without overproduction. The concern would be that if farmers receive a mass of information via post or online would be used as a substitute instead of what is needed to resolve issues on farms and to drive towards sustainable production.

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## 7) Clean Air Consultation – Comments from Dennis Matheson

Dennis Matheson produced a comprehensive document with comments in response to the Clean Air Consultation and was circulated to the members of this group. The Chair highlighted that the Sub Group concentrated more on slurry to water in the past but this does have an impact to air. Dennis Matheson raised concerns with the environment section where the causes of particulate pollution were pointed out to be the same as issues to water and soil and the remedies are similar to what is included in a farm Nutrient Management Plan. The consultation did not mention the work of this group even though reducing slurry pollution to water would help mitigate air pollution. One of the main concerns is that they are proposing to set up a new sub group on all agricultural pollution.

NRW has responded to the consultation, including the views based on this group and general water issues.

CLA thanked Dennis Matheson for a detailed response and there are points their organisation would agree and disagree with. CLA responded to the consultation and highlighted that the meeting they attended focussed more on other sectors outside of agriculture. This consultation we definitely worth responding to and shares a concern of a new sub group, which is repeating the work already undertaken by this group.

NFU Cymru responded to the consultation but asked how NRW are exploring the environmental challenge ahead of the current consultation on the ammonia guidance. It states in the Clean Air Consultation that WG “will work with NRW to explore the scale of the environmental challenge in the intensive farming sector and the opportunity for strengthening the control of ammonia emissions from these installations.” NRW were unable to provide an answer during the meeting but would seek further information to be shared with Rachel Lewis-Davies.

***Action Point 7: Circulate information on how NRW will explore the scale of the environmental challenge in context of the current ammonia guidance consultation to Rachel Lewis-Davies (Marc Williams, NRW)***

WEL agreed with the comments made by Dennis and that the work should be undertaken collaboratively. Bob Vaughan explained the Interim Report in 2018 only focussed on slurry to water as this was a big challenge to tackle by itself but agrees that water and air should be looked at together.

## 8) Dairy Project

Marc Williams provided an update on the Dairy Project on behalf of Matt Lowe. All farm visits are on pause due to current circumstances, but the Dairy Officers are available over the phone or by email to answer questions and offer advice. When it's safe to do so and according to advice by WG the dairy visits will resume.

The Dairy Officers are now in the process of issuing outstanding reports from visits made immediately prior to the lockdown. However, there are outstanding reports from visits made by previous Dairy Officers who are no longer in the project. Unfortunately, due to the nature of the farm visit, it's not possible for an Officer not present during the visit to write an accurate report. Dairy Officers are also contacting farmers with outstanding improvement requirements and discussing their plans.

Just before lockdown a total of 688 visits had been completed and by the end of April 603 reports were sent to farmers, that figure may be higher now as they complete more reports and reviewed by Senior Officers. In total 9 Dairy Officers have left the project to secure permanent posts. There are now 7 of the 8 recently recruited Dairy Officers remaining in post, so we will be looking to recruit further staff.

Creighton Harvey expressed concerns of the farms already visited by Officers who are no longer in post and suggested they need to be visited again to produce an accurate report. The Officers should be on a permanent contract as they are moving to other jobs which results in the loss competency and experience. Bob Vaughan recognises those concerns and confirmed that re-visits will need to be planned. The project is funded by WG over a Financial Year which is why Officers are on a temporary contract and NRW needs to push hard to maintain that funding. Creighton Harvey asked how many farms could be the subject of revisits and Bob Vaughan stated it was less than 50.

Rachel Lewis-Davies raised that any farm visits or inspections by organisations can be very stressful to farmers particularly when they are under pressure with a number of different regulations. It is disappointing that visits will have to be repeated due the failure of reports being completed by Officers before moving to a new role. It would be useful to have contact details of the current Dairy Officers for farmers to proactively contact for advice, similar to the farm liaison service. NFU Cymru presidential team have requested for a summary of updated findings of the Dairy Project as they are being referenced in meetings.

***Action Point 8: Provide contact details of the Dairy Officers to the Farming Unions for farmers to seek advice (Matt Lowe, NRW)***

***Action Point 9: A summary of findings from the Dairy Project to date to be shared to the members on the Sub Group (Matt Lowe, NRW)***

Steven Bradley raised if it was the intension of project to deliver a visit to every dairy farm across Wales in the timescales. Bob Vaughan confirmed that is the aim to reach that target but due to constraints with Covid-19 it has restricted current visits.

Nik Salter highlighted that four members of the original project are in a permanent Environment Officer post and will still be dealing with dairy farms. Another point is that NRW are receiving pollution incidents from beef farms and are not solely from the dairy sector. The

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legal requirements for slurry handling facilities apply to both sectors.

Dennis Matheson raised if the Dairy Officers are advising on the current or draft regulations as there are concerns regarding increasing slurry storage infrastructure. NRW advised that Officers can only advise and enforce using the existing regulations. However, the Dairy Reports highlight that the current requirements is four months slurry storage but farmers must be aware of the proposed regulations of requiring five months. This does put NRW in a difficult position on advising farmers but as a regulatory body we can only enforce using the existing regulations.

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## 9) Changes in Dairy Farming Practices

Nik Salter briefly discussed changes in dairy farming practices for information only to the Sub Group as it has been raised by one of the Senior Environment Officers. NRW are seeing large scale New Zealand style dairy farms popping up in Wales. New farmers are moving into areas on a short-term farm tenancy agreement and extensively clearing land, creating tracks and removing hedges, usually without no planning notification to the authorities. These are having a significant impact on biodiversity and causing diffuse pollution. Slurry lagoons are created without prior knowledge of NRW or the planning authorities, which are not SSAFO compliant. NRW wanted to raise this with the Sub Group members as it is an ongoing issue.

The Chair raised that there should be more guidance available to farmers on what planning is needed on farms. They may be unaware that tracks would need to require planning permission. Nik Salter will be raising this issue at the Technical Advice Note Intensive Farming Meeting. In Creighton Harvey's opinion the information provided by Nik Salter was clear evidence of the need for any regulation to be pan-Wales.

### ***Action Point 10: Circulate a briefing note on changes in Dairy Farming Practices in Wales to the Sub Group members (Nik Salter, NRW)***

Stephen Marsh-Smith raised his concerns of hedge removal and ploughing up old pastures across Radnor, which is not from the dairy sector, and would like NRW to comment on the requirements and steps farmers need to take. Sarah Hetherington stated that the local authorities enforce the removal of hedgerows and there is covered under Cross Compliance. The changes in pasture use is regulated under Environmental Impact Assessment regulations which are screened and enforced by WG. Andrew Chambers confirmed that the removal of hedgerows is an offence under Cross Compliance and Hedgerows Regulations and report directly to WG. Changes to semi-natural habitat land will require a screening application to be undertaken prior to any works carried out. Andrew encouraged to report any changes to habitat land and drainage of uncultivated land to WG or report directly to Andrew.

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## 10) Arrangements for future Sub Group Meetings

- Monday 15<sup>th</sup> June
- Monday 13<sup>th</sup> July
- Monday 17<sup>th</sup> August
- Monday 14<sup>th</sup> September
- Monday 19<sup>th</sup> October

- Monday 16<sup>th</sup> November
- Monday 14<sup>th</sup> December

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## 11) Update on relevant diary activities or cancellations/postponed events

No update

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## 12) Any other business

Jamie McCoy requested an update on agricultural pollution incidents and annual statistics. Marc Williams confirmed it will be added to the agenda for the next meeting.

***Action Point 11: Add Agricultural Pollution Incidents as an agenda item for the next Sub Group meeting (Marc Williams, NRW)***

Marc Williams wanted to make the Sub Group aware that the NRW has released the consultation on changes to guidance for assessing the impact of ammonia and nitrogen from agricultural developments. Details are on the NRW website along with the email address to respond with comments. Rachel Lewis Davies questioned if NRW has undertaken a Regulatory Impact Assessment to accompany the consultation and if there are going to be any virtual consultation events to discuss the technical detail? NFU Cymru have feedback and case studies of how NRW has been implementing the current guidance. They are concerned with changes in guidance and the difficulties for farm businesses to engage with a very technical piece of work.

***Action Point 12: NRW to investigate and respond to questions raised by NFU Cymru on the Ammonia Guidance Consultation (Nik Salter, NRW)***

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**The Meeting was closed.**

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