

# **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:** 22<sup>nd</sup> March 2021

**Present:**

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Creighton Harvey, CFF

Bob Vaughan, NRW

Sarah Jones, Dwr Cymru

Marc Williams, NRW

James Ruggeri, HCC

Edward Davies, NRW

Bernard Griffiths, FUW

Chris Mills, WEL

Spencer Conlon, WG

Andrew Chambers, WG

Nichola Salter, NRW

Shane Thomas, CFF

Jamie McCoy, AHDB

Geraint Hamer, WG

Katy Simmons, NRW

Lee Price, FC

Delyth Lewis-Jones, AHDB

Einir Williams, FC

Meinir Wigley, NRW

Fraser McAuley, CLA

Kate Snow, United Utilities

Rachel Lewis-Davies, NFU Cymru

Ruth Johnston, NRW

**Additional Attendees Present:**

Tristan Hatton-Ellis, NRW (Item 4 only)

**Secretariat:**

Bronwen Martin, NRW

**Apologies:**

Elizabeth Franks, Hafren Dyfrdwr

Mark Alexander, WG

Sarah Hetherington, NRW

## **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.
3. The Chair suggested that due to the short turnaround, the minutes from the meeting held on 5<sup>th</sup> March will be discussed and formally approved at the April meeting which will give members plenty of time to review them.
4. The Chair mentioned that a request has been received from Creighton Harvey, CFF for a 'Matters Arising' item to be added to the meeting agendas going forward.
5. An email was sent to the group by Welsh Government regarding the guidance for The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The Chair asked Spencer Conlon, Welsh Government to briefly update the group.

Spencer Conlon, Welsh Government said he hoped that the members have seen the email that was sent out. The guidance is aiming to be published today and once it has been published a notification will be circulated to the group to say that it is live on the Welsh Government website. In relation to the guidance, there is a Frequently Asked Questions (FAQs) document which is a live document which will be reviewed, added to and amended as we go along with input from this group and stakeholders. The first element of the FAQs which will be added is questions relating to tenanted land. Welsh Government are finalising some things internally and will then circulate that section to members of this group, prior to it going live.

As we move forward, Welsh Government want to work with the group and individual organisations to develop communication and information so that they are timely and appropriate.

6. The Chair thanked Spencer for his brief update and said that clear, consistent messaging to farmers will be key.

## Item 2 Farming Connect Communications

7. Einir Williams, FC gave an update to the group by briefly outlining the planned communications and materials which will be circulated regarding the new Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.
8. Einir said that Farming Connect are working on the communication campaign on behalf of Welsh Government. Einir explained that the short term involves putting out information on social media platforms. Two short videos will be posted online; the first one on Thursday 25<sup>th</sup> March and the second one on Thursday 1<sup>st</sup> April. The content of the first video involves ‘setting the scene’ by including the key messages and outlining support available through the Farming Connect programme. The second video that will be posted on 1<sup>st</sup> April is more of a graphic and illustrative video which will summarise the key dates and provide an outline of the regulations on these dates. A link to these videos will be posted on Facebook, Twitter and Instagram.
9. Farming Connect will be taking a steer from Welsh Government as to what the next steps will be in terms of communications.
10. Einir mentioned that regarding their reach on social media platforms, Farming Connect have 9,800 followers on Facebook and some of their videos have been watched over 5,000 times in the last month. Farming Connect have less followers on Twitter with 5,800 people.
11. The Chair thanked Einir for the update and welcomed questions from the group.
12. Katy Simmons, NRW mentioned that she has made a note of the dates when the Farming Connect videos will be posted. Katy said that NRW can share the videos on their platforms including Facebook, Instagram and Twitter to help make sure the videos are shared as widely as possible.
13. Delyth Lewis-Jones, AHDB said that it would be helpful to know what the longer-term communication plan is, so that organisations can tailor specific information to address the needs of the sector. We want to work with what Farming Connect are doing, not

duplicate information but want to add value. Einir said that this is in development now but Farming Connect are taking the steer from Welsh Government. Delyth asked when this longer-term communication plan is likely to be available because AHDB have been inundated with phone calls and they are keen to help the farmers understand these changes. AHDB need to know whether they need to do additional things or not if things are already in the pipeline and will happen next week or next month. Einir said that she agrees that members need to be co-working but the plan for longer term communication is unknown at this stage. Einir said that as soon as she knows something it will be shared with the WLMF Sub Group.

14. Dennis Matheson, TFA mentioned that he is concerned for those that are digitally excluded and wanted to know how Farming Connect will reach these farmers. Einir agreed that this is a valid point. Farming Connect have a technical publication which is in hard-copy format and posted out every quarter and the marketing team is likely to make full use of this once direction from Welsh Government has been received.

Rachel Lewis-Davies, NFU Cymru agreed with Dennis' point regarding those that are digitally excluded.

15. Spencer Conlon, Welsh Government wanted to reiterate that Welsh Government want to work with this group to get the key messages out there. Organisations within this group have their own communication channels to their members and by working together we can help communicate the key messages by whatever means. The members have a joint responsibility to get this information out to farmers and not just Welsh Government and Farming Connect.

16. The Chair asked Einir what the key messages Farming Connect are putting out and how these are made clear to farmers. Einir said that she has not yet had sight of the video which is due to be posted on Thursday but will find out and share with the group later today.

17. Bob Vaughan, NRW said that he and Katy are happy to work with Farming Connect to get the key messages out and collaboratively provide a pack of information to the Sub Group which they can then use to help communicate to their members. Einir mentioned that she would talk to the Marketing Team to see if a link to the video can be provided to the Sub Group before it goes out on Thursday.

***AP March 01: Einir Williams, Farming Connect to look into sharing the video with the Sub Group ahead of it being posted on Thursday.***

18. Spencer Conlon, Welsh Government confirmed that the video is deliberately very short because Welsh Government want to get the key messages out for example what needs to be done on 1st April and what does not need to be done on 1st April – what comes in and what does not come in. The video gives a reassuring message that it does not all come in on 1st April with a phased implementation.

19. Creighton Harvey, CFF said that CFF have put out a document in relation to the regulations and have said to members that guidelines have not been received by NRW yet. CFF have given members advice for reporting incidents and added an addendum onto that regarding what to do in relation to the regulations. Creighton said that CFF are currently waiting to hear what the policy is going to be from NRW before circulating

to members. Creighton said he is anxious that people get a half-baked understanding of the regulations, then go out on 1<sup>st</sup> April to report what they perceive as an incident and start overloading the system. It is difficult until guidance is provided by NRW as to how they are going to approach it.

20. Fraser McAuley, CLA mentioned that the CLA have been putting out information in the form of eNews and on their social media channels about the introduction of the regulations, as well as their committee structure. The CLA are waiting for the finalised guidance and will share that when available. A key concern is regarding those people that cannot get online due to connectivity or awareness, so the CLA are looking into using other communication methods like their magazine.
21. Dennis Matheson, TFA mentioned a discussion from the last RPW meeting. Dennis has a copy of the latest cross compliance rules, the whole section on the new pollution rules and timings and how they will be incorporated into cross compliance whilst BPS is still in force. Dennis asked whether RPW will be policing those parts of the rules which are incorporated into cross compliance, as this may result in two regulatory bodies doing the same thing. If farmers that are applying for BPS have got the new cross compliance rules, they will have all the agricultural pollution rules as well.
22. The Chair asked Einir whether there are any plans to do a mailing list to all farmers for 1<sup>st</sup> April. Einir said there are no current plans but Farming Connect have the capacity to do so, if that is what is decided as part of the campaign.

The chair asked whether the group think there should be an all farmer mailing or are the members confident that farmers will get the information via one or other organisations and get a good understanding.

Creighton Harvey, CFF agreed that all farmer mailing is a good idea as not all farmers are members of relevant organisations. An all farmer mailing list will ensure that there is one form of communication reaching farmers.

Sarah Jones, DCWW said that every opportunity and every option should be used to promote the regulations and communicate messages to people whether it is printed, social media, paid for digital, press release etc. to help sign post. Farming Connect can also consider using the graphics from the video in paid advertisements. You cannot rely on just one source of communication.

Einir thanked the group for their input and the suggestions will be taken back to the Marketing Team to discuss with Welsh Government. There are currently 11,500 businesses on the database which have registered with Farming Connect, which should all be reached if we went down the mailing route.

Sarah Jones, DCWW mentioned that in the past DCWW have placed paid adverts in Agri Trader publications which has very useful and successful. Sarah also mentioned emailing people will cut down on cost and can include direct links to the Welsh Government website.
23. Chris Mills, WEL said that it is amazing that there is not a definitive list of farming businesses across Wales. It would be interesting to know what percentage the 11,500 represents of the total farming community in Wales, as the approximate number of

farmers in Wales is suggested to be over 20,000. Therefore, when talking about definitively reaching farmers, roughly only half of the farming community would actually be reached on this basis.

Spencer Conlon, Welsh Government confirmed that the 11,500 farm businesses is regarding the ones that have actually registered with Farming Connect. Welsh Government would obviously have contact details for all those that claim BPS claimants. Welsh Government would not have contact details for those farm businesses that do not claim BPS or for those that have not registered with any of the Welsh Government mechanisms. There is no scheme in place that mandates farmers to have to register.

The Chair mentioned that access to the BPS list is sensitive but asked whether Welsh Government or Farming Connect would be looking into mailing out to those farmers on the list.

Spencer said that direct mail is considered in any campaign to get information out. This announcement has received a lot of media attention and is considered pretty high profile. So, it is expected that a large proportion of farmers are aware that there will be changes, even though they might not have the details in front of them. Direct mail has its place, but Welsh Government are moving more towards digital channels, but they accept that not all can engage digitally. Spencer said that the problem with direct mail is that it becomes out of date very quickly, so how do you then make sure that the farmers have the most up to date information in their file. For example, the FAQ's is going to be a live document which will be updated, amended and changed to make sure farmers have the most up to date information available.

The Chair suggested that the mailing list could be used to signpost or direct farmers where to get the most up to date information e.g. Welsh Government website.

24. Chris Mills, WEL said that surely the number one priority is to make sure all farmers across Wales are aware of these new regulations, therefore, what is the most effective way of achieving that. After you have reached everyone, then you can get into the detail of the 'what' and 'when' of the regulations.

Spencer Conlon, Welsh Government agreed that that is a priority to make farmers aware of the regulations but suggested that it is not just Welsh Government that have a responsibility to reach farmers. Spencer said that there are stakeholders on the Sub Group that have lots of members, publications and have the means to get the messages out to farmers. Spencer said that he hoped that is going to be a joint effort and not just a Welsh Government or Farming Connect task.

Bob Vaughan, NRW said that NRW are very happy to engage and do whatever possible to get the messages out so that farmers understand what the regulations mean and know what NRW's role is regarding the regulations.

25. The Chair asked the group to share what activities their organisations are undertaking to communicate to their members.
26. Jamie McCoy, AHDB highlighted that as a collective AHDB have been asked to make sure they are able to signpost all farmers to one place. However, the group really need

sight of the full communications plan as soon as possible, in order to make sure we can integrate in the support that we are all here and willing to offer to help spread the word. Jamie mentioned that she predominantly speaks to dairy farmers and they are slightly more concerned about the regulations than perhaps some of the other farming sectors. However, there is definitely panic out there and all farmers need to understand what the full implications will be, so that they can plan for the full transition period. Some farmers will need to make huge and costly changes to their businesses, business structure, investments, stocking densities etc., so they will have to plan for that now. Whilst the regulations perhaps do not change significantly enough for them to worry about storage on 1st April, they will still need to start planning for it immediately. Jamie said that the sooner the full communications plan is available, the sooner the group can work out how to best integrate support and opportunities into it.

AHDB have organised a webinar on 1st April which is targeted at Welsh dairy farmers to help them understand the regulations and will be run by Keith Owen and Chris Duller. There has been a lot of interest in the webinar so far, so it should be a good first stage to help farmers understand the regulations. AHDB have prepared some FAQ's but have held back on publishing them on the website due to the impending Welsh Government FAQ's and did not want to clash or contradict them. AHDB also have lots of ideas regarding other support that farmers will need over the coming months and years but will need sight of the Farming Connect full communication plan before they commit to anything, to make sure information is not duplicated or leaving gaps.

27. Bernard Griffiths, FUW said that the FUW have been contacting their members generally through electronic means. Bernard said that there is an issue where there is a gap between those farmers that are members of farming unions and those many thousands of farmers that are not registered members of organisations who will most likely rely on hardcopies of information through the post. So, the FUW would support a mailing list but the FUW does not have the resources available to be able to do this type of thing and as a result are going down the electronic route at the moment.

Bernard said that the communications strategy is the current issue, not the actual messages. The phased dates are useful and helps get a bite sized approach.

28. Dennis Matheson, TFA said that all those that claim basic payment must comply with cross compliance. Nearly all these rules are in cross compliance and so the 16,500 farmers that claim basic payment should know these rules. Dennis said that for about a year he has tried to get the Clean Air team to engage with this group because the section on agriculture has the same proposals as water. Dennis understands that the Clean Air Act has gone through Senedd and will come into force in 2023, including slurry storage capacity. Dennis asked whether there has been any work done on this because it appears to be a different organisation doing the same rules with different timings which seems to be conflicting.

Bob Vaughan, NRW said that there is new guidance coming out and colleagues in NRW are working closely with that. Bob said he would be happy to discuss this further with Dennis offline.

**AP March 02: Bob Vaughan, NRW and Dennis Matheson, TFA to discuss the new Clean Air guidance in more detail.**

29. Rachel Lewis-Davies, NFU Cymru said that NFU Cymru have provided a summary of the regulations in their publication 'Farming Wales' which has gone out to all their members. Rachel mentioned that there is also a summary of the regulations on the NFU Cymru website. When the full communication plan has been provided, NFU Cymru will be happy to sign post their members where to get additional information.

Rachel said that understanding the complexity of the message is key, for example there might be transition periods but actually farmers cannot wait until 1<sup>st</sup> January 2023 to then start thinking about how they are going to comply with those regulations and similarly with the August 2024 deadline. Therefore, these dates need to be communicated to farmers well in advance with comprehensive plans. Rachel mentioned that the audience varies as some farm businesses have looked at the regulations in detail and still have huge concerns, other farmers are aware that perhaps something is going on but are not sure how it affects them and then there are the hard to reach farmers who are likely going to need a lot more support going through this extremely complex set of regulations.

30. Chris Mills, WEL said that similarly to CFF, they are looking at it from the other end of the telescope. There is a community out there that are very interested to see how these regulations will be implemented. It will be important to try and manage some of the expectations as these new regulations come in. WEL are interested to understand how NRW actually intend on regulating them so that they can respond appropriately.

Chris said that there is a lot of concern about agricultural pollution. This community will perhaps expect quite quick results, but these regulations are coming in over several years which will require expectation management.

### **Item 3 Discussion of Practical Resources for Farmers**

31. Ed Davies, NRW asked the group to think of possible resources or templates that farmers might need to help them facilitate their compliance with the regulations. There are some existing programmes that help farmers calculate slurry production and other things, but we need to understand whether they will still do the job that is required.

Ed said that Welsh Government has provided paper calculations with the guidance and FAQ's, but we need to make sure everything fits together. Perhaps there are things that Welsh Government and NRW as the regulator can get behind some sort of formal approach that can be used to demonstrate compliance. Clearly farmers will need to undertake slurry calculations, but platforms will also be needed for farmers to undertake mapping of their land to include slopes etc. It will be good to know if farmers have thought of these things, what their concerns are regarding recording information and how will they keep their records.

The Chair asked the group for their thoughts and wondered whether some time should be spent on understanding what tools are currently available.

32. James Ruggeri, Hybu Cig Cymru asked whether Farming Connect will still be able to offer some funding towards Nutrient Management Plans now that it has become regulation.

Einir Williams, Farming Connect confirmed that there is funding in place up to the 10<sup>th</sup> January 2022 to deliver Nutrient Management Plans, Manure Management Plans and infrastructure.

James said that it is very important that farmers are signposted to take it up as soon as possible before it goes because Nutrient Management Plans can be quite costly for farm businesses to undertake. Therefore, farmers need to be made aware that there is help available now.

33. Rachel Lewis-Davies, NFU Cymru asked if Welsh Government propose to make the NVZ Workbook available as they currently do for the 2013 regulations.

Andrew Chambers, Welsh Government said that the guidance for these regulations has just gone live on the Welsh Government website and that is the guidance document for farmers to use. The document contains templates for farmers to use, including nutrient planning and all of the other requirements. So, farmers should be referring to this guidance document and using it.

Andrew confirmed that the nutrient management requirements do not come in until 1<sup>st</sup> January 2023 and Welsh Government and Farming Connect will provide funding to enable compliance for a 12-month period beyond that, through the Rural Development Plans. So, there are opportunities there for potentially a longer period.

34. Fraser McAuley, CLA asked whether the guidance will approve a range of systems or methods for the data recording as required by the new regulations. Fraser said that based on his experience of NVZs in England, one of the biggest breeches in cross compliance has been the NVZs regulations due to the complexity and huge variety of options for recording the data. Fraser suggested that perhaps these available data recording options can be explored to help understand how good they are.

35. Nichola Salter, NRW said that as the regulator, NRW will accept any form of written evidence of compliance with the regulations; so, farmers do not need to reinvent the wheel. However, farmers will need to cover all aspects of the regulations and the high number of breaches are often because either farmers or agents on their behalf have miss read the regulations, especially the rolling 12-months which is quite complex. Once we have got over this initial hurdle regarding the communications plan, we should all look at what is needed for the nutrient management planning and the 250kg/ha and 170kg/ha limits, as they are the most complex aspects. These are complicated to regulate and complicated to write the records. Nichola suggested that efforts should be focussed on these areas when rolling out training.

Nichola mentioned that she had had brief conversations with AHDB and they are currently looking at reviewing what is currently available for nutrient management plans and the pros and cons for all of them, some of them are available free and others are a small charge and publicising that list. AHDB have already publicised a list of laboratories that do soil analysis and so hopefully they will also be able to publicise more information which can be promoted more widely across Wales to help farmers.

Bob Vaughan, NRW said that NRW are looking at how the regulations are taken forward and will try and bring tools or techniques back to the group to help this land better, for example how would farmers work out if they have land above a 12 degree

slope. Bob mentioned that LiDAR data is available for the whole of Wales so perhaps this can be mapped out and could be provided to a third party to give the service to farmers. There are lots of things we can look at to help establish what tools are needed to make the process easier.

36. Jamie McCoy, AHDB said that the templates and what farmers will use for the records and calculations are something that we need to take a strong industry lead approach on. Those farmers who are probably most concerned right now will be paying their own consultants to do these calculations for them. We know that consultants often like to use their own versions of the calculation tools and farmers will have to pay for the development of these tools in the long run. However, there are currently free tools available which can be subtly adapted so they are fit for purpose and AHDB are offering support in the form of the Slurry Wizard Tool and any amendments they need to make. However, if the task is bigger, the sooner this is identified the better so that we can put something together which can be made freely available for farmers and consultants to use. This will help make it easier and less costly for farmers to comply, as there is a concern that farmers think they will need to employ a consultant to do all of this for them.
37. Bob Vaughan, NRW mentioned that NRW have identified different levels of service that can be provided to the role in enforcing the new regulations. The level of service provided is dependent on the resources available and NRW have come up with several different options on how the work can be delivered. NRW have agreed internally what the best option is which fits the bill and is affordable. This information has been taken to Welsh Government and NRW are currently in negotiations with them to find the resources to be able to deliver that service. If NRW do increase resources, we will have to hire and train staff which will take some time. Managing expectations is going to be key and NRW will have to do some work to make sure the sector knows what NRW will be doing and how, so that the expectation can be controlled. Internal work is ongoing to identify how NRW will do things and how the training will be carried out.

Nichola Salter, NRW said that NRW are developing guidance for staff while discussions continue with WG regarding resources and required inspection frequency. Guidance for staff will be rolled out in a phased programme to reflect the implementation dates of different measures within the regulations. The transition periods within the regulations and the revocation of existing regulations will make some areas of enforcement complicated. Nichola mentioned that if WLMF Sub Group members are thinking of reporting incidents to NRW's incident reporting line they should be aware of the limitations in taking action within these regulations.

Nichola reminded the group that there are very clear definitions set within the regulations and Welsh Government The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 Guidance for Farmers and Land Managers and request all members of the group please look at these when thinking of reporting incidents (for example definition of waterlogged) and pass on as much information as possible.

For Cross Compliance breaches Rural Payments Wales have to use the published Verifiable Standards [Cross Compliance 2021 GOV.WALES](#) which sets clear guidance on how and when breaches can be scored.

NRW will circulate the internal guidance to the group for information once signed off internally and Bob Vaughan stated NRW would welcome comment on it and are happy to share it with the sector so that it can be added to or used as a free source of information.

Nichola mentioned that there is a lot of information aimed at farmers coming in a very short period of time and the joint communication plan is key to ensure consistency.

***AP March 03: Nichola Salter, NRW to circulate NRW internal guidance to the group for information once signed off internally.***

38. Creighton Harvey, CFF mentioned that there was an incident the night before the regulations were announced by the Minister, with a significant amount of slurry in a stream. Creighton said that he managed to trace the source of the incident to very steeply sloping ground and it had been heavily raining all day and the ground was saturated. Creighton said he had reported the incident and sent in photos including close up photos and general photos. No one came out to attend the incident and Creighton was told that this was a low priority case. However, these regulations change this dramatically because everything that had happened during that incident contravene the regulations that are now coming in. This illustrates the conflict between the existing call out guidelines of NRW and how the situation will change under these new regulations. Creighton concluded that this conflict needs to be resolved and CFF wants to see some progress on this.

Bob Vaughan, NRW said that this is a big challenge as these new regulations change the way that NRW respond to all incidents, not just agricultural incidents. Bob explained that previously, NRW would go out only if pollution had occurred whereas now, they will have to go out before something happens. Bob said that this is a positive thing, but it will change the way NRW respond to incidents which is quite a major implication on them.

## **Item 4 SAC River Phosphate Report**

39. Tristan Hatton-Ellis, NRW gave a presentation to the group titled 'Compliance Assessment of Welsh Rivers SACs against Phosphorus Targets'. Tristan explained that the presentation will discuss the new phosphorus targets for Welsh Special Areas of Conservation (SAC) rivers, which are sites that are protected under the Habitats Directive and would also outline the compliance of those targets.

40. Tristan briefly outlined NRW purpose and roles:

- Purpose to pursue the Sustainable Management of Natural Resources
  - Environmental monitoring and reporting
  - Appropriate Nature Conservation Body (ANCB) for wales – NRW must be consulted by the competent authority during an appropriate assessment
  - Statutory Consultee within the planning system – advice on how planning policies and development proposals should protect and enhance the environment and allow for our natural resources to be sustainably managed

- Environmental regulator – The Environmental Permitting (England and Wales) Regulations (EPR) 2016 as amended, provide the principal legal framework for NRW to regulate activities which have the potential to cause harm to human health or the environment

41. Tristan outlined the background of this work:

- All SACs 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.

42. Tristan gave an overview of the riverine SACs in Wales:

- 9 SAC rivers in Wales: Afon Gwyrfai, River Dee, Afon Glaslyn, Afon Eden, Afon Teifi, River Wye, Afonydd Cleddau, Afon Tywi and River Usk
- Tighter phosphate targets due to new evidence about the impact of Phosphorous and in the context of a changing climate
- NRW Evidence Review shows over 60% of rivers failing

43. Tristan discussed why Phosphorus is important:

- Phosphorus is an essential and potent plant nutrient, so it is critical for ecosystems but too much is a bad thing
- Too much Phosphorus:
  - Causes harmful changes to river ecosystems, prompting growth of nuisance species such as algae
  - Results in damage to or loss of important species such as water-crowfoots
  - 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

44. Tristan summarised the structure of the New Targets:

- Different river types have naturally different phosphorus concentrations and targets reflect this
- Concentrations should reflect natural background concentrations so far as possible, minimising the likelihood of adverse effects (e.g. threat to site integrity)
- Where this is not possible, 'maximum allowable' targets are permissible to allow for the impact of key infrastructure (e.g. existing STWs)
- Targets in Wales were identified in 2016 in a national exercise, using phosphorus data then available
- Rivers were divided into reaches (same as WFD water bodies)
- New targets are significantly more stringent

45. The presentation gave an example of what the new targets look like for the River Usk:

- At the top of the catchment in the headwaters, lower concentrations are necessary
- Slightly increasing concentrations allowed downstream

46. Tristan discussed the current compliance with the targets:

- NRW reviewed compliance with SAC phosphorus targets in 2020
- Collated relevant phosphorus data from 2017-2019 and calculated compliance
- 2659 individual measurements from 107 water bodies used
- All data quality assured
- Overall, 39% of water bodies passed their targets
- Intend on reviewing compliance with other freshwater SAC targets this year

47. Tristan gave an overview of the general findings and presented a series of maps:

- North Wales – mostly passing
- South West Wales – mixed picture, some large failures in the Cleddau
- Usk – mostly failing with some large failures
- Wye – mixed but some significant and concerning failures

48. Tristan concluded by providing a summary of this work:

- 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

49. The Chair thanked Tristan for his very interesting presentation and asked members if they had any questions.

50. Chris Mills, WEL said that he thought the presentation was very clear and suggested that it is shared more widely to help inform people. Chris asked whether the monitoring is sufficient and whether the planners have the capability to make decisions as it is a technical topic.

Tristan clarified that the assessment takes place every few years, but the monitoring is consistent and is generally undertaken on a monthly basis over a three-year period. Chris asked whether the assessment every 4 years is sufficient for planners to base their decisions on. Bob Vaughan, NRW said that now that the figures are available NRW will be trying to implement as much information as possible and taking steps to reduce phosphates across the board. Ongoing monitoring is key and NRW will be looking at the figures as we go forward but a more formal review will be undertaken every 4 years. Chris asked whether planners make their decisions based on the latest assessment because a lot can change in 4 years. Bob said he would check and get back to Chris.

***AP March 04: Bob Vaughan, NRW to look into whether planners make their decisions based on the latest assessment and feed back to Chris Mills, WEL.***

Tristan clarified that the planners are the competent authorities in this and NRW have provided this advice to help support what they do. NRW have also answered supplementary questions from the planning authorities to provide them with additional detail, context and explanation of what has been done. Tristan said that this is a developing area but NRW now work very closely with planning authorities. Bob Vaughan, NRW reiterated that this is a developing area and NRW are working closely with the planning authorities and Welsh Government to look at this. Bob said that the principle of this is that there is a huge amount of work to retrofit sites, not just the new planning. NRW have to look at the existing activities whether its farming, septic tanks, sewage works etc. to see how we can improve and create headroom. There needs to be a balance between making sure we do not make the situation worse, not stopping development as well as improving phosphates.

51. Rachel Lewis-Davies, NFU Cymru asked firstly, regarding understanding the implications for planning, will a farmer in a SAC catchment who wants to invest in slurry storage to reach NVZ compliance be able to be successfully go through the planning process if there is no headroom. Rachel asked whether whilst setting the targets, the underlying soil type has been considered. Lastly, Rachel asked whether NRW have overlaid the failing catchments with coniferous forestry and areas that have been clear felled, because there is good evidence that suggests there is loss of phosphates from the brash retained in clear felled areas.

Tristan said that in terms of a slurry store, this is not going to discharge into a river so would probably be considered as a phosphate neutral development or even a gain

because a new slurry store would reduce the risk of nutrients going into a river. Rachel asked whether guidance has been issued to local planning authorities to say that new slurry stores are considered phosphate neutral. Bob Vaughan, NRW said that NRW are working with local planning authorities to give them the right guidance and tools to make decisions. Rachel mentioned that it would be good if that guidance could be shared with the group because that is not what it says on the website. If there is guidance available that specifically said that slurry storage is considered phosphate neutral it would be very helpful.

***AP March 05: Bob Vaughan, NRW to share guidance with the group that states new slurry stores are considered phosphate neutral developments.***

Tristan said that soil types are not directly considered in this work, so there is not the detailed resolution at this scale. Alkalinity of the river is considered which is basically how acid or alkaline the river is and is a proxy for soil types. The targets are realistic and achievable in most locations, so this is not a major problem.

Tristan said that regarding coniferous forestry, this has not been overlaid and is not considered a major issue but could be looked into. Forestry does not generally intersect with the SAC river network. Rachel said that she is particularly interested in the upper reaches of the Irfon and Usk. The report does not do a lot of work on understanding route causes, but it makes some suggestions that do not really align with the lived experience on the ground. Bob said that NRW are doing work on the source apportionment to try and understand where the levels are coming from so that efforts can be focussed.

52. Bernard Griffiths, FUW mentioned that being able to apportion phosphate loading to the different area sectors is key and asked what tools are available to do that. Bernard also wondered how interpretation can be undertaken without the apportion data. Bernard mentioned that there are some odd results indicated in the maps for example it is often heard that slurry incidents occur in the lower Tywi valley, which is an intensive area, and yet there are no failures there.

Tristan agreed that source apportionment data is important, particularly when considering large investments like sewage treatment works or when making big decisions. However, Tristan said that we should not expect to have a large amount of evidence for every decision we make, and we know a lot about what good practice things are. There are many good practice things we can do along our rivers and many of them are related to land management. Tristan said that there are lots of different sectors and it is helpful to understand the contribution of each of them, but that information is not likely to be perfect and will most likely be used as a blame tool.

Tristan said regarding the Tywi, it was surprising, but it does not have much in the way of sewage works going into it and it does have a large upland catchment with a lot of dilution going on. It may be that if there is a problem in the Tywi, it may not be related to phosphorous and any problems may show up in other water quality determinants.

53. Creighton Harvey, CFF asked whether the monitoring of the Tywi was undertaken on the main river or the tributaries. Tristan said that the monitoring is undertaken in the main river because that is the bit that is designated as SAC. The water bodies of the Tywi are quite large so there are not that many sample points. However, all of these

sample points were well monitored with monthly data collected and Tristan said he is confident in the data collected. There are other water quality determinants that NRW would also like to look at and it is possible that they may show a different picture for the Tywi but we cannot speculate at this stage. Creighton said that there are cases that have recently gone to court regarding fish kills in the tributaries of the Tywi. Tristan clarified that phosphate is not really a toxin and is not likely to be responsible for fish kills. When there is a spill of slurry or milk, this will totally deoxygenate the water and will wipe out fish; therefore, it's not necessarily the phosphate that is causing the damage.

Creighton said that this assessment was carried out in 2020 and it was based on the data from between 1<sup>st</sup> January 2017 and 31<sup>st</sup> December 2019 and asked when the targets were set for those rivers. Tristan said that the targets were set in mid-2016. Creighton asked whether the problem figures from 2014 to 2016 influenced setting the targets in 2016. Tristan said that older data was used instead, although there is the faint possibility that a few problematic figures from mid-2014 were included but this has been checked and it has not made a material impact on the targets. There are a few glitches being looked into and NRW are reviewing targets but do not intend on wholesale changes unless there is a clear error. Creighton asked how the spikes in data from 2014 to 2016 which were removed could have affected the targets. Tristan said these would have made the targets tighter.

54. The Chair thanked Tristan for his interesting presentation which showed the value of good evidence.
55. Rachel Lewis-Davies, NFU Cymru asked what the mechanism is to engage with Tristan on this particular report. Tristan said that it would probably be best to go through the NRW Sub Group contacts. Tristan suggested that Rachel could initially talk to Bob to discuss the possibility of arranging a separate meeting.

***AP March 06: Rachel Lewis-Davies, NFU Cymru to talk to Bob Vaughan, NRW regarding setting up a separate meeting to further discuss the SAC report.***

56. Chris Mills, WEL asked whether the group could have a copy of the presentation when the minutes are issued. Tristan agreed that he will share his presentation.

***AP March 07: Bronwen Martin, NRW to share Tristan's presentation with the group when issuing the draft meeting minutes.***

57. Dennis Matheson, TFA mentioned that the main source of phosphate up until the 1980s was basic slag and lime which was used extensively to improve upland grazing but with the decline in the steel industry, they used Superphosphate instead. Dennis asked whether there are any figures to suggest that the phosphate problem has got worse since the change in what was used since the 1980s. Tristan said that this is going a long way back and although there is data sets available which go back that far, the issue would be in interpreting the data. Tristan suggested that maybe this is a question for academics to look at within a research project.

## **Item 5 Confirm Farming Connect Catchments for 2021**

58. Ed Davies, NRW sent information to the group prior to the meeting which outlined the proposed Farming Connect priority catchments. Ed shared his screen and gave a brief background into the methods used to suggest these catchments.
59. Ed mentioned that the recommended catchments have been selected based on having a reasonable geographic split around the Farming Connect Farming Officer areas.
60. Ed asked for the group to feedback their views and opinions regarding the suggested catchments. It was suggested that the group could look in detail at the information provided in the update paper and get back to Ed with any comments or suggestions.

***AP March 08: The group to look at the Farming Connect Catchment information and feedback any comments or suggestions to Ed Davies, NRW.***

61. Creighton Harvey, CFF mentioned that he and Shane Thomas had conversations with NRW regarding rivers down in the western end of Carmarthenshire and asked whether any timeframe could be given on this. Ed said that the reason that these catchments were not selected was that there has already been a number of Farming Connect engagement activities in those areas. These catchments also scored a bit lower than the catchments that have been selected in these areas. Ed said he understands that specific concerns regarding farm pollution was raised in those areas and suggested that he could speak to Farming Connect to see how the engagement was received in those areas to see if they think they reached the representation they may have hoped for. In terms of the scoring system they did not score massively but that does not mean there is not any problems in those areas, we have just used the system as a guide. Creighton said that these areas are local to some of their members and concerns have been expressed. The most local place to Creighton is the Gwendraeth, but CFF welcome the inclusion of the Fenni, Crychau and the Annell. Creighton asked whether there have been any previous inputs in relation to the Crychau or the Annell. Ed said that it might be best to ask Farming Connect to confirm but based on the collated information on the spreadsheet, no previous work has been done in the Annell but an event was held in October 2018 for the Crychau. Ed and Creighton agreed that maybe the Crychau could be swapped for a catchment that has not yet had any engagement. Creighton asked how long the group has to make suggestions to what rivers could be included. Ed asked Einir Williams, Farming Connect what timeframe are they looking at. Einir said that Farming Connect are ready to go once these have been confirmed, with any events arranged now will be digital webinars and workshops but could maybe look into putting them on in about a months' time. Creighton suggested that they make any appropriate representations within 7 days.

***AP March 09: The group to make any suggestions or comments regarding the Farming Connect catchments within 7 days and to send these through via email to the Sub Group address.***

62. Sarah Jones, DCWW asked Ed to clarify what the colours on the map represent. Ed said that they correspond to what they scored on the spreadsheet system.

## **Item 6 Any Other Business**

63. The Chair mentioned that future meetings will allow time for 'Matters Arising' from the minutes and the update paper. However, if the topic requires a major discussion please let us know so that it can be added to the meeting agenda.
64. The group will go through the minutes from the last few meetings and formally approve them at the next Sub Group meeting. The Chair asked that if anyone has any comments or amendments to make please let Bronwen know.
65. The next Sub Group meeting will be on Monday 19<sup>th</sup> April 2021.
66. Ed Davies, NRW mentioned that a meeting to discuss the Water Standard will be arranged shortly but was hoping to get an idea of when the most convenient time is, for example certain days or time of the day preferred. The Chair suggested creating a poll for those members who have volunteered for this task. Ed agreed and would be contacting the members involved soon.
67. The Chair thanked the group for their input in the important discussions had at the meeting.

## **Close meeting**