

# 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:** 23<sup>rd</sup> August 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

Chris Mills, WEL

Spencer Conlon, WG

Andrew Chambers, WG

Nichola Salter, NRW

Katy Simmons, NRW

Einir Williams, FC

Kate Snow, United Utilities

Sarah Hetherington, NRW

Charlotte Priddy, AHDB

Shane Thomas, CFF

Nick Fenwick, FUW

Adriana Kiss, WG

Elizabeth Franks, Hafren Dyfrdwr

Emily Church, CLA

**Additional Attendees Present:**

John Morgan, The Maize Growers Association (Item 4)

Loree Jones, DCWW

Haydn Evans, Soil Association (Item 5)

Max Eckert, Soil Association (Item 5)

**Secretariat:**

Bronwen Martin, NRW

**Apologies:**

Bernard Griffiths, FUW

Rachel Lewis-Davies, NFU Cymru

Matthew Walters, WG

Fraser McAuley, CLA

Ruth Johnston, 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. Zoe mentioned that one of the guest presenters will not be able to join the meeting due to falling ill and wished them a speedy recovery. Zoe also noted that some apologies had been received and welcomed those who were standing in for their colleagues.
3. Sarah Hetherington, NRW declared that she is an organic farmer. No other declarations of interest were raised in respect of Agenda items.
  - NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.

## Item 2 Review of Minutes and Actions

4. The Chair confirmed that once the meeting minutes have been reviewed and formally agreed by the group, they will be published on the NRW for the public to access. Therefore, it is important that the minutes are an accurate record of the meetings.
5. Zoe mentioned that comments have been received from Creighton Harvey, CFF and Rachel Lewis-Davies, NFU Cymru; which have been resolved.
6. The group reviewed the previous meeting minutes from 19<sup>th</sup> July 2021. No further comments were received regarding the minutes from the June meeting.
7. Bronwen Martin, NRW shared her screen for the group to review the outstanding actions. The following updates are of note:

- AP January 17: Bob and Marc to discuss further, prior to Bob's meeting with soils evidence, policy, and programmes.

Bob said that this has started. The contractor is unable to do the enhanced work within this financial year, so we are waiting to get the budget for next year. Bob agreed that this action can be closed as it has been progressed as far as possible at this stage. Any subsequent updates will be provided as and when.

- AP July 03: NRW to support Kate Snow, United Utilities in setting up a project to provide basic usable guidance about how to manage slurry stores.

Bob said that there have been some discussions and there is some progress

- AP July 09: Members to suggest any locations and details of possible future in-person site visits.

No suggestions were received prior to the meeting. This is included within Any Other Business on the agenda.

## Item 3 Matters Arising

8. This provides an opportunity for the group to discuss any matters arising from the previous meeting minutes, report significant information, provide comments or discuss any relevant subjects.
9. Zoe said that there are several topics which have been highlighted but asked the group if they had any other matters to discuss in this item with respect to the minutes or update paper. No remarks were raised.
10. Bob Vaughan, NRW gave a brief background regarding the Special Area of Conservation (SAC) Source Apportionment work. The presentation provided an overview of the work including an update on the SAC river modelling using Source Apportionment GIS (SAGIS).

SAGIS is a standard modelling tool used by Environmental Regulators and Water Industry which is very good at estimating how varied nutrient sources combine along a river to affect water quality on average.

Bob gave an overview of the plan to assess each SAC and summarised the modelling work undertaken on the River Wye SAC.

***AP August 01: Bob Vaughan, NRW to check whether a copy of the presentation can be shared with members.***

The group discussed the data and figures shown in the presentation.

Zoe and Bob suggested going into more detail at a future meeting when more results, information and updates are available.

Adriana Kiss, Welsh Government said that this work is interesting. Adriana is very interested in the septic tank aspect and mentioned that Welsh Water and Welsh Government have a working group looking at the impact of septic tanks on water quality so this information would be very helpful to take this work forward.

Dennis Matheson, TFA wondered how far back historically the data/records are going back. Bob said he would clarify this with colleagues.

***AP August 02: Bob Vaughan, NRW to clarify how far back the historic data/records go back which is used for the Special Area of Conservation (SAC) Source Apportionment work.***

Adriana Kiss, Welsh Government mentioned that there is a commitment in the [Welsh Government: Programme for Government 2021-2026](#) to strengthen water quality monitoring across Wales.

11. Katy Simmons, NRW summarised the outcome of the WLMF Sub Group Newsletter poll. Members were asked to vote for their preferred title for the publication which resulted in a tie. Katy asked if members could agree on the title in this meeting. Bob suggested that it is the Chair's prerogative to cast the deciding vote. Zoe said she liked 'Our Land, Water and Air' as it encompasses what this group aims to improve. The group agreed this decision. Katy said she would run the name by the translation team, redraft the first edition, update the banner with the name and share with the group to review before it is issued. Katy explained how the newsletter will be published and distributed.
12. Marc Williams, NRW gave a brief update regarding the Alternative Measures Task & Finish Group including those who have agreed to take part. Marc confirmed that participating in the Task & Finish Group does not mean that organisations cannot put forward their own proposed alternative measures; it is also acceptable for organisations to submit their individual proposals to Welsh Government. Marc said NRW will facilitate the meeting and the first one will be set up shortly. Bob said this small group will go away and propose things to bring back to this group for everyone to review.
13. Zoe mentioned that there was an email sent around to members regarding the Senedd Review of the Control of Agricultural Pollution Regulations. Zoe suggested that the group will not be responding to this review and that it is for individual organisations to respond to the consultation. Spencer Conlon, Welsh Government said that this review consultation is an opportunity for everyone. No other comments were received.

## Item 4 Presentation: 'Maize is a great crop'

14. Zoe welcomed John Morgan, The Maize Growers Association to the meeting.
15. John explained his background and the role of The Maize Growers Association. John shared a presentation with the group and began by summarising the history of growing maize in the UK.
16. John gave an overview of the maize growing challenges including late harvesting and nutrient overload. The presentation showed photos illustrating some examples of 'farmers getting it wrong'. John mentioned that farmers must actively manage the fields to reduce the risk of soil, water, and nutrient loss.
17. John suggested some ways in which the situation can be improved including choosing the right field to grow maize and choosing the right variety of maize to grow. John explained The Maize Growers Association scoring system used to help farmers identify the most suitable maize variety for their field. The reality is that some fields are not appropriate for growing maize and farmers need to consider alternative crops.
18. John said there is an opportunity for farmers to reduce the potential pollution risk from their maize if they carefully consider the drilling date (e.g. drilling earlier than historically, so in April rather than May).
19. John discussed nutrient management and growing maize. The Maize Growers Association advise farmers to match nutrient supply to nutrient need along with guidance in RB209 to produce a nutrient management plan.
20. There are opportunities to minimise soil and nutrient loss over the following winter by considering tyres/tracks, managing maize stubble and under sowing.
21. John concluded by suggesting:
  - Maize is not the problem, heavy machinery in wet fields is
  - Farmers should aim to harvest in September
  - Field suitability should be carefully considered along with the right maize variety
  - Farmers should drill as early as practically possible – Mid April
  - Produce an individual field nutrient plan, based on soil analysis and fully allowing for nutrient from manures
  - Do not leave bare maize stubbles over winter – cultivate, under/oversow, following crop
  - MGA Maize charter – visit farms to create a farm-specific maize management plan
22. Sarah Jones and Loree Jones (DCWW Project Manager) gave a brief update on the DCWW Maize Under Sowing Project. Sarah mentioned that Dwr Cymru Welsh Water have run an under sowing maize project across some areas of Pembrokeshire (drinking

water catchments) and are subsidising farmers on a per acre basis to under sow their maize crops with grass.

Loree said the contractor went to DCWW with a proposal. Initially, about 100 acres were under sown across three farms in their drinking water catchments. Over 20 enquiries were also received from other farmers, but these were located outside of the drinking water catchments. Some of these farmers continued to under sow without the subsidy which has a positive impact on the water quality in those areas. Loree said they are worked with the contractor and Farming Connect to arrange an open event at one of the sites in December/January which will include an open invitation to all maize growers across west Wales to discuss the project with the host farmer.

Alongside this, the contractor Field Options, has been working with Farming Connect to run some trials using different seed mixes to assess the suitability for growing under maize as well as assess the suitability for different end-users.

Loree said moving forward, the partnership with DCWW, Field Options and Farming Connect hope to consider running the project again and will potentially look at other drinking water catchments it could benefit.

23. Zoe thanked John, Loree and Sarah and welcomed questions.

24. Chris Mills, WEL mentioned that poor practice results in pollution, costs to water companies and the use of plastics seems poor and asked John whether best practice should be made mandatory. John said he suspects that most of it is mandatory already for example Farming Rules for Water in England mandatory require farmers to take precautions to reduce soil erosion and also undertake nutrient management plans for each field, each year.

25. Sarah Hetherington, NRW said she is interested to know what is in the Maize Growers Association charter. John mentioned the Maize charter consists of three main elements; a farm visit to score individual fields on the suitability to grow maize, discuss nutrient management plan with farmer for that field and score the appropriateness of the plan and finally discuss post-harvest management of those fields.

Sarah asked whether there has been any development of min-till systems for maize. John said that maize is susceptible to compaction and is not good at working its way through compacted soils. There is evidence to suggest that ploughing pre-maize allows it to explore its root potential. John mentioned there is increasing interest in min-till options and they are conducting trials on strip-till options this year. The challenge is ensuring the soil structure is right.

26. Creighton Harvey, CFF asked what percentage of maize is grown as fodder and what percentage of maize is grown for AD plants in Wales. John said he knows the west Wales maize scene but does not know the figures. Creighton mentioned that crop cultivation is included in [The Code of Good Agricultural Practice \(CoGAP\)](#) Chapter 4, which contains guidance for farmers and a large proportion of the best practice mentioned in the presentation is not being seen on the ground in areas of west Wales as a large amount of harvesting is taking place in October and a large number of fields are left bare over winter. John said that the messages have been similar for the past 20 years but yet there is still a huge amount of farming which does not follow best practice.

John said none of the things discussed today should cost a farmer any more money, it is simply a case of better timing and better management. John suggested that people should encourage farmers to attend trials like the open event mentioned by Loree and Sarah so that they can see these systems for themselves. Creighton said progress appears to be slow in this area and there seems to be very little regard for the current guidance. If progress is not made, perhaps it is more appropriate to bring Chapter 4 of CoGAP into legislation and supplement it in some way to make the regulation more effective. John said he could not agree more.

27. Shane Thomas, CFF said that he noticed in the Soil Association report from 2015 that it mentions the inclusion of buffer strips to compliment under sowing and asked whether there is any scope to include this in a future DCWW project. Sarah asked Shane to provide further information on this so that this could be looked into.

***AP August 03: Shane Thomas, CFF to provide further information on buffer strips to Sarah Jones, DCWW.***

28. Ed Davies, NRW asked what factors are used to come up with the field scores used in the Maize Charter. John said they consider things like drilling date, slope, aspect, rainfall, soil type, proximity to environmental or property features. Ed asked regarding fields that have been identified as being suitable for growing maize, is under sowing always an option or are there some circumstances where under sowing is not viable. John said it is an option when farmers intend to grow maize the following year (continuous maize).

29. Charlotte Priddy, AHDB asked why you would choose maize over miscanthus for bio energy, miscanthus would not have the runoff issues. John said regarding biogas digestion, maize has the highest gas yield of any other crops so it's a commercial choice.

30. Zoe thanked John for joining the meeting and sparking such an interesting discussion. John agreed to share his presentation with the group.

***AP August 04: Bronwen Martin, NRW to circulate John's presentation.***

## **Item 5 Soil Association Presentation: Organic Production**

31. Zoe welcomed Haydn Evans and Max Eckert, Soil Association to the meeting.

32. Haydn introduced Soil Association Certification, outlined organic production standards and conversion & certification process, highlighted the benefits of organic farming, and discussed the organic market.

33. Organic food and farming are defined by law. To sell products as organic businesses must hold a certificate of registration from an approved organic certification body like Soil Association Certification. A list of principles and rules known as organic standards guide organic farmers and growers with the aim of delivering the highest levels of animal welfare, protecting human and animal health, and safeguarding the environment. Soil Association Certification team are on hand to help guide farmers through the conversion and certification process.

34. Organic production prohibits the use of synthetic fertilisers and pesticides. It is based on nourishing plants through the soil ecosystem and working with natural systems and farm rotation. Rotations based on diversity and nutrition not just disease mitigation. Organic seed should be used. Green manures, cover crops, composts and manures used for fertility. Livestock beneficial although not essential.
35. Stocking density is low enough to prevent the application of more than 170kg of nitrogen per hectare per year (inclusive of manure /slurry spreading). Promote livestock health in stress free outdoor based systems with high welfare standards. Access to grazing whenever conditions allow, and animals have space to roam. Grass rich diet and organic feed. Drugs only used to treat illness. No routine uses of antibiotics for prophylaxis.
36. The organic certification process includes:
- Pre- application service – free guidance and support from certification team on how certification can work on your farm.
  - Application:
    - Land starts conversion when we receive your completed application form
    - Application inspection
      - Complete your conversion period with ongoing support from our certification team (generally 2 years)
      - Organic certification: you can market and sell your products as organic using the Soil Association organic symbol
37. Haydn gave an overview of the land conversion process which is generally implemented over a 24-month period.
38. Haydn mentioned that there are many publications documenting the benefits of organic farming and gave an overview of some of them.
39. Haydn said around 5% of land in Wales is organic. Initially, support was through Glastir Organic but conversion to organic has not continued through this scheme. It is now only those who are already organic established.
40. Zoe thanked Haydn for the interesting presentation and began the question session by asking whether the percentage of organic farming in England and Scotland is higher than Wales' 5%. Max said that these figures are published by Defra and is likely higher in England.
41. Ed Davies, NRW recalled that Haydn mentioned there is a lot of interest in converting to organic farming asked whether on this basis the percentage of organic farms in Wales is growing. Max said recently there has been a stagnation of applications. There was a slow recovery in the market post economic crash but are now seeing a steady pick up in the growth of the organic market since 2011. A lagged increase in applicants so there is more land in conversion across the UK.

42. John Morgan asked about the potential to shorten the conversion time period. Haydn said it is possible to shorten the conversion period provided that you are in ownership of the land and you have a record of the previous inputs into the land. Max said it is about historic management records and demonstrating that to the certification team. There could potentially be up to a 12-month reduction in the conversion time, but this would require approval from Defra, and you would have to be from an official scheme where someone has verified that you are meeting the organic principles prior to it.
43. Creighton Harvey, CFF asked what the barriers are to converting to organic farming for dairy farming and maize production. Haydn said that the principle barrier is that you need to prove how you can make the farm work without synthetic inputs. This usually means that for a farm which has been heavily stocked, then 170kg/ha will create an issue and a reduction in stock numbers will be necessary. Secondly, if you are used to using synthetic fertilisers, then you have to come up with something different which often takes time as not every field is the same. Haydn said there are a few organic farmers who grow maize. Haydn recalled that he tried growing maize once and it was a disaster because he could not use any of the synthetic inputs like pre- or post-emergence spray for weed management control.

Creighton said he knows where Haydn is located and asked whether he could comment on the way that maize is grown in his area. Haydn said that his neighbour grows maize and described him as a first-class farmer with a precision clockwork system. However, Haydn mentioned that he knows another maize growing farmer whose system is less accurate and crossing the nearby road is difficult due to runoff on the road. John suggested that the catalyst between the two is the farmer.

44. Nick Fenwick, FUW asked how conversion periods compare with organic certified land in EU countries (from which significant amount of organic food is presumably still imported. Nick also asked presumably a decent organic milk price is a major factor then. Haydn said that in terms of converting to organic principles it must be justifiable through the market. Haydn said that he has been engaged with the EU organic movement and at the moment there has not been any divergence. Max said that generally across the EU the standards can be quite prescriptive, and the regulation is implemented fairly equally across the other member states. In January 2022, things may get more complex as the EU brings in new organic regulation.
45. Sarah Jones, DCWW asked what the main reasons people have been are converting to organic farming. Haydn said that many reasons are specific to individuals, but some include not wanting to use pesticides or wanting to farm in a certain way by regarding their hedges, soil etc as all integrated.
46. Sarah Hetherington, NRW mentioned that any system change requires a lot of support. Haydn agreed with Sarah's comment and said that support particularly in the early days is paramount.

## Item 6 SBRI Progress

47. Marc Williams, NRW provided a brief update regarding the progress made on the SBRI application. The spreadsheet was sent to members to review. Marc asked the group if anyone had any comments or feedback to inform the submission of the Expression of Interest (EOI) Form. Zoe mentioned that she is particularly interested in helping to

make sure our young farmers are being well educated and at an early stage. Marc said there were two main proposals; the first was to make monitoring technology and data understandable and deliverable to farmers and the second one was the education package for farmers. Small businesses will try to come up with ideas to solve these challenges. Marc asked whether members were aware of things relating to these which are already in place and that other organisations are delivering.

48. Sarah Hetherington, NRW mentioned that innovation takes a long time and suggested a separate initiative looking at how we can separate nutrients and crop requirement so that we can make the best of our slurries and manures. Marc asked Sarah whether it is suggested that this new challenge is included, Sarah agreed that this should also be included.
49. Zoe recommended that the group need to decide so that the EOI application can be submitted and asked the group if anyone else has any other comments. Bob said that Sarah's suggestion could be incorporated within the challenge and advertised within the programme for people to come forward with solutions. Marc said there can be more than one EOI form submitted with different challenges.

***AP August 05: Marc Williams, NRW to complete the draft SBRI Expression of Interest (EOI) Form for comment by the group.***

## **Item 7 Draft FAQ Tenanted Land Document Discussion**

50. Zoe recalled that the Draft Frequently Asked Questions (FAQ) document for Tenanted Land was sent to members just before the July meeting. Members were asked to review the draft FAQ document and provide feedback to Welsh Government. This is an opportunity for the group to briefly discuss the draft document and feedback any additional comments.
51. Spencer Conlon, Welsh Government said that Matthew Waters is collating the responses but mentioned that they have not received as many as they were hoping for. The opportunity to comment is still open as it is a very important document. Spencer said the document is a live document which can be updated but asked members to provide their feedback by the end of the week.

***AP August 06: Members to provide their feedback on the Draft Frequently Asked Questions (FAQ) document for Tenanted Land by 27<sup>th</sup> August 2021.***

52. Nick Fenwick, FUW mentioned the FUW have responded to both Welsh Government and NRW. The FAQ document highlights more problems than solutions. Nick said it is concerning as it seems to divert people or attempts to point people towards expensive legal advice or third-party advice rather than taking responsibility for a situation that this Sub Group has warned about for probably about three years.

Nick mentioned that there is a large emphasis placed on NRW to make decisions and provide advice regarding quite complicated legal matters to do with the 86 Act concerning tenancies which may lead to arbitration and lengthy legal processes. Nick asked NRW whether they are confident that they have the legal expertise to make those decisions regarding who is responsible under Section 30. Nick also asked are NRW confident that they will be provided with the resources to implement the rules and

ensure that they have the expertise to make those decisions. Bob Vaughan, NRW said NRW are still in discussions with Welsh Government regarding the resources and have provided an idea about what we think is the minimum viable product for the regulations. Bob and Nichola Salter, NRW discussed that NRW have their own legal department.

53. Dennis Matheson, TFA said he endorsed everything that Nick Fenwick said regarding the FAQ document. This document sets out most of the problems but does not discuss any of the solutions, because there are no solutions as it stands. Currently, there will be tenants who will be forced to break the law one way or another if there are no exemptions or if the case has gone to arbitration. Dennis said Welsh Government must revisit this, if not this will be the beginning of the end of the landlord-tenant system in Wales.
54. Nick mentioned in terms of having some indication about what budget will be provided to NRW, do you have any idea on this. Bob said a timeline is not clear but there are meetings arranged to have these discussions.
55. Chris Mills, WEL reflected on the issue around the difficulties with respect to tenant farmers and the regulations and asked whether the group think they have done enough to highlight the issue with Welsh Government and perhaps relevant Ministers. Chris said that it seems that a FAQ document which only highlights the problems is not going to get anywhere and there needs to be a fundamental rethink about how we cope with the issue around tenant farmers. Zoe asked Chris what he would suggest the group does. Chris said perhaps write a letter to the relevant Minister to highlight the problem.
56. Zoe asked the group whether they thought this was an appropriate thing to do. Nick said he would endorse what Chris has said and mentioned that this group has recorded minuted discussions around these concerns which are now highlighted in the FAQ. Nick said he is pessimistic about a response, but it would be absolutely appropriate to add to those expressed concerns. Bob said the group has previously written to the Minister on particular topics. Dennis said that he has probably written half a dozen letters directly to the Minister and have had dozens of meetings with officials and this FAQ document is the outcome.
57. Creighton said that there is a real problem here and the issue regarding tenant farmers should be resolved to make it easier for everyone to comply with the legislation.
58. Spencer said that it is not up to him to advise the group whether or not to write to the Minister. Spencer picked up on a point that was mentioned earlier regarding the storage requirements which have been in place for 30 years. Nick agreed that there are certain elements that have not changed but there are some changes that are new, and these changes are massive. Nick said it is to do with the volume not nature of what NRW will have to do.
59. Chris said that it is important to be very clear to the minister as to where these issues arise and have a catalogue of the various issues outlined in a concise way.
60. Zoe concluded that the group would write a letter to the Minister which touches on the concerns on the whole group has not those of individuals.

***AP August 07: Bob and Zoe to draft a letter on behalf of the group to the Minister regarding the FAQ document and issues around tenancies.***

Spencer said that whilst storage requirements have changed, for 30 years there have been storage requirements in place. If tenant farmers have managed to comply with these regulations for 30 years, in a lot of instances they must have come up with mechanisms to agree how to meet the requirements between tenants and landlords. This is not a new principle that tenants have to meet storage requirements as tenants have always had to meet storage requirements.

61. Spencer said that if a letter is going to be drafted it would be good if it could highlight some real-life examples due to storage requirements being in place for 30 years. Zoe agreed and suggested that members could help to provide some of these real life examples.

***AP August 08: Members to provide examples of real-life scenarios to include in the letter to the Minister.***

## **Item 8 Any Other Business**

62. Dennis Matheson, TFA mentioned TFA Cymru's position regarding growing maize for biodigesters they do not like this because of the subsidy, exorbitant rents are being paid on fields to grow maize for biodigesters and distorting the whole renter's market.
63. Zoe mentioned that the next Sub Group meeting is scheduled for 20th September 2021 and asked the group whether they would be comfortable with a site/farm visit depending on the covid situation.

***AP August 09: Bronwen Martin, NRW to create a poll for members to vote on a site/farm visit***

## **Close meeting**