

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: 15th November 2021

Present:

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Bob Vaughan, NRW

Sarah Jones, Dwr Cymru

Marc Williams, NRW

Nicola Mills, NRW

James Ruggeri, HCC

Edward Davies, NRW

Chris Mills, WEL

Nichola Salter, NRW

Einir Williams, FC

Charlotte Priddy, AHDB

Shane Thomas, CFF

Geraint Hamer, Welsh Government

Bernard Griffiths, FUW

Ruth Johnston, NRW

Katy Simmons, NRW

Kate Snow, United Utilities

Creighton Harvey, Carmarthen Fishermen's Federation

Additional Attendees Present:

Geoff Sampson, WRAP (Item 4 only)

Kathryn Brown, Welsh Government (Item 4 only)

Andy Rees, Welsh Government (Item 4 only)

Michelle Griffiths, NRW (Item 4 only)

Secretariat:

Bronwen Martin, NRW

Apologies:

Spencer Conlon, Welsh Government

Fraser McAuley, CLA

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 approved.
2. No declarations of interest were raised in respect of Agenda items.
 - NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.
3. Zoe welcomed Nicola Mills to the group. Nicola is a Senior Dairy Officer for NRW and has joined the group as a direct contact for the Dairy Project.

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. The group reviewed the previous meeting minutes from 20th September 2021.
6. Zoe mentioned that the presentation from Gail Davies-Walsh was informative and was well received as many people requested her contact details to keep in touch and work on things. Chris Mills, WEL suggested that having a clear understanding of the outcomes of the Sub Group would help to map across which organisations are contributing to each one of the outcomes. Chris asked whether there is a list of outcomes for the group. Bob Vaughan, NRW mentioned that the [WLMF Sub Group](#)

[Interim Report](#) was produced for the Minister and perhaps it needs to be revisited to say what we have done since and where we are going. Chris said he is suggesting a simpler task of reviewing the report to identify key outcomes and map which organisations are contributing to these. Marc said that last year a priority recommendation list was produced, and the group was asked which ones should be taken forward. Perhaps this list should be used to go forward to identify who is delivering what.

AP November 01: NRW to circulate the list of priority recommendations to the group.

AP November 02: The group to review the list of priority recommendations and indicate which ones their organisation is working towards and identify which ones are linked to the work of other organisations (non-Sub Group organisations).

7. Dennis Matheson, TFA asked whether the suggested letter to the Minister regarding issues and concerns around the Frequently Asked Questions document for tenant farmers has progressed. Zoe said no as it is a difficult letter to progress within NRW and we didn't receive any examples of scenarios from members. Bob said this is an important issue, but the evidence is key for this letter. Bob requested that members provide information to support the letter. Dennis suggested that County Council Holdings may help.
8. No further comments were received regarding the minutes from the September meeting.
9. Bronwen Martin, NRW shared her screen for the group to review the outstanding actions.

Item 3 Matters Arising

10. Zoe mentioned that a letter from Tim Bailey, Environment Agency has been received regarding concerns about some of the points discussed during the June 2021 meeting when a representative from Red Tractor presented to the group.

Zoe said that the minutes from the June meeting will not be amended as they are an accurate record of what was said at the time. However, Tim's statement outlining the concerns and comments will be recorded in the minutes of this meeting.

- **Letter from Tim Bailey, Environment Agency:**

A letter from Tim Bailey, Environment Agency was received on 12th October 2021, which reads:

'As you will be aware the Environment Agency has been questioned by externals on recorded comments made by Red Tractor at a recent WLMF meeting.

[WLMF Sub Group - June 2021 meeting minutes](#)

The Environment Agency thoroughly dispute the version of events currently published.

For your information, by way of background -

The Environment Agency (EA) has at no time instructed Red Tractor (RT) to stop checking slurry storage requirements or told RT that the EA could not deal with the number of queries we were receiving. Our Environment Officers are experts in helping farmers improve compliance, including the provision of slurry storage. Comments made at meetings with Red Tractor have not been reported correctly. The EA acknowledge that farmers cannot address inadequate slurry storage capacity over-night, and with planning permission and other blockers it can take between one and two years, and sometimes longer, to complete. We asked RT to require non-compliant farmers to supply a plan of action of a sufficient quality within 28 days of an inspection. Furthermore, for those farmers to contact us with their plan at the earliest time to ensure their calculations were correct and what was being proposed was appropriate for the site. We would then expect farmers to put their plan into action and to come into compliance at the earliest time and take reasonable precautions in the interim to prevent pollution resulting from having insufficient slurry storage capacity. To help ensure there was a common calculation for slurry storage to assess compliance against, we engaged with AHDB to modify their slurry wizard to include wetter than average (1 in 5 year) rainfall. This was dually done. We also supplied RT with guidance for assessors and farmers to provide compliant storage, consulted on and shared with NRW. That guidance has not been modified since issued.

We would welcome the EA refute being raised and recorded at the next meeting.'

Zoe welcomed questions or comments from the group.

Chris Mills, WEL said this suggests communications between Red Tractor and the Environment are not brilliant. Creighton Harvey, CFF said it is encouraging that the minutes of the meetings are being read but others outside of the meeting.

Bob suggested that NRW contacts Red Tractor on behalf of the group to clarify directly to them that this has been raised so that they recognise there is a lack of communication or misunderstanding and are able to rectify this.

AP November 03: NRW to contact Red Tractor on behalf of the group and provide clarification of the letter from the Environment Agency.

AP November 04: NRW to respond to Tim Bailey, Environment to thank him for the communication and confirm that the letter was presented during this meeting.

11. No other matters were raised by the group.

Item 4 Presentation: Proposed non-domestic premises Recycling Regulations

12. Zoe welcomed Kathryn Brown and Andy Rees, (Welsh Government) and Geoff Sampson, WRAP to the meeting to present to the group regarding the development of the proposed Non-domestic Premises Recycling Regulations.

13. The presentation covered:

- Why the need for this legislation?
- The background and where it is at currently – including stakeholder engagement and consultation
- Informal discussion of general and sector specific issues – including compliance checking and level of enforcement and penalties
- Stakeholder feedback on issues that need addressing in the Regulations/Code of Practice
- Informal discussion of areas stakeholders will need guidance/advice on in terms of best practice

14. Zoe recalled from the presentation that 'household' is 65% and asked whether there was a figure for non-domestic. Andy mentioned that it varies between industrial (around 60%) and commercial waste (around 64%) but there is far more recyclable waste in black bags from commercial waste which should be recycled instead of going to landfill. Zoe asked where agriculture comes, and Andy confirmed that it comes under industrial waste.

15. Chris said he commends the initiative but asked whether there is an estimate for the amount of extra resources which NRW will require to properly enforce this. Chris also commented that there is a climate and biodiversity emergencies but the process of getting things going is very slow so if we are going to meet the challenges there must be a faster way of bringing in new measures. Andy said they are aware that the regulations will not work unless there is adequate enforcement. These regulations were due to be brought in on 1st October 2021, but this was delayed due to covid and Brexit, but are now committed to the timetable.

16. Bob explained that this group was set up to tackle issues around agricultural pollution and has made some great strides to take things forward. Bob asked how these two things can be tied up. Andy said there are opportunities to be explored to potentially convert a 'waste' into a resource. Andy mentioned that there are opportunities like surplus crops being supplied to charities or local communities.

17. Sarah Jones, DCWW asked whether Andy had a contact in the DCWW waste department, if not she would be happy to provide a link. Andy said they have spoken to WLGA Food Hygiene colleagues who will go around and inspect to make sure that food waste has not been disposed of to sewer. Conversations about trade effluent may be interesting. Sarah said colleagues would want to know about large quantities of milk heading to a treatment plant.

AP November 05: Bronwen Martin, NRW to pass on the contact details of Sarah Jones, DCWW to Andy Rees, Welsh Government.

Sarah said that her team has done a lot of work regarding unwanted pesticides and noted that it is not possible for all farm wastes to be recycled because in this case it is hazardous. Sarah highlighted that it is often very difficult for people to get hold of appropriate waste carriers and sometimes this service is disproportionately expensive. Sarah asked whether Welsh Government had considered a 'buy-back scheme' for

residual 'waste'. Andy said no, not yet but they will do, and this is connected to the proposed sector specific guidance. Sarah said DCWW are happy to share information and lessons they have learnt.

18. Michelle said that these Non-domestic Recycling Regulations are around specific waste streams where they can increase the capture rate and recycling and highlighted that this conversation has shown there are more wastes on farms which need to be considered as a sector, particularly around challenges and issues. Michelle reminded the group that Wales has a circular economy and sustainable management of natural resources and NRW has dedicated people who look at these challenges and provide support regarding opportunities. Michelle mentioned that if there are further challenges and opportunities around waste streams that are not covered by the non-domestic recycling regulations, then WLMF Sub Group members should contact the NRW Waste Policy Team to see what support can be offered.

19. Bernard Griffiths, FUW mentioned on-farm plastics and in the past farmers have experienced extended periods of time where they have not been able to export their farm plastics and asked what the supply/demand situation is at the moment. Andy said he has been involved in farm plastic issues for many years and have liaised with the British polythene industry who provide a solution to recycle farm plastic. Andy mentioned there is a 70,000 ton per annum plant in South Wales that can manage farm plastic but currently a lot of that capacity is taken up with the Irish extended producer responsibility scheme. The challenge is that the service for recycling farm plastics comes at a cost but there is a demand (e.g. furniture made from recycled farm plastics).

Zoe clarified that plastics are not a core focus of the group but issues around on farm plastics is a concern, particularly around the difficulty of arranging collections and the cost associated with this.

20. Zoe asked Andy if the presentation could be shared with the group. Andy confirmed he is happy to send a copy across.

AP November 06: Bronwen Martin, NRW to circulate the presentation on the proposed Non-domestic Premises Recycling Regulations.

Item 5 Dairy Project Update

21. Nicola Mills (Senior Dairy Officer, NRW) joined the meeting to provide a brief update on the Dairy Project.

22. Nicola gave a brief overview of the Dairy Project:

- Since the beginning of the project in 2018 we have visited 824 farms to undertake a Dairy visit.
- Since July 2020 we have called 309 farms to chase progress.
- We have been notified of 242 completed requirements.

- Since March 21 we have re-visited 131 farms to view improvements & chase progress.
- The Dairy Officer target is to re-visit 2 farms each week and complete 1 new visit each week.
- The Senior Dairy Officer target is to visit the most problematic farms and work closely with the Environment Teams, support and mentor the Dairy Officer's undertaking accompanied visits when required, visit new farms and re-visits.
- The report is produced and posted within a 4-week deadline.

23. Nicola said going forward, the plan is to achieve the following:

- To continue to revisit as many farms as possible to push on improvements and provide support, advice & guidance.
- To complete new visits as quickly as possible to keep the momentum and show farmers we are being proactive.
- We need to visit a further 700 dairy farms to complete an initial visit and produce a Dairy Visit Assessment Report.
- Recruit the vacant posts in the project, 2 DO's for South, 2 DO's for Mid, 1 DO for North and a new Lead Co-Ordinator.
- Work closely with farmers to advise on CoAPR and what it means to them.
- Actively promote the Dairy Project with emphasis on the fantastic outcome so far, lots of good work being done on farms we are unaware of.

24. Nicola shared a series of graphs which were based on the information provided by the farmers on the day of the initial visits. The graphs outlined slurry storage capacity, livestock nitrogen loading, phosphorus loading, storage capacity and age of store and livestock units.

25. Nicola summarised some feedback the Dairy Officers have received from farmers, including:

- Control of Agricultural Pollution Regulations – still some confusion with the phasing in of the new regulations.
- Closed periods – over spreading before and after these periods – questions about what can NRW do and how will it be enforced?
- Some farmers think the new regulations will be revoked after Judicial Review.
- Some farmers being denied grants due to shortage of funds, high volume of applications and not hitting points.
- Money – The biggest issue particularly with the small farms

- A number of farms choosing to sell up as the business is not financially viable anymore
- Contractors getting booked up well in advance and causing delays in improvements being completed and price increases.
- Silage clamps coming in to Cross Compliance angered farmers, also changes the direction of the project (no longer advice & guidance)
- Fertiliser prices increased substantially – more support needed on using slurry instead.

26. Einir Williams, Farming Connect mentioned that Farm Business Grants and the Sustainable Production Grants are Welsh Government administered, not Farming Connect. However, Farming Connect offer fully funded surgeries for farmers and can have an hour free over the phone with an environmental consultant to ask advice. Farming Connect also have upcoming on farm clinics (fully funded) where farmers have a visit from an environmental consultant.
27. Creighton thanked Nicola for highlighting some of the issues, concerns, and misunderstandings of farmers as it is good that we appreciate those difficulties. Creighton asked what the full complement of staff should be for the Dairy Project. Nicola said there should be 13 in total, which includes 12 Dairy Officers and Senior Dairy Officers and 1 Lead Coordinator for the project.
28. Zoe said that fertiliser prices have increased and mentioned there is a gap of understanding where farmers realising that they may have the nutrients they need already on their farm. Zoe asked whether there is something more the group can do to make sure the message is communicated.
29. Chris asked what the targets of the project are. Nicola said they have targets for the number of visits the officers undertake. Chris said that it would help if the project had clear outcomes; visits are an activity not an outcome. Nicola said that the project is currently due to finish in March, but this is certainly something to consider if the project continues beyond this period. Chris said the information Nicola has presented highlights the importance of the Dairy Project.
30. Bernard Griffiths, FUW said the figures presented are very revealing but sadly they are not telling us anything new. Bernard suggested that if the funding and transition periods are not changed then the sector is not going to get up to speed.
31. Bob said this project started to find out more about the dairy farms in Wales and has evolved and developed over time.
32. Creighton said that he has raised the issue of funding for this project many times. The temporary or annual funding is not a system which is sustainable and will not produce the result which should be produced. Creighton mentioned that any support needed for the Dairy Project will be offered by many in this group.
33. Dennis Matheson, TFA agreed with Creighton's comments regarding funding for the Dairy Project. Dennis asked whether there are any figures regarding tenanted dairy

farms visited during the project. Nicola said she didn't have specific figures, but they have visited tenanted farms during the project.

34. Chris mentioned that the baseline data is really important to secure funding going forward. This is a vital project and guidance and support for farmers will be needed going through this challenging time ahead.
35. The group discussed possible ways that the group could help support the Dairy Project going forward.

Item 6 Overview of in-person farm visit

36. On Monday 18th October 2021 some members of the group visited Graig Olway, near Usk. A summary of the farm Walk & Talk to Graig Olway was circulated to the group prior to the meeting.
37. The group discussed some of the points raised during the farm visit.

Item 7 Agricultural Contractors Discussion

38. Zoe mentioned that this is a topic which the group discussed some time ago and thought that it could be revisited in order to move something forward. Zoe asked for views of the group.
39. Nichola Salter, NRW mentioned that she had been working with Lantra on their safe storage and use of organic manures and slurries which they are developing for Farming Connect. This will be signed off and they are rolling it out on 6th December and is aimed at contractors. Nichola said she asked Lantra not to just focus on slurry, so it will meet the 'organic manures' definition of the Control of Agricultural Pollution Regulations.
40. Creighton said he would welcome further discussion on agricultural contractors. There will have to be risk maps created for the Control of Agricultural Pollution Regulations and perhaps communication between farmers and contractors should be included so that there is not a gap. Any risk maps should be shared with the contractor and signed to show that this information has been communicated and everyone is aware of where the risk lies.
41. Ed mentioned that United Utilities have secured funding to produce some guidance leaflets and the topics they are covering are Control of Agricultural Pollution Regulations, field heaps and muck stores, risk maps and manure spreading. This information will be relevant for both farmers and contractors. These leaflets will be proof read by NRW before they are signed off for final production.

AP November 07: Ed Davies, NRW to collate information relating to agricultural contractors for the group to discuss further at the next meeting.

Item 8 Any Other Business

42. Zoe mentioned that the next Sub Group meeting is scheduled for 13th December 2021. Proposed dates for meetings in 2022 will be circulated shortly.

43. Einir mentioned that Farming Connect have some upcoming on farm clinics on infrastructure, manure testing, soil testing and mains water quality testing.

AP November 08: Einir Williams, Farming Connect to send Bronwen Martin, NRW the link to the upcoming Farming Connect on farm clinics so that they can be circulated to the group.

44. Ruth Johnston, NRW said that every five years Ofwat review the prices for customer bills. We are at the beginning of price review 2024 which will be concluded in December 2024 when Ofwat set the spend for water companies that they can raise via customer bills. Part of that process is that the environmental regulators produced their national environment program. That program sets out works that we would expect to be funded to meet legislative requirements and other requirements as part of the revenue that is raised from customer bills. That revenue that is raised includes baseline costs and maintenance, but also enhancement. So, for example, if a new bathing water is designated, enhancement costs would be granted to the water company via customer bills to fund the works they have to do to then achieve the designation for that bathing water.

Ruth circulated a note to the group prior to the meeting just to let everyone know that this process has started and that she is the lead for NRW.

Sarah Jones, DCWW said she works within the catchment management team and are looking at plans for AMP8 now and are in the same sort of timescale as Ruth looking at the PR24.

45. Zoe mentioned that she would like to discuss Communications during the next meeting and thoughts about the next WLMF Sub Group Newsletter.

AP November 09: Bronwen Martin, NRW to add communications and Sub Group Newsletter to the December meeting agenda.

46. No other comments were received.

Close meeting