

Minutes

Title of meeting:	Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution
Location:	Microsoft Teams Meeting
Date of meeting:	4 th December 2023
Members present:	Rhys A. Jones, NRW Board Member (Chair) Rhianne Jones, NRW Nichola Salter, NRW Dennis Matheson, TFA Gareth Parry, FUW Ieuan S. Davies, NRW Rachel Lewis-Davies, NFU Cymru Andrew Chambers, Welsh Government Sarah Jones, Dwr Cymru Welsh Water Creighton Harvey, CFF Kate Snow, United Utilities
Additional attendees:	Iwan Williams, NRW (Item 3)
Apologies:	Katy Simmons, NRW Marc Williams, NRW Jon Goldsworthy, NRW Sarah Hetherington, NRW David Ball, AHDB Einir Williams, Farming Connect Matt Walters, Welsh Government Delyth Lewis-Jones, AHDB Russ Thomas, Hybu Cig Cymru Chris Mills, Afonydd Cymru
Secretariat:	Bronwen Martin, NRW

Item 1. Introductions, Apologies and Declaration of Interest

1. Professor Rhys A. Jones (NRW Board Member and WLMF Sub Group Chair) welcomed all to the Microsoft Teams meeting and noted apologies.
2. 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.
3. 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.

Item 2. Review of Minutes and actions

4. Rhys confirmed that once the meeting minutes have been reviewed and formally agreed by the group, they will be published on the NRW website 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 6th November 2023. No comments or suggested amendments were received in respect of the November meeting minutes.
6. Bronwen shared the outstanding actions log and verbal updates were provided where possible.
7. Ieuan S. Davies, NRW mentioned that some challenges have been encountered when finalising the SAC Rivers Agricultural Technical Group report which has led to a delay in circulating the report. Rhys said he is hoping to have a follow up meeting with Delyth Lewis-Jones, AHDB to discuss this further.
8. Andrew Chambers, Welsh Government circulated the link to the Welsh Government SBRI Challenge [Reducing Pollution Resulting from Agricultural Ammonia Emissions in the Cattle Sector | SBRI Centre of Excellence \(simplydo.co.uk\)](https://www.simplydo.co.uk/reducing-pollution-resulting-from-agricultural-ammonia-emissions-in-the-cattle-sector).

Item 3. Matters Arising

9. The group was encouraged to discuss any matters arising from the previous meeting minutes, relevant documents, or recent topics.
10. Rhys mentioned that there was a request for a presentation on sheep dip monitoring. NRW colleagues were unable to attend this meeting but have provided a written update on Diazinon for the group. Bronwen said there is also a commitment to present at a future meeting. Creighton said this is a topic of great interest and discussed some of his concerns. Creighton asked if it is possible to share the Diazinon note with members of the Wales Fisheries Forum. Bronwen said she would check with colleagues. Rhys suggested that this topic should be a joint presentation for members of the WLMF Sub Group, Wales Fisheries Forum and Wales Water Management Forum. If a presentation is possible, Rachel asked if information can be included on the spatial distribution of the alleged breaches (e.g., a map).

AP December 01: Bronwen Martin, NRW to check whether the Diazinon Briefing Note can be shared with the members of the Wales Fisheries Forum.

AP December 02: Bronwen Martin, NRW to look into organising a joint presentation session on sheep dip monitoring for members of the WLMF Sub Group, Wales Fisheries Forum and Wales Water Management Forum.

11. Rhys asked if anyone wanted to share any relevant discussions from the Winter Fair. Dennis mentioned that he tried to impress on RPW that their inspection regime approach to any breaches of the Control of Agricultural Pollution Regulations should match that of NRW. However, cross compliance rules are in law, and any changes to

their approach would have to go through the Senedd. RPW assured Dennis that when the new Sustainable Farming Scheme (SFS) comes in, they would be taking a more joined up approach. Dennis expressed his disappointment that he has not managed to make any more progress on this. Gareth Parry, FUW said they raised a similar concern with the First Minister at the Royal Welsh Agricultural Show. Gareth said FUW welcomes that NRW will adopt a 'softer approach' to enforcements in terms of the compliance of the Control of Agricultural Pollution Regulations given how long it is taking for farmers to adjust and come to terms with what is required of them along with the number of barriers that are outside of their control with regards to infrastructure and planning etc. Gareth said FUW raised that it could create barriers or hurdles for farmers accessing the SFS if they are unable to comply with the Regulations for other reasons.

Gareth suggested that the hot topic from the Winter Fair was future funding for agricultural affairs. Future budgets for any industry are not secure. This is a big concern. The funding received from government underpins a lot of work that farmers do (e.g., environmental work, improving water quality etc.) but farms also need to be economically viable businesses. FUW met with Clare Pillman, NRW and raised points with regards to the increased cost of permits for spreading used sheep dip. FUW have received subsequent correspondence from Clare with regards to the breakdown of those costs. However, FUW raised concerns with Clare that it still doesn't provide the detail needed to understand how the figures have been reached. Gareth said FUW will be continuing dialogue with NRW around this topic and hope to get further clarity.

12. Rachel Lewis-Davies, NFU Cymru mentioned the NRW Charge Payers Consultation that is currently live ([NRW: Consultation on Our regulatory fees and charges for 2024/2025 \(closes 8th Jan 2024\)](#)). NFU Cymru are going to be making points about the strategic review of charges and the hikes in the fees that occurred last year. NFU Cymru will be pushing back and asking what NRW is doing to drive efficiencies in their permitting system. Everybody else is having to drive efficiencies and it feels like NRW is not. Rachel said more transparency is needed around how the charges are determined and if there is scope to independently review them. Currently, they lack credibility with the industry, and it needs further exploration.

Rachel said the new Habitat Wales Scheme and the end of Glastir was an example where there seems to be a lot of ambition from Government and its Regulator for farmers to do more in terms of environmental delivery. We are at a very concerning point where farmers have had a real dent to their confidence and the ambition to deliver for the environment is not being matched with an appropriate budget.

13. Rhys asked if anyone attended the First Minister's Third River Pollution Summit held on 30th November – this is an opportunity to provide a summary of discussions ([Welsh Government: Written Statement - Third River Pollution Summit](#))

Gareth attended the Summit and recalled relevant highlights. Richard Roderick, Beacons Water Group provided an excellent presentation about the work that group are doing in their catchment. Richard had emphasised disappointment in the cliff edge of funding from Glastir to Habitat Wales Scheme. Gareth suggested that the take home message from that presentation was about the excellent work they are doing (e.g., weather stations, working with the environment and undertaking actions to improve the water quality in the catchment). However, it's disappointing that the Regulations across Wales don't recognise these flexibilities.

FUW are part of the Nutrient Trading Task and Finish Group that was created following the first Summit in 2022. That group presented their report at the recent Summit. It is a great report which is a research paper into nutrient trading, and it highlights all of the areas which need to be looked into. Gareth said it is an accurate representation of the group discussions and although it doesn't fix all issues, it highlights what needs to be done for a nutrient trading mechanism to be introduced. It also mentions that monitoring and source apportionment need to be conducted in a transparent, objective and unbiased way that enables all stakeholders to have confidence in the results. NRW and Welsh Water are working on improving the source apportionment modelling. Presently, not all stakeholders have confidence in that data and are concerned that it will be used for future policy decisions when it could be argued that it's not completely accurate in its current form.

14. Rachel echoed Gareth's comments on the Nutrient Trading Task and Finish Group report. Rachel said it is an excellent piece of work and encouraged everybody to read it. The role of nutrient trading is explored within the report, but there are significant barriers that would need to be overcome. Rachel said her take home message from the Summit is that there has been some progress since the first Phosphate Summit, and the actions are delivering some headroom to allow development of social housing to take place. Rachel also recalled Richard Roderick's presentation which highlighted an example of very positive steps that farmers are taking across Wales. Overall, it was a positive Summit and was focused on the delivery of the actions within the Action Plan. It has been suggested that there are plans for future Summits in 2024.
15. Bronwen asked if a copy of the Nutrient Trading Task and Finish Group report can be circulated to this group. Gareth and Rachel were not sure of the status of the report but said they would check. Rachel mentioned that the report itself was authored by a seconded PhD student from the University of Cambridge, Isabel Ollard, who has done a fantastic job.

AP December 03: Rachel Lewis-Davies, NFU Cymru to check the status of the Nutrient Trading Task and Finish Group report and whether it is possible to circulate to the WLMF Sub Group.

Rhys discussed the possibility of a presentation at a future meeting to include a synopsis of the report. Rachel and Gareth agreed that they could facilitate a presentation at a future meeting.

AP December 04: Rachel Lewis-Davies, NFU Cymru and Gareth Parry, FUW to provide a presentation on the Nutrient Trading Task and Finish Group report at a future meeting.

16. No further matters arising were raised by the group.

Item 4. NRW Update: The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

17. Iwan Williams and Nichola Salter, NRW joined the meeting to provide an update on the Control of Agricultural Pollution Regulations (CoAPR). A Service Level Agreement (SLA) has been agreed with Welsh Government for inspection of higher risk agricultural activities. Welsh Government announced additional funding for NRW to carry out planned inspections (i.e. not incident response) to assess compliance with the CoAPR

and take enforcement in line with [Natural Resources Wales / Enforcement and sanctions policy](#).

18. NRW staff have attended Winter Fair (2022 & 2023) to provide advice to farmers and stakeholders, taken part in Farming Connect webinars and events, delivered training for stakeholders, a CoAPR teams communication plan under development and they have enabled the publication of a slope layer (for risk maps) on [Data Map Wales](#).
19. Nichola provided an update regarding the recruitment campaign to enlist staff to undertake compliance and enforcement inspections and technical support with respect to The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The recruited staff are now in post and are engaged in a comprehensive training programme delivered by external consultants and internal experienced staff. The NRW inspection programme will target higher risk activities carried out on agricultural land as agreed with Welsh Government. Higher risk activities include those farms producing, importing, exporting, storing or using high levels of organic manures (as defined under CoAPR). NRW will provide reasonable notice, in writing and will confirm the elements that Officers will want to inspect.
20. CoAPR is included in the Cross Compliance standards as Statutory Management Requirement 1 Water Protection. All farmers and land managers in Wales who are claiming the Basic Payment Scheme (BPS) and/or Welsh Government Rural Development land-based schemes must adhere to Cross Compliance requirements. Any identified failure to meet the Cross Compliance standards would result in payments being reduced, recovered or withheld by Rural Payments Wales as detailed in the [Cross compliance: verifiable standards 2023 | GOV.WALES](#) and [cross compliance payment reduction matrix 2016.pdf \(gov.wales\)](#). Under the terms of the SLA with Welsh Government, NRW are obliged to report all breaches of Cross Compliance to RIW.
21. Nichola and Iwan provided a summary of the enforcement process. As a regulator when enforcing any regulations, we are required to follow the [Regulators' Code](#). The code outlines what is expected of regulators carrying out their duties.
22. A recording and reporting database has been created and is now in use. This will be used for reporting outcomes of inspections as agreed with Welsh Government. To date, the teams have carried out around 60 planned inspections with respect to CoAPR, and a further 40 are planned before the end of 2023. Nichola suggested that she could periodically report back to this group.
23. Rachel recalled that she has already suggested the need to collect additional basic contextual data (e.g., if a farm is under bovine TB breakdown etc). This supplementary information can add context to a situation. We have previously highlighted that farmers who are found to be in breach could have a reason out of their control which makes them non-compliant. Nichola said we are collecting contextual data including whether a farm is under TB restrictions or any other restrictions, whether its tenanted, etc.
24. Rachel asked if there is an opportunity to see the letter that NRW will be sending to farmers providing reasonable notice and to confirm what elements Officers will want to inspect. Nichola and Iwan agreed to explore whether a copy of the standard letter can be shared.

AP December 05: Nichola Salter, NRW to look into sharing a copy of the standard letter which is sent to farmers ahead of CoAPR farm visits.

25. Rachel asked about the skills and expertise of the CoAPR team. Nichola and Iwan described the range of experience and backgrounds of the individuals (e.g., some are Fertiliser Advisers Certification and Training Scheme (FACTS) qualified, some have come from RIW, animal health inspectors etc). There's a good cross section of people in the Team. Some are new to NRW and the Regulations but are learning and developing very quickly. Nichola mentioned that when NRW do cross compliance breaches, we always have two technical signatures signatories which ensures there is an extra technical check.
26. Gareth asked if it is possible to share the contact details of the NRW CoAPR Team. Iwan said they would welcome communication and sharing contact links.

AP December 06: Iwan Williams, NRW to share contact information for the CoAPR teams.

27. Gareth asked if it is possible to get some basic guidance or step-by-step points on how a farmer could use Data map Wales. Nichola said she is happy to do some step-by-step guidance but does not use it herself because NRW have our internal mapping system. Nichola is working with RIW to make it as simple as possible for farmers.
28. Gareth recalled that NRW will be conducting inspections on higher risk farms and asked if that is a prioritisation process or the main focus. Iwan said the focus will be on those categories of farms, but also those farms that were visited for the Dairy Project which had issues. Initially, we have a target under the SLA to do about 800 visits and around 600 revisits.
29. Creighton asked if all the posts are now filled. Iwan said we managed to recruit most of the posts before the recruitment challenge. We still have three or four posts to fill but we still have funding and hope to overcome this in the next few months. This has slightly impacted delivery, but not significantly. The figures provided reflect the actual positions and the number of staff currently in post.
30. In terms of priorities, Creighton asked if NRW will be considering those farms which have previously been the subject of prosecutions or linked to specific risks either from the Dairy Project or from previous enforcement action over and above the risk areas identified. Nichola explained the methodology of risk assessing all farms in Wales.
31. Creighton recalled comments made earlier about NRW agreeing to a 'softer approach' in relation to enforcement of the CoAPR and asked for comment. Iwan summarised the paper that went through the internal NRW Enforcement Governance Group which provides clarity to staff regarding the approach. Iwan said it is not a soft option, we will inspect a farm, highlight areas of non-compliance and provide the farmer with an agreed time frame to get those areas into a compliance status (that will vary from farm to farm). If that farmer does not meet the expectation and does not agree and comply with that, then we will apply the next phase of enforcement action. Iwan clearly indicated the exception to that – if a farm is causing pollution or it is a high risk of causing actual pollution (river/groundwater) then advice and guidance is not the approach, and we will be going straight into the second or third tier of our regulatory approach. Iwan reminded the group of the CoAPR phases coming in during 2024, including non-spreading periods and storage requirements.

Creighton summarised that the approach in terms of inspection remains the same for all farms as far as any enforcement action are concerned, but it also depends on the

circumstances of the individual farm. There would be no policy decision to take a softer approach. If there is a high risk in terms of actual pollution, you would look at the circumstances before deciding. You also look at the farm's history of compliance when giving notice in such circumstances. Iwan agreed to this summary.

32. Dennis asked would the enforcement of regulations consider earned recognition if you are farm assured (e.g., already have a Management Plan and risk map). Nichola said any enforcement we would take would be against non-compliance with the Regulations. If, for example, you had a risk map as part of your assurance and it did not have all of the things required for the CoAPR, that is probably where we would go into advice and guidance mode and say you need to add these things. We will accept records in any format, they don't have to be in the format that is in the guidance. However, they do have to contain everything that is required by the Regulations. Therefore, you can have your risk map for your quality assurance scheme, but you may need to add on slope layers, location of temporary field heaps, shallow and sandy soil etc. This example would likely be considered a partial breach if we were scoring a cross compliance breach because you have some of the records, but it wouldn't be a full breach of having no records.
33. Dennis mentioned the Regulations always refer to organic manures, but it's very important to differentiate between organic manures which are stackable, e.g., farmyard manure, and those that are not stackable such as slurry. Nichola explained that there are requirements for slurry storage which come into these regulations on 1st August 2024. But there is a requirement now (under the old silage slurry regulations) to store them and have 4 months storage. That is not part of cross compliance, but we are still the enforcing body and would be looking for the containment and that you have four months storage but are preparing to have five months storage by the time you get to the 1st August 2024. For solid manure that is stackable, that requirement came into these regulations in January 2024. That is part of cross compliance – you can put it in a constructed store and on impermeable base, but you need to catch any slurry that is generated by that, or you can put it out in temporary field heaps if they are temporary and they meet the requirements of the Regulations. So, there are two very different, but interrelated requirements in the Regulations.
34. Dennis said the Alternative Measures Document that this group submitted to Welsh Government in October 2022 included an annex on tenancy issues and in the Minister's reply there was absolutely no mention whatsoever of that. Dennis said he raised this and did not have a reply. That annex explains all the difficulties that tenants might have in complying. Nichola said NRW always take this into consideration and try and work with farmers and landlords to reach the required conclusion of the Regulations. Andrew Chambers, Welsh Government said we recognise the annex that was submitted and that needs to be taken into account when we look at the alternative measures proposals as we move forward into the 4-year review process.
35. Rachel said she is aware of a farmer who was non-compliant for storage because of the tenancy issue. They were told by their landlord that they would do the investment in the infrastructure, but they will be required to surrender their Agricultural Holding Act (AHA) tenancy and for it to be replaced with Farm Business Tenancy (FBT). Therefore, this is potentially weakening the position of tenants with their landlords. Regarding tenants with a tenancy under the Agricultural Holding Act tenancy, Dennis said Section 5 covers the landlord's commitment to update their fixed equipment (e.g., slurry stores). If you've got a FBT, Section 5 doesn't apply, and some landlords have been persuading

tenants to change their tenancies from an AHA to a FBT and therefore getting out of being responsible for slurry stores. This is a technical issue and unscrupulous landlords, and agents are doing this without the tenant knowing the implications.

36. Rachel asked about updating 'when the inspector calls'. Nichola said there is a new version of 'when the inspector calls', and a paper version was on the Welsh Government stand at the Winter Fair. Nichola said Welsh Government are going to be reviewing it again shortly.
37. Rachel asked how long the inspections are generally taking with each farmer. Iwan said the ones that we've done to date have been part of the training and may have taken a bit longer than normal. They are probably taking a couple of hours. However, the length and extent of the inspection is looking at all the farm infrastructure, off site manure heap locations etc. We'll have better understanding of duration as we progress. Nichola said Officers do the actual physical inspection and walk around the farm looking at structures but if we can take the digital information/data that we need to do the assessment of the record keeping away, then that reduces the amount of time that we are with the farmer. Rachel asked if a farmer is reluctant to hand over their paperwork, is there an option to do it on farm. Nichola said yes, but it would likely take longer. Iwan mentioned there are several options for this (e.g., physical paperwork, electronic copies etc.).
38. Nichola continued the presentation and summarised the Enhanced Nutrient Management Approach (1 Jan 2024 - 31 Dec 2024). Notifications are only accepted between 1 January 2024 and 31 March 2024. Farmers notifying NRW of the intention to use the ENMA will be considered as carrying out higher risk agricultural activities and added to identified priority farms for inspection. Assessment of meeting ENMA and wider CoAPR requirements is carried out during compliance inspection.
39. Rachel said she understood why there is opening date and the closing date but highlighted that if a farm that ordinarily doesn't need to go beyond the 170 limit is struck down by a bovine TB outbreak and is unable to move stock, then the ENMA would potentially allow them to be compliant to deal with that breakdown. Rachel emphasised this scenario where accepting the approach after the 31st March would be helpful because those farmers are in a very difficult position through no fault of their own. Nichola thanked Rachel but this is written in the Regulations, and NRW only enforce the Regulations as per what is written.
40. Gareth agreed said Rachel's point was a very good example which needs some consideration beyond next year (e.g., within the 4-year review). Gareth said he understands that NRW are working within the Regulations, but a TB breakdown could happen in three years' time which would create potential difficulties for some farmers to remain below the 170-kilogramme limit. Perhaps a longer-term consideration aside from the Enhanced Nutrient Management Approach is needed.
41. Gareth asked what farmers need to provide as part of that notification process. Andrew said Welsh Government are working on the guidance now and aim to publish it as soon as possible so farmers can read through it and see what it means in terms of their holdings.
42. Creighton asked if the presentation slides can be circulated. Nichola agreed that they can be circulated. Creighton asked for clarification regarding one of the points on the

final slide around the higher risk activities. Nichola said anybody notifying us that they are proposing to use the Enhanced Nutrient Management Approach will be considered a higher risk agricultural activity.

AP December 07: Nichola Salter, NRW to share a copy of the CoAPR presentation.

43. Creighton asked if the regulations are currently publicly available. Andrew said yes, they're available on legislation.gov and on the Senedd website.

44. Rhys asked if it is possible for this group to receive updates in future (e.g., specific figures regarding the number of visits, non-compliances etc.). Nichola agreed and suggested providing quarterly updates starting from April 2024.

AP December 08: Bronwen Martin to add an update on CoAPR to the forward look for April 2024.

Item 5. Forward Look

45. This is an opportunity for the group to discuss the Forward Look for meetings in 2024. The group were invited to suggest items/topics for the group to explore next year. Members can also share relevant things or themes their organisations are working on next year.

46. Rhys recalled that there are already some things in the pipeline such as the presentation on sheep dip monitoring, a presentation by Rachel and Gareth on the Nutrient Trading, continued work on ammonia and CoAPR updates.

47. Rhys mentioned the Teifi Catchment Demonstrator Project which involves a range of partners in the land and water management sectors and aims to develop a catchment level approach dealing with water quality issues, but also addressing issues relating to biodiversity and flood management. This is certainly something for us to keep an eye on and hopefully we can also feed into it. Rhys said one of the advantages of this group is that we have a variety of stakeholders, and as Chair, he would like to see this as an important part of what we do over the next year. This will be seen as a demonstrator pilot project that could potentially be rolled out more broadly for other catchments in Wales that are facing similar challenges in terms of water quality, biodiversity loss etc.

48. Rachel suggested that it would be sensible to include regular updates from Welsh Government on the review of the Control of Agricultural Pollution Regulations. In line with a no surprises approach, it would be beneficial if we could have an update on the 4-year review process at least three or four times during the course of next year. If it involves public consultation, then obviously we need to build that into our forward work plans. Rachel reminded the group that there is an awful lot going on with the SFS and the White Paper for Environmental Governance, so 2024 will be an extremely busy year. Andrew agreed to this suggestion and said our focus has been on the Enhanced Nutrient Management Approach but as we move beyond that and into the 4-year review he would be more than happy to engage with the group. Gareth suggested that, if possible, the review could conclude as the Enhanced Nutrient Management Approach ends as it would allow for a smoother transition.

49. Gareth said he personally finds the updates extremely useful. However, it is important that we do not lose our collective voice from a proactive point of view. We do not want

to be consistently having to be reactive. It would be good to potentially have the opportunity to feed into the 4-year review as a group, as opposed to just receiving updates from Welsh Government.

50. Rhys agreed that it is important to be proactive. The sharing of information is important and is extremely useful, but we also need to have a programme of action for the Sub Group and to be shaping agendas rather than just responding to them. We are trying to think of the whole package with the different fora and committees that exist in a more coherent way. Bringing in all of these different groups has led to a little bit of a delay in coming up with a plan of action for the group going forward.

51. The group discussed some of the site visits they have attended in the past. Rhys suggested that it would be good to have a site visit in the Spring. It is important that this group is owned by the members and for us all to play a role in shaping the agenda over the next year.

AP December 09: Members to suggest any themes/issues/topics for the group to focus on next year - WLMF.subgroup@cyfoethnaturiolcymru.gov.uk.

AP December 10: members to send any suggestions for site visits to WLMF.subgroup@cyfoethnaturiolcymru.gov.uk.

Item 6. Any Other Business

52. The meeting dates for 2024 will be confirmed shortly.

53. Rachel requested an update regarding the agricultural pollution statistics.

AP December 11: Bronwen Martin, NRW to request agricultural pollution statistics from NRW colleagues.

54. Rhys thanked the group for all their contributions over the course of this calendar year and wished them all an enjoyable Christmas and New Year.

55. No other business was raised.