

Minutes

Title of meeting:	Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution
Location:	Microsoft Teams Meeting
Date of meeting:	25/03/2024
Members present:	Rhys A. Jones, NRW Board Member (Chair) Dennis Matheson, TFA Andrew Chambers, Welsh Government Sarah Jones, Dwr Cymru Welsh Water Kate Snow, United Utilities Chris Mills, Afonydd Cymru Sarah Hetherington, NRW David Ball, AHDB Einir Williams, Farming Connect Fraser McAuley, CLA James Ruggeri, HCC Nichola Salter, NRW Rachel Lewis-Davies, NFU Cymru Gareth Parry, FUW Creighton Harvey, CFF Matt Walters, Welsh Government
Additional attendees:	Brian Stewart, Welsh Government
Apologies:	Marc Williams, NRW Jon Goldsworthy, NRW Russ Thomas, Hybu Cig Cymru Michelle Griffiths, NRW
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 26th February 2024. The group accepted the February minutes as a true record.
6. Bronwen shared the outstanding actions log and verbal updates were provided where possible. The following updates were of note:
 - AP Jan 02: Bronwen Martin to work with the leads of the other fora groups and wider colleagues to organise a separate session to discuss issues around sheep dip monitoring (before summer).
 - Bronwen said she has liaised with colleagues who lead on this area. This suggestion has been discussed internally and it has been decided that a separate session on diazinon will not be arranged. There are already several established groups talking about sheep dip such as the farmer led sheep scab group (chaired by Dwr Cymru Welsh Water), a group led by Welsh Government Office of the Chief Veterinary Officer and Coleg Sir Gar is delivering the project to combat sheep scab. However, if there are any specific queries around this topic for NRW (particularly around diazinon monitoring), we would encourage you to use the general enquiries route by emailing enquiries@naturalresourceswales.gov.uk.
 - AP Jan 05: Bronwen Martin, NRW to follow up with Nichola Salter, NRW regarding a possible 'how to guide' for farmers to use Data Map Wales layers.
 - Nichola reminded the group that Data Map Wales is owned by Welsh Government. Nichola said she would look into who in Welsh Government could help move this forward by producing a guide.
 - AP Jan 07: Bronwen Martin, NRW to follow up with Nichola Salter, NRW regarding potential issues with providing written notice to farmers ahead of visits (e.g., poor slurry management).
 - Nichola is currently working with the CoAPR Teams on their pre visit and their post visit letters and make them more user friendly. The concern was around farmers potentially getting too much notice to get things sorted out before our visit.
 - AP Jan 08: Bronwen Martin, NRW to follow up with colleagues regarding challenges relating to farms within National Parks getting planning permission for covering slurry stores.
 - Bronwen has passed this on to Keith Davies, NRW to look into and feedback. Dennis said this was brought up at the last RPW stakeholder meeting, but there was some confusion and they thought it was to do with planning being refused. It wasn't planning that refused it, it was the National Park. RPW are also looking into this.

- AP Feb 06: The group to read the SAC Rivers Agricultural Technical Group Report with the view of accepting it at the April meeting.
 - Bronwen reminded the group that the report will be discussed at the April meeting. Rhys said he had reviewed the Terms of Reference for the SAC Rivers Agricultural Technical Group and that group was not actually commissioned by this Sub Group. The SAC Rivers Agricultural Technical Group initially reported to the SAC Rivers Oversight Group which was replaced by the Action Plan Group following the second First Minister's Summit. Therefore, it isn't up to this Sub Group to accept or reject this report because it reports to the Welsh Government and to the Summit. Rhys acknowledged that there is a role for this group to see whether the recommendations tally with our priorities and if so, how we might further them. There will be an opportunity for us to discuss the report in April.

7. Chris Mills, WEL recalled a previous request for Andrew Chambers, Welsh Government to respond to those who had submitted Alternative Measures detailing whether they would be accepted/rejected and why. This was not captured as an action at the time. Andrew Chambers said he would take that away and think about how to approach that. At this stage, some aren't rejected but it's more a case of further considering whether they should be included as part of the 4-year review. Therefore, it is undecided until we've undertaken further work. Perhaps that is something we consider at a later point after we've done further engagement. Chris said it would be helpful if Welsh Government highlight which proposals they are considering further.

Gareth Parry, FUW said we should have the opportunity as a group to discuss all proposals that are put forward rather than the selected ones that have that have been put forward to this group. We need to have that information as other organisations have submitted alternative measures and we need to understand why certain ones have been rejected. Andrew mentioned the timescales to discuss these – Ministers made a commitment to consider some of these proposals and whether they should be taken forward as part of the 4-year review. Perhaps it will be better to put something in writing or maybe it should be a discussion within this group. That is something for us to take away and think about how best we can do that with the time that we have.

AP 25th March 01: Andrew Chambers, Welsh Government to consider if/how Welsh Government will communicate details regarding which alternative measures proposals will be accepted, rejected or considered further and why.

8. Fraser McAuley, CLA mentioned the NRW CoAPR farm visits and asked if there will be an opportunity later in the year for feedback from those teams regarding what they found, lessons learned etc which can be communicated to the industry to help them deal with the visits. Rhys said we are hoping for an update on these visits at the April meeting.
9. Rachel Lewis-Davies, NFU Cymru mentioned the levels of compliance and referred to comments made by the outgoing Minister Leslie Griffiths at the fourth Phosphate Summit last week around levels of non-compliance. NFU Cymru would like to understand more about the levels of non-compliance. These are extremely complicated Regulations that Welsh Government are asking farmers to adhere to. There are anecdotes that on farm inspectors wanting to take the farm records away with them because they don't understand whether they're right or not. Rachel requested details from NRW on the information that's been shared with the Minister in terms of levels of non-compliance.

AP 25th March 02: Welsh Government to provide information regarding the details of non-compliance which was referenced by Lesley Griffiths at the recent River Summit.

10. Nichola clarified that Officers ask to take the records away so that they are not taking up hours of farmer's time by going through a very comprehensive assessment for compliance whilst on site. From the records, we look for compliance with a whole host of different things which takes time. So instead of sitting there for hours, we take the records away. Therefore, valuable farmer time is not taken up by looking through the records. Rachel said this is anecdotal feedback received from NFU Cymru members.
11. Rachel suggested that the context of the next agenda item is important, particularly because we're all (including the duties of public bodies) operating in terms of the Well-being of Future Generations Act. It is also relevant to economic, environmental, social and cultural sustainability, not just environmental sustainability. That definition has been reaffirmed by the Agriculture Act 2023 and the Sustainable Land Management objectives, which talks about the sustainable production of food and also includes reference to resilient farm businesses. We need to remember the economic context in which this review of the regulations is being undertaken.

Chris Mills, WEL asked when considering compliance with the law, where does that fit into that argument. Rachel said we are operating in the space of reviewing that law, so it's around ensuring that the review does not undermine economically viable businesses. We can solve this problem by stopping farming in Wales all together, but actually that's not a sustainable solution for farm businesses or for our rural communities. Chris said this is the law and until that law is changed, then people are obliged to comply with it.

Gareth Parry, FUW raised some overarching points. The first proposal that FUW put forward as part of the Alternative Measures was the need to broaden Regulation 44. The effectiveness of the regulations is currently being focused on one objective which is to reduce agricultural pollution. This whole process needs to take into account the positive and negative implications of these regulations (e.g., economic, sustainable, implications for NRW resources, impacts for DCWW, planning authorities etc.). It's a huge concern that this review is narrowly focused on one objective. The second point is related to data accuracy, and Gareth said he raised this at the third River Pollution Summit a few months ago. We need to have a database that we can all agree on. We must also have trust in the data that will inevitably be used as a measure in terms of the effectiveness of these regulations and as part of this review process. This comes back to the first WLMF Sub Group objective, which is to have a common understanding of causes of pollution, which is absolutely crucial before this review process continues. Finally, Gareth highlighted concerns that the alternative technological solutions that have been submitted 2-3 years ago as a way of improving the regulations will be undermined by the 4 Year Review, which is focusing on the effectiveness of the regulations that are already in place. There's mention of broadening the regulations to include phosphorus or other fertilisers but the alternative measures submissions focused on a completely different question. Perhaps we are now dealing with two entirely different points in one review.

12. Rachel said this review is not operating in a vacuum and it is obvious that we are observing an upswell in emotions within the farming community. Individual farmers have met with the Minister and their concerns are not just related to the Sustainable

Farming Scheme (SFS), but also bovine TB and the Control of Agricultural Pollution Regulations. These issues are contributing to high levels of stress and anxiety and in some cases, real frustration and anger within the industry. During those meetings with the Minister, expectations have been raised about the capacity and the ability of this review to deliver some positive changes to the Regulations that will make them more workable for the industry. This is an important context to keep in mind, farmers are now watching this work very closely because Welsh Government Ministers have raised expectations in this regard.

Item 3. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021: 4-Year review

13. Andrew Chambers, Welsh Government said it is important that Welsh Government engage with this group regarding the Alternative Measures and the 4-year Review process of the Control of Agricultural Pollution Regulations (CoAPR).
14. Andrew clarified that the review would look at the Regulations in terms of the effectiveness to reduce pollution. Ministers have overriding statutory obligations in relation to the Well-being of Future Generations Act, Environment Act and for the SLM Duty – these all apply to the overarching context of the review. Regarding other materials going to land and the availability of land for sewage sludge, Welsh Government are having discussions with Dwr Cymru Welsh Water and others. Regarding potential technical solutions, part of this review is understanding how the regulations can facilitate technical innovation and accommodate those.
15. Andrew provided an update regarding where things stand in the context of the review. On the 27th February, the Minister issued a written statement which referred to the review and the Minister's intention to appoint a Chair to oversee the review. That potentially changes things in terms oversight, but Ministers have already made commitments, for example, to take forward some of the Alternative Measures proposed as part of the 4-year review and to consider some of them further for possible inclusion. Ministers make commitments on behalf of Welsh Government, and so we don't see that there's any issue continuing to discuss the Alternative Measures.
16. Andrew shared a presentation which summarised eight Alternative Measures proposals and highlighted some discussion points for the group to consider. Welsh Government (WG) circulated a paper ahead of the meeting which provided a background to Regulation 45 of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 along with information regarding the Alternative Measures which require further development or consideration. This paper along with the presentation, was used to form the basis for the discussions in this meeting.
17. Rachel recalled the commitment to have an independent external chair to oversee the review process and asked what this group is doing versus what the independent chair will do. Rachel also wanted to understand the recruitment process and establishing the Terms of Reference for that independent Chair and any associated group being established. Andrew said that work is being undertaken at the moment and Welsh Government are engaging with the Public Bodies Unit on the process that will be undertaken. Matthew Walters, Welsh Government mentioned the timescales to complete this review. WG are intending the recruitment of a Chair to be undertaken fairly quickly. It is a priority to get a Chair in place and that will help shape the rest of the review process and the rest of the engagement process. We don't want to commit

that individual to anything at the moment without their ability to input into it – that includes the Terms of Reference for their engagement, either with this group or with other stakeholders. However, we still view this group as a very key part of our engagement process for the review. The Chair is to oversee the process and will review all the points we discuss today. All the points we've got in the background will also be part of the review process, but we'll wait for a Chair to be in place and discuss with them how they want to progress.

18. Those who were involved in the WLMF Sub Group Alternative Measures Task & Finish Group discussed the links to their report submitted to Welsh Government for consideration. The wider group also provided feedback and input on the alternative measures presented by Welsh Government.
19. The group reviewed the Alternative Measures proposals set out by Welsh Government. Key discussion points were around:
 - Concerns around appointing an independent Chairperson.
 - General compliance challenges.
 - Current complexity of the Regulations.
 - Other mechanisms and interactions with other regulations (e.g., EPR, Sustainable Farming Scheme (SFS), Waste Regulations etc.).
 - Nutrient Management Plans and concerns around including other/all nutrients (e.g., phosphorus) in the Regulations.
 - Possible links to Universal Actions of the SFS and subsequent support (e.g., baseline and incentives).
 - Regulatory toolbox and farmer wellbeing.
 - Available evidence, advances in technology and flexibility in using closed periods.
 - Definition of slurry and the liquid fraction following separation.
 - Practicalities of precision spreading.
 - Evidence around buffer zones and risks.
 - Discussion around below ground stores.
 - Issues combining two processes – reviewing the effectiveness of the regulations as they are and using alternative measures to decide whether they would address issues.

Item 4. Any Other Business

20. Rachel raised some further points for the record:
 - The Minister has raised the expectations of farmers with respect to the review of the regulations. NFU Cymru would like to understand more about the consultation process, the timeline and also what Welsh Government is going to do to communicate in advance of this review, so farmers are aware of what's happening and what they're likely to see.
 - Prior to the review of NVZs in back in 2016, NRW shared the evidence pack with the industry in 2015. Who's doing the evidence pack, NRW or Welsh Government or both, and when can industry expect to see this?
 - Would it be possible for Welsh Government to provide a paper in terms of the legislative context – any review, any changes as a result of that review, will it need legislative change, will it be through SI, will it be affirmative procedure, etc.

- Regarding the Regulatory Impact Assessment (RIA), NFU Cymru would like to understand more about the process and timeline for that and how the industry is going to be involved in it. On the 5th October 2022, the Minister confirmed that the 170-kilogramme limit would be subject to RIA and that assessment would inform the review of the regulation. So where are you with that specific RIA and how is that informing the review that seems to be embarked on here.
- The agricultural industry has a very high suicide rate, one farmer per week takes their life in the UK. Rachel referred this group and Welsh Government to the report undertaken by Public Health Wales in 2019, that is clear that regulation is something that weighs very heavily on people's minds. We have a collective responsibility to ensure that the review bears this in mind when coming up with recommendations. NFU Cymru is calling for an independent review of all regulation and policy impacting on farmers and believe that that independent review should inform the review of the Regulations. Rachel said she was very interested to see that NRW actually employs a Health Advisor and NFU Cymru request the contact details of that Health Advisor because they wish to set up an urgent meeting to discuss farmer well-being with them.

21. Andrew said Welsh Government are drafting a technical specification for that RIA work. This is one of the things that the Minister made a commitment to, so we're assuming that we can continue working on that before the Chair is appointed. Assuming we have a Chair in place quickly, then obviously they would be able to feed into that as well.

22. Dennis asked for clarification of whether Leslie Griffiths, MS has been reappointed. Andrew confirmed that Huw Irranca-Davies is the new Climate Change and Rural Affairs Cabinet Secretary.

23. Bronwen said those that attended the Wales Water Management Forum meeting last week would have heard that NRW are undertaking a review of all of the forums that we facilitate and support. This is in the very early stages, but as part of that process we intend on circulating a questionnaire to members and stakeholders to gather some feedback. The timeline is not confirmed but we wanted to raise this for awareness.

24. Rhys said the Wales Water Management Forum meeting was a very useful joint meeting to learn about the plans for monitoring of water quality across Wales over the next few years.

25. The next meeting will be on Monday 22nd April 2024.

26. No other business was raised.