

# Minutes

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<b>Title of meeting:</b>	Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution
<b>Location:</b>	Microsoft Teams Meeting
<b>Date of meeting:</b>	26 <sup>th</sup> February 2024
<b>Members present:</b>	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 Marc Williams, NRW Jon Goldsworthy, NRW Sarah Hetherington, NRW David Ball, AHDB Einir Williams, Farming Connect Delyth Lewis-Jones, AHDB Russ Thomas, Hybu Cig Cymru Fraser McAuley, CLA Michelle Griffiths, NRW James Ruggeri, HCC Elin Jenkins, FUW
<b>Additional attendees:</b>	Brian Stewart, Welsh Government
<b>Apologies:</b>	Nichola Salter, NRW Rachel Lewis-Davies, NFU Cymru Gareth Parry, FUW Creighton Harvey, CFF Matt Walters, Welsh Government
<b>Secretariat:</b>	Bronwen Martin, NRW

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## 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. Rhys welcomed Michelle Griffiths, NRW to the meeting (new Sustainable Land Manager).
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 29<sup>th</sup> January 2024. Some comments and suggested amendments were received from Creighton Harvey, CFF and a revised version has been circulated to the group. The group accepted the January minutes as a true record.
6. Bronwen shared the outstanding actions log and verbal updates were provided where possible.

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

7. 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).
8. Brian Stewart, Welsh Government provided a presentation on:
  - Recap of the current position
  - An overview of the 4-year review process including the high-level objectives
  - Considering and assessing the alternative measures proposals
  - Process of assessing the effectiveness of CoAPR
  - Other considerations as part of the review
9. Andrew discussed the Alternative Measures – proposals were submitted to Welsh Government by FUW, Pruex, Coleg Sir Gar, WLMF Sub group and NRW. The proposals/elements of the proposals fall into four categories:
  - To be taken forward for consideration as part of the 4-year review.
  - To be considered further following engagement with proposers to determine whether the proposal should be taken forward as part of the 4-year review.
  - Not to be taken forward.
  - Outside of scope (e.g., suggested changes to guidance) but will be taken forward as appropriate.
10. A list of proposals was provided which outlined the proposals to be taken forward as part of the 4-year review. Andrew mentioned the Alternative Measures which are to be considered further for inclusion in the 4-year review.
11. Andrew summarised the process and timeline for the 4-year review:
  - Data gathering

- Assessment of the effectiveness of the CoAPR to prevent pollution and Alternative Measures proposals
- Ministerial decision on whether a consultation on regulatory change is needed in light of the evidence (if so, this is likely to require consultation mid-2024)
- Regulatory change subject to consultation outcomes and Ministerial decision
- Review to be completed by April 2025.

12. Andrew suggested an initial discussion about the proposals which Welsh Government have determined need further input before deciding on whether they should be taken forward as part of the 4-year review:

- Regulation 6 to 10 – the inclusion of all fiscal licences within nutrient management planning and crop limits. Allowing additional applications to intensive, rotational grazing-based systems, as per grass cut three times per year.
- Regulations 13 and 14 – Improved relationship between buffer zones and risk factors.
- Regulation 15 – reduce maximum height of the fertiliser, spreading trajectory, for all fertilisers.
- Regulations 18, 19 and 22 – alternatives to the closed period for manufactured fertilisers and organic manures.

13. In terms of Regulations 6 to 10, specifically inclusion of all fertilisers within Nutrient Management Planning and crop limits, there's an assumption, but not necessarily the correct one, that this would also link to the 170 kg/ha limit that will apply to all farms from 1st of January 2025. Andrew wanted to clarify in terms of the proposals that were submitted by the group, it wasn't explicit that this would be an alternative to the 170kg/ha limit. Chris Mills, WEL said it's so long that we would need to go back to our submission. Chris asked if Welsh Government is going to go back to all the people who put in alternative measures and itemise which of the alternative measures you've accepted/rejected and why. Andrew agreed that it would be useful to do that. All of the proposals would have included an element within the category of further consideration as to whether they should be taken forward as part of the four-year review. Andrew and Chris discussed the best way of discussing the proposals that were submitted by the Task & Finish Group of the WLMF Sub Group. Chris said it is quite detailed work and suggested that a separate meeting is organised. Prior to the meeting it is important to have information about which measures have/have not been accepted by Welsh Government so that we can have an informed discussion. Andrew said that was sensible and is happy to take that approach. Andrew mentioned the other proposals that were made by other groups/bodies and how it would be best to consider those going forward – should we do that as a group or should the Task & Finish Group consider those. Rhys said this WLMF Sub Group would likely have a view and might want to feedback on those. Maybe we focus first of all on the proposals submitted by the Task & Finish Group and then the discussion can be broadened to consider the proposals submitted by the other organisations/groups.

Rhys suggested devoting the next meeting of this Sub Group to discussing the alternative measures and the proposals rather than arranging a separate meeting. Chris reminded the group that going through the regulations was a complex process for the Task & Finish Group.

14. Fraser McAuley, CLA mentioned the link between the potential change to Regulations 6 to 10, and one of the Universal Actions in the Sustainable Farming Scheme (SFS) proposals which is about soil health planning and nutrient management planning. Fraser asked what conversations are happening between the Welsh Government departments to manage this along with the specific actions within the SFS because it's difficult to see how that would potentially work (e.g., regulation vs legislation). Fraser wanted to raise this as a potential issue going forward. Andrew said he is in quite close contact to the SFS team. Any proposals coming forward would consider the scheme and what the scheme is trying to achieve.
15. Dennis said it's apparent that a lot of people are only just becoming aware of the regulations and haven't complied with the Nutrient Management Plans, etc. It is very, very difficult to find a provider or an advisor who will do it for you as there's not enough professionals around. Perhaps this could be taken into consideration – for example if you have an inspection and you haven't been able to provide the necessary paperwork. Andrew said that's definitely one of the things that they will be looking at and those types of issues will be factored into the review.
16. Given the time frames, Bronwen suggested considering dedicating the next WLMF Sub Group meeting to this topic. Perhaps it's important not to exclude any of the other Sub Group Members in this engagement that weren't part of the Task & Finish Group. Rhys and Andrew acknowledged that there are key people missing today.
17. Rhys proposed that the next WLMF Sub Group meeting on the 25th March is dedicated to the alternative measures. Rhys said the original members of the Task & Finish Group should attend so that they we can go into the detail of the proposals. Other members of the WLMF Sub Group can also be invited to attend if they want to. Therefore, this will be a couple of hours dedicated to discussing the Alternative Measures, the feedback from Welsh Government and input from the Task & Finish Group members. Chris agreed and suggested that in advance of the meeting, a copy of the WLMF Sub Group Task & Finish Group Alternative Measures proposals is circulated and we also have something from Welsh Government highlighting which of the proposals were accepted/rejected/pending.

***AP 26<sup>th</sup> February 01: Bronwen Martin, NRW to recirculate a copy of the WLMF Sub Group Alternative Measures Task & Finish Group report.***

***AP 26<sup>th</sup> February 02: Bronwen Martin, NRW to dedicate the next WLMF Sub Group meeting to discussing the Alternative Measures process.***

***AP 26<sup>th</sup> February 03: Andrew Chambers, Welsh Government to circulate any pre-meeting information ahead of the dedicated meeting on Alternative Measures and 4-year review process on 25<sup>th</sup> March 2024.***

18. Rhys said there will still be the need to discuss the proposals raised by the other organisations to get that bigger holistic picture. We can also report back to the whole group when we meet in April.
19. Dennis reminded the group that there were organisations which weren't able to participate in the Alternative Measures Task & Finish Group, but they could have at any time put their views forth once we had produced our report.

20. Rhys asked if anyone had any broader feedback on the process that's been outlined by Brian and Andrew.
21. David Ball, AHDB recalled that the review would be completed by April 2025 and that would include the review of the effectiveness of the Regulations and the Enhanced Nutrient Management Approach. However, given that the Enhanced Nutrient Management Approach is just for this year (until December 2024), the review won't be completed until after that. As it stands, the Regulation would then revert to the 170-kilogramme rule. Andrew said that's correct, but we will consider some of the information that will be submitted as part of the notification process, so we'll have some information going into the early part of the review. As the review progresses, we will consider any feedback that comes from farms who have implemented the Enhanced Nutrient Management Approach. David asked whether there could be outcomes of this review prior to April 2025. Andrew said there is a possibility, but anything is subject consultation and to Ministerial decisions.
22. Rhys recalled the discussion around evidence and data which was focusing more on the impact of pollution. Rhys asked how you balance environmental impact of the regulations with the economic and the regulatory impact. Andrew said the economic assessment takes into account the environmental costs of proposals for change, so the environmental considerations are a key element of any economic impact assessment.
- Chris asked where legal compliance comes into that equation. Some of this is about people actually complying with the law in order to avoid pollution, and economic factors don't come into that. Andrew said generally, an impact assessment assumes 100% compliance because that's what you should be achieving through regulation. That kind of consideration is outside of the regulatory impact assessment process, but it is something that we need to consider as part of the review.
23. Chris said we shouldn't lose sight of the fact that these regulations were brought in because there was a problem identified with the amount of agricultural pollution. The acid test of whether this is working or not, is that agricultural pollution is reduced.
24. Elin Jenkins, FUW said in terms of compliance to regulation, it's important to note that economics does impact on compliance. For example, if you cannot afford to upgrade infrastructure, then that does delay your ability to become compliant. In the same way that there are barriers with local authorities providing planning permission. Therefore, we must acknowledge that there are barriers to overcome for farmers to be able to become compliant with these regulations – it doesn't happen overnight.
25. Rhys concluded that the March meeting will be dedicated to the Task & Finish Group to go through the Alternative Measures with Welsh Government (along with other members if they wish). The Task & Finish Group will then feedback to the main WLMF Sub Group in April. Andrew agreed and papers and information will be circulated prior to the March meeting so that some preparatory work can be done by those attending.

***AP 26<sup>th</sup> February 04: Bronwen Martin, NRW to circulate a copy of the Welsh Government 4-year review presentation.***

## Item 4. Teifi Demonstrator Project Presentation

26. Jon Goldsworthy, NRW introduced the group to the Teifi Demonstrator Project. The initiative emerged from the First Minister's River Pollution Summit. The idea was to develop and pilot a different approach which if successful could be scaled up across other catchments. It needed to align to and compliment other activities in the catchment. NRW have submitted an Ofwat Innovation fund entry for £2m over the next 5 years from the Water Breakthrough Challenge 4: Catalyst Stream. DCWW have committed (subject to funding) a further £2m which if successful will provide a £4m fund. It will be key to continue co-development of the project and pursue other funding opportunities (e.g., WG Innovation Fund / NLHF).

27. Currently, the project aims include:

- Improve water quality in the Teifi catchment, whilst encouraging climate resilience and enhanced biodiversity in line with the sustainable management of natural resources principles.
- Collaboratively adopt innovative and agile regulatory and evidence communication approaches to support a range of interventions.
- Capture the learning and manage it in an agile way so it can be scaled up bringing multiple benefits to other river systems.

28. Jon explained why the Teifi Catchment was chosen, described the other projects and interventions in the Teifi and mentioned some of the key differences and innovation of this project.

29. Jon described the timeline and important phases within this project and discussed some of the proposed interventions and activities (subject to funding).

30. Dennis said one of the most important things is collaboration between existing organisations. So often a project is started, and a report is produced but it is then put on the desk and forgotten about. Some of the things mentioned today have probably, to some extent, already been done and it is key to try and gather together the existing information.

31. Chris said there's a lot going on in catchments and we are not making best use of total resources. The real challenge going forward is ensuring there is a coordinated, effective, efficient catchment management model. Chris asked how NRW will take the learning from this project and provide something for the future that can be applied to other catchments. In the past, that stymied us is getting an effective governance model. Effectively, for this project the regulator is providing the lead, however, that is not going to be possible for every catchment in Wales. Chris hoped that the project will give some consideration to what sort of governance model could be created to roll this out across Wales and be realistic about the sort of resources that will be available to do that – there certainly won't be £4 million funding per catchment.

32. Jon agreed that there is a real challenge, but it is also an opportunity. Regarding the evidence, there is a lot of this stuff already out there including nature-based solutions and land use interventions that we need to learn from. Jon discussed some potential ways to capture the evidence and things that have already been done. Jon said we don't want this to be an NRW project, it needs to be truly collaborative.

33. Rhys asked what happens if you don't get the money, can some of this be rolled out without the Ofwat funding. Rhys also asked about the specific role of this subgroup, how can we help the project (e.g., perhaps disseminating learning). Jon there are certain interventions and actions in that list which we could take forward collaboratively with existing resources and expertise within the organisation. There's a definite benefit to the collaboration even without the funding (e.g., the source apportionment work that's already been done and taking that to the next level). However, actually delivering those interventions and paying for those ecosystem services, will need funding. It will be limited to what we can do without funding but certainly there will be scope to do some works even if we don't get it. Jon said he is optimistic about the funding bid.
34. Rhys said a future site visit to the Teifi Demonstrator Project could be an opportunity for the Sub Group to see some of the challenges and interventions. It will also be a chance for the group to see what works and could potentially be upscaled elsewhere – information can then be disseminated. Jon agreed to share periodic updates.

***AP 26<sup>th</sup> February 05: Bronwen Martin to circulate a copy of the Teifi Demonstrator Project presentation.***

## **Item 5. SAC Rivers Agricultural Technical Group Report**

35. A copy of the SAC Rivers Agricultural Technical Group Report was circulated to the group prior to the meeting.
36. Delyth provided a brief background to the group and the report. We were asked to set up this Task and Finish Group by the former Chair of the WLMF Sub Group around 18 months ago and the secretariat was provided by NRW to help move things forward. The group membership evolved slightly over the first few months because it was clear there were gaps in knowledge. It took the group longer than expected to gather as much information as possible regarding the role of phosphates and things that are currently going on in some catchment areas in terms of projects etc. There was good input from all of the members who brought their specific knowledge to the table, which was very much appreciated.

The report includes a set of recommendations, and although there's a lot of information in there, we broke the recommendations down into five areas: advice and guidance, financial support, regulations, data and evidence and research and innovation.

37. Marc Williams said through the SAC Rivers Project work, he has been working closely with the Welsh Government Water Branch and they are quite keen to see some of the outcomes from that report. Those involved with the First Minister's summit are also keen to engage with the agriculture sector. The Task & Finished Group was set up to produce that report and have a bit more of an understanding of some of the issues related to phosphorus in the agriculture sector. It would be great to have a discussion today about whether this group WLMF Sub Group that is already set up looking at agriculture pollution, could be a point of contact. The report has been sent to Welsh Government and it could be linked as well to some of the Nutrient Management Boards that are set up in the failing SAC Rivers across Wales. Some of those recommendations could be taken forward by some of the Nutrient Management Boards, but this group could be key to overseeing that rather than leading on them.

38. Rhys said there are some parts of this report and some recommendations that are targeted towards other organisations for example Farming Connect. We need to determine what we can do as a subgroup certainly for areas like technology, data and evidence and research and innovation.
39. Chris asked if the recommendations have actually been adopted by the WLMF Sub Group. Chris said he had not read the report yet, but the first step would be for the wider group to either agree or disagree with the recommendations.
40. Rhys asked to clarify the commissioning of the report and whether there should be a formal stage of the group accepting the report and its recommendations before deciding how we could take elements of it forward. Marc reminded the group of how the Task & Finish Group was set up and evolved.

***AP 26<sup>th</sup> February 06: The group to read the SAC Rivers Agricultural Technical Group Report with the view of accepting it at the next meeting.***

41. Jon said the report would likely need to be adopted by the group and then we could come back to it at another meeting. Jon mentioned that some of the recommendations are very specific in terms of who's going to take particular ones forward and then some of them are very generic. Jon suggested that it would be helpful if this group identified where individual organisations and representatives could actually make an impact and take forward some of these proposals. Jon said he could see how we might weave some of these into the Teifi Demonstrator Project, for example. The group could add potentially add value to the report and make sure some of these actions are undertaken.
42. Einir Williams, Farming Connect said she has reviewed the recommendations and Farming Connect have been identified to lead on some of them. Einir said she was more than happy to feed that forward to her colleagues. Lots of them have already been covered by Farming Connect or they will be covering them shortly, so perhaps these areas are possible 'quick wins'.
43. Delyth Lewis-Jones mentioned the group was more familiar with some areas over others which is why there are some quite detailed recommendations for Farming Connect. The broader recommendations were for areas where we didn't feel we were in the position to ask specific organisations to take the lead – some could also be taken forward by multiple organisations.
44. David Ball, AHDB said he didn't necessarily see this group actioning some of the recommendations because it's down to others to do that like Welsh Government primarily. For example, the advice and guidance that was suggested for Farming Connect to deliver would be dependent on their continued funding from Welsh Government over coming years. However, if this group did adopt the report, it could add some weight behind it for those higher organisations.
45. Jon asked how we can raise the profile of this report so that organisations (including Welsh Government) take on some of those actions. For example, does this report need to be presented at the next First Minister's River Pollution Summit so that there is wider exposure.
46. Marc said the next First Minister's Summit is on the 18th March, and there will be an update at that meeting. Following the next Summit, there's going to be another one at



the Royal Welsh Agricultural Show (RWAS) and that one will have an agricultural theme. The one planned for 18th March is going to be chaired by NRW and it will have more of a conservation theme (along with other updates but not into great detail). Perhaps the Summit in July is where we could probably go into a bit more detail on the report. We'll have a bit more time for this group to consider the content and the recommendations as well as having a more in-depth conversation at the Summit in July.

47. Bronwen asked if the report was going to be published in the public domain. Marc said it has been circulated to Welsh Government, but he was not sure if they would be publishing it on the First Minister's Summit webpage. The report will also be circulated to the Nutrient Management Boards.
48. Rhys said if this group accept the report and its recommendations, then there could be a role for us as a subgroup to come together, having digested what's in the report and recommendations, then to think about what our organisations can do to help move forward.
49. Michelle Griffiths said she took on board the conversation around the commissioning of the report and the status of that report on behalf of the group. Michelle suggested that perhaps there's a Terms of Reference issue here. If the report has been commissioned, then the group need to understand what that means for the forum. Michelle reminded the group that the WLMF Sub Group minutes are published in the public domain on the NRW website. If we are commissioning reports, there needs to be a process to sign off and agree them. Michelle questioned what do we do with the report, is it made publicly accessible on behalf of the members, where would we publish it etc. There are different actions around dissemination, recommendation and who takes them on. Michelle suggested taking this offline and reporting back to the group.

***AP 26<sup>th</sup> February 07: Marc Williams, NRW to share a copy of the Terms of Reference for the SAC Rivers Agricultural Technical Group with Professor Rhys Jones and Michelle Griffiths.***

***AP 26<sup>th</sup> February 08: Bronwen Martin, NRW to add 'SAC Rivers Agricultural Technical Group Report' to the April agenda.***

50. Rhys said in April, we will discuss specific recommendations, communications, and the different action points that we can either identify for this group or for member organisations, so that we can have a clear plan to help push the findings of the report forward. Rhys also acknowledged the opportunity to do something at the RWAS around the report.

## **Item 6. Any Other Business**

51. Dennis mentioned that he attended the recent Conservative Conference where there was a massive demonstration of tractors. There is a demonstration planned for the Senedd in Cardiff on Wednesday. There's increasing restlessness amongst farmers with a groundswell of frustration and anger at more and more regulations. At a time when support is being reduced to farmers. There are so many new regulations coming out one after the other, that there could come a stage when farmers just won't do it and will be fed up. Dennis expressed concerns that this will be completely

counterproductive and perhaps Welsh Government need to carefully consider this and slow down.

52. Elin Jenkins, FUW agreed with Dennis' comments. There is a groundswell, and the Water Resources Regulations has been cited as one of the three main issues in the protests alongside the Sustainable Farming Scheme and TB. There is that feeling of being preached from the top down and not worked from the bottom up. The Teifi Catchment work is very welcome because this project is starting at the ground level and working up. However, perhaps it's going to be a very difficult task to get people on board because farmers have had enough with one regulation on top of the other. The regulations are not straightforward for example they require thousands of pounds worth of infrastructure investments, and they involve very complicated paperwork to be carried out. If the situation continues, then there is the risk of farmers going on strike. Welsh Government have to be careful of the ability of regulation and the cost that comes with putting so many regulations in place. Elin said it is a very difficult and a very delicate time at the moment.
53. Chris Mills accepted that it is a difficult time but there are other groups represented here who are also frustrated. Chris explained that he is representing an organisation that's responsible for the quality of our rivers, and they are very frustrated at the state of our rivers. It's got to be a two-sided debate and it needs to be done respectfully and courteously but we also need to be looking at the evidence and the facts and figures to back it up. This subgroup was set up to look at how we can deal with agricultural pollution, even if that means looking at more effective ways to achieve that. It is not a matter of avoiding the central issue.
54. David Ball, AHDB recalled discussions about the regulations, particularly the review of what has been implemented already and its effectiveness. If it's determined by the outcome of that review, that the regulation has not been as effective as it might have been, the answer to that is not, of course, more regulation. It is about looking at how it's been implemented. The SAC Rivers Agricultural Technical Group report talks about the existing regulations and the requirement for support and guidance, both financial and guidance on implementation to ensure that the regulation is effective. It's about looking at what's actually happening and providing support and guidance to make it effective and implementable.
55. WLMF Sub Group members have the opportunity to attend the first hour of the next Wales Water Management Forum (WWMF) meeting on 14th March 2024 (9.30am – 10:30am). This session will include a presentation on 'NRW Water Quality Monitoring Review work' by Luke Tyler, NRW. Invite and agenda was circulated on Friday 23rd February.
56. The next meeting will be on Monday 25<sup>th</sup> March 2024.
57. No other business was raised.