Cyswllt Amgylchedd Cymru | Wales Environment Link

Lesley Griffiths MS
Minister for Rural Affairs and North Wales, and Trefnydd
Welsh Government
Tŷ Hywel
Cardiff Bay
CF99 1NA

24 June | 2022

Dear Minister,

Re: Agricultural Pollution Regulations

Thank you for meeting with us recently to discuss food security and stability payments. We would very much appreciate the opportunity to meet you again when the Agriculture (Wales) Bill has been laid. We note that the Economy, Trade and Rural Affairs Committee has published its report on the review of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. We would particularly like to respond to Recommendation 1 of this report: "The Welsh Government should re-introduce the derogation which allowed qualifying grassland farms to spread up to 250 kg/ha of nitrogen."

The farming unions have recommended that a derogation for farms with over 80% grassland be introduced, as this had previously been under consideration based on a derogation available under the EU until 2016. NFU Cymru claims that, as the regulations currently stand, they amount to "de facto destocking on many Welsh farms". Dwr Cymru/Welsh Water is concerned that the 170kg spreading limit would result in biosolid excess that would need to be managed, though this assumes no change in the use of other sources of nitrogen because of the regulations.

WEL did not provide evidence on this question to the Committee as we were not directly asked about it. The report, therefore, only reports the issues as raised by the farming unions and Dŵr Cymru and does not appear to consider the impact of restoring this derogation on water pollution. The report contains no analysis of the "destocking" issue and how this may be affected by other changes in practice. It also does not consider whether an element of stock reduction or biosolid diversion is justifiable for the control of water pollution and sustainability of a healthy soil bank.

We know from the collaborative, NERC funded University and CEH RePhoKus studies that there is already an accumulation of “legacy phosphate" in soils in livestock farming areas which will potentially take decades to reduce, even without adding more phosphate. RePhoKus published a May 2022 Report on the river Wye, which has its extensive upper reaches in Wales. The relative contribution of agricultural pollution compared with sewage pollution is higher in areas where livestock farming predominates and population is sparse, so the findings are relevant to other areas of Wales. The report makes several important recommendations on animal stocking and controlling inputs of phosphorus that we urge the Welsh Government to consider.

The Regulations appear to use nitrate as a proxy for phosphate: managing nitrate should also reduce levels of phosphate. However, it should be noted that different manures have different ratios of nitrate to phosphate. Poultry manure, with its relatively high levels of phosphorus, may need to be managed more carefully – particularly in areas that already have high levels of legacy phosphate. The Committee has not considered the extent of pasture on farms with IPUs or intensive pig farms in Wales. Upland pasture areas must also be carefully considered as they have shallow soils and poorer grass growth, so slurry cannot be injected into the soil and plant uptake of nutrients is lower. These areas are particularly at risk if a derogation is reintroduced.

WEL’s strongly feels that the derogation should not be reintroduced, and that Welsh Government should work with both the farming and water industries to find alternative ways of managing waste. If scientific evidence shows that a certain amount of destocking is necessary to protect our environment, then it should be considered. Farmers that are following the Maximum Sustainable Output (MSO) model have been able to do this with benefits to their farm business and the environment.

Water industry biosolid disposal also needs careful consideration. We cannot ‘destock’ humans, but there is now evidence that biosolids produced by wastewater treatment plants now contains microplastics and forever chemicals. If that is the case, how safe is it to keep spreading this on the land? Research and investment in alternatives must be undertaken if we are to deal with human waste sustainably, without introducing new, irreversible contamination of soils.

If the Minister is considering reintroducing the derogation, this should not be a blanket reintroduction. It should only be reintroduced in those areas where phosphorus or nitrogen balance assessments show that it will not result in phosphorus and/or nitrate in rivers exceeding permitted levels. We urge the Welsh Government to examine the scientific research on this topic before considering any derogation.

We would also like to raise a point regarding the Committee's Recommendation 8: "The Welsh Government should prioritise any suitable alternative proposals that utilise technology rather than closed periods for spreading, or 'farming by calendar.'" We note that the report does not detail any viable technological solutions that can managing the issue of slurry spreading at times of the year when wet weather conditions and low vegetation growth mean that anything spread on the land is at risk of being washed into rivers or lakes. WEL is not opposed to a viable technological fix, if this available. However, until a technological solution is proven, we cannot support the removal of closed periods for spreading.

As mentioned, we would be very grateful to be able to arrange a date to meet with you again in October, once the Agriculture (Wales) Bill has been laid. We also enclose Wildlife and Countryside Link's evidence on the UK Gene Editing Bill, following your enquiry at our meeting, along with WWF Cymru's Nitrogen Report. We hope these are both helpful.

Yours sincerely,

Arfon Williams, RSPB Cymru

Andrew Tuddenham, National Trust

Co-Chairs of WEL Land Use Working Group

Swyddfa Caerdydd
Tramshed Tech
Uned D, Stryd Pendyris Caerdydd CF11 6BH
F: 07498 228066 | E: enquiry@waleslink.org
Trydar: @WalesLink

Cardiff Office
Tramshed Tech
Unit D, Pendyris Street, Cardiff CF11 6BH
T: 07498 228066 | E: enquiry@waleslink.org
Twitter: @WalesLink

www.waleslink.org

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