Cyswllt Amgylchedd Cymru | Wales Environment Link

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Welsh Government
Tŷ Hywel
Cardiff Bay
CF99 1NA

13 May | 2025

Re: Report on the Agricultural Pollution Regulations

Dear Deputy First Minister,

WEL would like to share our thoughts on the Statutory Review of the Control of Agricultural Pollution Regulations which was independently chaired by Dr. Susannah Bolton and was released on 31st March.

Overall, we are in broad agreement with the key outcomes of the review. However, assessing the true effectiveness of the regulations is challenging given that compliance levels and enforcement of the regulations were outside of its scope. It should also be noted that the regulation of the agricultural industry in Wales differs significantly compared to others. The farming sector, with the exception of intensive pig and some poultry production, requires no licence to operate. WEL believes that, in the interests of environmental protection and particularly the water environment, this needs to be urgently addressed.

This review should also be considered alongside the international commitments that the Welsh Government has made to reduce excess nutrients lost to the environment by at least 50% by 2030, as agreed at COP 15. The effectiveness and implementation of Wales's agricultural pollution regulations will be one critical element if the Welsh Government is to achieve this target.

We are pleased that an all-Wales approach was accepted in the review along with the recognition that regulation should be focused on farming activities that pose significant pollution risks. We also welcome that no weakening of the regulations was proposed at this stage; given the ongoing polluted state of many rivers across Wales, as reported in the recently updated WFD classification – it is vitally important they are not diminished.

WEL believes that maintaining closed periods in order to drive compliance with storage requirements is necessary. Recommendation 8 in the report – that there should be the possibility of an alternative to the closed period – is one that we would have concerns about until we have confidence that closed periods could be enforced and managed appropriately.

The review suggests, in recommendation 5, that an alternative to the 170 kg N/ha limit should be considered. WEL urges extreme caution if this limit were to be examined and, in some cases, not applied without a detailed assessment of the environmental risks that may arise from such an approach.

WEL welcomes the inclusion of phosphorus in recommendation 5; this would support proper nutrient management planning, provided it leads to implementation of plans and clear action to reduce the polluting impact of excess nutrient application, particularly on the water environment.

Recommendation 6 is vital, proposing the inclusion of soil protection requirements within the regulations to protect against soil loss to the environment, potentially replicating the Good Agricultural and Environmental Condition (GAEC) requirements of cross compliance. This is long overdue. We would urge for any required consultation to take place as soon as possible.

Recommendation 7 is also key. Considering the role of higher risk cropping on potential losses of soil to the environment and effective mitigation techniques such as buffer strips is important, but we would urge that this is considered in more detail. AHDB class Wales as marginal when it comes to the growing of maize and therefore the suggestion that buffer strips might be sufficient to protect water and prevent possible flooding needs close examination. Any regulations must ensure that maize, or any

other high-risk crop, only occurs where there is no risk of soil loss to water and where it cannot contribute to local flooding. Afonydd Cymru has provided significant evidence to Dr Bolton's review to support this.

Poor slurry stores continue to pose unacceptable risks to the water environment, so recommendation 11 to ensure that such stores (particularly those built pre-1991) are fit for purpose is of vital importance and is supported by NRW inspection data. Increased NRW inspection rates of slurry stores to determine the scale of risk to the environment should be prioritised. In addition, the covering of all new stores will be vital to help reduce pollution of both the air and water. We would recommend that further consideration is given to retrofitting covers on old stores.

We also welcome Recommendation 14 – that consideration be given to the requirement for implementation of Low Emission Slurry Spreading Equipment (LESSE) where practicable.

WEL remains concerned about the regulatory culture within NRW and the lack of sufficient enforcement options available to them. There needs to be a significant improvement in the enforcement capability of NRW, accompanied by sufficient resources to ensure that enforcement is robust. This should be achieved as quickly as possible.

WEL also notes your recent announcement to previous attendees about the future of River Pollution Summits. We remain concerned that, despite having had five summits already, the problems of agricultural pollution impacting water quality and our rivers across Wales remains a serious issue. Future summits must focus on the key issues impacting water with clear actions determined; timelines for delivery of these actions agreed; and the required resources identified. Agricultural pollution is the main source of water pollution across Wales and as such should be a key focus of future summits. This is an urgent matter and business as usual should not be an option for the agricultural sector in this regard.

Public concern about the state of the water environment and rivers in particular has never been higher; a 2024 poll showed that 78% of people think that the main political parties are doing poorly on river pollution. WEL hopes that the review and renewed –

and more outcome focused – summits will help the Welsh Government address the serious problem of agricultural pollution, ensuring cleaner rivers in future both for people and wildlife.

Yours sincerely,





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