

Paul Davies MS, Chair of Economy, Trade and Rural Affairs Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

17 December | 2021

Dear Paul Davies MS,

**Re: Supplementary evidence to the Control of Agricultural Pollution Regulations Inquiry**

Thank you for the opportunity to provide further evidence on the points below.

**1. The funding support from Welsh Government to implement the changes**

WEL believes that sufficient funding needs to be provided by Welsh Government to implement the changes required by these regulations. This is important both in terms of the farm businesses and the regulator.

WEL members are aware of farms that will be able to achieve compliance with the 2021 regulations without Government funding. There are other farm businesses which will look for grant aid to become compliant. Some grant aid should be made available to assist compliance, along with advisory support.

If NRW is to enforce the regulations effectively it must be funded to do so. The effectiveness of regulation is affected by the perceived likelihood of offending being detected. The regulator must have sufficient resources to undertake credible regulation. We are aware of difficulties within the NRW Dairy Project caused by the way it is funded. Funding is on an annual basis. People are employed on contracts of a year or less. They obtain permanent jobs within NRW and leave the Dairy Project. As of 15th November 2021 there were five vacancies out of just twelve posts, as well as

a vacancy for the team leader. This has been a recurring theme since the project was set up. Officers do not gain the necessary experience to carry out what can be a challenging role. We appreciate this is an advisory role and not a regulatory role, but its aim is to achieve compliance. It is illustrative of the need for appropriate funding.

Advice can be given to farmers by others but only NRW has the power to regulate. NRW must receive funding to regulate, which includes the resources to undertake regular monitoring, and must itself allocate resources appropriately in its position as sole regulator. NRW should be accountable for this funding by demonstrating that it has accurate data on farm compliance and evidence that it is taking enforcement action against farmers that fail to comply.

## **2. The impact of incorporating the regulations into the National Minimum Standards that will need to be met to access support through the proposed Sustainable Farming Scheme.**

WEL would welcome the incorporation of the regulations into the National Minimum Standards as part of a range of regulatory and enforcement options available to the regulator. This would add to the proposed range of options suggested under the proposed Agriculture Bill. It is important that there is a clear, effective regulatory baseline that underpins the Sustainable Farming Scheme. This should be easy for farmers to understand and bring all the relevant regulation together in one place.

Under the current timeline for implementation of the regulations, all requirements should be in place for farmers by the end of 2024, just before the Sustainable Farming Scheme is officially launched. The phasing in of the requirements of the regulations over 3.5 years should assist farmers to be compliant by the time the Sustainable Farming Scheme starts, so we do not see the inclusion of the regulations in National Minimum Standards as a barrier to farmers joining the Scheme.

One concern is the extent to which regulatory non-compliance would be monitored and the extent to which access to support through the proposed Sustainable Farming Scheme would be restricted. A lack of proper monitoring or only limited restriction might not be a deterrent to poor practice. There will be cases where a formal

regulatory response is required ranging from formal caution, through to fixed or variable penalty, enforcement undertaking and prosecution.

One area being investigated by the Committee is whether the 2021 regulations should be applied across Wales or restricted to discreet NVZs. On 25th November 2021 Creighton Harvey referred to evidence provided to the WLMF agricultural pollution subgroup by Nicola Salter of NRW, and recorded in the minutes of the May 2020 meeting, in which she referred to pop-up New Zealand style farms. We would wish the committee to be aware of an [article published by Farmers Weekly online](#) on 29th November. This was not available at the time of our presentation before the Economy, Trade and Rural Affairs Committee.

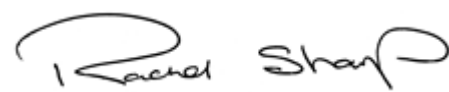
The article refers to an upland beef and sheep farmer in mid-Wales converting to dairy production. The article gives advice to farmers wishing to make the same change. Under advice point 7, farmers are advised to consider agricultural pollution regulations as 'Nine times out of 10 the stocking rate is the limiting factor on how much milk a business is going to be able to produce.' The article illustrates the potential for more intensive agriculture spreading into new areas and the need for regulation to be in place before this happens.

Best regards,

Creighton Harvey,  
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Rachel Sharp  
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