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Welsh Parliament
Economy, Trade, and Rural Affairs Committee
Agricultural Pollution Regulations

Evidence from: Wildlife Trusts Wales

1. Introduction

Wildlife Trusts Wales (WTW) represents the five Wildlife Trusts in Wales – Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales (hereafter referred to as the 'Wildlife Trusts') working together in partnership to achieve common aims. The Wildlife Trusts collectively speak on behalf of more than 24,000 members and manage over 200 nature reserves, covering more than 8,000 hectares of prime wildlife habitat, from rugged coastline to urban wildlife havens.

We own and manage a significant amount of grazing land of conservation value, and our charitable objectives of securing the recovery of nature depend on a sustainable future for livestock industries in Wales, particularly with regards to cattle. The Wildlife Trusts in Wales are livestock keepers in their own right and host a large number of farm business tenancies and grazing licences with livestock keepers in many of the 200 nature reserves we manage across the country. As such, we are directly affected by the Agricultural Pollution Regulations. Therefore, our views within this document are given as ecologists and conservation professionals and as organisations directly affected by the requirements of the Regulations.

2. Why legally binding Agricultural Pollution Regulations are urgently needed across all of Wales

Nature in Decline Nature is fundamental to everyday life; it provides the air we breathe, the food we eat, the fuel we use for warmth, and the resources we consume for shelter and modern life. Nature and people are not separate, nor is nature separate from our economy. Without a healthy environment, society cannot be resilient, but nature can look after us if we look after it. Yet the most comprehensive assessment of global biodiversity undertaken by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), comprising more than 130 member Governments, in 2019 clearly states that nature is declining globally at rates unprecedented in human history and that the rate of species extinctions is accelerating[1]. It went on to say that the

[1] Bongaarts, J. (2019). IPBES, 2019. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on

average abundance of native species in most major land-based habitats has fallen by at least 20%, mostly since 1990. The report, however does say that it is not too late to make a difference and that transformative change is needed to ensure that nature is conserved, restored and used sustainably. It adds that "by transformative change, we mean a fundamental, system-wide reorganisation across technological, economic and social factors"[1].

Recent analysis in 2021 shows that the UK is at the bottom of the G7 league table for the abundance of nature. Using the Biodiversity Intactness Index, the analysis also showed that the UK's is the twelfth worst of 240 countries and territories. In other words, the UK is in the relegation zone for nature[2].

Wales wildlife continues to decline, according to the most recent State of Nature 2019 report involving over 70 wildlife organisations from across the UK[3]. One in six species in Wales is at risk of extinction. Of the 3,902 species assessed in Wales 73 have been lost, and a further 666 species are threatened with extinction. Three river species – white-clawed crayfish, freshwater pearl mussel and southern damselfly are at risk of extinction in Wales. In addition, the number of monitored sites where species are present has fallen by 10% in Wales since 1970, which is twice the rate of the equivalent UK wide indicator4. Wildlife abundance tends to decline before species disappear completely from a site so worryingly, this fall in distribution of species across Wales could be a signal of more severe species declines. With over 85% of Welsh land managed for agriculture, the report says that changing agricultural management has had the biggest single impact upon nature in the UK over recent decades.

The State of Welsh Rivers and Water Bodies

- The state of Welsh rivers has been receiving significant attention in recent months. A report from Natural Resources Wales in January 2021 worryingly stated that over 60% of rivers afforded the highest protection in Wales exceeded their phosphate targets[4]. These rivers support some of Wales most iconic wildlife, including Atlantic salmon, freshwater pearl mussel, white-

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Biodiversity and Ecosystem Services. *Population and Development Review*, 45(3). https://doi.org/10.1111/padr.12283

[2] RSPB, & Natural History Museum. (2021). BIODIVERSITY LOSS: The UK's global rank for levels of biodiversity loss. In RSPB. https://www.rspb.org.uk/globalassets/downloads/projects/48398rspb-biodivesity-intactness-index-summary-report-v5-1-1.pdf

[3] Hayhow DB, Eaton MA, Stanbury AJ, Burns F, Kirby WB, Bailey N, Beckmann B, Bedford J, Boersch-Supan PH, Coomber F, Dennis EB, Dolman SJ, Dunn E, Hall J, Harrower C, Hatfield JH, Hawley J, Haysom K, Hughes J, Johns DG, Mathews F, McQuatters-Gollop A, Noble DG, Outhwaite CL, Pearce-Higgins JW, Pescott OL, Powney GD and Symes N (2019) The State of Nature 2019. The State of Nature partnership. https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf

[4] Natural Resources Wales. (2021, January 21). *Tighter phosphate targets change our view of the state of Welsh rivers*. Natural Resources Wales.

clawed crayfish and floating water- plantain. There are nine rivers in Wales that have Special Area of Conservation status – Cleddau, Eden, Gwyrfai, Teifi, Tywi, Glaslyn, Dee, Usk and Wye. The river with the highest level of phosphate failures was the Usk, with 88% of its water bodies failing their target. The Wye, Cleddau, Teifi and parts of the Dee also failed their phosphate targets. Phosphate is known to cause significant ecological damage in river systems leading to the eutrophication of rivers. Land management practices such as farming contributed to phosphate loadings in rivers through run-off.

- The State of Natural Resources Report (SoNaRR) for Wales 2020[5] also highlighted the polluted state of lowland lakes across Wales with less than a third at good or high status and nutrient pollution, from diffuse pollution, being of particular concern. In addition, 66% of river water bodies failed to achieve good ecological status under the Water Framework Direct (WFD) classification, with diffuse agricultural pollution being one of the key contributing factors.

Agriculture, along with the water industry, continues to be the biggest contributor to substantiated reported pollution incidents impacting surface waters that Natural Resources Wales dealt with in 2018-2020 (Figure 1)[6].

Agricultural Pollution Incident Data

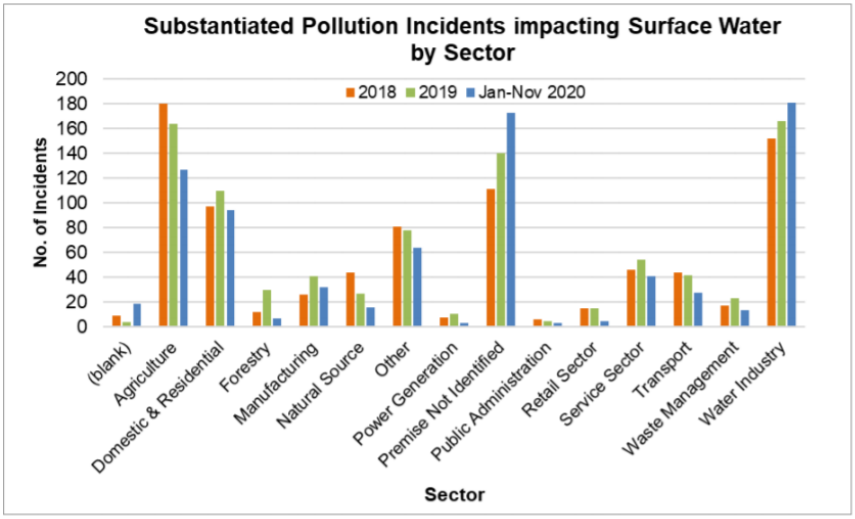

Figure 1. The graph shows the substantiated reported pollution incidents impacting surface waters by sector for 2018, 2019 and Jan-Nov of 2020. This indicates Agriculture and the Water Industry are the biggest contributors of substantiated reported pollutions reported to NRW. The 3rd highest is Premise Not Identified, this is where the pollution incident has been confirmed by NRW staff, but the source not identified. Due to the interim nature of some pollution

[5] H Foster et al. (2020). The Second State of Natural Resources Report (SoNaRR2020) Assessment of the achievement of sustainable management of natural resources: Freshwater. https://cdn.cyfoethnaturiol.cymru/media/693312/sonarr2020-ecosystem-freshwater.pdf

[6] Natural Resources Wales. (2020). Agricultural Pollution Incident Data. In Welsh Government. https://gov.wales/sites/default/files/publications/2021-03/atisn14845doc2.pdf

By using and contaminating land and water, agriculture is one of the greatest threats to biodiversity and degrades the ecosystem services we and wildlife all depend on, such as water quality and quantity.

The above graph also shows the significant contribution that pollution from the water industry makes to the water environment in Wales. The Wildlife Trusts believes that action is also needed to address this pollution as well as agricultural pollution as both types of pollution are not acceptable. Water pollution from agriculture affects multiple stakeholders across Wales, including the following:

- Water companies by having to remove agricultural pollution from drinking water for the public to make it safe involving significant expenditure
- Anglers being deprived of the recreational use of their local rivers and lakes
- Decreased use of water bodies by the public due to polluted water
- Risk of illness to the public from swimming in polluted waters
- Commercial shellfisheries suffering from an increased risk of contamination of their produce and losing business
- Impacting the tourism sector of Wales from the closure of beaches due to poor bathing water standards along with increasing awareness of poor river quality deterring wild swimming and recreational water sports which have become increasingly popular

It is clear that previous legislation has not been sufficient to prevent ongoing widespread diffuse agricultural pollution, which is having such a devastating impact on the water environment across the whole of Wales. That is why the new agricultural regulations are so important to address this serious issue. Agriculture needs to play a central role in Wales in reversing the loss of biodiversity.

3. Why an all-Wales approach to Agricultural Pollution Regulations is needed

An all-Wales approach will support the development and implementation of sustainable farming across Wales. AN all-Wales approach is critical in ensuring a level playing field and will deter potentially shifting of the issue to non-regulation areas. It also has to be remembered that compliance to regulation is a standard requirement for all businesses to avoid detrimental impacts on public health and the environment. An all-Wales approach will also assist in the wider need to restore the resilience of ecosystems needed to protect and restore nature that can only be achieved through a national approach.

In addition, an all-Wales approach will:

- Address the severity of the decline in nature across Wales, which requires a national response

- Enhance ecological networks and enable the provision of ecosystem resilience to support climate change mitigation
- Communicate to all farmers that agricultural pollution is a serious problem and avoids the potential for some farmers to think that as the pollution regulations do not apply to them in their area, their practices are non-polluting, and therefore, no action is required
- Enable more efficient use of nutrients across Wales and enable the agricultural industry to show that it has adopted significantly improved production standards.
- Incentivise all farmers across Wales to reduce pollution risk from their activities, leading to multiple efficiencies on their farms. The measures in the regulations are expected to reduce losses of pollutants to the environment each year by approximately 2,000 tonnes, an environmental benefit equating to £300m. This includes nitrates, phosphorus, ammonia and nitrous oxide[7].
- Deliver significant benefits for the climate, helping the Welsh Government achieve its climate targets, as human nitrogen additions to the soil in the form of fertilisers reinforce the greenhouse effect and global warming
- Provide significant benefits through ease of administrating and enforcement for Natural Resources Wales
- Lead to significant benefits across the freshwater and groundwater environments across the whole of Wales, benefiting both the natural world and the people of Wales. In addition, it will lead to nutrient reductions into the coastal waters around Wales, thus helping the recovery of the marine environment.
- Ensure the best standards for agricultural practices across the whole of Wales, which will be critically important for Welsh businesses and their ability to maintain international markets for their products as the need for improving environmental standards increases globally given the global nature crisis. The absence of an improved regulatory regime for agricultural pollution could damage the farming industry, particularly where compliance or regulatory equivalence is needed for markets overseas.
- Enabling more targeting of farms that are not addressing their agricultural pollution issues and not following good practice. The regulations will have

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[7] Lesley Griffiths MS - Minister for Environment, E. and R. A. (2021). *Explanatory Memorandum to the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021*. https://senedd.wales/media/r4zauewd/sub-ld14060-em-ee.pdf

minimal impact on those farms already compliant with existing regulations and which already follow good practice.

4. How can the current All Wales approach to Agricultural Pollution Regulations be improved

The Wildlife Trusts support the "polluter pays principle". However, given the large number of agricultural pollution incidents across Wales that occur on an annual basis, only a small proportion of these result in prosecution by Natural Resources Wales. Since 2017 there have been just two prosecutions relating to agricultural pollution in Welsh rivers. New regulations, therefore, need to be backed up by meaningful enforcement. In addition, current fines of a few thousand pounds when prosecutions are undertaken are so low they may create a climate of opinion where it may be better to risk prosecution rather than invest in addressing the problem.

Significant improvements need to be made in tackling the increasingly serious problem of phosphate pollution from poultry manure spread on land on rivers such as the Wye. This pollution arises from the significant increase in chicken farms in Wales. The regulations currently fail to take into account the cumulative effects of large numbers of chicken farms on the water environment in regions such as Powys knowns as the "poultry capital of Wales." This needs to be urgently addressed with limits set on the total amount of manure that is allowed to be spread on land within a river catchment.

Given the ongoing decline of nature across Wales, it is essential that action is taken to tackle the nature crisis. Pollution from agriculture to the environment in Wales is one of the reasons for nature's decline due to the polluted state of many of its rivers. We, therefore, welcome the Welsh Government's clear intent to significantly reduce the loss of such pollutants into the water environment from farming practices across Wales. That is why the Wildlife Trusts strongly support the full implementation of the Water Resources (Control of Agricultural Pollution) Regulations 2021 across the whole of Wales.