

Statement – Water Quality

On 14 November 2018 the Welsh Government confirmed that regulations covering the whole of Wales to protect water quality in respect of agricultural pollution would be introduced in the spring of 2019, coming into force from January 2020 with transitional periods for some elements to allow farmers time to adapt and ensure compliance. The Minister confirmed that regulations would cover the following areas:-

- nutrient management planning;
- sustainable fertiliser applications linked to the requirements of the crop;
- protection of water from pollution related to when, where and how fertilisers are spread; and
- manure storage standards.

On the 10 January 2019 the details of the new regulations were shared with industry representatives ahead of a meeting of the Natural Resources Wales Land Management Forum Sub-Group on Agri-Pollution on 11 January 2019. The proposed regulations closely mirror the requirements for Nitrate Vulnerable Zones, which together with some additional measures will apply to the whole of Wales.

The requirements of the new regulations are a matter of deep concern to NFU Cymru. In particular, the cost and complexity of the measures that farmers will be asked to comply with are worrying. We have further concerns over the introduction of these regulations in the context of Brexit uncertainties over future trade, future policy and access to capital to support investment.

Following the 11 January 2019 stakeholder meeting, NFU Cymru subsequently met with the Minister for Environment, Energy and Rural Affairs on two occasions to express our concerns and to request that the Minister consider an alternative solution that would deliver against the measures described in the announcement of the 14 November but be more proportionate, risk based and outcome focussed, in line with the principles set out in the Brexit and Our Land consultation document. We also asked the Minister why a Regulatory Impact Assessment (RIA) had not been drawn up for the proposed regulations which would have made clear the impact of the regulations on farmers, as well as any other costs and benefits, including for the environment.

Subsequently, NFU Cymru working with our own lawyers and our Legal Panel Firm JCP Solicitors (JCP), wrote to the Minister with concerns as to the process that Welsh Government had adopted in introducing these regulations. In particular we flagged the lack of a RIA and the failure to consider the NFU Cymru led industry project, with funding from NRW, that is looking at supporting the development of voluntary initiatives to improve water quality being given time to come to fruition.

Following discussions between NFU Cymru lawyers, JCP and Welsh Government, NFU Cymru is pleased that the Minister has confirmed to us that the development of the regulations will be subject to consideration of the available evidence and the findings of a RIA which has been commissioned by ADAS.

We will now work to put our own evidence before the Minister. We will work with Government and industry partners to safeguard and improve water quality in Wales, and we are fully committed to deliver on our project around the farmer led voluntary initiative; an initiative to which NFU Cymru has dedicated significant time and financial resource to bring to fruition. We remain concerned that the proposed regulations will impose cost and complexity on the industry that vastly outweigh any benefits to water quality and we

will continue to raise these matters with the Minister and her officials; however, we welcome the Welsh Government's commitment to give this further consideration through the findings of a RIA and the available evidence.