

An Open Letter to Members of the Senedd RE: NVZ Regulations

01/03/2021

Dear Colleagues,

Members will be aware that I have tabled a motion to annul *The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021*, more commonly referred to as NVZ (*Nitrate Vulnerable Zones*) regulations.

We will debate and vote on this motion on Wednesday 3rd March. I am writing to you ahead of the debate, to outline why I believe these regulations should be annulled, and to respond to some of the claims made by the Government on this matter over the past few weeks.

I oppose these regulations not because there is no water quality problem in some parts of Wales; rather I oppose these regulations because they are not the right solution to tackle this problem. The regulations are disproportionate, they will have unintended consequences for the environment, and they will undermine the viability of many Welsh farms.

We must also not forget that the Environment and Rural Affairs Minister promised Members of the Senedd no less than eleven times over the past 12 months that she would not introduce the regulations whilst we are in the middle of the pandemic – a promise that has been broken.

Natural Resources Wales has recommended that 8% of Wales should be placed within NVZs, up from the current 2%, rightly targeting those areas where there are problems. Sadly, the Government has ignored this expert advice and has gone for a 100% approach, impacting even those areas that haven't seen any cases of agricultural pollution over the past decade.

If you consider the level of agricultural pollution incidents to water, the trend across Wales has fallen. When you look at the cases year on year over the past three years, they're down 28% in that period. Where targeting is justified, then of course we must target those areas. Where regulations are necessary, then we must regulate. But it is unreasonable to place these requirements on every single farm and every single acre of Welsh land, even where it is not an issue that causes concern.

The Minister has claimed that those who oppose these regulations are calling for inaction. This is not true. I support the expert advice of Natural Resources Wales who recommend the introduction of a more tailored and proportionate regulatory approach.

The proposed regulations will have serious consequences for our environment and the wider rural economy. Using calendar dates rather than weather conditions to dictate when slurry can be spread is an absurd proposition. There will be days during the proposed closed period when the weather conditions are perfect for spreading, whilst conversely there will be times during the open period when spreading slurry would have serious consequences for the environment. We also know that during the weeks immediately before and after a closed period all of Wales' farmers will be spreading slurry at the same time in order to clear their stores. This will cause unprecedented spikes in nitrate levels creating new pollution issues even in areas where there are no problems currently.

Grazing cattle play a key role in conservation and supporting biodiversity, especially in our uplands. Many agri-environment schemes have supported this activity for a number of years. These small or medium sized farms are the ones who are most likely to suffer under the proposed regulations. Investing tens of thousands of pounds to install the required infrastructure to continue to keep a relatively small amount of cattle is not feasible. The obvious consequence is that the mixed farms

who currently keep maybe 20-40 cattle will replace them with sheep. This will introduce much harder grazing to the land which will devastate much of the habitat creation and conservation work achieved previously.

According to the Government's own estimates, the upfront capital cost to farmers to comply with these regulations will be within a range of £109 million - £360 million. The Government has allocated £11.5 million to help with these costs. This would just about cover the capital cost requirement of Anglesey alone, let alone the rest of Wales.

Farmers in Wales do not have the money nor the borrowing capacity to meet these costs. Many are already operating on the breadline and this will lead to a number of farms going out of business. Another consequence of these regulations therefore is the loss of small and medium sized farms and a subsequent growth in large farming units. Members from all parties have rightly spoken out against large herds and 'super dairies' in the past. These regulations will lead to more industrial scale dairy farming.

The loss of farms and the resultant loss of our food producing capacity will lead to increased levels of food imports, bringing with it a further environmental cost.

I have already been made aware that one of the biggest milk processors in Wales is contingency planning to take its milk field further east. This is being done to protect their milk supply in anticipation of the detrimental impact these proposals will have on the viability of the Welsh dairy sector.

Local authorities across Wales who own council farms will also need to find millions of pounds to meet the capital cost requirements of these regulations. This will be a huge challenge to council budgets at this very difficult time and could lead to the further sale of council farms thus reducing the opportunity for young and new entrants to start a career in the industry.

There are further points that I could raise here, but I trust that you see why there is such concern surrounding these proposals as they stand.

To conclude, these are impractical regulations. They will cause significant unintended environmental, economic and social consequences. They must not be rushed through in the final days of this Senedd.

In the interests of achieving greater consensus and more effective legislation on this important matter I believe these regulations should be withdrawn at this point in the Senedd calendar.

I pledge the time and commitment of my party to work either within or with Government on introducing more proportionate legislation before the end of 2021.

Yours sincerely,



Llyr Gruffydd AS / MS

