

P-06-1263 Control pollution from agriculture in the parts of the Wye and Severn River located in Wales

Y Pwyllgor Deisebau | 9 Mai 2022
Petitions Committee | 9 May 2022

Reference: SR22/2498-3

Petition Number: P-06-1263

Petition title: Control pollution from agriculture in the parts of the Wye and Severn River located in Wales

Text of petition:

1. Introduce an immediate moratorium of any new intensive poultry units in the Wye and Severn catchment areas located in Wales.
2. Strictly control manure spreading according to the phosphate load in the ground
3. Monitor phosphate levels
4. Take legal action against any breaches of pollution legislation.

Additional Information:

Water quality and biodiversity has declined in both rivers in recent years because of high levels of nitrates and phosphates leading algae blooms. This has led to a significant loss in biodiversity. Pollution from agricultural run off in particular that from intensive poultry units (IPUs) is the single most important cause of the increased pollution in these river systems. Stringent control of pollution from farms is urgently needed to prevent an ecological catastrophe.



1. Background

The rivers Severn and Wye rise in the Cambrian mountains and flow eastwards through Powys into England, before reaching the sea in the Bristol Channel. They are the UK's longest and fourth longest river respectively and meander through productive agricultural land for much of their course.

1.1. Welsh poultry sector

The poultry sector is relatively small, making up about 7% of Welsh agricultural production, and is characterised by a large number of birds being kept by a relatively small number of large producers.

The number of birds kept in Wales has increased in the last 50 years with intensive poultry units (IPUs) being established to produce both meat and eggs.

The latest Welsh Government figures show 10.4 million poultry birds in Wales in June 2020, most of which were chickens kept for meat (6.5 million birds) and for eggs (3.1 million birds).

1.2. Environmental concerns

60% of Welsh surface and ground water bodies fail to achieve good ecological status under the Water Framework Directive. The State of Natural Resources Report (SoNaRR) (2020) identifies agricultural pollution as one of the major causes.

Natural Resources Wales (NRW) data (2016 to 2021) shows that the agriculture and the water industry are the two biggest contributors to substantiated pollution incidents impacting surface waters.

Agricultural pollution can result in increased nutrients (such as nitrogen and phosphorous) entering water bodies, reducing water quality and harming aquatic life.

Wales Environment Link (WEL) called for a moratorium on IPUs in September 2020, saying:

... Agricultural pollution is currently one of most significant contributors to the poor health of Welsh rivers and is the most significant source of diffuse water pollution. Intensive livestock rearing and inefficient storage

and spreading of manures, slurries, digestate and other fertilisers are the main causes of this pollution. ...

1.3. Intensive poultry units in Powys

There's been a significant increase in IPU's in Powys in recent years.

WEL states that Powys County Council planners approved 156 IPU's in the five years to 2020, with a further 28 applications still to be determined at that time. It says since April 2017, Powys had received five times as many planning applications for IPU's as the rest of Wales.

The Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales maintains a map of planning applications for poultry sheds in Powys (last updated on 11 March 2021) and submitted a similar petition of its own in 2018: P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales.

The Fifth Senedd's Petitions Committee closed that petition in July 2020, noting work ongoing to strengthen planning requirements (see below) and concluded there was little further it could achieve at that time.

1.4. Regulation

There are two main aspects to the regulation of new poultry units - the planning system (the responsibility of the local planning authority), and the environmental permitting system (NRW's responsibility).

Broadly speaking, new poultry units require planning permission and above certain thresholds also require an Environmental Impact Assessment (EIA). An environmental permit is also required above a certain threshold.

Further detail on both of these aspects can be found in the Senedd Research briefing prepared for the 2018 petition.

2. Welsh Government action

The previous Welsh Government committed to developing a new planning Technical Advice Note (TAN) to provide guidance to local planning authorities when dealing with applications for intensive agriculture developments.

Senedd Research understands that a working group including local planning authorities, farming unions, environmental groups, Public Health Wales, NRW and Welsh Government officials has met a number of times to discuss development of the TAN. However, the rate of progress is unclear and the Rural Affairs Minister, Lesley Griffiths, doesn't refer to this work in her letter to you.

The Minister's letter says that poor practice and pollution is not restricted to one area or farm type, and agricultural pollution is one of the main reasons waterbodies fail to meet good status requirements. She responds to the four points raised by the petitioner:

2.1. Immediate moratorium

The Minister draws attention to NRW's planning position statement on the Wye river Special Area of Conservation (SAC) and phosphates. The statement recommends that any proposed new development which could result in increased phosphate within the Wye SAC must demonstrate phosphate neutrality or betterment.

NRW published a compliance assessment of Welsh river SACs against phosphorus targets in January 2021. The assessment was triggered by changes to Joint Nature Conservation Committee (JNCC) guidance where phosphorous targets are "substantially tightened".

The assessment reviewed water quality data from 2017 to 2019 against the new phosphorus targets and showed that of the nine river SACs in Wales, 61% of the 107 waterbodies (section of river) assessed were failing to meet their phosphate target.

As a result, NRW published advice to planning authorities for planning applications affecting phosphorus sensitive river SACs. This requires developments within river SAC water body catchments, and non-SAC tributaries flowing into them, to assess their potential impact on phosphorus levels.

Note the Severn in Wales is not designated as a river SAC.

2.2. Controlling manure spreading according to the phosphate load in the ground

The Minister highlights the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 which phase in limits on the amount of nutrients, including nitrogen and phosphorus, that can be applied to land.

She emphasises it's an offence to cause or knowingly permit discharge of polluting matter or solid waste matter into controlled waters without NRW's permission.

The regulations have been controversial. Farmers have said they're "draconian" and "punitive", but environmentalists argue they're long overdue and will help stop "catastrophic" environmental damage.

The Senedd voted to review the regulations in June 2020 and the Economy, Trade and Rural Affairs (ETRA) Committee is currently undertaking that review (see below).

NFU Cymru brought a legal challenge against the regulations. Four grounds of challenge were relied upon but were dismissed by the Court. This included that the Welsh Ministers acted unreasonably and unlawfully by failing to take account of all relevant evidence, and took account of irrelevant evidence before taking a final decision to introduce the regulations.

This Senedd Research article provides further background to the regulations.

2.3. Monitoring phosphate levels

The Minister notes that NRW monitors phosphate levels in river SACs and refers to the compliance assessment referenced above. She says that in response to the assessment, the Welsh Government established a SAC Rivers Oversight Group to provide guidance on reducing phosphorus levels in river SACs.

2.4. Taking legal action against breaches

NRW is responsible for enforcing pollution legislation. The Minister highlights NRW's response to an incident is based on an incident categorisation and prioritisation process.

She also notes that 'Verifiable Standards' are enforced by Rural Inspectorate Wales via cross compliance for participants of funded schemes, such as the Basic Payment Scheme. Verifiable Standards are the rules farmers must follow when applying for payments.

Further detail on the Minister's response to the Petitioner's four points can be found in her letter to you.

3. Welsh Parliament action

The ETRA Committee is currently undertaking an inquiry into the agricultural pollution regulations, as a result of the Senedd vote to review them. The Committee heard from NRW in September 2021 and farming unions and environmental organisations in November 2021, following an open consultation in the summer. The Committee expects to take evidence from the Minister as soon as possible in the summer term.

The Climate Change, Environment and Infrastructure Committee has also recently undertaken a water quality related inquiry, but this focused on sewage discharges.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.