

Petition P-05-733: No Further Actions on Nitrate Vulnerable Zones (NVZ) In Wales At All

Y Pwyllgor Deisebau | 17 Ionawr 2017

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Research Briefing:

Petition number: P-05-733

Petition title: No Further Actions on Nitrate Vulnerable Zones (NVZ) In Wales At All

Petition text:

We call on the National Assembly for Wales to urge the Welsh Government to take no further actions on NVZ in Wales at all. Bringing this directive in would put enormous pressure on an already crippled dairy farming industry and the wider rural communities. We are the backbone of the Welsh Economy, No Farmers, No Food.

Background

Under the EU Nitrates Directive, Member States are required to identify and designate **Nitrate Vulnerable Zones (NVZs)** which are areas designated as being at risk from agricultural nitrate pollution. In Wales currently, NVZs are designated by Regulation 7 of the *Nitrate Pollution Prevention (Wales) Regulations 2013* which came into force on 25 October 2013 to implement the Directive.

Diffuse water pollution occurs when pollutants such as nitrates and phosphates are carried into water bodies by rainwater run-off from urban and rural land, usually from many small sources, having a cumulative effect. A key outcome of nitrate pollution is eutrophication. This is where the increase in nitrate or phosphate in the water encourages algae growth, which forms a bloom over the water surface. This prevents sunlight reaching other water plants, which then die. Bacteria break down the dead plants and use up the oxygen in the water so the water body may become lifeless. Nitrate pollution can impact the ecology of lakes, rivers and coastal waters, the quality of groundwater and also the cost of water supplies.

An [Action Programme](#) of ‘Good Agricultural Practice’ applies to designated NVZ areas in an effort to reduce nitrate pollution where the affected landowner must follow the statutory measures. The NVZ Action Programme measures include:

- controlling the dates (closed periods) and conditions under which nitrogen fertiliser and organic materials are spread;
- having sufficient facilities for storage of manures and slurries;
- limiting nitrogen fertiliser applications to the crop requirement only;
- limiting quantities of organic material applied per hectare per year;
- limiting the total quantity of organic material applied at farm level;
- controlling the areas where nitrogen fertilisers can be applied;
- controls on application methods; and
- preparing plans and keeping adequate farm records.

On designation of specific areas of land as NVZs, only landowners within those areas must implement the Action Programme measures with landowners in other areas being subject only to other national baseline standards. Approximately 750 farm holdings are currently subject to pollution controls under the Action Programme in Wales.

Under the Regulations it is required that NVZ designations are reviewed at least every four years. Natural Resources Wales (NRW) reviews NVZ designations and makes recommendations to the Welsh Ministers as to which areas should be designated and also advises on amendments to the measures in the Action Programme. The Welsh Government must publish the recommendations which they are ‘minded to accept’ with or without amendment and send notice of the recommendations to any owner or occupier of a relevant holding.

Compliance with the Nitrates Directive can have costs for farmers in NVZs, for example investment in slurry storage facilities. However, there is currently some support available to farmers. Under the [Rural Development Programme \(RDP\) for Wales \(2014–2020\)](#), eligible farmers can access funding towards nutrient management planning. Financial support is also available through the RDP Sustainable Production Grant Scheme to improve resource and business efficiency.

Welsh Government action

Following the review of NVZs in 2012, 2.4% of land in Wales was designated as a NVZ. In the current review round, NRW has identified further potential NVZ sites which would result in an increase in NVZ designation to cover 8% of Wales. This would include a significant new designation in Pembrokeshire and smaller new designations in Anglesey and Carmarthenshire. The [maps on the Welsh Government website](#) show the proposed NVZ areas in Wales with detail down to field level.

The Welsh Government has recently [consulted](#) on NVZs in Wales. The consultation states that the outcome of the NVZ review and the consultation will be used to make any appropriate changes to the designated NVZ areas and/or the measures in the NVZ Action Programme. An alternative approach proposed in the consultation is to apply the Action Programme throughout the whole of Wales, requiring all landowners to comply, rather than having targeted NVZ areas. The consultation states that the Welsh Government plans to introduce new Regulations in 2017 following the findings of the review and consultation.

Stakeholder responses

[FUW has urged members to respond to the NVZ consultation](#) warning that a number of the proposals put forward ‘will seriously impact farmers in Wales’:

The FUW remains resolutely against the option to apply the action programme throughout the whole of Wales as this would require all landowners to comply with the NVZ action programme measures. There is a distinct lack of evidence for a whole territory approach and the difficulties and costs associated with regulatory compliance for farms whose land does not drain into nitrate polluted waters, makes this option both unwarranted and unreasonably excessive.

NFU Cymru is also ‘very much opposed to the proposed designations’. NFU Cymru President Stephen James has [said](#):

NFU Cymru remains wholly unconvinced on the basis of evidence presented by Natural Resources Wales that further NVZ designations are necessary in Wales.

...

Our own NFU Cymru NVZ Survey showed that around one in eight (13%) of farmers would consider leaving the industry if the NVZ proposals are introduced. Nearly three quarters (73%) of farmers surveyed did not have sufficient slurry storage on their farm to meet the proposed NVZ requirements and it would cost, on average, nearly £80,000 for Welsh farmers to upgrade their slurry storage facilities to achieve NVZ slurry storage compliance.

NFU also believes that funding available from the RDP is not sufficient to cover these costs and that farmers would suffer significant economic impacts.

Environmental organisations argue that further designation is required to prevent further pollution of rivers and the decline of biodiversity. Wildlife Trusts Wales (WTW) recommends a compromise between the two NVZ proposals – a partial territory NVZ approach where NVZ designation should be applied at a catchment scale. WTW states that designated areas should include:

areas that it has been shown that the waters are polluted by nitrates (and the land that drains into them); and

based on the precautionary principle, areas that could become polluted by nitrates in the future. The Precautionary Principle is a strategy to cope with possible risks which could create unacceptable harm that is scientifically plausible but uncertain.

Other organisations advocate the proposed whole Wales approach, such as Carmarthen Fishermen's Federation, which has stated that:

There would be wide benefits [to the whole Wales approach] in terms of the compliance with [Water Framework Directive] standards, improved ecology of rivers including fisheries with the associated economic gain to the rural economy through increased tourism and reduced costs for treating abstracted water for potable supply.

National Assembly for Wales action

In March 2016, the then Minister for Natural Resources, Carl Sargeant, was asked questions in a [plenary debate](#) on the Welsh Government's proposed consultation. Questions asked included what support would be provided to farmers in NVZs considering the potential impact on farm businesses, e.g. the additional costs of increased slurry storage. The functions of NRW relating to water quality was also questioned in the light of budget cuts. The Minister said:

We have far too many cases of diffuse pollution across our water courses and it's something that we must tackle together. The issue around the consultation will be around whether that's a localised NVZ or whether it's a national scheme, and that will be something the consultation will have to consider. With regard to support for farm and farm bases that need to make adjustments, I'd be happy to have further discussions. I think the next Government, of course, will have to have further discussions with the industry to see how they can manage this better, but ultimately this is a matter for the sector to deal with and I think Government does need to look carefully at how we can move them and transfer them into a better space.

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.