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

Evidence from: Individual
Response

The Economy, Trade and Rural Affairs Committee's Consultation on the Welsh Governments Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021. Response by Dennis Matheson Upland Beef and Sheep tenant farmer on a private estate in the Welsh borders. Llangedwyn Oswestry SY10 9LH

I have been a tenant on this estate under the 1986 Agricultural Holdings Act since 1982. In addition I have represented the Tenant Farmers Association Wales (TFA Cymru) on Natural Resources Wales Land Management Forum for a number of years, and on the Agricultural Pollution Sub-Group since its formation, at the request of the Minister, Lesley Griffith, in January 2017. This Group has now met near 50 times since inception.

I fully endorse TFI Cymru's official response to the Consultation in its entirety.

That the Welsh Government have so far refused to allow tenants unable to comply with the new regulations by virtue of barriers in their tenancy agreements, any derogation from the regulations, even while liability is being tested at arbitration is particularly worrying. Welsh Government is in effect forcing tenants in this situation to criminalise themselves. This cannot be right.

Of great concern our County Council Holdings. County Council's are short of funding across the board and are highly unlikely to agree to large expenditure on any new slurry stores if required. Indeed I understand that in this County-Powys 'farm tenants' have already been told that if pushed into a corner the whole Council agricultural Estate will have to be sold, thus denying many "new entrants" the chance of starting a farming career. Powys have in the region of 150 holdings, so this outcome would be extremely serious.

The Minister Lesley Griffith and her predecessor Rebecca Evans both visited this farm where I was able to demonstrate an all too familiar situation, The landlord has for many years refused to accept responsibility for complying with current regulations affecting their buildings.

They are adamant that a "Weeping Wall Midden" constructed with railway sleepers with only two sides can contain 800000 litres of cow slurry, sufficient for the effluent created by 55 cows in the

cubicle building, Effluent draining through the sleepers would be directed to a soakaway, which is illegal.

In fact at the request of the then Environment Agency I ceased to use this building some 10 years ago-it remains empty, with a reduced number of cows housed on straw in the adjacent covered silage shed, no longer used for silage. I had to construct a new silage bunker, outside.

Recent discussions with the Landlords agent indicate that there is no change in the Estate position and that they would not be able to provide slurry stores to any of the 15 Estate tenants due to financial constraints. The outcome will undoubtedly be each case going to arbitration, a costly and time consuming process.

I have set this example out in some detail because of the Ministers visit, when she was made fully aware of this only too typical situation. Only the more disappointing that tenancy concerns have not been addressed in the Regulations.

I would suggest that the Committee puts the maximum pressure on WG to suspend the implementation of the regulations which in anycase are unlikely to achieve the desired objectives-the small number of those deliberately breaking the current rules will continue to do so, and instead properly take note of the WLMF Pollution Sub Groups April 2019 Interim Report (never properly responded to by WG). The Reports recommendations were a rare consensus between accross the board stakeholders, including Welsh Water and Fishing Trusts, as to the way forward most likely to achieve desired results.

The main theme of the report is that adherence to current regulations should be better inforced, and a Wales wide education programme should be rolled out. This latter has indeed been implemented, with many events organised by Farming Connect demonstrating best practise to avoiding pollution.

A second initiative was the setting up of the so called "Dairy Project". This involved the recruitment of and training of a team of inspectors to visit all farms in Wales, initially all dairy farms, and report on any effluent handling arrangements, ground available for spreading, and recommendations for improvements.

While COVID has hampered this rollout a large number of dairy farmers have now been visited, with in a few instances enforcement notices being issued. This is a worthwhile project rather hampered by limited funding. This comes from WG but unfortunately is only on an annual basis which means a new team has to be recruited and trained every twelve months. Proper long term funding from WG would greatly speed up this exercise.

In summary

The committee should consider the following as a matter of urgency.

1. Put maximum pressure on WG to suspend the new pollution regulations, and instead implement the Sub Groups Interim Report recommendations.
2. If WG will not do this then at least honour the commitment to protect tenants from any adverse consequences, by exempting those unable to comply because of barriers in their agreements until solutions are found.
3. Remove any incentives for landlords unable or unwilling to take responsibility for their liabilities, to evict tenants on the grounds of "change of use" or not relet an expired tenancy, in order to use the land for other purposes-viz large scale afforestation
4. Any grants available for slurry storage should be stand alone and not dependent on participation in the proposed Sustainable Land Management Scheme. In addition they should be available to upgrade existing structures and not just for new stores-at present the case, due I believe to former EU rules.
5. Amend tenancy law to make it easier for all tenants to challenge adverse landlords decisions.

In conclusion

Tenants face an extremely serious situation. Through no fault of their own some could find themselves criminalised, or lose their tenancy.

In spite of WG officials having attended all Sub Group meetings since inception and being made aware of tenancy issues on compliance on numerous occasions they remain unmoved.

If nothing is done as a matter of urgency, the Landlord/tenant system in Wales will come under severe strain.

Does the WG really want to be remembered for leaving a legacy of the beginning of the destruction of a significant sector of the farming community (a quarter of active farmers and 27% of the land area) with all that that will entail for the communities affected, and new generations trying to get onto a first rung of the farming ladder.? I would sincerely hope not.

Dennis Matheson

Sept. 10 2021.