

Control of Agricultural Pollution Regulations compliance inspection findings

1st Report

(November 2023 – 30 June 2024)

Background

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR) were introduced by Welsh Government to reduce losses of pollutants from agriculture to the environment by setting regulations for certain farming practices and apply them to all farm businesses in Wales.

In summary, the requirements include :

- construction and capacity requirements for the storage of silage, organic manures including slurry and temporary field heaps.
- notify NRW prior to the construction of any new substantially enlarged or reconstructed silo or slurry storage system
- controls for the spreading of organic manures and manufactured nitrogen fertiliser, including no spread areas and time periods.
- requirement for a spreading risk map to be maintained.
incorporation of organic manures into bare soil or stubble
- requirement to maintain a nitrogen management plan and record all applications.
- limits total nitrogen (farm and individual hectares)
- associated record keeping requirements including import/export of livestock manure

CoAPR is included within the requirements of Cross Compliance as Statutory Management Requirement 1.

All farmers and land managers in Wales applying for Welsh Governments Basic Payment Scheme (BPS) and/or certain land-based Rural investment schemes, are responsible for meeting the Cross Compliance requirements. Any identified failures to meet these may result in Cross Compliance breaches and financial penalties being applied to claims by Rural Payments Wales. Further details are set out in the Single Application Form (SAF) 2024: rules booklet (gov.wales)

Implementation of the regulations has been transitioned over a four-year period. The final set of measures, relating to closed periods for spreading, and associated storage requirements will come into force on 1 August 2024.

NRW have a funded service level agreement with Welsh Government to undertake a prioritised programme of compliance inspections of higher risk agricultural activities across Wales (circa 800 planned during 2024). We have two teams of trained officers dedicated to undertaking this prioritised programme of inspections. Higher risk activities are considered to be,

- cattle farms with over 200 cattle (dairy and beef), poultry units with over 1000 birds, pig units over 50,
- any farms importing organic manures as defined under CoAPR which includes, livestock manures, digestate, biosolids and wastes recovered to land,
- farms who have notified NRW of intention to adopt the Enhanced Nutrient Management Approach, and
- farms which have been identified as a result of a recent pollution incident investigation and pose a risk to the environment.

NRW is aware of the stress a compliance inspection and possible enforcement action has on the farming community. Inspecting officers have attended presentations from farming union representatives and are receiving mental health first aid training. We always provide reasonable notice, normally in writing, to farmers ahead of any planned compliance inspections. The only time officers would call unannounced is when we are responding to a reported pollution incident. Cross Compliance inspections selected by Rural Inspectorate Wales are subject to specific rules and pre notification periods with which NRW must comply.

Officers will wherever possible discuss non compliances on farm but may not be aware of the full extent of the breach until they have completed the calculations. Careful consideration is given when communicating any non-compliances either in writing or verbally.

Enforcement

As delegated agents for Cross Compliance SMR1 NRW is obliged to report the outcome of any CoAPR inspection to RPW. Breaches are scored using the Verifiable Standards found [Cross compliance | Sub-topic | GOV.WALES](#) and reported to Rural Inspectorate Wales, the inspecting body for Rural Payments Wales.

NRW are required to comply with the [Regulators' Code](#) and apply our own Regulatory Principles [Natural Resources Wales / Our Regulatory Principles](#) when we undertake our regulatory work

Officers will take into account of site history, actual or potential for environmental impact, and the severity of the non-compliance, in line with our Regulatory Principles, when considering which of a range of enforcement options available to use. This can range from issuing written advice and guidance with time limits to comply through to serving works notices or criminal sanctions when deemed appropriate by NRW enforcement governance.

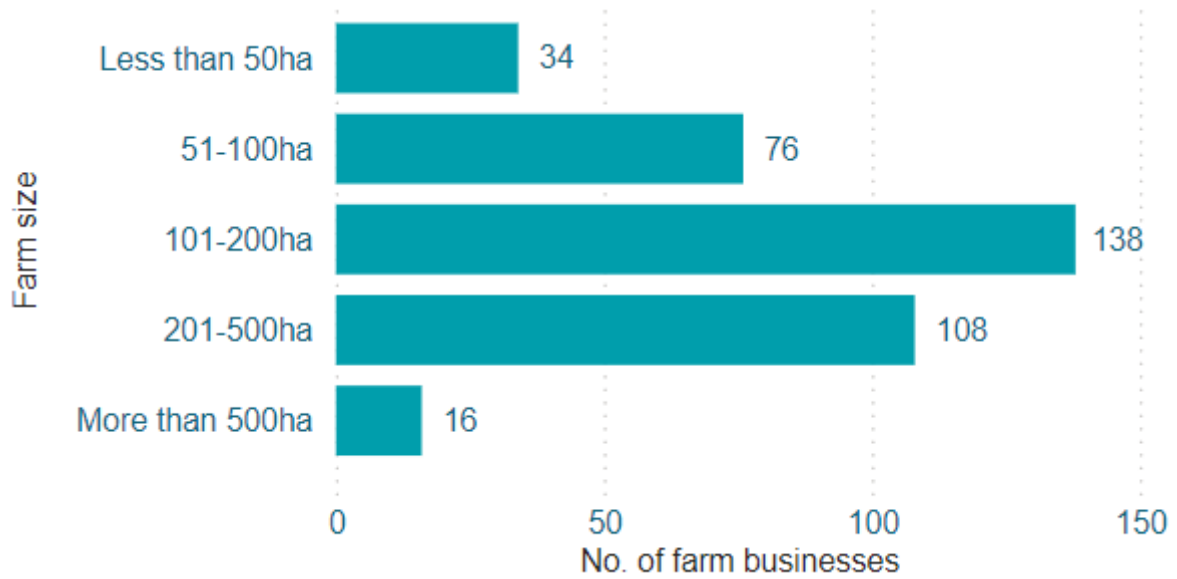
Our approach to enforcement follows our Enforcement and Sanctions Policy which takes a proportionate and outcome focused approach to enforcement options and will, where appropriate, provide advice and guidance to assist an operator or individual to come back into compliance before considering stronger enforcement sanctions. either civil or criminal.

Any enforcement action undertaken by NRW will take place in parallel to Cross Compliance penalties being awarded by RPW.

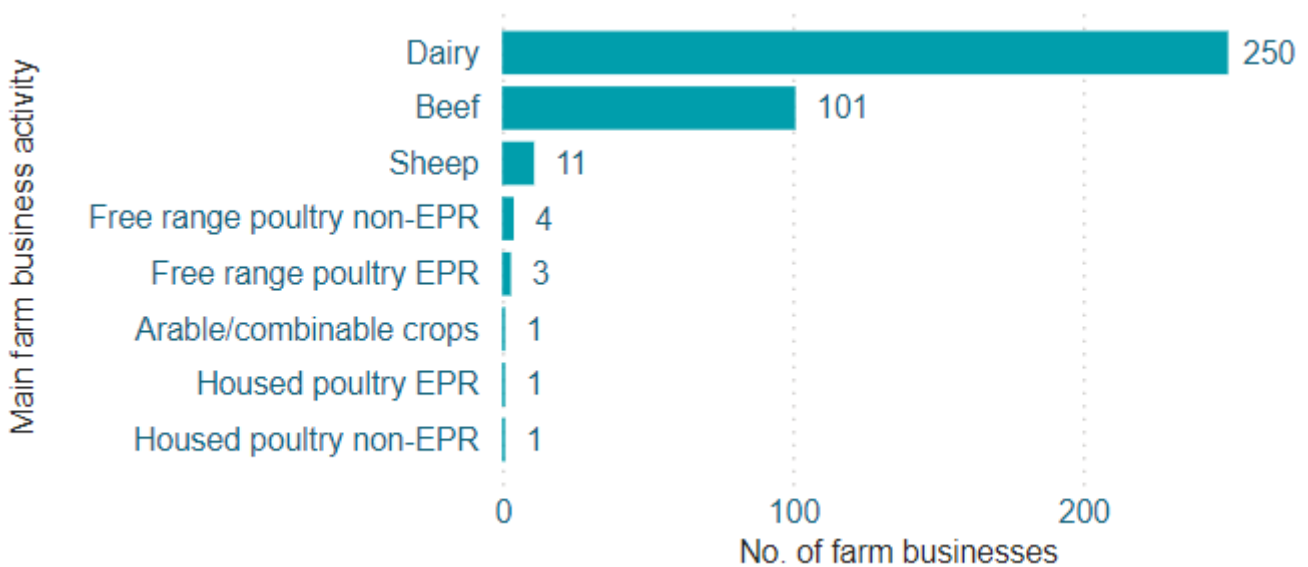
Findings

The inspection programme began in November 2023. The following report is for initial inspections and does not include follow up visits. As of 30 June 2024, a total of 372 farms have been inspected. Inspections were undertaken across a range of farm sizes where higher risk activities are believed to be carried out this included a range of farm sizes and business activity.

Farm inspections by farm size (November 2023 - 30 June 2024)



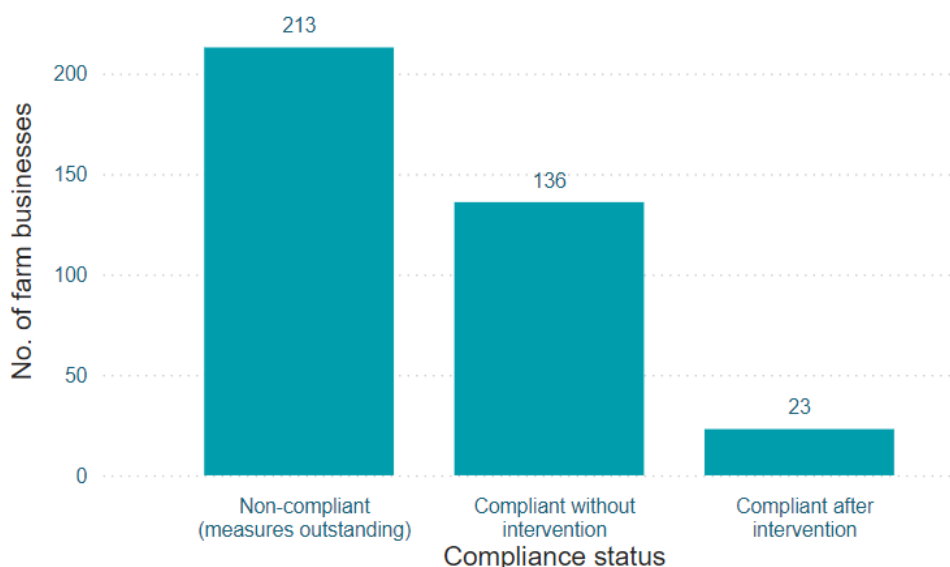
The main farm business activity of inspected farms (November 2023 – 30 June 2024)



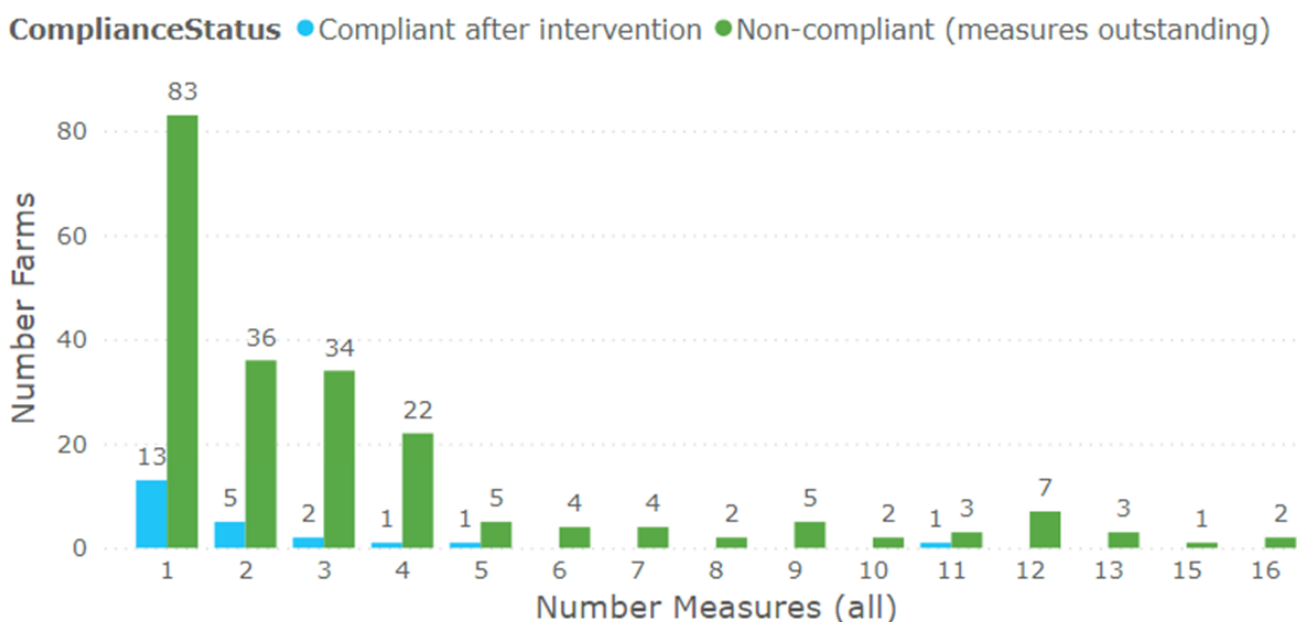
Of the 372 farms inspected 236 (63%) were found to be non-compliant with one or more of the regulatory requirements on the first visit, whilst 136 (37%) were fully compliant with the regulations currently in force.

At the end of June 2024, 23 of the non-compliant farms (6%) had been brought into full compliance. We are continuing to work constructively with all inspected farms to support them into compliance within agreed timeframes. All CoAPR non-compliances were reported to Rural Inspectorate Wales as required by our Service Level Agreement.

Compliance status of farm businesses inspected (November 2023 – 30 June 2024)

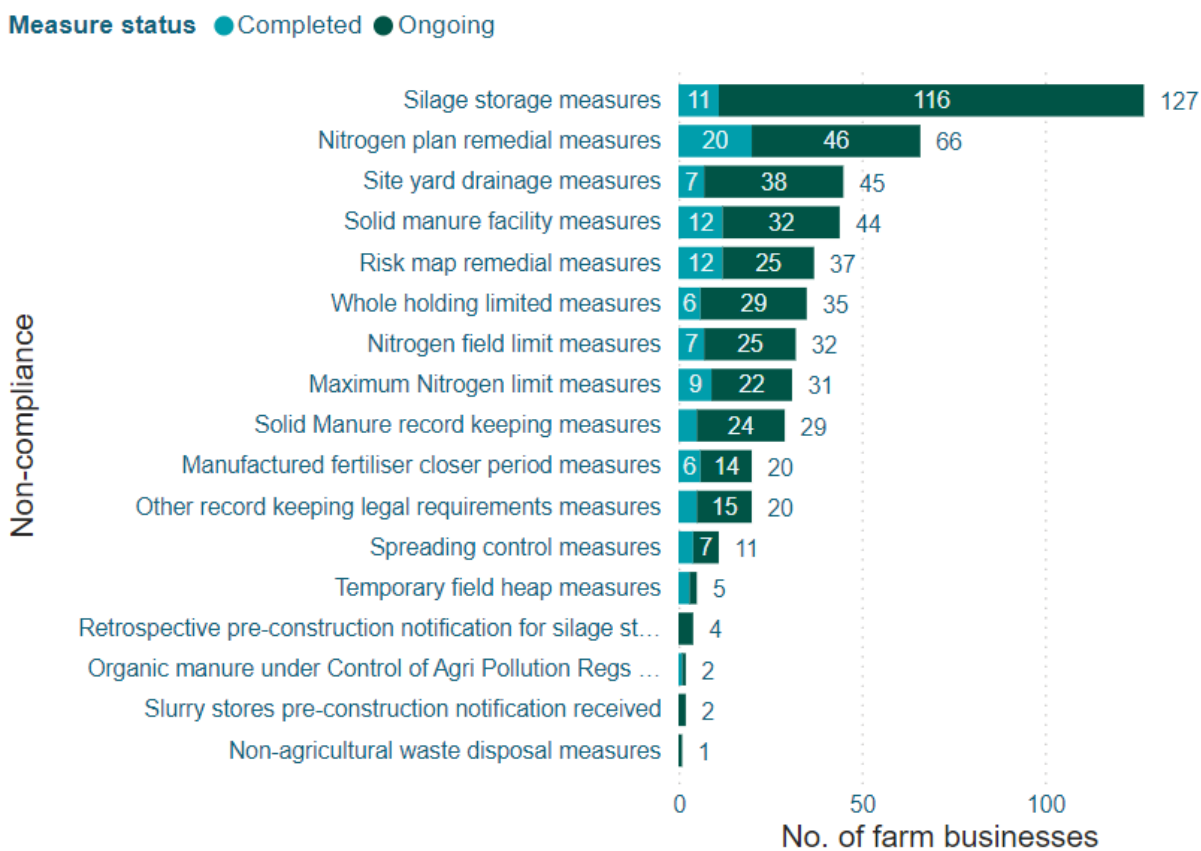


Number of farms by number of measures and compliance status (November 2023 – 30 June 2024)



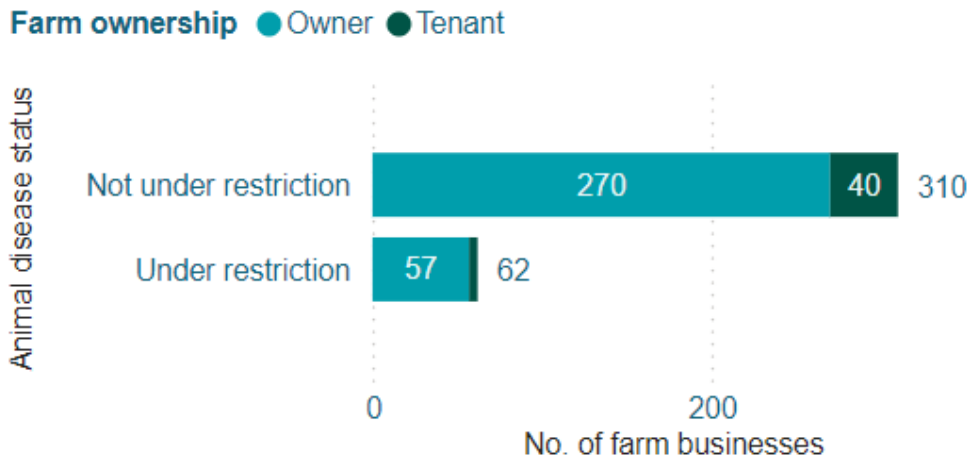
- 47% of non-compliant farms did not meet the regulatory requirements for 3 or less of the regulations, most commonly: silage storage, yard drainage and nitrogen plan requirements.
- 5% of non-compliant farms did not meet the regulatory requirements for 10 or more of the regulations.
- The most frequently recorded non-compliance was with silage storage measures with 127 non-compliances, 11 of which were brought into compliance by 30 June 2024.
- The second most frequently recorded non-compliance was with the nitrogen management plan requirement, with 66 non compliances recorded, 20 of which were brought into compliance by 30 June 2024.

Non-compliances on farms at first CoAPR inspection (November 2023 – 30 June 2024)



Of the farms inspected between November 2023 and 30 June 2024, 62 were “under animal health restrictions”, 5 of which were tenanted farms.

Farm Inspections by animal disease status and ownership (November 2023 – 30 June 2024)

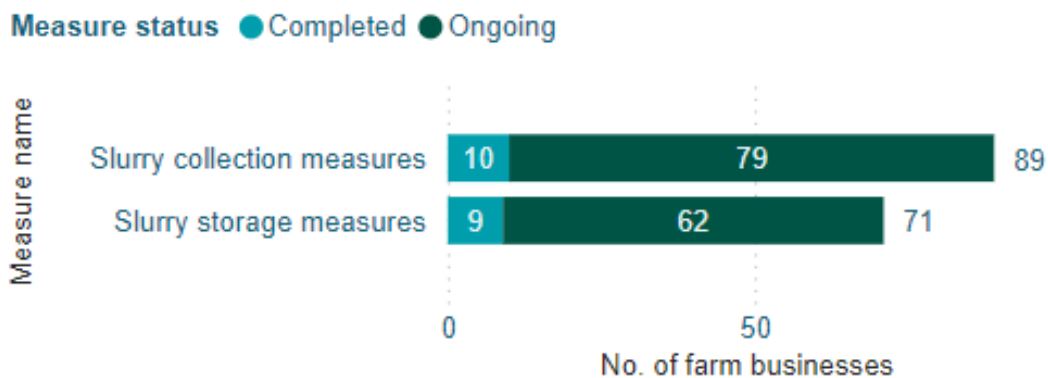


The current regulatory requirements for slurry do not transition into CoAPR from the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (SSAFO) until 1 August 2024 when the additional slurry storage capacity requirement for the storage period is introduced. Farms were assessed for compliance with existing and future slurry requirements.

Of the farms inspected 89 were found to be non-compliant with the current (SSAFO) “slurry collection measures”, 10 of which have now completed the required work.

Of the farms inspected 71 did not have sufficient capacity to meet the incoming CoAPR “slurry storage period measures”, 9 of which have now completed the required work.

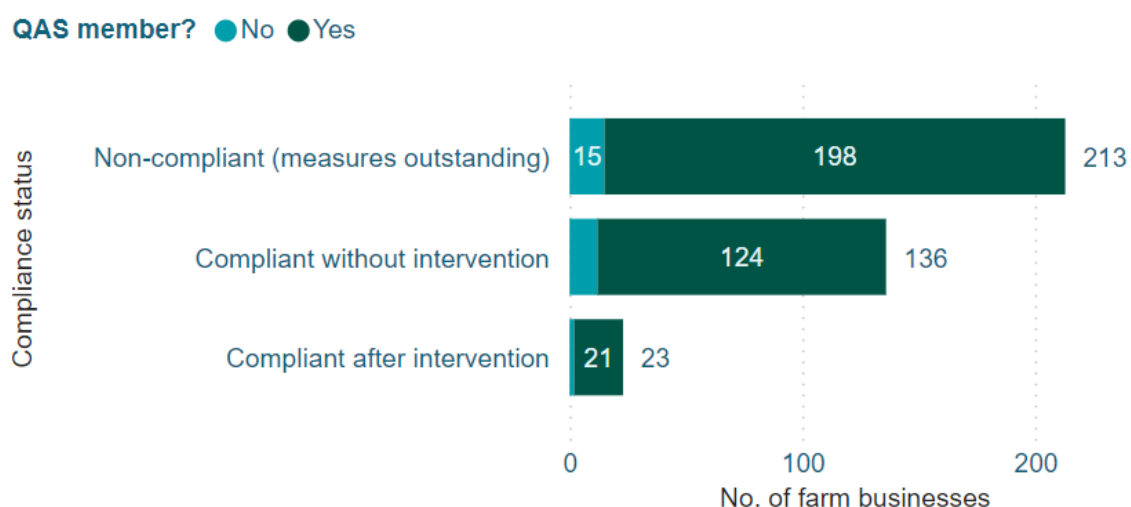
Non-Compliances with slurry collection measures and slurry storage measures status (November 2023 – 30 June 2024)



Of the farms found to be non-compliant with the slurry storage capacity measures, 4 were under animal disease restrictions, all owner occupiers, of those farms not under restriction 7 were tenant farms.

Of the farms inspected from November 2023 to 30 June 2024, 93% of non-compliant farms and 91% of compliant farms were members of a farm assurance scheme.

Inspected farm membership of quality assurance schemes (QAS) (November 2023 – 30 June 2024)



Enhanced Nutrient Management approach notifications

9 farms have notified NRW that they intend to adopt the Enhanced Nutrient Management Approach and comply with the additional requirements to those originally included with CoAPR. These farms will be included in the inspection programme.

Local Authority Planning Consultations

NRW are a statutory consultee to the planning process including on farm development. Our [consultation topics](#) list sets out when we want to be consulted by planning authorities and applicants. This includes proposals for the structures required to comply with CoAPR such as the containment of slurry. Planning consultations are processed through our Development Planning Advice teams who, where necessary, consult a range of internal technical specialists for their advice.

Between November 2023 and 30 June 2024 there have been 125 occasions where the CoAPR teams' advice has been sought to ensure that applications are meeting the requirements of the regulations.

Pre construction notification for new or significantly improved silage and slurry structures

NRW have received 46 preconstruction notifications for slurry/organic manure stores and 5 preconstruction notifications for silage clamps between November 2023 and 30 June 2024.