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Dear Member of the Senedd

I am writing to urge you to vote on the 3rd of March to annul The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, given the overwhelming evidence of the economic and environmental damage that these Regulations will have compared with alternative approaches put forward by stakeholders.

The Welsh Government's Regulatory Impact Assessment (RIA) of the Regulations, which equate to the introduction across Wales of decades-old EU Nitrate Vulnerable Zone (NVZ) Regulations, states that they will cost Welsh farmers as much as £360 million in infrastructure costs alone.

This is £99 million more than the Welsh Government's figure for the Total Income from Farming (TIFF) in Wales in 2019 and is around £30 million more than Wales' average annual Common Agricultural Policy (CAP) budget over the last CAP funding period.

Such infrastructure costs equates to an average cost per Welsh holding of around £14,500 - a figure which rises to an average cost of around £25,000 when only those most likely to be acutely impacted are considered - and this is just an average, with the costs for many individual businesses being many tens of thousands more.

Such costs are in addition to annual compliance costs which are estimated in the RIA to total many millions of pounds, equating to many hundreds of pounds per farm at a time when the Welsh Government figures show average farm incomes have fallen by a third in 2018-19 to £23,600.

Even lower impact scenarios calculated in the RIA measure the costs for Welsh farming in the hundreds of millions.

The legislation will mean the introduction of rules that environmental campaigner, writer and sustainability adviser Tony Juniper - now head of Natural England - has said "*...are not necessarily delivering the value we need [in parts of England], so taking...[a]...more flexible approach seems logical.*"

This echoes failings of the same regulations to deliver environmental benefits revealed in a scientific analysis of areas designated as NVZs for between 12 and 15 years, which found that "*69% of NVZs showed no significant improvement in surface water concentrations even after 15 years*" and that "*In comparison to a control catchment 29% of NVZs showed a significant improvement but 31% showed a significant worsening.*"

Similarly, Natural Resources Wales, as the principal adviser to Welsh Government on issues relating to the environment and its natural resources, has previously warned the Welsh Government that the NVZ approach may have the “*perverse outcome*” of making water quality worse.

In a statement issued in response to the Welsh Government’s announcement, the Game and Wildlife Conservation Trust (GWCT) has stated it is “...*disappointed with Welsh Government’s announcement that the whole of Wales will be made into a Nitrate Vulnerable Zone*”, and that “*We were hoping that Welsh Government would come back with a more imaginative tailored solution to the agri pollution problems we face in Wales. One that works for farmers and makes a real difference in solving the problems.*”

The Trust goes on to say that “*The additional bureaucracy and form filling for all farmers in this approach is unwelcome and we do not believe that it will actually solve the current pollution problems... We also need to ensure that moves aimed at tackling pollution are taken in conjunction with an appraisal of the impact on the viability of farming systems particularly those which are important for conservation, for example where the grazing of cattle plays an important role in maintaining habitats and species in upland areas*”

The Trust concludes that: “*We cannot emphasise enough our disappointment that WG doesn’t have greater ambition to get on top of this problem and work constructively with farmers and landowners beyond imposing a dated piece of legislation.*”

By contrast, members of the Wales Land Management Forum Agri Pollution Sub Group, including farming, environmental and landowning organisations, as well as NRW, have shown just such ambition, and worked tirelessly to produce 45 detailed recommendations aimed at targeting agricultural pollution, based on evidence and ensuring resources were aimed at places where pollution problems had been identified.

These comprised part of a detailed report presented to the Welsh Government in April 2018, yet in the subsequent 22 months the Welsh Government has not responded in any detail to this report, and has instead chosen to copy decades-old EU nitrate regulations and apply them across the whole of Wales.

Clearly, one pollution incident is one too many, whatever the source, but the evidence is overwhelming that what is proposed by the Welsh Government will have severe economic and environmental impacts, while an innovative targeted approach tailored to specific Welsh needs would be of far greater benefit to our nation.

I would therefore once again urge you to vote to annul The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 on the 3rd of March.

Yours faithfully

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