

Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

Minutes

Title of meeting: Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

Location: Skype

Date of Meeting: Monday 16th November 2020

Present Members

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Creighton Harvey, CFF

Bob Vaughan, NRW

Sarah Hetherington, NRW

Sarah Jones, Dwr Cymru

Marc Williams, NRW

Katy Simmons, NRW

John Browne, NRW

Nichola Salter, NRW

Matt Lowe, NRW

Kate Snow, United Utilities

Andrew Chambers, WG

Ruth Johnston, NRW

Fraser McAuley, CLA

Jamie McCoy, AHDB

Liz Franks, HD Cymru

Edward Davies, NRW

Lee Price, Farming Connect

Arfon Williams, WEL

Shane Thomas, CFF

Apologies

Spencer Conlon, WG

Item 1: Welcome

The Chair welcomed everyone to the Skype meeting and explained this meeting is continuation to the last meeting (2nd November 2020) to discuss the Priority Recommendations and capture actions to drive them forward.

Declarations of Interest

No new declarations of interest.

NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.

Item 2: Quick Updates

The Chair wanted to mention to the group that a press release on Bathing Waters in Wales has been released by NRW. The article states “this year (2020) marks the third year that Wales’ beaches are 100% compliant with the Bathing Water Directive, with 80% of designated beaches achieving an ‘excellent’ status”.

Creighton Harvey provided an update on a couple of Magistrates’ Court sentencing hearings for farmers who had pleaded guilty to pollution offences.

On 15th October 2020 the defendant farmer, David Bryan Marks, was sentenced for three offences of Permitting slurry to enter the Afon Gwr Fach between 18th December 2017 and 11th December 2018. There was an overflowing slurry store on the defendant's farm and the river bed was covered in sewage fungus for 3/4 of a kilometre down to its confluence with the Teifi. There was a malfunctioning pump and no alarm fitted to the defendant's slurry store. There was no fish kill. He had previously been sent a warning letter and had been formally cautioned. He was fined £2000 for each offence and ordered to pay £6327.10p costs and a victim surcharge of £170. A total of £12,497.10p.

On 5th November 2020, the farmer, Russel David Law, was sentenced for four offences of polluting the Nant Crychiau, a tributary of the Gwili which itself enters the Tywi, between 8th February 2018 and 21st December 2018. The first incident occurred because of slurry being spread on frozen ground in breach of the CoGAP guidelines. The second and third offences occurred when parlour washings including milk ran into a ditch below the farm. The fourth offence occurred when an unattended pump broke allowing slurry to enter the Crychiau. There was no fish kill and he had previously been sent warning letters and been cautioned. He was fined £700 each for the first and fourth offences and £1000 each for the second and third offences. He was ordered to pay £2041.86p costs and a £100 victim surcharge making a total of £5561.86p.

Commenting on Mr Mark’s case District Judge Christopher James stated that he sentenced the defendant on the basis that his behaviour was reckless due to the previous warnings and the ongoing nature of the offences. NRW had represented that his behaviour was negligent. In the case of Mr Law district judge James questioned the length of time taken to bring the cases to court. In the absence of an explanation for the delay he accepted the apparent delay as mitigation for the defendant.

CH commented that it was difficult to make out a case for a disposal of these cases by any means other than prosecution in light of the offences after warnings and cautions. He also commented that delay in bringing proceedings was not fair on the defendants or potential witnesses in the event of a trial.

Item 3: WLMF Sub Group Priority Recommendations

Marc Williams continued to go through the priority recommendations identified by the members and capturing notes to move them forward.

Item 4: Any other Business

No any other business

Close meeting