



Department  
for Environment  
Food & Rural Affairs

Rebecca Pow MP  
Parliamentary Under Secretary of State

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

T 03459 335577  
defra.helpline@defra.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

Councillor David Hitchiner  
Leader of Herefordshire Council  
Chief Executive's Office  
Corporate Services  
Plough Lane Offices  
Hereford  
HR4 0LE

Your ref: DH/md  
Our ref: PO2021/28904/WM

13 April 2022

Dear David,

Thank you for your comprehensive reply on 29 November about phosphate pollution in Herefordshire, and your following letter on the 2 February concerning Water Protection Zones in the River Wye and Lugg Catchment. I apologise for the significant delay in responding. This topic is of utmost importance, and I want to assure you the delay in responding was not due to not taking on board your requested actions, but rather because we have been making strides towards addressing them.

Let me begin by thanking you for your considered suggestions for achieving nutrient certainty in the River Wye and Lugg catchment. These have been noted and passed on to the relevant policy officials and will subsequently be considered at the ongoing nutrient strategic taskforce. This taskforce, as you are aware, was formed as a cross Government taskforce with the Department for Levelling Up, Housing and Communities to work together on strategic solutions to these issues, both for the short-term objective of allowing sustainable development to proceed and the longer-term objective of improving the condition of affected sites. This taskforce continues to discuss ongoing solutions, both in agricultural regulation and wastewater investment, and therefore is best placed to consider the proposals given in your letter.

I fully agree that the constrained development, loss of jobs, and severe supply chain issues Herefordshire has experienced are unacceptable. Our Government is the first to make significant improvements to the water quality in this country, and whilst we have made huge strides in this area, we recognise the impact nutrient neutrality has had on its affected catchments.

I was pleased to meet with you and Councillor Swinglehurst at Tump Farm on 10 February and of course to hear from partners who also feel passionately that we need to collectively do more to improve the River Wye and Lugg Catchment's water quality. The range of partners and views clearly illustrated the complexity of the issue and makes it clear that we must be confident we have the right solution before proceeding.

Moving to the issue of Water Protection Zones (WPZ) you raised in your letters, whilst a WPZ is one of the available solutions, I would stress that it is important to assess whether this is the appropriate mechanism to achieve nutrient reduction in the catchment. The introduction of a WPZ would impose new and distinct regulatory obligations on the farmers and businesses within the catchment. This would lead to additional regulatory burdens on those operating within the WPZ in comparison to businesses in other areas of the country.

Furthermore, since a WPZ is a bespoke solution for a designated catchment, a sizeable amount of evidence would be required to design effective regulations, and a formal assessment on the impact for the agricultural industry in the area would need to be carried out. WPZs are not quick solutions; the one current WPZ in England took years to establish and only addresses a narrow range of substances – one concerning nutrient pollution would potentially be more complex and take longer to establish. Given that a WPZ would be complex to implement and could lead to significant impacts on rural businesses in the catchment relative to those elsewhere in UK, it is our view that the same outcomes could be achieved better by making maximum use of existing regulatory and other measures being taken across England to tackle nutrient pollution in our most at risk sites.

During my visit we discussed how the Environment Agency (EA) is investing more resources in the catchment through Agricultural Officers providing advice, guidance, and enforcement as well as using innovative technologies, such as satellite and Lidar monitoring to prioritise action. Defra is working closely with the EA and the Rural Payments Agency to pilot more proactive, effective approaches to conducting farm inspections from 2022, drawing on previous smaller scale pilot work in the Axe Valley catchment. I fully support this, and I know the EA continues to look for more ways to increase this and other aspects of its work such as monitoring.

An additional 50 EA inspectors have been recruited who will be able to build on these improved approaches from January 2022 onwards. The funding for these officers has been granted on the basis they will focus on catchments with protected sites in unfavourable condition as a result of nutrient pollution, and thus which will be affected by nutrient neutrality requirements. Defra's expectation is for the EA to conduct approximately 4,000 farm inspections in the 22/23 financial year, significantly increasing the EA's ability to visit high risk farms and drive improvements over the 1000 planned in the 21/22 financial year. As well as direct interventions with farmers, EA also work closely with key sector bodies to communicate guidance to the farming industry on achieving compliance.

Furthermore, additional funding has been provided to Natural England (NE) and the EA to expand the successful Catchment Sensitive Farming (CSF) advice partnership to cover the whole of England (growing from c45% coverage) by March 2023. This will ensure all farmers can access free, expert 1-2-1, face to face advice on water and air quality. So far, CSF has in the areas it operates:

- reduced agricultural pollution by up to 12%,
- reduced excessive pesticide concentrations by 34%
- reduced the occurrence of serious water pollution incidents by 17%, and
- increased environmental benefits on farms within incentive schemes (e.g. Countryside Stewardship) by a factor of four to eight times.

To support this increase in advice, we are introducing three schemes that reward the delivery of environmental benefits: the Sustainable Farming Incentive, the Local Nature Recovery scheme and the Landscape Recovery scheme. These schemes will pay for sustainable farming practices, creating and preserving habitat, and making landscape-scale environmental changes, working towards improving water quality. Whilst we introduce these schemes, we continue to work with farmers through our existing agri-environment scheme, Countryside Stewardship and have just made this scheme more attractive by increasing payment rates. This programme is delivering environmental outcomes by supporting positive land management and land use changes and we are making changes to encourage greater uptake as a bridge to the new schemes.

Similarly, we are aware that many farmers face financial barriers to investing in good management practices and infrastructure, such as on slurry management. This is a significant contributor to the pollution we see in the Wye. To address this, we are offering grants for equipment to help with slurry management and innovation, for instance separators and precision spreaders, and support is also available for interventions that maximise the storage available. Further slurry infrastructure grants, including sizeable support for new stores and covers, will be offered as part of a new theme under the Farming Investment Fund from autumn 2022. We are currently working directly with farmers and industry to develop the design of that offer.

Looking to the future, we will shortly consult on ambitious national targets for nutrients under the Environment Act. These will focus on agriculture and wastewater as the two most significant sources of nutrient pollution and will make government accountable for delivering what is needed for the improvement of our protected sites.

We anticipate the preparation of Local Nature Recovery Strategies across England to begin later in 2022. To enable this, in the coming months we will be publishing regulations and statutory guidance that will set out how a Local Nature Recovery Strategy should be prepared and the key things each should contain. Local Nature Recovery Strategies are a new system of spatial planning for nature that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits.

Finally, we are planning to reform our agricultural regulations to move away from the bureaucratic top-down Common Agricultural Policy, towards a more advice-led approach in line with our ambitious domestic commitments. As part of this work, we are currently reviewing the Nitrate Pollution Prevention, the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2010 and Farming Rules for Water regulations to ensure that our regulations to protect the environment from agricultural pollution are as effective as possible whilst allowing our farmers to flourish. This review includes feedback from farming, environmental and regulatory bodies.

Given the considerable work that is in train to improve nutrient pollution and thereby unlock development in stalled catchments, the required next step for the area is for the EA to review the effectiveness of existing local measures. It will look to do this in conjunction with Herefordshire Council, and possibly Natural Resources Wales and NE to determine the best next step for tackling pollution in the Wye.

I understand your proposal of a Phosphate Commission would be to explore a different partnership group to reach consensus on the way forward and drive action. I understand improvements are being made to the local Nutrient Management Board to improve the effectiveness and efficiency of partnership working and I would urge you to support this.

Collective partnership working of the key agencies and stakeholders who are already involved is critical to success. I would be concerned that a new group, without formal membership of those with accountability for delivery, could further distract resource and drive differences in opinion. This will not help reach a solution. If the Phosphate Commission went ahead, delivery partners, such as the EA, NE, Natural Resources Wales, local authorities, and Welsh Water, should also be involved in addition to independent parties. With this said, this topic will continue to be considered alongside other regulatory mechanisms to address pollution in the Wye.



**REBECCA POW MP**