

Farming

Serious farm pollution breaches rise in UK - and many go unprosecuted

<https://www.theguardian.com/environment/2017/aug/21/serious-farm-pollution-breaches-increase-many-go-unprosecuted>

Environment Agency figures show severe incidents are weekly occurrence as farms struggle with cost of pollution prevention despite subsidies



An efficient slurry pit in North Yorkshire. Many pollution breaches are the result of underinvestment in slurry stores and leaks into waterways. Photograph: Mike Kemp/In Pictures via Getty Images

Serious pollution incidents in the UK from livestock farms are now a weekly occurrence, leading to damage to wildlife, fish, farm livestock and air and water pollution.

The Environment Agency in England and its devolved counterparts in Wales and Scotland recorded 536 of the most severe incidents between 2010 and 2016, the worst instances among more than 5,300 cases of agricultural pollution in the period across Britain. In England and Wales the figures relate to pig, poultry and dairy farms whereas in Scotland they refer to all livestock farms.

An investigation by the Bureau of Investigative Journalism and the Guardian, uncovering the unpublished figures, also reveals that even serious pollution incidents may not be prosecuted, and farms that have caused pollution continue to receive subsidies.

There is no official estimate of the cost of the damage caused, or the cost of cleanups, but many farmers appear to be struggling with the price of preventing pollution, a situation that may deteriorate as farm incomes are threatened by the turmoil of Brexit. In many cases the breaches are likely to be the result of underinvestment in equipment such as slurry stores.



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There is also evidence that some farmers may be ignoring pollution risks and regard the fines incurred if caught as a cost of doing business.

One exasperated inspector noted in a log following farm inspections that the culprits were "leading criminal lifestyles".

The investigation found:

- The pollution of waterways and land by slurry, the inappropriate burial of carcases, and the emission of noxious fumes.
- The majority of cases involve dairy farms, chiefly for leaks and spills of slurry that can kill fish and pollute land.

- The biggest number of serious incidents (125) were recorded in the south-west, followed by the Midlands (55).

- The number of prosecutions lags well behind the number of serious incidents, despite legal provisions for magistrates to fine farmers £50,000 or send them to prison for six months.

- Farmers hampering inspection by exhibiting hostile behaviour towards government officials. This is noted in agency logs and deters future inspections.

- Farm businesses continuing to receive taxpayer subsidies despite being found responsible for pollution.

- Some of the serious incidents have been linked to megafarms, which can house hundreds of thousands of chickens or thousands of pigs and which are on the rise in the UK. The number of breaches at large intensive farms has risen in the last three years.

- Polluting farms have supplied produce to large supermarkets.

Data obtained by freedom of information requests shows that in total more than 3,000 cases of pollution from dairy, poultry and pig farms were recorded by the Environment Agency in England alone between 2010 and 2016.

Magistrates can force farmers to pay up to £50,000 or sentence them to six months' imprisonment for a serious offence. However, most cases never reach court. The Environment Agency is known to have brought 134 prosecutions in total in England relating to agriculture in the six years between 2010 and 2016, though the real figure could be higher as the agency does not publish full details of every prosecution.



Of the cases brought, the vast majority - 128 over the period - resulted in guilty verdicts, with 119 fines levied, three conditional discharges, and two remediation orders imposed. The largest fine was £45,000, and the smallest £300. Only 23 of the fines were of £10,000 or above, though magistrates are empowered to levy £50,000. Of the total, 68 cases related to water, 45 to waste, 19 to permits for "integrated pollution prevention and control", and two were in regard to the monitoring of emissions.

Dairy farms account for the great majority of the recorded instances of agricultural pollution: of the 3,700 recorded in both England and Wales from 2010 to 2016, just over 2,000 involved dairy farms, while 664 were linked to poultry farms and 444 to pig farms. Pollution incidents in the two most serious categories, which are deemed to have had a major or significant impact on the environment, were also more frequent on dairy farms, which accounted for 351 of the total of 424 from 2010 to 2016, with 38 on pig and 35 on poultry farms. The highest number of the most serious incidents, at 125 reported events, were on farms in the south-west, followed by the Midlands, which had 55. The Scottish Environment Protection Agency was not able to provide a breakdown of incidents by farm type.

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Intensive farms are also a particular cause of concern. In the Environment Agency data for England, the farms are not identified by size. However, internal agency data obtained as part of the investigation shows that more than 1,000 instances of non-compliance with regulations at large intensive farms were identified in each of the last three years: 1,201 in 2014, 1,330 in 2015 and 1,265 in 2016. Large intensive farms, many of which fit the US definition of a megafarm, which is not officially used in the UK, are on the rise.

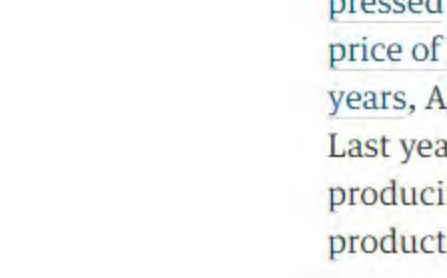
The Environment Agency said: "Agriculture uses 70% of the land in England and farmers have a major impact on the environment. Most farmers act responsibly and we work with the industry to respond to incidents, tackle the root causes of pollution and promote good

practice. But where farmers are responsible for serious pollution incidents, we will not hesitate to take enforcement action, including prosecution. Agriculture is the single biggest source of serious pollution incidents and all farmers have a duty to prevent it."

However, many farmers are struggling to comply with regulations because of the financial pressures they are under. These are likely to worsen under Brexit, with little indication on what subsidies will operate after 2022 and the unknown effects of future trade deals. Farmers, particularly in dairy, are already hard pressed by rising input prices and the squeeze from supermarkets. The average price of milk in England, Wales and Scotland has fallen by 14% in the past five years, Agriculture and Horticulture Development Board (AHDB) figures show. Last year it said nearly one in 10 dairy farmers in England and Wales stopped producing milk as some were still being paid 10p a litre less than the cost of production. Milk is still often cheaper than bottled water.

Yet the cost of farming in an environmentally responsible fashion remains high. Removing slurry that is not needed costs about £12.50 a ton for a contractor to put it into bags, which cost £600 each. A new slurry store for 100 cows could cost between £7,500 and more than £100,000.

Nicola Dunn, water quality advisor for the National Farmers Union, said falling profits might explain why some farmers have not invested in improvements which would prevent pollution. "Farms with insecure futures cannot justify such expenditure," she said.



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While most farmers comply with the law, and most are open to inspections, the logs from the Welsh environment agency obtained as part of the investigation show there are farms marked as "hostile" which are too risky for inspectors to visit unless there are two of them.

On one occasion when a minor incident of slurry draining on to a road was reported, officers did not attend at all as the farm was flagged up as hostile. "No attendance due to uncertainty regarding the farmer," the inspector said.

In another entry, a farmer refused to be interviewed by officers and complained they were harassing him. In another case inspectors warned the farmer "has got a very quick temper and can change from being calm and amenable to quite fiery in a short space of time. He has

instructed officers to get off the farm at least twice."

One inspector wrote: "Where we have ongoing non-compliance and penalties imposed are seen as a running cost, the traditional enforcement solutions have to be challenged [...] It seems that there are three farms in Carmarthenshire where the enforcement history could meet the definition of criminal lifestyle."

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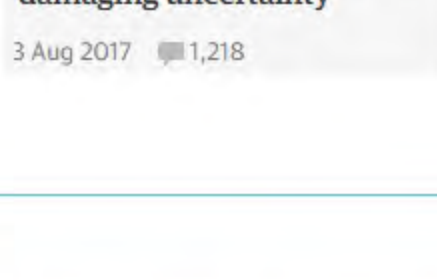
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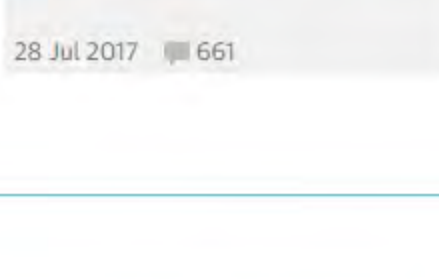
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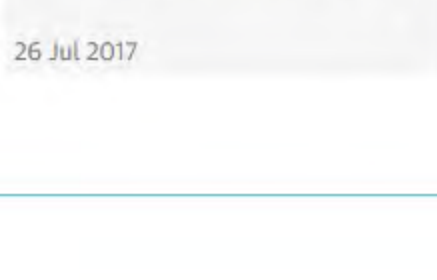
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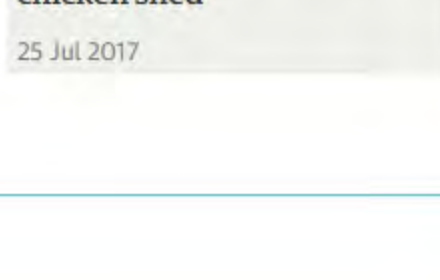
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