

Association Of Salmon Fishery Boards
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Water Division
Scottish Executive
Area 1-H
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16 March 2006

Consultation on Diffuse Water Pollution From Rural Land Use

Dear Sir/Madam,

The Association of Salmon Fishery Boards (ASFB) welcomes the opportunity to comment on the above consultation. The ASFB represents the network of 44 Scottish District Salmon Fishery Boards (DSFBs) which are charged under the 1986 and previous Salmon Acts with the statutory responsibility to 'protect and improve' salmon fisheries (inc. sea-trout).

ASFB considers the impact of agricultural activities to be an important issue affecting the freshwater environment in some parts of Scotland, particularly lower parts of catchments – Ayrshire, Lower Tweed, Lower Dee. For example, the local fisheries trust in Ayrshire has yet to find an example of a lowland, purely agricultural tributary/sub-catchment, in which salmonid fish populations are not seriously impacted by diffuse pollution. The range of detrimental effects include siltation, organic enrichment, eutrophication and destruction of riparian habitat with consequent over-widening and shallowing of the stream. In page 7 of the consultation, reference is made to the general improvement in water quality - "the quality of water in our rivers and lochs has shown improvement". Whilst this is undoubtedly true in areas where point source industrial and sewage effluent were the primary pollutants, it is not the case in areas subject to intensive agriculture, where degradation of the freshwater environment continues. Ecosystem changes in response to this habitat degradation are having a serious environmental, economic and social impact on other stakeholders.

ASFB responses to the consultation questions are detailed below:

Q1. Yes.

Q2. It is important to recognise that there are two primary sources of siltation in the freshwater environment. That arising from surface run-off and that from bank erosion (EA, R&D Technical Report W2-046/TR3), with the relative importance differing from one part of the country to another. However, the techniques for dealing with both sources are similar, i.e. stock-proof fencing and the establishment of a well vegetated buffer strip along watercourses.

Q3. Our members report regularly seeing GAEC guidelines being openly flouted with feed rings situated on islands in burns, severe trampling on steep slopes above river banks or situations where cattle are kept in the same field all winter long. It begs the question that if the current regulations are so poorly enforced, who will be responsible for regulating the proposed legislation. ASFB believes that a fundamental change in the way that farming regulations are policed is required to drive change. In the same way that a regulator is being proposed to monitor the aquaculture industry, a robust and independent regulator with enforcement powers is essential if there is to be a significant reduction in the impact of diffuse pollution.

Q4. The advice contained in the PEPFAA code is very good. The problem would seem to be the implementation of that advice. Face to face meetings with farmers and advisors where the advantages of best practice can be discussed with the farmer have proven to be very effective in other areas of the country i.e. the West Country Rivers Trust Cornwall Rivers Project (www.wrt.org). In Scotland FWAG have also found that farm visits and consultations meet with a very positive response.

Q5. ASFB would consider that the following elements should be eligible for financial support under Tier 3 of the LMC's:

- Riparian fencing - this is the single biggest improvement that can be made but must be applied on a sub-catchment scale to make a significant difference.
- Provision of alternative stock watering. This is essential if catchment wide fencing programs to exclude farm stock from watercourses are to be implemented.
- Individual farm nutrient budgets. Raising awareness of nutrient budgeting and soil requirements will yield both environmental improvements and financial gains for individual farmers.
- Constructed wetlands seem to provide an excellent solution for assimilating potentially harmful discharges from farm steadings. Professional design of constructed wetlands is essential to match capacity with loading.

Q6. A self audit may be a useful starting position but, on its own, they would be unlikely to make a significant difference. The value of having a farm visit, audit and report by a professional cannot be overstated. Organisations such as FWAG have had great success in improving farming practices through implementation of the Rural Stewardship Scheme. The most essential element of the scheme are the farm visits and reports.

Q7. There seems to be a surfeit of advice notes/guidance/voluntary code which have been effective with the more environmentally aware members of the farming community. However, it appears that large sections of the farming community continue to operate in an unsustainable manner. As mentioned above ASFB considers that farm visits and audits by professional advisors are much more effective in driving change than the production of more publications. The concept of catchment officers may have some merit in coordinating activity so that measurable improvements can be achieved. Catchment officers employed by SEPA, who would concentrate on freshwater and coastal issues only, could be a very effective initiative for implementing reforms designed to reduce the impact of diffuse pollution. Structured auditing linked to Tier 3 improvements is essential.

Q8. Yes.

Q9. Yes.

Q10. Yes, but there must be effective auditing and enforcement of penalties in the event of non-compliance. As noted above many instances of breaches in the GAEC regulations can be observed in some parts of Scotland. ASFB believes that any meaningful drive towards a reduction in the effects of diffuse pollution will require a much more rigorous inspection and enforcement regime, with examples of bad practice penalised.

Q11. ASFB can see the benefits of the targeted approach for delivering improvements in at risk catchments, and this proposal this would seem to fit halfway between “normal” catchments and Nitrate Vulnerable Zones (NVZ). There may be merit in this approach as an initial measure to reduce the impact of diffuse pollution, with potential designation of a catchment as a NVZ as a backstop.

Q12. Yes, but there must be a robust enforcement mechanism to ensure that the requirements of the proposed GBR's are adopted by all.

Q13 The proposed GBR's must be drawn up in consultation with all stakeholders, including fisheries trust's and district salmon fishery boards, as they hold detailed information on the results from monitoring a range of freshwater sites including those heavily impacted by agricultural activities. The example given in Annex A of the consultation mentions control of livestock and watercourses etc, but the wording is ambiguous. ASFB would like to see the definition of watercourses much more clearly defined so that even the smallest tributaries are protected from stock intrusion. Supportive measures should include an increasing proportion of agricultural grant assistance through environmental measures, which must focus heavily on measures targeted at improving the status of watercourses flowing through agricultural land. The erection of riparian fencing and the establishment of a well vegetated buffer zone will result in benefits not only for water quality but also for a huge range of conservation priorities.

Q14 The approach detailed in the consultation, if implemented and enforced adequately will undoubtedly result in significant improvements in the status of our agricultural watercourses. For the approach outlined in this consultation to be developed quickly and efficiently there will have to be targeted grant assistance for the measures outlined in the GBR's. A substantial investment in riparian fencing will be required to ensure that all watercourses running through improved land are stock proof. If reductions in the impact of diffuse pollution are to be delivered then it is essential that even the smallest burns are stock proof. Through experience in small scale habitat restoration projects ASFB members have noted that projects must begin at the top of a catchment, and include the smallest tributaries if measurable improvements are to be delivered. The sooner riparian fencing and the other measures outlined in point 5 above are given priority status through LMC or other agricultural grant schemes the sooner reductions in the impact of diffuse pollution will be delivered.

Q15 Much more emphasis should be put on linking agricultural subsidies to environmental improvements, particularly measures designed to reduce the impact of diffuse pollution.

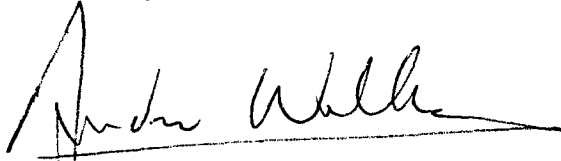
Q16 Targeted subsidies/grant assistance, combined with enforcement of the proposed GBR's.

Q17 Improvements in forestry planting following the publication of the Forest and Water Guidelines, have lead to a major reduction in the impact of conifer forestry on freshwaters. However, given the long rotation time for a conifer crop, watercourses are still suffering from the legacy of earlier poorly conceived planting. Problems such as overshadowing, mechanical damage during harvesting operations and log jams caused by fallen trees are still common place. In due course once the older generation plantations have been cleared improvements in these issues will occur and we will have a modern more sustainable forestry industry. The ASFB considers there to be a lack of retrospective legislation requiring older plantations to be brought up to the same standard as the newer generation

ASFB considers agriculture to be an essential land-use. However, current intensive agriculture practices are having a major impact on the quality of our watercourses. Many lowland sub-catchments, where land-use is primarily agriculture, have severely impacted salmonid populations as a consequence of diffuse pollution from agriculture.

The ASFB therefore wholeheartedly supports the proposals outlined in the consultation, and considers that they will help to deliver a modern, sustainable Scottish agricultural industry, a vital component of a healthy and diverse rural environment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Wallace', written over a horizontal line.

Andrew Wallace
Director, Association of Salmon Fishery Boards