

Water Division
Scottish Executive
Area 1-H
Victoria Quay
Edinburgh
EH6 6QQ

13 March 2006

Dear Sir

SCOTTISH EXECUTIVE ENVIRONMENT GROUP: DIFFUSE WATER POLLUTION FROM RURAL LAND USE

Thank you for the opportunity to comment on this consultation. British Waterways Scotland (BWS) is a public authority that owns, maintains and operates Scotland's inland waterways on behalf of the Nation. It is the Scottish division of British Waterways, a cross border public corporation set up under the Transport Act 1962. We are sponsored by the Transport Division of the Scottish Executive and are accountable to the Scottish Parliament.

BWS's waterways include the Caledonian Canal and the Crinan Canal (collectively known as the Highland Canals) and the Forth & Clyde Canal, Union Canal and Monkland Canal (collectively known as the Lowland Canals). We also own and manage the canal water supply reservoirs. All of our waters are subject to both rural and urban diffuse pollution to a greater or lesser extent. In most cases we only own a narrow strip of land adjacent to our waters and therefore have limited control of the diffuse pollution sources in their catchments. We therefore welcome, and fully support, any initiative which seeks to reduce the risk of diffuse pollution.

In our experience diffuse pollution has contributed to, *inter alia*, the following impacts on the Scottish Canal network:

- An accelerated rate of sedimentation in our waterways, both of contaminated and uncontaminated silts, gravels and stones. This in turn affects the frequency of dredging required to maintain safe navigation depth in our channels and the attendant costs.
- Increased nutrient input from adjacent land leads to a higher biomass of aquatic vegetation and to occasional algal blooms in some areas on the Lowland Canal network. These two factors combine to adversely impact on the safety of waterway users and the cost to maintain a safe navigation channel.

We were disappointed that our canal network does not feature on the map showing *Surface Water Bodies Affected by Agricultural Diffuse Pollution Pressures* (page 8). It is not clear whether these pressures on canals were considered as part of the Scotland River Basin District Characterisation Report published by SEPA in March 2005. Given the comments above we consider that the Scottish Canal network is extremely vulnerable to the effects of diffuse pollution and that any regulation proposals should take them fully into account.

Our detailed comments below follow the notation of the consultation document:

QUESTIONS

1. **Do you agree that we have accurately identified the water quality issues that need to be addressed? If not, why and what supports your view?** Yes.

2. **Do you consider there are other problems not identified?** No.

3. **What aspects do you consider may require regulation or to be more rigorously controlled using existing powers of enforcement?**

The provision of mitigation measures to prevent large scale erosion following felling of forestry plantations should be enforced. Significant erosion problems in recently cut areas adjacent to the Caledonian Canal in the Highlands have led to the canal channel becoming impassable.

4. **Do you consider that advice on water pollution risks, within the PEPFAA Code and/or the Forest and Water Guidelines, is effective? If not, what else is required?** Yes.

5. **Which measures to protect watercourses would you wish to see eligible for financial support under the planned Tier 3 of LMC's?** No comment.

6. **Do you agree with the idea for self-audit/environmental checklist of the farm's environmental practice?** Yes.

7. **We think it is important to help farmers/foresters/land managers understand the likelihood of water pollution from their enterprise. What is most likely to be effective?** All methods.

- Advice/guidance/training/codes of practice/voluntary initiative etc?
- Seminars/farm visits/catchment officers?
- Structured Auditing?

8. **Do you agree that farming should be subject to a regulatory structure similar to that already planned for other activities under CAR?** Yes.

9. **Do you agree that measures should be introduced as early as possible to enable us to meet WFD Targets?** Yes.

10. **Are you content that there should be general binding rules (Garr's) for activities which contain potentially polluting practices?** Yes.
11. **Do you agree that specific problems in "at risk" catchments should be dealt with through targeted GBR's to be developed in consultation with the industry?** Yes.
12. **Do you agree with the proposed approach of combining regulations (GBR's) with the development of guidance, support and the promotion of voluntary action?** Yes.
13. **Do you agree that the proposed GBR's and a suite of supportive measures is the right approach? What should they include?** Yes, in principle. It should be made clear that watercourses include canals in this context.
14. **How might the proposed approach best be developed?** No comment.
15. **Are there any further factors we need to take into account?** No comment.
16. **How should the Executive work most effectively with the agricultural sector?** No comment.
17. **Can a similar approach be used for forestry as for agriculture?** No comment.

If you have any further queries regarding our response please contact our Environmental Scientist, Olivia Lassiere, at the address below.

Yours sincerely

Steve Dunlop
Director, Scotland