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FWAG Scotland
Response to Scottish Executive Environment Group Consultation
Paper 2005/35 Diffuse Water Pollution from Rural Land Use

Introduction

The Farming & Wildlife Advisory Group (FWAG) is a registered charity and limited company established by farmers to provide independent and practical conservation advice to farmers and crofters. FWAG's advice covers issues including biodiversity, landscape, resource management, farm operations, public access, and the implementation of on the ground agricultural, environmental and rural development policies. FWAG is a UK wide organisation, covering Scotland, England, Wales and Northern Ireland. FWAG Scotland operates through a network of 16 local groups with 21 professional farm conservation advisers.

Overall comments are summarised below, then structured around the questions in the consultation paper. We have commented on some over-arching principles, but have restricted our detailed comments to agri-environment aspects. Should clarification or further information be required, please do not hesitate to contact us.

4. Summary and overview

FWAG Scotland encourages environmentally and socially responsible sustainable land management" and therefore supports the principle of achieving integrated land management and rural development policies.

As a farmer led organisation and an integral part of the farming community across Scotland, FWAG is able to get direct feedback from farmers and crofters on agri-environment issues. There is great support for mitigating the effects of diffuse pollution within the industry and widespread recognition that farmers have a responsibility to minimise pollution as primary producers of the nation's food and custodians of the countryside. However, it should also be recognised that there is a large amount of guidance and regulation currently in place or being developed to implement various legislation and deliver the UK's EU responsibilities. All of these will have a cost to the farmer in terms of time and finances. Whilst there is an acceptance of the need to develop and implement much of this as soon as possible, even with the best will in the world along with adequate support in terms of advice and incentives, it cannot happen overnight. Ideally, a single all encompassing plan for each farm would be most effective in integrating and addressing all the main environmental and economic issues, including pollution control. This should be a consideration in the long term.

Overall we find the document a positive way forward. FWAG:

- Agrees that tackling diffuse pollution is a vital part of integrated land management on a farm and a catchment scale.
- Agree with the Executive acknowledgment that the majority of pollution control measures to date have tackled point source pollution and that there is a need to address the problems caused by diffuse water pollution (DWP), particularly with regard to fulfilment of the Water Framework Directive.
- Accepts that as the predominant land uses in Scotland, agriculture and forestry can significantly contribute to, but do not exclusively pose a threat to achieving good water status in rural areas.
- Believes a balanced mix of regulation and the promotion of good practice and nutrient efficiency along with appropriate incentives aimed at achieving environmental goals is the best way forward.
- Considers that diffuse pollution has a range of causes some of which may be common to many farms, others which will vary from farm to farm and between catchments. There will therefore need to

be a mix of broad-based and targeted measures, along with sufficient incentives that are targeted to ensure specific DWP problems are adequately addressed.

- Does not wish to see the price of mitigation singly sit with the practitioner, rather be offset through enhanced farm, regional and national efficiency strategies.
- Believes that effective and sustainable habitat management practices (ponds, reedbeds, wetlands) can be used to significantly mitigate the effects of diffuse pollution.
- Believe that sufficient links to training, awareness rising and advice are necessary for the effective adoption of General Binding Rules (GBRs)
- Wish to see a partnership and stakeholder approach to further research and future measures
- Agree that industrial and urban land use must be subject to a comparable consultation, regulation and monitoring.

QUESTION 1

Do you agree that the Executive has accurately defined the water quality issues that need to be addressed? If not, why and what supports your view.

FWAG feels that the Executive has accurately defined the water quality issues that need addressing.

QUESTION 2

Do you consider there are other problems not identified?

The list of problems is relatively comprehensive.

QUESTION 3

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

FWAG believes current regulation is largely adequate and, without FWAG having access to the figures it is hard to pass a full comment on

this. However, we feel that farmers and land managers are largely moving in the right direction and with adequate information and support to enable full understanding and acceptance of problems this can be highly effective. It is therefore important not to over regulate at the expense of putting farmers off managing pollution control on the land they are responsible for.

QUESTION 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?

FWAG feels that the PEPFAA Code is a good document containing good, adequate advice. However, although most farmers are aware of the existence of the Code, they are less aware of the content in any detail. Indeed, the Code may have been overlooked until it is highlighted by FWAG advice or similar. The introduction of GAEC however has begun to change this but advice and support is still required.

It should also be noted that in FWAG's experience, many farmers are still unaware of the 4PP.

It is felt that more awareness is required of the general message on pollution control from SEPA / SEERAD. An annual succinct summary to remind farmers may help. Further training / advice and / or farm-specific Diffuse Pollution Audits / Waste Management Plans are required.

QUESTION 5

Which measures to protect watercourses would you wish to see eligible for financial support under the planned Tier 3 of LMCs?

FWAG feels as a general principle that it is important to incorporate a wide range of incentives to tackle DWP into Tier 2 and Tier 3 of LMC.

Overall, it is important to recognise that diffuse pollution has a range of causes, some of which may be common to many farms, some of which will vary from farm to farm and between catchments. There will therefore need to be a mix of broad-based and targeted measures. It is critical that incentives are targeted to ensure that specific DWP problems are appropriately addressed. This will require agency support to identify general problem areas and advisory support to help with the careful targeting and implementation of measures on the ground. More detail on the specific options is outlined below.

Tier 3 options:

- o Existing RSS water margin option with grazing options and associated capital measures (fencing, gates/water-gates, water troughs/pipe (including new payment for running costs (off mains supply)), tree planting, tree guards)
- o Existing RSS management/creation wetland options with grazing options and associated capital measures (including new/improved payments for ditch blocking/dams/bunds, sluices, silt traps)
- o Existing SFGS riparian/native woodland option with grazing options and associated capital measures, but minimum width (currently 25 metres each side and therefore disincentive to farmers) should be reduced to 10 metres each side.
- o Water margins and buffer zones grant aided through Tier 3 should always comply with minimum PEPFAA/LERAPS guidelines.

Tier 2 options:

- o Existing MS training option
- o Existing MS buffer areas option
- o Existing MS nutrient management option

Tier 2 and Tier 3 options:

- o Existing MS/RSS retention winter stubbles/spring cropping options with appropriate spraying dates- current Tier 2 option is unsuitable for upland farmers

- o Existing RSS grass margin option
- o Existing conservation headland option

New Tier 2 management options:

- o Management of permanent pasture with low/very low inputs
- o Manure management (including testing)
- o Nutrient removal on 'high risk areas'

Potential new Tier 3 management options:

- o Arable reversion
- o Late ploughing (spring cropping)
- o Reversion to grass in flood risk areas
(These approaches amongst others have been used successfully for example in the Lunan Lochs Catchment Project).
- o Willow carr planting (not possible at present due stocking density).

Potential new Tier 3 capital options:

- o Farm Waste Management Plan /4 Point Plan/Farm Soils Plan
- o Soil management plan (detailed) including testing
- o Crop protection management plan
- o Steading facilities (silage, slurry, FYM, dirty water)
- o Hard standings (watering points, feed sites, lay-bys/car parks, etc)
- o Pasture pumps
- o Field Nutrient management

All should include follow up advice to assist implementation

Please also see comments in Question 15.

QUESTION 6

Do you agree with the idea for a self-audit/environmental checklist of the farm's environmental practice?

On balance, not in isolation. FWAG feels that this is always valuable provided it is well thought through highlighting issues and signposting further help, and may work in some instances. However, in practice

experience shows this does not always provide best results and requires some form of additional support, specific advisory or training input for effective change on the ground. Examples of initiatives, which have made inroads into tackling DWP, such as the Lunan Lochs Natural Care Scheme, have been based on a combination of good advice and financial incentives and it is unlikely that a self-audit approach would have achieved such effective results.

See also answers to Q 5 above (support/training).

QUESTION 7

Is it important to help farmers/foresters/land managers understand the likelihood of DWP from their enterprise? What is most likely to be effective?

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

FWAG believes it is essential that land managers understand not only the potential, but also the significance of diffuse water pollution from their enterprise, and that help may be necessary for them to do this. It is felt that a tiered, combination of the above list is best, but structured on-farm advice and auditing with an action plan may be most effective overall. Peer workshops would also be effective.

In problem catchments, developing a sense of collaboration and a collaborative responsibility so that all can contribute to solutions would be desirable and most effective such as utilising the FWAG approach may be most effective. In problem catchments it is important to have some sort of focus or facilitating organisation that coordinates action. Whilst it would be best not to 'parachute' in project officers, they may have some merit where significant and detailed work is necessary, as long as they incorporate the existing advisory systems.

QUESTION 8

Do you agree that farming should be subject to a regulatory structure similar to that already planned under CAR?

FWAG agrees that in order to target significant risks it will be necessary to develop both national and targeted GBRs however these should not impose undue regulatory burden. We wish to emphasise that it is vital they should be simple, practical and allow scope to develop suitable guidance.

QUESTION 9

Do you agree that measures should be introduced as early as possible to enable us to meet WFD targets?

The WFD targets are an articulation of what FWAG and others have been trying to achieve for years. Measures should be introduced soon but on a practical basis and with support systems to enable effective implementation. It is also vital that this is carried out in conjunction with practitioners.

QUESTION 10

Are you content that there should be General Binding Rules (GBRs) for activities which contain potentially polluting practices?

FWAG agrees in principle with questions 8, 9 and 10 but it is essential that any regulations are sensible and workable and agrees with the 'light touch' approach (addressing bad practice) under regulation. FWAG would like to highlight that sometimes documents are produced without enough consideration being given to the practical aspects and are presented to farmers who may initially be faced with fundamental impracticalities. Farmers have been dealing with a significant amount of paperwork and mounting regulation resulting in high costs, some misunderstanding and relatively poor buy-in. How regulation is consequently implemented is critical to the success of pollution control. It is therefore important that any regulations are developed by a balance of experts in the field and representatives from bodies who would be expected to adhere to the regulations.

QUESTION 11

Do you agree that specific problems in “at risk” catchments should be dealt with through targeted GBRs to be developed in consultation with the industry?

FWAG agrees with this as long as they are properly targeted and funded. There must be adequate support to implement the GBRs, both advisory and financially such as through LMCs. It will also be important to consult with the farmers and other stakeholders concerned. Measures should be developed on the ground using existing facilitators like FWAG to identify site-specific measures to do the job.

QUESTION 12

Do you agree with the proposed approach of combining regulations (GBRs) with the development of guidance, support and the promotion of voluntary action?

Yes as long as this is well integrated and balanced. The potential for more action with farmers and practitioners exists.

QUESTION 13

Do you agree that the proposed GBRs and a suite of supportive measures is the right approach? What should they include?

Yes. Please see answer to Question 5 above. Supportive measures are essential and on the whole, will work if carried through following audits, a work plan and review support. Crop and soil testing should be supported as part of the business but would have benefits for both the business and the environment.

QUESTION 14

How might the proposed approach best be developed?

FWAG appreciates that time may be short and that a lot of work is required for this to be developed properly from the start, not to mention getting other plans up and running such as Tier 3 rolling by early 2007. (See comments in the overview on page 1). It is vital

therefore that there is full consultation with representative groups, and that things are not developed in isolation. As practitioners it will be important that FWAG, NFUS, and SAC, etc have full input on developing realistic and effective solutions. It will only be successful by being practical and being developed with the practitioners – i.e. the farming and the advisory industry.

QUESTION 15

Are there any further factors we need to take into account?

Soil, manure and crop testing would help farm businesses and the environment. The integration of all farm management and policies (eg WFR) must be considered in light of the above.

Fencing

Fencing (especially permanent) may not always be necessary within a catchment and blanket fencing may not be appropriate in environmental and farm economical terms. It is therefore important that fencing is not recommended and treated as one standard incentive or prescription. Measures and financial incentives should instead allow for varying circumstances such as fencing when tree and woodland regeneration is an objective.

Where fencing is identified as a positive measure, the provision of drinking water in some areas needs more careful management. With drinking points well designed/managed or troughs supplied where high stocking density exists.

QUESTION 16

How should the Executive work most effectively with the agricultural sector?

It is important to ensure that support is available on the ground and that measures work across all types of farm and catchment. A regionalised or a catchment approach is likely to be necessary for some options in order to allow specific measures to be targeted to specific locations. It is important that a more participative approach is

taken in working with the industry, over a policing role. We must help the industry look for the answers.

QUESTION 17

Can a similar approach be used for forestry as for agriculture?

Forestry appears to be already well regulated and we therefore have no additional comments other than to ensure that regulation and guidance help achieve the same for forestry as for agriculture in striving for good water quality.