

**Diffuse Water Pollution from Rural Land Use  
Paper 2005/35**

**Consultation Response from the Macaulay Land Use Research Institute**

Summary of Questions

<p><b>Question 1</b></p> <p><b>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?</b></p>	<p>A number of key water quality issues are identified within the document but there are a number of issues that would merit some discussion</p> <ul style="list-style-type: none"> <li>• The introduction does not make the required links between water quality, biodiversity and habitat deterioration e.g. habitats directives.</li> <li>• The introduction does not make the required links between water quality and soils policy, particularly that aimed at erosion control e.g. EU Soil Thematic Strategy.</li> <li>• The indication that the problems can all be remedied by 2015 is overly optimistic. Many best management practices will take longer than this to establish full function.</li> <li>• There is little reference to the problems and implications of pollutant swapping.</li> <li>• The introduction quotes some increase in nutrient loads over time, but this is meaningless without specifying locations and/or volumes of receiving waters. It would be better to stress how loads of nutrients/pollution have increased in relation to specific activities and habitats and over what timescales (have loads peaked, or are they increasing steadily or exponentially?).</li> <li>• There should be better links between crop-requirements, excess soil fertility levels and nutrients losses.</li> </ul>
<p><b>Question 2</b></p> <p><b>Do you consider there are other problems not identified?</b></p>	<p>☐The magnitude of diffuse pollution from agriculture needs to be rationalized against contributions in rural areas from other activities. Some can be more readily quantified (e.g. acid mine drainage, septic tanks, road runoff) while others are more difficult (climate change, recreation). However, all may impact on water quality in the same catchments that farmers will be asked to address their activities in. The farming community will want assurance that their efforts are in unison with those of others/national efforts.</p>
<p><b>Question 3</b></p> <p><b>What aspects do you consider</b></p>	<p>Although rigorous cost benefit analysis could improve targeting of regulations in 'at-risk' catchments this is not a trivial task if the delivery of non-market goods is</p>

<p><b>may require regulation or to be more rigorously controlled using existing powers of enforcement?</b></p>	<p>to be considered. The majority of the regulatory level enforcement could be left to the Controlled Activities Regulations without addition from this document. It would be better here to concentrate on:</p> <ul style="list-style-type: none"> <li>• Mechanisms to feedback local improvements to the communities.</li> <li>• Innovative ways to encourage participation in non-mandatory schemes.</li> <li>• Measures to ensure correctly targeted guidance such as local catchment officers and farm consultants.</li> </ul>
<p><b>Question 4</b></p> <p><b>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?</b></p>	<p>Yes, the advice is generally appropriate and well presented. Wider emphasis, however, could be made of:</p> <ul style="list-style-type: none"> <li>• Demonstration sites and networks of good practice.</li> <li>• Encouragement of stakeholder ownership and local catchment initiatives. In rural areas many residents are connected to families involved in farming and need a better shared ownership and responsibility for the area where they live, walk, drink the water etc.</li> <li>• Matching the risk associated with different activities during different critical periods of annual biological cycles (e.g. P concentrations in stream are more critical in summer than in winter).</li> <li>• Understanding the consequences of mixtures of nutrient/pollutants e.g. limiting and non-limiting nutrient inputs, synergistic mixtures of pesticides.</li> </ul>
<p><b>Question 5</b></p> <p><b>Which measures to protect watercourses would you wish to see eligible for financial support under the planned Tier 3 of LMCs?</b></p>	<ul style="list-style-type: none"> <li>• Those identified through analyses of ‘high risk’ activities on a regional basis.</li> <li>• Less intensive use of ‘hot spot locations’ on a farm and landscape scale (e.g. steep slopes adjacent to watercourses).</li> <li>• Nutrient retention and remediation measures such as wetlands and farm ponds.</li> </ul>
<p><b>Question 6</b></p> <p><b>Do you agree with the idea for self-audit/environmental checklist of the farm’s environmental practice?</b></p>	<p>Yes, given the assurance that farmers will receive the guidance to recognise why they are undertaking the measures and feel that the benefits exceed, or at best match their effort/outlay.</p>
<p><b>Question 7</b></p>	<p>In order of most to least effectiveness:</p> <ul style="list-style-type: none"> <li>• Demonstration sites of regional ‘best practice’.</li> </ul>

<p><b>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?</b></p> <p><b>Advice/guidance/training/codes of practice/voluntary initiative etc?</b></p> <p><b>Seminars/farm visits/catchment officers?</b></p> <p><b>Structured Auditing?</b></p>	<ul style="list-style-type: none"> <li>• The advice of catchment officers and farm consultants, who could then provide assistance in translating demonstrated approaches of best practice to individual farms.</li> <li>• Written guidance and codes of practice.</li> <li>• Structured auditing.</li> </ul>
<p><b>Question 8</b></p> <p><b>Do you agree that farming should be subject to a regulatory structure similar to that already planned for other activities under CAR?</b></p>	<p>The tiered approach (parallel to the Controlled Activities Regulations) seems appropriate.</p>
<p><b>Question 9</b></p> <p><b>Do you agree that measures should be introduced as early as possible to enable us to meet WFD Targets?</b></p>	<p>Yes, but they need to be the correct measures, appropriately and effectively targeted. An initial rush to comply with WFD targets needs to be well managed to ensure that farmers remain in favour with the methods and approach of any new policy.</p>
<p><b>Question 10</b></p> <p><b>Are you content that there should be general binding rules (GBRs) for activities which contain potentially polluting practices?</b></p>	<p>Setting the GBRs in place is only the initial phase; ensuring that they are carried out effectively for correct locations and activities is the key. Many of the measures for potential GBRs are already listed in guidance such as PEPFAA etc. What this policy can offer new is the framework to encourage and coordinate participation. The use of local guidance and catchment officers should play a strong part in this. Efforts of good practice require spatial coordination to ensure whole-catchment good ecological status as well as willing participation. It will be difficult to encourage a farmer to incur costs or extra work to ensure good practice if a downstream neighbour is seen to continue to pollute.</p>
<p><b>Question 11</b></p> <p><b>Do you agree that specific problems in “at risk” catchments should be dealt with through targeted GBRs to be developed</b></p>	<p>Yes, but it is not clear how:</p> <ul style="list-style-type: none"> <li>• Local and targeted GBRs will be administered and by whom.</li> <li>• Targeted GBRs will be ascribed to regions, or ‘at risk’ catchments (on the advice of whom).</li> </ul>

<p><b>in consultation with the industry?</b></p>	<ul style="list-style-type: none"> <li>• It will be assessed that GBRs have been breached.</li> <li>• We can enhance the farmers understanding of the spatial variation in field properties (soils, landforms, habitats) that contributes to the regional sensitivities to certain practices or pollutants.</li> </ul>
<p><b>Question 12</b></p> <p><b>Do you agree with the proposed approach of combining regulations (GBRs) with the development of guidance, support and the promotion of voluntary action?</b></p>	<p>Yes, guidance and support is the key to the success of the GBRs and their effectiveness. This is especially important in ‘at risk’ locations where local identification and coordination of measures is required to ensure good ecological status at a catchment scale.</p>
<p><b>Question 13</b></p> <p><b>Do you agree that the proposed GBRs and a suite of supportive measures is the right approach? What should they include?</b></p>	<p>Yes.</p> <ul style="list-style-type: none"> <li>• Using demonstration sites of best practice targeted for regional problems and ecosystems.</li> <li>• Using local catchment management for identification and coordination of measures.</li> </ul>
<p><b>Question 14</b></p> <p><b>How might the proposed approach best be developed?</b></p>	<ul style="list-style-type: none"> <li>• By initially collating information on the cost effectiveness of certain measures in target regions.</li> <li>• There should be a considered and phased roll out, rather than a rush to achieve compliance.</li> <li>• National and regional screening results for ‘at-risk’ locations should be considered alongside current availability of and the future requirement for river basin management plans and catchment officers.</li> <li>• Supportive measures should encourage multiple objectives e.g. soil conservation and P mitigation, aquatic habitat enhancement and flood prevention.</li> </ul>
<p><b>Question 15</b></p> <p><b>Are there any further factors we need to take into account?</b></p>	<ul style="list-style-type: none"> <li>• The effects of policy and measures on the environment and on rural sustainability should be considered together.</li> <li>• The relationship of this policy with other existing and emerging directives for soils, waters, biodiversity and habitats.</li> <li>• Favouring management measures which maximize benefits for a number of different outcomes e.g. habitat enhancement by tree</li> </ul>

	planting in riparian buffer strips designed for runoff control.
<b>Question 16</b>  <b>How should the Executive work most effectively with the agricultural sector?</b>	Through existing frameworks rather than the creation of new ones e.g. The National Stakeholders Forum.
<b>Question 17</b>  <b>Can a similar approach be used for forestry as for agriculture?</b>	There should be a separation of the activities of agriculture and forestry from the outset, with forestry dealt with by a separate document and set of principles. The two activities generally occupy different habitats, with different operators and associated issues. The different operators require very different approaches. In this regard it is worth noting that the Forestry commission are currently revising their publications on Forestry and Waters.