

SAC Response to SEEG Consultation on

‘Diffuse Water Pollution from Rural Land Use’

(Paper 2005/35)

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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?

A good summary of the issues to be addressed regarding agricultural diffuse pollution specifically to the water environment is provided but sources of diffuse pollution from the non-agricultural sector have not been adequately identified.

However, we disagree that the water quality issues have been accurately identified. The introduction section "Diffuse Pollution from Rural Land Use" is misleading and alarmist. Why show the increase in N and P over the last 50 years which goes back to a completely different era of agricultural production and consumer requirement. Ten or fifteen years would be more realistic. In addition, quoting total Nitrate lost from agriculture to surface water and groundwater as 45,000t every year smacks of hyperbole when it works out at 8kg/ha/year of agricultural land in Scotland. This can be compared with an estimated atmospheric deposition of N alone at between 15 and 30 kg/ha. The current situation is that N and P inorganic inputs to agriculture have actually reduced over the last 5 years.

Questionable statistics such as this leads to a sceptical attitude to the whole paper. The Scottish Executive's own statistics: "Key Scottish Environment Statistics" shows a rapidly improving trend in River Water Quality 1999 – 2003, Drinking Water Quality 1991 – 2002, Nitrate Concentrations in Rivers: 1993 – 2003 and Orthophosphate Concentrations in Rivers 1993 – 2003.

The message should be that we have an improving situation but problems still remain to be addressed to further improve water quality.

On a small point of accuracy, the third paragraph on page 7 states that "Ammonia is a greenhouse gas..." Ammonia itself is not a greenhouse gas, but it can contribute to greenhouse gas emissions, e.g. of nitrous oxide.

2. Do you consider that there are other problems not identified?

Yes, diffuse pollution from non-agricultural land.

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

Compliance should be supported by existing voluntary and mandatory controls. The combination of the revised PEPFAA code, LMCs, GAEC and LERAPS provide this.

BMPs, particularly nutrient management planning, whilst not necessarily requiring regulation would benefit from greater control using existing powers.

We are not convinced that additional regulation is required until existing powers are deemed to be ineffective. Enforcement of existing regulations is already increasing and is beginning to have an effect on agricultural practice. The threat of reduction or total withholding of SFP is focusing attention more closely on the need to comply with regulations.

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?

We think the PEPFAA Code is adequate for agriculture.

However, the advice in PEPFAA is effective only in as much as it is read and acted upon. There would be merit in having ongoing campaigns to promote PEPFAA and the benefits of complying.

Farmers can be unaware of the diffuse pollution risk posed by some routine practices. If farmers do not appreciate that a particular activity is considered to be a problem, it is unlikely that they would seek additional information. Diffuse pollution is often not taken into account as a threat to water quality due to its dispersed and discrete nature.

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

Catchment based initiatives or collaborative working with neighbouring farmers.

Biological/wetland treatment systems for dealing with lightly contaminated water (when all other measures have been employed, e.g. minimising water use, separation of clean and dirty water, collecting roof water).

Soil analysis, farm fertiliser plans, farm waste plans, animal ration formulation and pollution audits would help to encourage farmers to adopt best practice.

Financial support for livestock fencing, alternative watering facilities for stock and buffer zones should be included in LMCs.

4.6.1 Section 4.1

We are concerned about the assertion that, “Many fields have sufficient phosphate ...” Whilst this may be correct in some areas it is not correct in all areas or in all soil types, e.g. some soil types in NE Scotland.

Throughout Scotland, we should be aiming to replace the phosphate that is removed by crops over a rotation. It will be important to stress “over a rotation” otherwise we could find that the rules restrict the use of valuable resources like sewage sludge because a worthwhile application would be in excess of the annual limits. With the use of soil analysis and nutrient budgeting, such an application would be of low pollution risk and supply the bulk of the rotational requirement.

We are also concerned about the example of “feedstuffs low in or free of phosphorus” and must bear in mind that phosphorus is an essential nutrient. The objective should be to match dietary phosphate to requirement. We therefore, can only see limited scope for reducing the phosphorus content of the major constituents of an animal ration. The choice of constituents must be based mainly on optimising the essential parameters of the feed such as energy and protein. To artificially increase the importance of low phosphorus would be likely to result in very un-economic or imbalanced diets. There may be scope to reduce phosphorus supplements but this is only likely to be practicable in large intensive pig and poultry enterprises where the main constituents of the ration are not variable roughages but more predictable concentrates. In these enterprises it may be possible to “tailor make” mineral supplements.

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

Yes – it is really important that the farmer has direct involvement in auditing their farm and identifying potential pollution risks. Farmer involvement could help to promote ‘buy-in’ of some of the strategies proposed and allow the farmer to suggest their own workable solutions to identified problems. However, a self audit will only be effective if farmers are

competent and have the time and resources to undertake the audit. Current information suggests this is not the case with most farmers and outside support will be required.

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?

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

All of the above are useful. The most effective way to get information across to farmers is through one-to-one farm visits by a farm adviser or specialist focusing on specific issues. The provision of catchment officers could help farmers to understand and reduce the risk of diffuse pollution from farms within the catchment, work with other groups outside agriculture that may also be having an impact and work towards achieving water quality goals. Working on a catchment basis could also lead to pressure from other farmers to comply with a pollution reduction strategy to meet common goals and facilitate the exchange of new ideas to resolve similar diffuse pollution issues in particular areas.

We agree that it is important that the risks of water pollution are fully understood by land managers. All the approaches proposed have merit but a pro-active approach would be preferable. Whilst guidance and CoPs have a role, there is such a lot of information available to land managers now there is a risk of information overload without advisory support.

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

We suggest that regulation should only be considered and extended if the existing raft of compliance measures is deemed to be ineffective.

Whilst there is merit in adopting a regulatory structure similar to that under CAR, caution need to be exercised to ensure regulatory effort is proportional to risk. The industry is already heavily burdened by regulations and care needs to be taken to ensure the end result of a high level of environmental protection is achieved in a manner that allows the industry to remain competitive. Licensing should be used as a last resort. The

administrative costs of licensing are likely to be high for farmers (PPC is a good example) and money spent on administrative costs is money that is not available for implementing environmental improvements.

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

New measures must be clearly thought through and have scope for change and development. The range of farming businesses, geographical and regional differences must be reflected in the implementation of proposed measures. There may be benefits for both the environment and business planning if these measures were introduced early, however farmers are still adjusting to other new regulations and changes (there may never be a 'good' time to introduce new measures).

It is accepted that some pollution reduction measures have a long return period and need to be introduced early to meet WFD targets.

10. Are you content that there should be general binding rules (GBRs) for activities which contain potentially polluting practices?

These activities are only potentially polluting if they are mismanaged. GBRs should therefore target mismanagement rather than the activity. GBRs will provide a base line to which all farmers will have to comply. Possibly the majority of these measures will already be in place in some form through PEPFAA, etc.

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?

Specific problems will need specific actions so targeted GBRs would be a logical step. The principle of targeted GBRs for 'at risk' catchments is appropriate but care would be needed in the implementation to ensure consistency and transparency of regulation. This may be difficult due to site specific factors of 'at risk' catchments.

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

We agree with the proposed approach. Farmers need information to support why they are introducing these measures and the potential environmental or business benefits that may be realised through reducing diffuse pollution risks. Guidance, support and promotion of voluntary action is the correct way ahead.

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

We agree that the proposed GBRs with supportive measures are a good approach. The measures should include promotion, advice, training and support for voluntary initiatives, backed up where possible with financial incentives. Supportive measures should include:

- Training.
- Pollution audits and action plans.
- Targeted advice.
- Assessment of effectiveness.
- Capital grants for pollution reduction measures.

14. How might the proposed approach best be developed?

Our view is that the approach would be best developed in co-operation with industry and its advisers. One method might be the formation of a national steering group with various sub-groups as required. This approach has provided benefits in the development of PPC procedures in the intensive livestock sector. This would be followed by BMP campaigns targeted at 'at-risk' catchments supported by 'Environmental monitor farms' and partnership working.

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

There requires to be acknowledgement of the fine line between 'agricultural input' and 'diffuse pollutant' to maintain the credibility of any proposed scheme in order that farmers will adopt it.

Efforts need to be made to ensure that cost of compliance is kept to a minimum, and are proportional to the environmental risk.

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

By effective dialogue and in partnership with NFUS, trade organisations, advisers, regulators and main research providers to achieve a range of negotiated measures that are practicable and effective in reducing diffuse pollution. The emphasis should be on supportive measures where possible, and these should be outcome focussed and risk based.

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

No comment.

ANNEX A

The example GBRs are essentially sound with the exception of a) under Surface Water Run-off. The measure is too simplistic. Run-off from roof ventilated poultry buildings is not always contaminated. Modern high efflux velocity ventilation systems do not result in deposition on roofs, whereas older capped fans may. Having to treat roof water unnecessarily can compromise treatment of surface run-off, especially given the often limited space at poultry farms for treatment options. Further research (from SNIFFER) is expected to examine this aspect soon. It is impracticable (and high risk) to store roof water run off from poultry housing due to the high volumes involved. In this respect the GBR does not accurately reflect the requirements in the latest versions of Standard Farming Installation Rules for PPC. PEPFFA should be revised to reflect this.