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Dear Sir/Madam

**CONSULTATION ON DIFFUSE WATER POLLUTION FROM RURAL LAND USE: PAPER
2005/35**

Scottish Water welcomes the opportunity to comment on the aforementioned consultation paper which sets out the proposed policies on how to deal with diffuse water pollution from rural land use.

Scottish Water is currently involved in the formulation of Drinking Water Safety Plans (DWSPs) with the Drinking Water Quality Regulator (DWQR) and the Scottish Environment Protection Agency (SEPA); this initiative, which is driven by the World Health Organisation (WHO), is committed to reducing the risk of contamination in water supplies. These plans will address the current imbalance in legislation and policies which only focus on our Water Treatment Works (WTW) and there is very little intervention at the raw water catchments.

DWS plans are in the first stages of development and there is an opportunity through the above consultation to ensure the DWS Plans outputs are integrated into the future River Basin Management Plans.

We therefore request that the Executive agree to set out a process for the proposed controls or GBRs devised to tackle diffuse pollution, be reviewed in light of the findings from the Drinking Water Safety Plans process and the risks identified at each of our catchments. The revised suite of tools must ensure the control of the risks identified can be carried out by SEPA and SEERAD.

Scottish Water is in favour of encouraging good practice through the use of environmental objectives in Land Management Contracts linked to payments. However Scottish Water would be concerned that where meeting any environmental objectives is very costly, this may outweigh the value of the payment and there will be no incentive for the farmer/forester/land manager to implement the measures. It is important that provision is made to protect high risk areas such as drinking water abstraction catchments and reservoirs from the results of diffuse pollution and we would hope that more stringent measures, such as licensing (along with a suite of supportive measures to ensure the farmer/forester/land manager does not suffer undue detriment to his or her business) of high risk activities would be considered for these sensitive areas, including Drinking Water Protection Zones.

In order to deal with diffuse pollution in a sustainable way the application of the 'polluter pays' principle is vital. Those responsible must bare a fair share of the clean up cost. The Water Industry should not be regarded as the provider of a default solution (extra, expensive, energy intensive treatment at Water Treatment Works), with the associated costs unfairly placed on customers.

I hope that you find these comments useful, and would be pleased to provide clarification on any of the points as appropriate.

Scottish Water would welcome the opportunity for further dialogue with the Executive on this important topic.

Yours Sincerely

Belinda Oldfield
General Manager – Regulation and Strategy

Diffuse Water Pollution from Rural Land Use

1.	<p>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?</p>
	<p>Whilst protection of drinking water will be inherently linked with measures to improve water quality, the consultation document does not explicitly highlight the need to protect public and private water supplies, particularly from waterborne pathogens and pesticides.</p> <p>There is also potential for diffuse pollution to affect water in storage reservoirs (raw and treated). Scottish Water would be concerned that a system of ‘General Binding Rules’ would not be sufficient to ensure that drinking water resources are protected.</p> <p>Scottish Water believes there should be consideration of diffuse pollution from rural land use in relation to the drinking water safety plans developed by the Drinking Water Quality Regulator and Scottish Water.</p>
2.	<p>Do you consider there are other problems not identified?</p>
	<p>The consultation document made no reference to ‘Water Safety Plans’. It is vital that the catchment management aspects of the ‘Water Safety Plans’ are taken account of in any regulation around diffuse water pollution from rural land use.</p> <p>Scottish Water has stated in response to a previous consultation (The consultation on ‘The Revised Code of Practice for the Safe Use of Plant Protection Products’) that it has two principal concerns with respect to pesticide application:</p> <ol style="list-style-type: none"> 1. That pesticides and pesticide residues should not contaminate surface and ground waters abstracted for drinking through normal application 2. That pesticides must be disposed of in a safe and controlled manner and must not be allowed to be discharged to the sewerage network, via surface water drains, or by any method which may lead to contamination of surface waters. <p>The first concern is obvious, as much of Scotland’s drinking water is abstracted from surface water sources (lochs, reservoirs, rivers) located in rural environments. Such water bodies may lie in agricultural catchments, and as such may be at risk of pollution from pesticides.</p> <p>Taking the above into account Scottish Water therefore is of the opinion that more stringent measures may need to be put in place to protect drinking water sources.</p> <p>Issues may also arise from the storage of chemicals. Old stocks, which have been forgotten about, may be especially problematic.</p>
3.	<p>What aspects do you consider may require regulation or to be more rigorously controlled using existing powers of enforcement?</p>
	<p>Measures to protect drinking water sources should be included in tier 1 of the land management contracts.</p>

	<p>Buffer strips/no spread zones should be made mandatory in order to protect water courses, the size of the buffer strip/no spread zone should reflect the sensitivity of the area e.g. in the catchments surrounding drinking water sources.</p> <p>The use of ‘anti-pollution works notices’ may be appropriate where the risk of diffuse pollution is high due to poor practice or farm structures.</p>
<p>4.</p>	<p>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?</p>
	<p>The advice given in the PEPFAA code and the Forest and Water guidelines is good, however this will only help to reduce diffuse pollution if the guidelines are understood and acted upon. It is therefore of utmost importance that farmers/foresters/land managers are made aware of the issues surrounding diffuse pollution and the importance of following “best practice”. Awareness raising initiatives must continue.</p> <p>Scottish Water Believes certain parts of the Code should be made mandatory to ensure protection of the drinking water sources e.g. Buffer Strips.</p>
<p>5.</p>	<p>Which Measures to protect watercourses would you wish to see eligible for financial support under the planned Tier 3 of LMCs?</p>
	<p>Scottish Water would wish to see any requirements or issues that have been highlighted in the ‘Drinking Water Safety Plans’, incorporated into the Land Management Contracts with financial support where required.</p> <p>Scottish Water has concerns that there does not seem to be a lot of weight behind the land management contracts, and feels that there should be prescriptive and compulsory measures where required to protect water resources. Incentives could be used where necessary to promoter the use of ‘best practice’ options such as the use of biobeds, low or no P fertilizers, extra buffer strips and bank stabilisation measures.</p>
<p>6.</p>	<p>Do you agree with the idea for self audit/environmental checklist of the farm’s environmental practice?</p>
	<p>In high risk areas, such as ‘Nitrate Vulnerable Zones’ or areas where there are drinking water sources, Scottish Water believes that it is more appropriate to have audits facilitated by specialist advisers or catchment officers. This would ensure that farmers/foresters/land managers have a full understanding of the regulations they must adhere to, and are made aware of the problems diffuse pollution may be causing in the catchment, the audits could then outline any changes in practice required to reduce diffuse pollution in conjunction with savings that could be made. The farmers/foresters/land managers could also be directed to the most appropriate places to obtain guidance and support to make the necessary changes.</p> <p>It would be of benefit if these audits were included within the monitoring planned for abstractions as it will be important to consider diffuse pollution from surrounding areas when assessing abstractions e.g. macrophytes may be affected by over abstraction, however they may be equally affected by diffuse pollution from surrounding land use.</p>

	<p>There is however a place for self audit, areas which are considered low risk would be appropriate places to trial self auditing.</p>
7.	<p>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?</p> <ul style="list-style-type: none"> • Advice/Guidance/Training/Codes of practice/Voluntary Initiative? • Seminars/Farm visits/Catchment officers? • Structured Auditing?
	<p>Scottish Water would like to see structured auditing especially in sensitive catchments and thinks that catchment officers who can give guidance and support to farmers/foresters/land managers would be beneficial.</p> <p>It is important that any guidance or codes of practice implemented to aid farmers/land managers/foresters etc are developed with input from all stakeholders. For example it states in the consultation document that the project partner bodies that were involved in the development of 'Four Point Plan for Farmers' were NFUS, SAC, SEPA, WWF and SNH. Scottish Water would wish to party to the development of any 'best management practice' guidance which was drawn up.</p> <p>Where advice is given to farmers regarding sources and mitigation of pollution or site audits are carried out to ascertain the sources or potential consequences of diffuse pollution, reference should be made to the 'Water Safety Plans' for the catchment.</p>
8.	<p>Do you agree that farming should be subject to a regulatory structure similar to that already planned for other activities under CAR?</p>
	<p>It is vital that farming and forestry should be regulated in the same way as point sources, abstraction, impoundments and engineering, as the potential impact on the environment may be as great.</p>
9.	<p>Do you agree that measures should be introduced as early as possible to enable us to meet WFD targets?</p>
	<p>Yes, however it is vital to ensure that all stakeholders are in agreement.</p>
10.	<p>Are you content that there should be general binding rules (GBRs) for activities which are potentially polluting practices?</p>
	<p>The GBR system will be mostly based on existing codes and best practice methods, and the consultation describes it as a 'light touch' method of regulation, however the Scottish Executive have acknowledged in the consultation document that there is a need for 'early action'. Scottish water are concerned that the proposals in the consultation provide little additional protection to those measures already in existence.</p> <p>Scottish Water is concerned that GBR's (including targeted GBR's) will not be sufficient to control pollution. An activity may be covered by a GBR, only to discover at a later date</p>

	that it requires a greater level of authorisation, monitoring and control, however at that point the long term damage may already have been done. For example the use and handling of pesticides warrant greater levels of control particularly in areas near sensitive and vulnerable sites or the catchments surrounding drinking water sources.
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?
	In order to reduce diffuse pollution in sensitive catchments it may be necessary to reduce production in that area or introduce treatment, however this will depend on local circumstances. A GBR may achieve the minimum standards but it could be problematical to draft a GBR to cover all the levels of environmental protection required.
12.	Do you agree with the proposed approach of combining regulations (GBRs) with the development of guidance, support and the promotion of voluntary action?
	Scottish Water would agree with this approach in general but would like to see more stringent measures where there is high risk in a sensitive catchment.
13.	Do you agree that the proposed GBRs and a suite of supportive measures is the right approach? What should they include?
	It may be necessary to provide grants to help farmers/foresters/land managers implement measures to reduce diffuse pollution in sensitive catchments.
14.	How might the proposed approach best be developed?
	Scottish Water would agree with the proposal to use land management contracts together with supportive measures such as grants; however there must be the necessary statutory instruments to compel action where other approaches have not been successful.
15.	Are there any further factors we need to take into account?
	In order to deal with diffuse pollution in a sustainable way the application of the ‘polluter pays’ principle is vital. Those responsible must bear a fair share of the clean up cost. The Water Industry should not be regarded as the provider of a default solution (extra, expensive, energy intensive treatment at water treatment and sewage works), with the associated costs unfairly placed on customers.
16.	How should the executive works most effectively with the agricultural sector?
	It is vital that the Executive try to engage with the agricultural community as much as possible to educate about the issues surrounding diffuse pollution and to provide advice so they are enabled to make the necessary changes without entailing detriment to their business. It is also important that it is highlighted to farmers where they can make savings by changing their practices, such as changing the ways they apply fertilizers. Support both financial and practical must be made available to allow the agricultural

	community to tackle diffuse pollution effectively. However there must be the necessary statutory instruments to compel action where other approaches have not been successful.
17.	Can a similar approach be used for forestry as for agriculture?
	It would be appropriate to use a similar approach to deal with diffuse pollution resulting from forestry as is used of agriculture, although there will be very different issues to deal with such as felling of mature trees.