



The National Trust for Scotland

Diffuse Water Pollution from Rural Land Use

Response to the Scottish Executive Environment Group Consultation paper 2005/35 on behalf of the National Trust for Scotland

The National Trust for Scotland owns around 10,000 hectares of farmland throughout Scotland. The land is used for dairy, cropping and stock farming and is managed by a combination of the Trust itself, various farm leases and grazing agreements. It also owns seven crofting estates totalling 7,500 hectares, comprising of 200 crofts and common grazing.

As a significant rural landowner, the Trust is therefore keen to respond to the Scottish Executive Environment Group's (SEEG) 'Diffuse Water Pollution from Rural Land Use' consultation document. This document lists proposals on how to deal with agricultural diffuse pollution in Scotland in order to meet the targets of the EU Water Framework Directive by 2015.

The Trust's response supplements the separate response submitted on behalf of the Freshwater Task Force of the Scottish Environment LINK, of which the Trust is a member. The Trust's response re-iterates key points and also covers opinions and suggestions specific to the Trust.

Predominantly, the SEEG consultation document proposes a system of national and targeted General Binding Rules (GBRs) to help improve farming practices. The Trust understands the need to address diffuse pollution and, from a water quality perspective, can understand the value of moving from the voluntary advice under the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) code to the statutory regime that the GBRs would allow. However, the Trust has concerns over how time-consuming the process of the introduction of GBRs will be and also over whether the rules will in fact produce the required water quality improvement without sufficient support for the farmers in implementing the rules. In addition, if water quality problems continue, who would be responsible for enforcing the rules and, as tracing and proving sources of diffuse pollution is never easy, how would this be done in practice? Ultimately, any enforcement action could not be taken without the backing of formal licences.

To help to address some of these concerns and to address the key questions raised within the consultation document, the Trust has the following suggestions.

- 1) The national GBRs should be based on the existing PEPFAA code and should replace it. Targeted GBRs should only be developed and introduced in particularly pollution-sensitive areas, such as Nitrate Vulnerable Zones (NVZs).

- 2) To ensure successful implementation of the rules, it is essential to provide co-ordinated, free advice for farmers. Success of the PEPFAA code has been limited. Indeed, in a recent Scottish Executive report 'Impact of Agricultural Practices and Catchment Characteristics on Ayrshire Bathing Waters', prepared by the Scottish Agricultural College, out of a sample of 12 major agricultural contractors, only 25% were aware of the PEPFAA code and only one was aware of Farm Waste Management Plans. Free best practice advice and help with the development of management plans is essential in order to make significant steps in addressing rural diffuse pollution. This could follow the example of the introduction of Catchment Officers in England and Wales. On-site audits and advice would be more effective than seminars.
- 3) Farmers should be encouraged to implement best practices through financial incentives both within Land Management Contracts, under Tier 2 and Tier 3 criteria, and within the NVZ grant scheme. For best practice examples please see Annex 1 of LINK's Freshwater Task Force submission.
- 4) Through the development of the Trust's response to this document, it has become clear that a co-ordinated Geographical Information System would be of great benefit for planning and management purposes. Such a system should show for example both NVZs and coastal areas with Bathing Water Quality problems. This should be combined with information within SEPA's Characterisation Reports concerning at risk surface water and groundwater areas. This would help landowners identify where targeted GBRs are likely to apply and will also help in the development of River Basin District plans.

Finally, the Trust would be interested to explore possible participation in pilot projects to examine and implement best management practices, particularly in catchment areas of concern. Several farms on the Threave estate, near the Solway coast, and also farms in the Grampian NVZ might be of particular interest.

Yours sincerely

A handwritten signature in black ink that reads "John Mayhew". The signature is written in a cursive style and is underlined with a single horizontal stroke.

John Mayhew
Head of Policy and Planning
14 March 2006



The National Trust for Scotland

The conservation charity which protects and promotes Scotland's natural and cultural heritage for present and future generations to enjoy

We are Scotland's largest voluntary conservation charity; we believe that the natural and cultural heritage of Scotland is one of our nation's greatest assets and that we have a duty to pass on this inheritance to benefit future generations. We aim to achieve this in three ways:

- by directly owning or managing some of Scotland's most important heritage places
- by engaging with all sections of society to make our heritage more socially inclusive
- by campaigning on behalf of the whole of Scotland's heritage

We are supported in this by our 277,000 members and a team of 2,500 dedicated volunteers. Our 129 properties include 76,000 hectares of Scotland's finest countryside and wild landscapes as well as castles, country houses and gardens. Each year we welcome around 3 million visitors to these very special places, and well over 100,000 young people benefit from specially arranged educational visits.