



**CONSULTATION – SCOTTISH EXECUTIVE**

**DIFFUSE WATER POLLUTION FROM RURAL LAND USE**

**RESPONSE FROM WEST LOTHIAN COUNCIL**

**Q1** 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?

**WLC** Agreed, although in the countryside around towns, where rural land uses can be more diverse, the water quality issues can be different, putting additional pressure on watercourses above and below settlements, that do not originate from agriculture or forestry per se. Examples are golf courses, playing fields and liveries.

**Q2** Do you consider there are other problems not identified?

**WLC** Yes. The failure to maintain agricultural drainage systems and the avoidance of cultivation pans is increasing field run-off. This leads to the blockage of highway drainage systems and culverts by silt washed off adjoining arable or ploughed fields that have no buffer strips or are cultivated in such a way that allows water run-off and soil erosion. This also leads to localised flooding. Local authorities have to respond to these consequences but SEERAD officials have shown little interest in relation to GAEC to address specific problems.

There is also contamination of standing water bodies by nutrients and silt originating from farmland as illustrated by Linlithgow Loch. Once a mesotrophic water body the combination of pollutants, including those of agricultural origin, have increased its nutrient status to that of a eutrophic lake thus damaging an important biodiversity resource. The need to address the problem of diffuse pollution on a whole catchment basis is regarded as a particular priority, and is illustrated by this example.

{ **Q3** What aspects do you consider may require regulation or to be more rigorously controlled using existing powers of enforcement?

{ **Q4** 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?

**WLC** Despite the available advice and codes it is evident that not all farmers either seek it or apply them. Therefore, it is considered that there needs to be more rigorous enforcement of existing powers with regard to buffer strips, the prevention of poaching and other matters of erosion control.

A pilot project, funded jointly by Scottish Natural Heritage and West Lothian Council, that focused on a single water course catchment in the Bathgate Hills has illustrated the problem. The project implemented by SAC and FWAG, involved visits to each farm within the catchment. None had farm waste management plans although all accepted the offer of one prepared by SAC as an integral part of the project costs. Disappointingly, not all then accepted the offer of 100% for projects identified on each farm by FWAG, such as the fencing off of burns and the provision of watering

stations. In itself this reflects the challenge that exists in changing the farm culture, raising awareness of diffuse pollution and the practical responses required of the industry. If the voluntary approach is not effective then a regulatory process needs to be introduced. In this context builders in West Lothian have been successfully prosecuted for silting a water body. Land managers need to be more aware of their responsibilities to avoid such possibilities in the future.

Experience suggests that because of the linkage with grants the forestry industry is now much more aware of its environmental responsibilities and incidents of pollution are uncommon. Nevertheless, incidents do occur, particularly in relation to road building which has caused siltation and discolouration of a reservoir on the catchment of the Water of Leith, to the possible detriment of a commercial fishery.

Finally, without the application of a catchment project, as described above, joint action by neighbouring farmers appears to be exceptional and, even where 100% grant support was available neighbouring farmers could not always be encouraged to work together. However, where the re-profiling of burns and fencing-off was undertaken there were positive improvements within just one year of the work being carried out. This indicates how effective this can be.

**Q5** Which measures to protect watercourses would you wish to see eligible for financial support under the planned Tier 3 of LMCs?

**WLC** From the experience gained through catchment management projects joint working between neighbouring farms must be encouraged for effective results. The fencing-off of burns and the provision of water troughs away from burns will be a priority although the reprofiling of burns to correct past maintenance works should also be encouraged under Tier 3. It is not for SNH or local authorities to be subsidising this but the agri-environment grants must be tailored accordingly.

The profile of burns and their influence in water movement during storm events should be considered in the context of climate change. Therefore, reprofiling should be considered both to allow storm water to be held back as well as the habitat/biodiversity advantages. Works that contribute to flood management in consultation with the local authority should be included in the Tier 3 regime.

**Q6** Do you agree with the idea for self-audit/environmental check list of the farm's environmental practice?

**WLC** It is not guaranteed that this will address the inherent problem and although attractive on the basis of the voluntary principle, the council is not convinced, in its experience through catchment management projects, that a self-audit process would achieve the outcomes being sought.

**Q7** We think it is important to help farmers/foresters/land managers understand the likelihood of water pollution from this enterprise. What is likely to be effective?

**WLC** On the basis of catchment management project initiatives it is considered that, in order of preference, the effectiveness will be through structured auditing; farm visits and seminars; and advice and guidance.

**Q8** Do you agree that farming should be subject to a regulatory structure similar to that already planned for other activities under CAR?

**WLC** Agreed. As an industry that has a significant impact on water quality the failure to adapt to voluntary good practice necessitates the application of a regulatory structure.

**Q9** Do you agree that measures should be introduced as early as possible to enable us to meet WFD targets?

**WLC** Agreed. To introduce culture change and the mechanisms to secure this there should be no hesitation in introducing measures and the supportive arrangement necessary to implement them.

**Q10** Are you content that there should be general binding rules (GBRs) for activities which contain potentially polluting practices?

**WLC** Agreed. The industry needs to be treated as any other that can be a source of damaging pollution.

**Q11** 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?

**WLC** In principle, yes. Clearly, there could be economic implications to those farm and forestry units within such catchments. Therefore, how this approach is introduced will need consideration, particularly if there are any associated cost implications.

**Q12** Do you agree with the proposed approach of combining regulations (GBRs) with the development of guidance, support and the priorities of voluntary action?

**WLC** Agreed. The approach should be comprehensive. To ensure the industry responds in a consistent way regulations will be necessary for certain operations but, generally, the package should include the full range of support mechanisms described.

**Q13** Do you agree that the proposed GBRs and a suite of supportive measures is the right approach? What should they include?

**WLC** Agreed. However the range of GBRs to be introduced is considered to be a matter of consultation with stake holders. That said, the cost to the public of de-silting surface water drainage systems, when soil is washed off fields, is an issue that should be addressed under binding rules in relation to cultivation and buffer zones next to public highways and water courses.

**Q14** How might the proposed approach best be developed?

**WLC** The supportive roles of SAC and FWAG needs to be considered by SEERAD in relation to audits, advice and implementation. The organisations have worked in a complementary way in the catchment management projects initiated in West Lothian. The organisations have different strengths and by working together can be effective in the delivery of the necessary response by farmers. Reference is made to Catchment Officers (4.8), as proposed in England. It is not agreed that this would be the most effective approach and that a process which addresses the needs of pollution management, biodiversity enhancement and the application of good land management practices should be integral rather than segmented through another layer of officialdom. A joined-up approach, within the existing systems in Scotland, must surely be the preferred way forward.

**Q15** Are there any further factors we need to take into account?

**WLC** The need for joined-up working so that measures are considered in the context of sustainable development and equally address the issues of climate change and biodiversity, as well as the principal focus of diffuse pollution. Actions can address all three.

**Q16** How should the executive work most effectively with the agricultural sector?

**WLC** By having a balanced approach to the package of measures and support mechanisms, to enable the industry to adjust and respond to the needs. That some representatives of the industry are in denial of the impact of diffuse pollution created through traditional practices highlights the need to raise awareness of the issues, the responsibilities of the industry and the advice that needs to be provided to avoid the consequence of non-compliance.

**Q17** Can a similar approach be used for forestry as for agriculture?

**WLC** Although experience is limited in West Lothian the impression given is that the forestry industry has responded to criticism in the past and practices are now more compliant with the environmental standards being sought. However where sewage cake is used as a fertiliser there are concerns similar to those described for agriculture. Therefore, GBRs should be designed to cover such new practices since the voluntary approach may not be adequate.