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Pamela Taylor
Chief Executive

16th.March 2006

Dear Sir,

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

5.

Water UK represents the regulated water service providers in the UK including Scottish Water. We are encouraged that the Executive has produced a comprehensive, well considered and clear document and propose to respond to reach question as appropriate.

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?

No. We refer to Article 7 of the WFD relating to protected areas for drinking water, bathing waters and for protection of economically important species such as wild fish and shellfish. These are important in respect of prioritising measures for reducing diffuse pollution. In particular faecal bacteria and other micro-organisms are important pollutants but this is not reflected in SEPA's characterisation report for Article 5 of WFD.

In particular we recommend consideration of diffuse pollution from rural land use in respect of the drinking water safety plans being developed by DWQR and Scottish Water. There is also an important relationship with the new private water supply regulations and associated risk assessments.

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

Yes. There is no mention of the impacts of artificially draining farmland. This can result in rapid transfer of pollutants to the water environment and means that buffer strips are less effective.

Animal stocking density is an important factor together with the siting and operation of middens.

Storage of chemicals is a potential major problem particularly from the legacy of old stocks remaining on Scottish farms which may leak into the ground.

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

We recommend that anti-pollution works notices should not be used where there is a serious risk of diffuse pollution due to poor practices or farm structures.

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?

Not entirely. Awareness raising initiatives are crucial. The advice provided in these documents is very good but is only of use if farmers read and understand them..

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

Tier 3 should fund natural treatment and attenuation systems such as reed beds and ponds. These are particularly useful for intercepting run off via land drainage and ditches and from hard standings and steadings and go beyond GBRs..

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

No. In our opinion self audits should be subject to occasional third party audits to ensure consistency and compliance.

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?**

Catchment officers could be involved in all of the above. Their primary role should be to work closely with landowners in sensitive catchments to meet objectives set by the river basin management plan. A lighter touch could be applied in less sensitive areas but awareness must be maintained of the potential impacts of diffuse pollution.

Voluntary initiatives such as applied to pesticides in the Ugie catchment have been shown to be successful but require a good deal of commitment.

There is a need to demonstrate that more regulatory measures may be introduced if voluntary mechanisms do not achieve the desired result.

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

Yes so long as it is pragmatic and proportional.

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

Yes but it is important that the stakeholders are engaged at an early stage and are in agreement.

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

Yes so long as the GBRs are pragmatic. There may be a need for targeted GBRs for particularly risky activities.

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?

This will need a lot of consideration. Codes of practice, 4 point plans etc. are all good ways to reduce-diffuse pollution but in themselves they may not be enough. The risk-based approach may not be enough and harder regulation may be needed in respect of high risk activities. GBRs will generally achieve the minimum standards but it would be difficult to draft a GBR to cover all the levels of environmental protection required. For example sensitive catchments may require reductions in production and stocking or even treatment facilities but these will very much depend on local circumstances. It may even be necessary to designate sensitive areas for example 'phosphate sensitive' or 'faecal organisms sensitive' and have targeted measures in place.

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

Yes this is a very sensible approach.

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

Yes. There may be a need for a grant scheme for measures in sensitive catchments which go beyond that normally expected in less sensitive areas.

14. How might the proposed approach best be developed?

We agree with the proposal to use land management contracts together with supportive measures such as grants.

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

The WFD requires that costs and benefits be taken into account as well as polluter pays and cost recovery. This is particularly important in respect of attributing costs to diffuse or point source pollution and river basin management plans must address this issue carefully. Historically the easier option has been to target point sources such as waste water treatment works discharges, often at a high cost to water company customers and the wider environment, rather than to tackle the more difficult diffuse ones.

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

The Executive needs to engage the farming community and their representatives and provide as much help and advice as possible.

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

Yes although there are very different issues.

Should you wish to discuss our comments further please do not hesitate to contact me.

Yours faithfully

Bryan Wallis

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