

THE PROTECTION OF WATERS AGAINST POLLUTION FROM AGRICULTURE – CONSULTATION ON DIFFUSE SOURCES IN ENGLAND

Response by Wildlife and Countryside Link

1.0 Background

Wildlife and Countryside Link (Link) brings together 39 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practice and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

We welcome the publication of this consultation but have considerable concerns over the length of time it has taken to reach this stage. This response is supported by the following organisations;

- Association of Rivers Trusts
- Anglers' Conservation Association
- Buglife – Invertebrate Conservation Trust
- Council for British Archaeology
- Herpetological Conservation Trust
- Plantlife International
- Royal Society for the Protection of Birds (RSPB)
- Salmon & Trout Association
- Wildfowl & Wetlands Trust
- Woodland Trust
- WWF-UK
- Zoological Society of London

2.0 Summary of key comments

- Any regulations or non-regulatory package of measures should be seen as part of a wider policy to reduce diffuse pollution and national nutrient surpluses at their source through influencing land management.
- Any policies developed from this consultation should be subject to process and outcome (environmental) monitoring to assess their impact.
- Appropriate regulations are needed to force essential behavioural change.
- Defra must provide extra resource for sufficient enforcement of any regulations and be committed to penalising non-compliance with regulations.
- While we support the concept of Water Protection Zones (WPZs), they should be used to tackle all sources of pollution to ground and surface waters. Phosphorus and sediment are only part of a suite of contaminants contributing to diffuse water pollution from agriculture that also includes pollution from pesticides and veterinary medicines. Other Defra strategies, such as the National Strategy for Pesticides, would benefit from regulatory measures to control diffuse pollution.
- We are concerned that implementation measures within WPZs may not be in place until 2012 – this is an unnecessary delay which will prevent there being any useful

action to combat diffuse pollution within the first round of River Basin Management Plans that will be produced in 2009.

- Defra needs to be forward thinking and assertive in developing and introducing regulatory measures to control diffuse pollution for achieving Water Framework Directive (WFD) targets. Introduction of minimal measures is not always the wisest choice as this can lead to periodic incremental changes to regulation in order to achieve required standards. This has been seen with the implementation of the Nitrates Directive in England and has caused increased costs and business change at each step and consternation in the farming industry. A well-communicated introduction of regulation can allow farmers to achieve compliance and adapt their businesses with the security that further change is not pending in the short-term.
- Serious consideration needs to be given to the appropriate institutional arrangements for the management of WPZs, in particular the relationship with land managers with WPZs. Regulatory measures must be accompanied by engagement of farmers in partnership to address the problem. Repeated international experience has shown the importance of this approach as a supplement to regulation.
- Defra needs to set out a clear national strategy, mechanism and criteria by which WPZs will be identified and established. In the absence of any such clear process, we have concerns that implementation of WPZs will be patchy and delayed.
- Link's member organisations would like to support Defra in developing the measures to be employed in WPZs, in order to ensure that they maximise multiple benefits for water quality, biodiversity, protection of the historic environment and other environmental objectives. We believe strongly that measures designed to control diffuse pollution must not have a negative impact on biodiversity or sites of significant archaeological interest.

3.0 Responses to specific questions

Question 1: Do you agree with the three policy packages we have chosen for this consultation? If not please suggest an alternative.

Link has long advocated that diffuse pollution from agriculture is best tackled with a comprehensive package of measures. We believe that this consultation only provides one piece of the policy jigsaw and also only one piece of the regulatory jigsaw. We recommend a combined approach to reducing diffuse pollution from agriculture that is phased over time, is carefully monitored, and assesses the value of all policy measures including:

- Cross compliance
- Support – Incentives and Advice
- Regulations
- Fiscal instruments

The proposed WPZs are targeted, specific regulations. We see the value of targeted regulation that fulfills the polluter pays principle so that not all farmers are hit by the regulatory burden unnecessarily. However, targeted regulation does not communicate the importance of the problem and the need for urgent action to all farmers in England. We recommend the introduction of a regulatory package of measures to deal with diffuse pollution from agriculture in addition to supportive measures already in place. Baseline regulatory measures complement supportive measures within a comprehensive strategy

by influencing and stimulating change amongst land managers who do not adopt measures as a result of advice, voluntary approaches or agri-environmental support.

We want to see the introduction of General Binding Rules under the WFD to set baseline measures of agricultural practice across England. The UK also lags significantly behind European and International experience in the establishment of catchment partnerships to address agricultural diffuse pollution. The Catchment Sensitive Farming (CSF) programme, while welcome, represents only a partial step in this direction. The introduction of WPZs provides an excellent opportunity to strengthen such approaches.

Question 2: Which of the three policy packages do you think should be added to the range of Programme of Measures to tackle diffuse water pollution from agriculture?

Option 1 - We welcome WPZs as a valuable, targeted regulatory tool to tackle specific pollution problems and to ensure the polluter pays. We have concerns regarding the supportive approaches as proposed in that both the England Catchment Sensitive Farming Delivery Initiative (ECSFDI) advice project and Environmental Stewardship (ES) have yet to demonstrate environmental results.

We believe that the Advice part of the package must be fully costed and financed for the long-term.

The consultation is short on detail regarding how the support scheme will be developed, financed and included in the Rural Development Regulations and does not indicate whether any new money will be made available from Government for the proposed Enhanced Stewardship Scheme or whether funds will be redistributed to fund resource protection options.

Link believes that Government must fulfill its existing funding commitments to ES before creating an Enhanced Stewardship Scheme. Furthermore, we strongly oppose a redistribution of current ES funds to pay for an Enhanced Scheme at the expense of other agri-environment objectives. We support both Environmental Stewardship and ECSFDI as projects in themselves. We also recognise the value that they can have towards reducing diffuse pollution and resource protection objectives. We do not believe that they should be included within this consultation in order to soften the blow for the agriculture industry.

Question 3: If we take forward WPZs, should we consider merging WPZs with NVZs? What are the advantages and disadvantages?

Although we would welcome a move towards a single regulatory system for all agricultural pollution, Link does not think it is possible to merge Nitrate Vulnerable Zone (NVZ) and WPZ regulations as proposed. NVZs include one action plan for the whole designated area (possibly 100% of England) whilst WPZs are localised zones with measures targeted to local problems, situations and practices.

In order to combine action to reduce nitrogen with action to reduce other pollutants (phosphate, sediment etc) the following measures would need to be put in place by Government:

- A baseline layer of regulatory measures covering 100% of England and including a NVZ Action Programme and baseline diffuse pollution measures
- Targeted WPZs within River Basin Districts (RBDs)

The Nitrates Directive remains the driver for reducing diffuse nitrogen pollution. This must be fully complied with and must include an Action Programme. Hand in hand with this regulation can sit a baseline set of rules for all farmers and land managers to follow which aims to reduce diffuse pollutants other than nitrogen.

General Binding Rules are a regulatory measure under the WFD that would allow the setting of baseline regulations for land management. A baseline regulatory package for the protection of waters against pollution from agriculture covering 100% of England and which includes the NVZ Action Programme and General Binding Rules will allow effective:

- communication of the holistic nature of the problem
- communication of the need, by all farmers, to do at least a minimum level of land management to reduce diffuse pollution
- introduction of basic measures ahead of the 2012 expected date for WPZ introduction
- enforcement of all regulatory land management measures, whether for nitrate, phosphate or pesticides

Specific WPZs (as proposed in the consultation document) would then allow a higher level of specific measures to be added within RBDs to mitigate specific problems.

Question 4: Do you agree with content of the draft WPZ Guidance at Annex F? If not, please suggest any additions or deletions to the content.

In the table of Mitigation Measures, measure 39 states 'Fence off rivers and streams from livestock'. Although we acknowledge that access to watercourses by livestock can result in pollution and therefore access should be restricted, when implementing this measure it should be noted that grazing and poaching of watercourses may be important for biodiversity, such as specialist wetland invertebrates. This is an example where a negative affect on biodiversity could result from a proposed mitigation measure, and therefore Link would welcome joint working with Defra to develop mitigation measures in order to ensure that they maximise multiple benefits for water quality, biodiversity, protection of the historic environment and other environmental objectives.

It should also be noted that experience of CSF has shown that some management options commonly used for resource protection can have damaging effects on archaeology and historic structures. New measures will need to be informed by the provision of specialist historic environment advice prior to decisions on land use change. In the case of significant historic environment impacts, protection of historic assets would be considered favourably to avoid unintended adverse consequences from resource protection measures that might otherwise have been beneficial.