



Consultation on: The Protection of Waters against Pollution from Agriculture

**A response by the English National Park Authorities Association
November 2007**

Summary

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities. Our response represents the collective views of officers. Individual National Park Authorities (NPAs) may submit separate comments, which will draw on the specific issues for their particular area. Our response highlights a number of overarching points that we believe need to be considered, before responding to the detailed questions in the consultation.
2. We believe that, to tackle the problems of diffuse water pollution:
 - we need to move beyond current approaches which are proving ineffective;
 - we agree that in the near future Nitrate Vulnerable Zones and Water Protection Zones should be treated separately;
 - the Government needs to set out much more clearly the financial support that will be available to implement the measures within a Water Protection Zone;
 - the Government needs to explain better how actual changes in land management will occur, and the mechanisms by which this will happen over and above designation of Water Protection Zones;
 - there is potential for the Entry Level Scheme in Environmental Stewardship to contribute to this agenda but only if significant additional resources are provided and greater emphasis is placed on options that will reduce diffuse water pollution;
 - the Higher Level Scheme is not a good mechanism for tackling diffuse water pollution; and
 - the Government needs to examine the issue in the round and establish an action plan for other sources of diffuse water pollution.

General Points raised

1. National Park Authorities have considerable experience of working at a catchment or landscape scale. The need to look beyond individual valleys, to consider the multiple public benefits (or ecosystem services) that are being provided by an area, and how to both protect and enhance the natural environment are key to delivering National Park purposes. We work closely with the Environment Agency, with Utilities and the farming community in furthering our statutory objectives. We believe this places us in a good position to comment authoritatively on the effectiveness of current measures to tackle diffuse water pollution from agriculture.

The effectiveness of Water Protection Zones

2. We welcome the introduction of the proposed designations (WPZs) to establish the land management change necessary to reduce Diffuse Water Pollution from Agriculture (DWPA). The experience of the English National Park Authorities has been that there is little real evidence of success in terms of real change happening on the ground with any of the existing voluntary schemes. All that officers can do currently (whether working within ELS or Catchment Sensitive Farming (CSF)) is to seek to raise awareness amongst farmers of cross-compliance measures and Entry Level Scheme options. We do believe that the main emphasis should continue to be on providing support and incentives to the farming community. We recognise, however, the benefits that a legislative back up would provide where these methods are seen to fail.

Funding for measures to reduce DWPA within a Water Protection Zone

3. We are concerned about the wider environmental impacts if farms go out of business as a result of the requirement to introduce measures within a Water Protection Zone. The consultation is unclear as to whether the costs identified in the models, associated with implementing each of the 40 measures, would have any financial support attached to them.
4. ENPAA would like to draw attention in particular to the overall impact on climate change and carbon dioxide emissions, which are likely to increase if, for example, dairy farms go out of business and a higher proportion of milk/butter/cream etc within the UK requires importing.

Diffuse Water Pollution arising from other sources

5. We appreciate that the current consultation is specifically about the Diffuse Water Pollution arising from agriculture. We support, however, the farming community in its concern that DWP from septic tanks, domestic water treatment plants and sewage treatment plants, discharge considerable quantities of nutrients into watercourses (with the exception of the Broads, where all water treatment works now have phosphorus stripping in place) and that these also play a considerable - and under-mentioned role in DWP.

Comments in support of WPZ's specifically for reduction of phosphorus, sediment and FIO's.

6. We agree it is important to be able to clearly identify and define the areas causing the greatest problem. This allows a clear focus of effort into reducing the phosphorus/sediment/Faecal Indicator Organisms as identified by the evidence supporting the designation.
7. If specialist advisors are maintained, as for Catchment Sensitive Farming, specialist local knowledge will be developed as to ways of implementing the most effective remedial measures. Thus a focus on a zone of, for example, high phosphorus input may be more successful in reducing phosphorus, than utilising a more generalised voluntary scheme with a wide range of ambitions, such as Environmental Stewardship.

Catchment Sensitive Farming

8. We suggest that the figure provided in the consultation of '40% of agricultural land within the UK being in Catchment Sensitive Farming' is misleading. This is because within each CSF area, officers target only a proportion of each area; usually those that the models show as being the worst for DWPA. This means that significantly less than 40% of agricultural land is, in practical terms, in Catchment Sensitive Farming.
9. An example of the above is in the Yorkshire Derwent, which has one CSF officer covering a huge area. In this area of intensive agriculture, with pigs, arable and dairy farming and an expired capital grants scheme, it is considered a nonsense to suggest that CSF is having any real impact.

Business as Usual calculations

10. With the models used for assessing future levels of DWPA, we are interested to know whether or not these take into account what might happen to DWPA if there is non-compliance of cross-compliance measures? From experience where there are Catchment Sensitive Farming Officers; advice is given and workshops are held and well-attended; however, apart from those landowners who take up grants, there is little evidence that farming practices are changing in spite of increased awareness.
11. We suggest that some measure as to what extent cross-compliance is actually taking place needs to take place before assuming a certain amount of reduction in DWPA.

Response to consultation Questions

Q1) Do you agree with the three policy packages we have chosen for this consultation? If not please suggest an alternative?

12. Broadly speaking, we support the policy packages chosen, although our favoured package does not fit exactly either of the three policy packages. We suggest an alternative that incorporates the use of WPZ's in combination with the provision of advice. (i.e. Policy Package 3, minus the Environmental Stewardship).
13. We support the provision of advice and suggest that if the Catchment Sensitive Farming Scheme is not continued beyond the initial two-year lifespan, that the existing one-year capital grants scheme should be extended and made applicable to farmers within designated WPZs.
14. It will be essential to put funding in place for catchment officers to advise and support farmers within this policy package. Merely designating an area is unlikely to be as effective as a person putting time in with individual landowners to help them identify options. The mechanism as to how land management changes within WPZ's will be implemented is not currently obvious from the consultation.

Q2) 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?

15. As stated in answer to Question 1 above, we support the use of a Policy Package (not one of the three policy packages listed in the consultation) that combines the use of WPZs with provision of specialist advice, such as is currently available from Catchment Sensitive Farming Liaison officers.

16. We are concerned that Environmental Stewardship (ES) may not be a good mechanism for reducing diffuse pollution for the following reasons:
- the voluntary nature of ES means that even if extra measures are available for reducing DWPA, if there is not an obligation, would these options be taken? Our experience thus far with ELS options is that farmers will not necessarily take up options to reduce soil erosion, for example, if it is easier to gain the necessary points through carrying out other simpler measures; and
 - the ES scheme already struggles to deliver current objectives due to funding issues. Our experience in the National Parks is that many potential ES schemes are already being turned down because of the level of competition for funding.
17. In addition to the general points about Environmental Stewardship listed above, we are of the opinion that the Higher Level Scheme is not suitable for use in reducing DWPA for the following two reasons:
- HLS land does not cover a sufficient area in order to make a difference; and
 - HLS agreements tend to focus on land of higher conservation value and most of the agricultural holdings generating DWPA have been demonstrated as being the intensive parts of farm holdings, which would not in any case be entered by farmers for HLS.
18. We acknowledge that the Entry Level Scheme could be suitable for use in reducing the impact of DWPA as it covers a sufficiently large area to have an impact providing:
- options that are likely to reduce DWPA (e.g. soil management plans) were a condition of the scheme; and
 - funding to the scheme as a whole was dramatically improved.

Q3) If we take forward Water Protection Zones's, should we consider merging them with Nitrate Vulnerable Zones? What are the advantages and disadvantages?

19. We support the longer-term need to move to a single scheme to tackle DWPA. For the near future, however, we suggest that Nitrate Vulnerable Zones are maintained, and that WPZs are specific to reducing identified issues of Phosphorus, sediment or FIO's. We come to this view for the following reasons:
- if NVZ's are felt to be working currently, then it would be safer to leave them in place until WPZ;s have been put into practice and there is evidence that they work;
 - the source sites where nitrogen issues arise do not necessarily match source sites for sediment and phosphorus. And as it is not likely that the NVZs will decrease coverage until decrease in nitrogen is seen in waterbodies; thus WPZs would need to be equally extensive to incorporate nitrogen measures. This may not allow the necessary focus in the short-term towards making a significant impact on phosphorus, sediment and FIO reduction; and
 - in addition, the measures within the WPZs would need to work well in combination to achieve the desired reductions.

Q4) Do you agree with the content of the draft WPZ Guidance at Annex F? If not, please suggest any additions or deletions to the content.

20. We make a number of specific points with regard to the Guidance. Specifically:
- we agree with the proposal to keep NVZs and WPZs separate for the time being;
 - the issue of 'time lag' – whilst we broadly support the need for evidence in the designation of a WPZ, there is a concern that if a change in farming practice visibly increases DWPA, then it may not be possible to produce/provide data-based evidence until some time has passed. Considerable damage could have been done in the meantime. Thus it would be helpful to safeguarding waters if some measure or guideline could be developed to allow for

a more rapid response – such as a provisional WPZ designation on a suspect area, whilst data is gathered;

- designation of WPZ's -the consultation document currently suggests that the evidence for designating a WPZ should originate from the Environment Agency. We suggest, however, that a step is added to the process whereby any competent organisation (including Water Companies, Local Authorities and NGO's) with research evidence for DWPA can approach the Environment Agency. Further, once a concern is raised or information provided, there should be a timescale within which a response is made by the Environment Agency as to whether or not they propose to proceed with requesting designation of a WPZ;
- the River basin approach for designating WPZs is indicated. Any designation process, however, needs to include a consultation where the initial modelling work is sent out to other organisations within the river basin. This enables areas not identified by the model to be identified through local knowledge;
- broadly speaking, we support the use of choosing out of the 44 measures in Annex A to most effectively bring about a reduction in the DWPA;
- we support the recommendation that the Environment Agency and other stakeholders may propose additional mitigation measures particular to a farm/problem where appropriate;
- although we support the use of penalties for breaching WPZ requirements; we would like to reiterate our concern that farmers should be offered support, both financial (particularly where capital works are involved) and advice. Litigation should be an option of last resort; and
- we support the repealing of a WPZ order once the desired water quality has been achieved.