

Department for Environment, Food and Rural Affairs

Government response on way forward following consultation on diffuse sources in England for the protection of waters against pollution from agriculture

Date: 17 March 2008

This Government response sets out how Defra has decided to shape future action on diffuse water pollution from agriculture – following a consultation last year.

The consultation, which closed on 13 November, sought views on the right combination of policy instruments to tackle diffuse water pollution from agriculture. Such pollution must be addressed in Programmes of Measures to improve and protect water quality under the Water Framework Directive.

Defra invited views on three policy packages:

- (i) Water Protection Zones (WPZs)
- (ii) WPZs + Scheme
- (iii) WPZs + Scheme + Advice

WPZs would be based on existing powers in Section 93 of the Water Resources Act 1991. These can be used on a large or small scale to control land management activities in order to protect the water environment from pollution.

“Scheme” stood for more water quality-related options in Environmental Stewardship

“Advice” was based on an extension of the England Catchment Sensitive Farming Delivery Initiative nationwide.

The consultation sought comments on four specific questions, including on draft statutory guidance for the Environment Agency:

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

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

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

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.

There were 43 respondents to the consultation and a summary of their responses is available on the Defra website at <http://www.defra.gov.uk/corporate/consult/waterpollution-diffuse/ds-summary-response.pdf>

Having considered the responses carefully, Defra has decided that future policy would be based on a package that consists of WPZs + Scheme + Advice.

This means that there will continue to be an important role for working with farmers through advice, and through incentives in the form of agri-environment schemes to secure voluntary action by farmers to tackle diffuse pollution from agriculture. It also means that we will need to take account of the extent of such action before deciding whether to bring in regulation, in the form of WPZs.

Catchment sensitive farming is a key part of this voluntary approach and Defra recently confirmed in the Water Strategy, launched on 7 February, that it would continue to support farmers on catchment sensitive farming. We are also encouraging water companies to work with farmers. Further support and incentives will continue to be available under agri-environment schemes.

However, voluntary measures are unlikely, on their own, to be sufficient to tackle the problem in all catchments at risk. It is therefore necessary to proceed to put in place the amending legislation to enable a targeted regulatory approach to be applied where necessary, as a last resort, through WPZs. This will complement the contribution from other regulatory instruments including the Nitrate Action Programme and cross compliance.

Although the powers to designate WPZs exist already we want to amend the legislation to make WPZs more flexible. We also wish to improve the process of designation, including engagement with stakeholders and to provide for robust and clear evidence to support designation. These are key aspects that respondents commented on, and we will address them in the accompanying statutory guidance.

On the merger of WPZs with NVZs we have noted that whilst a majority of those who responded were in favour in principle there were many reservations about practicalities and we have concluded that it would be premature to consider this further.

The next step on this is for Defra to consult on the draft amendment to the legislation and statutory guidance. We intend to do this in the summer, with a view to having the legislation and statutory guidance in place by early 2009.