



**The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 – Proposed Amendments – A Consultation**

**Scottish Wildlife Trust Response**

**June 2012**

The Scottish Wildlife Trust, established in 1964, has the charitable purpose to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. With 120 reserves and a network of volunteers the length and breadth of the country, we are proud to say we are now the largest voluntary body working for all the wildlife of Scotland.

Our vision is of a network of healthy and resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas. This is the 'Ecosystem Approach', which is the basis of The Wildlife Trusts' UK Living Landscapes and Living Seas initiatives.

**Introduction**

Healthy ecosystems are vital for deriving the ecosystem services on which our economy is built. In Scotland water is part of our national identity and enables us to produce the world class goods that we are famous for, as well as supporting a wealth of biodiversity.

Diffuse nitrate pollution from agriculture has the potential to damage our ecosystems and by extension the economy.

**Consultation Questions**

- 1. Do you agree with the proposed changes to the livestock manure N efficiency standard values to be used when calculating the Nmax for any crop type?**

Yes, we agree with the proposal to increase the pig slurry standard value from 45 to 50% and the cattle slurry and other livestock manure standard value from 35 to 40%. This will give greater protection to the water environment and we would hope that this will promote a shift from mineral (inorganic) nitrogen use.

- 2. Do you consider the limit of 500kg/ha of compost total N in any 2 year period is workable and would not be a substantial risk to the water environment?**

We believe that there is not enough data available at the moment regarding impacts and therefore the precautionary principle should be applied i.e. we believe there could be a risk.

**3. Which of the proposed options do you consider best meets the challenges of balancing fertiliser applications and protecting water quality?**

Option 5

In Scotland it could be argued that calendar months are not the best way to determine “closed periods” given the variation in weather in Scotland and the potential for this variation to increase under anthropogenic climate change. In general we would be in favour of extending closed periods.

**4. Do you agree with the proposals to reduce the minimum distance for spreading slurry near watercourses if a precision slurry spreader is used? Is the proposed minimum distance, of 6 metres, acceptable or do you consider it poses an unacceptable increased risk of pollution?**

No, we do not agree that the minimum distance should be reduced. We are concerned that there would be a greater risk of N entering the watercourse via surface run-off from a distance of 6 metres as opposed to the current 10m buffer. Moreover, the 10m buffer is consistent with existing requirements under CAR and cross compliance. Therefore, any change could increase confusion among land managers about the regulatory requirements which may ultimately be detrimental for protection of the water environment.

**5. Do you agree that clarification is required on the keeping of a risk assessment for manure and slurry (RAMS) map as a record of field heap location?**

Yes

**6. Do you think that reducing the amount of slurry that can be spread in the periods immediately before and immediately after the closed period is a better mechanism for managing nitrate leaching than extending the closed periods?**

We do not agree that reducing slurry application rates should be used instead of extending the closed period. But this may avoid the problem of “spreading day”

**7. Do you agree clarification is required as to what adjustments can be made when carrying out an Nmax calculation?**

Yes

**8. Do you agree that consideration should be given to determine a method by which very small farms' record-keeping burden can be reduced?**

We are generally supportive of alleviate unnecessary administrative burden, however, it is vital that this does not happen at the expense of environmental protection. Small farms often have significant roles in delivering public goods and ecosystem services and it should also be remembered that even small farms can cause significant levels of diffuse pollution.

**9. Do you agree that clarification should be made, within the Action Programme, on the storage of silage effluent?**

Yes, we welcome this proposal to clarify the legal requirement.

**10. Do you agree that the Scottish Government should seek a renewal of the grassland derogation for 2013-2016?**

We do not agree that a renewal of the derogation should be sought. We remind Government that the derogation should only be adopted if it does not affect achievement of the Directive's main objective of "*reducing water pollution caused or induced by nitrates from agricultural sources*". We are not aware of any evidence to indicate that agricultural nitrate pollution of water in Scotland has reduced to a level that warrants this derogation. Indeed, agricultural diffuse pollution is recognised as one of the most significant pressures on Scotland's water environment and the NVZ action programme is listed as a River Basin Management Plan 'measure'<sup>1</sup> to help meet WFD obligations. As such, it is critical that all steps are taken to have an NVZ Action Programme that makes a concerted effort to reduce nutrient inputs to the water environment, and we do not think that the grassland derogation is consistent with this.

**For more information, please contact:**

**Bruce Wilson**  
**Scottish Wildlife Trust**  
Living Landscapes Policy Officer  
**T** 0131 312 4706 **M** 07557259570 **W** [www.scottishwildlifetrust.org.uk](http://www.scottishwildlifetrust.org.uk)  
Harbourside House 110 Commercial Street Edinburgh EH6 6NF

---

<sup>1</sup> Scotland's River Basin Management Plans [http://www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)