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The NFU represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business. In addition we have 55,000 countryside members with an interest in farming and the country.

## UKTAG Consultation on Phosphorus Standards in rivers

### Introduction

The National Farmers' Union (NFU) welcomes the opportunity to present our views on the UKTAG consultation document on phosphorus standards in rivers.

The NFU represents the interests of some 55,000 businesses which are engaged in a diverse range of agricultural, horticultural and related activities throughout England and Wales. Agriculture contributes some phosphorus to rivers, albeit much less than was commonly held until recently, and our main interest in the consultation relates to the effect of the proposed new standards on the achievement of the objectives of the Water Framework Directive through cost-effective approaches but without incurring disproportionate or unaffordable costs.

The NFU recognises that this is essentially a scientific consultation, and particularly welcomes the opportunity to comment on this given the potential cost implications of the proposals for some sectors of the industry. Our comments focus on the context, approach and response to the use of these standards rather than the science of the development of the standards themselves. However we wish to point out that standards set in the UK to achieve good ecological standard should in principle have equivalence to similar waterbodies elsewhere in the EU. UKTAG consultation provides some reassurance on this point in paragraph 5.4, though the range of thresholds highlighted in this section creates considerable concern to the NFU over equality of standard setting. We would appreciate assurance as to the steps UKTAG or the Environment Agency will take (perhaps through the intercalibration process) to achieve such equivalence.

Phosphorus is an essential input into the production of agricultural and horticultural crops, including grass, for which there is no substitute and natural levels must be supplemented to enable productive agriculture and to achieve economic levels of production.

The agriculture industry is however conscious of its duty to protect the environment. It has actively engaged with Defra in its Catchment Sensitive Farming Programme, has close relationships with both the Environment Agency and Natural England, and is engaged in a joint project with the Agency to collate and agree the evidence relating to losses of phosphorus from agriculture, their potential impact on the environment and trialling partnership working to reduce such losses. The agricultural industry has also developed and promoted its own initiatives to encourage better nutrient management such as the Tried and Tested nutrient planning scheme and the Campaign for the Farmed Environment.

### Openness

We welcome the openness of the consultation regarding the setting of phosphate standards. Such openness is essential to properly informing the use of standards and helps to build confidence in the process of standard setting.

### Phosphate levels and the ecology

The consultation recognises that the relationship between phosphate standards and the ecology of rivers is poor, although the proposed standards would improve the relationship somewhat on average. Unfortunately, it appears that UKTAG is not yet in a position to identify or evaluate the full range of other factors also involved in this relationship. This is disappointing as it is not evident to the layperson how a stricter phosphate standard is driving waterbody biology. The NFU would support efforts to improve understanding of these factors, which would be likely to increase engagement from farmers.

The NFU welcomes the recognition that the chemical standards are largely a means to achieving the main objectives of WFD rather than being objectives in themselves, and particularly the UKTAG recommendation that expensive measures are not incurred on the basis of chemical standards alone.

We note that the consultation includes a peer review element, but we are unsure whether the four peer reviewers consulted by UKTAG are genuinely representative of the range of academic opinion. It would be helpful if UKTAG addressed this issue

### Cost implications

The general tightening of phosphorus standards which would result from adoption of UKTAG's proposals would clearly raise compliance costs for agriculture, a sector where it is difficult for costs to be passed on due to its structure. More generally, a significant increase in compliance costs would be likely to raise more questions over public willingness to pay for improvements.

### Responses to Questions

*1. Should the recommended new default standards be adopted as the basis for assessing status, decisions on whether or not to allow new discharges and identifying the likely scale of improvements that may be needed at existing discharges?*

UKTAG's consultation demonstrates that as yet the link between phosphate levels and biology is better known but far from being well or completely understood. Thus while the consultation argues for re-alignment between phosphate and biological measures it recognises that this needs verification ("local adjustment"). Given these comments we are doubtful whether UKTAG should be using new default standards for making decisions over discharges which may have significant cost implications for business and not achieve the desired level of environmental improvement. There is instead a case to consider for biology to be considered as the predominant measure where there is divergence between classification of phosphate and biological criteria.

*2. Should adjusted standards be used to assess status and take decisions relating to discharge control?*

Yes, if the biological status is better than the phosphorus, or if it is established there are no other causes where biological status is poorer.

*3. Should default standards be adopted as the basis for assessing status and decisions relating to new discharges and adjusted standards used, where applicable, when planning improvements at existing discharges?*

No.