

Written evidence from the National Farmers Union

The NFU represents 55,000 members across England and Wales. In addition, we have 20,000 NFU Countryside members with an interest in farming and rural life. Our trade association is the largest farming organisation in the UK, providing a strong and respected voice for the industry and employing hundreds of staff to support the needs of NFU members locally, nationally, and internationally. We are engaged with government departments covering agriculture, rural affairs, environment, energy, climate change, employment, infrastructure, and transport issues, directing policy into real economic opportunities for farming business to flourish, through promoting the production of sustainable, traceable food to high standards as well as creating new openings for diversification and jobs. The NFU champions British agriculture and horticulture, to campaign for a stable and sustainable future for our farmers and growers.

NFU response to the *Water Quality in Rivers* inquiry

Overview

Having responded in depth to the EAC nitrates inquiry in 2018, the NFU welcomes this opportunity to submit further evidence on water quality in our rivers in regard to the water industry and urban diffuse pollution. Below, we have answered a small selection of the questions posed by the Committee, where water industry and urban issues intersect the interests of our farming members.

As reported in the Environment Agency's (EA's) [Challenges and Choices consultation](#), the water industry and urban areas are major sources of pollution, impacting 36% and 18% of our water bodies respectively. As with other sources of pollution, including rural areas, more work is needed to reduce the impact of the water industry and urban areas on water quality in rivers.

Question responses

How adequate are the monitoring and reporting requirements around water company discharges? How can technology improve and assist with transparency and enforcement?

Following the [OFWAT investigation into Southern Water](#), completed in 2019, we remain concerned about the practice of self-reporting data on environmental performance by water companies. The investigation found that, in addition to overseeing serious operational failures at its sewerage treatment sites, Southern Water had deliberately misrepresented performance information over the previous eight years. Specifically, OFWAT said the water company had misrepresented information in relation to a number of sewerage treatment sites, as it had manipulated wastewater sampling processes. In doing so, Southern Water avoided penalties under the regulator's incentive regime.

OFWAT's findings caused some alarm among our members, both in the local area and further afield, and cast further doubt over the apportionment of pollution to different sources. Although we have since received assurances from the EA about the impact on source apportionment in this case, concerns remain around how widespread these practices were, the potential for similar occurrences in the future, and the levels of nutrient pollution assigned to agriculture as a result. Of course, source apportionment is not only important as a national-level indicator, but it also underpins nitrate vulnerable zones (NVZs) and water protection zones. Such targeted regulation places a tremendous burden on the affected farmers and so it is crucial that the data underlying them can be trusted.

Even before the Southern Water case arose, there was significant doubt around the data underlying NVZs, in particular. Indeed, an analysis of NVZ data by the consultants, Hafren Water, in 2018 found that diffuse agricultural pollution is the major source of nitrates in only 41% (by area) of surface waters designated as an NVZ. And, where graded exceedances of the drinking water standard indicated very high nitrate concentrations, there was a general association with catchments dominated by urban sources¹.

We are aware the EA is now conducting its own investigation into Southern Water and await to see if the findings shed any more light on the environmental impact of misreporting and, in turn, any pollution wrongly attributed to agriculture.

What is the impact of plastic pollution and other materials on drainage and water quality in rivers and what should be done to mitigate it?

Plastics can get into the water environment in a number of ways; when stockpiled outside, the water environment is vulnerable to contamination through wind blow, run-off, and species transfer. Since China closed its doors to plastic recycling imports (especially contaminated plastic) at the start of 2018 and with Malaysia following suit, plastic collectors are finding that, due to limited outlets, plastic is mounting up on collection sites or being sent to landfill at exorbitant costs.

This goes against all recent Government initiatives and targets to improve recycling rates, reduce plastic entering the water environment, and improve our circular economy. We are seeking support from Government to find domestic solutions to improve the recycling of plastics from agriculture and horticulture. This could include incentivising farmers to recycle wrap through the use of a rebate scheme at purchase.

The NFU believes more could be done to identify all contributing routes for plastics to access the water environment; littering, fly-tipping, industry, wastewater sector. The majority of micro-fibres released into water courses are through the disposal of sewerage waste to land, then leaching microfibers into the environment. The Government could play an active role in encouraging increased filtration at sewage treatment works to remove both macro and micro plastics, ensuring any material spread to land is free from plastic contamination.

Fly-tipped waste is often tipped onto verges or into ditches in both the countryside and urban areas, where rivers remain an issue as a conveyance route for plastic due to waste being disposed. The NFU wants all parties (local authorities / police / landowners / the EA) to work together on the issue of fly-tipping, including prevention, clean up and prosecution of this crime. In some areas this relationship works well; however, we want consistency in approach across the whole country.

In addition to this, the NFU would like to raise awareness of Householder Duty of Care. Householders need to be made more aware that responsibility for any of their waste is maintained through to its final disposal point – not when they pass it to a third party. Too much householder waste falls into the hands of third parties who then fly-tip that material.

Whilst we recognise plastic is a resourceful material, its end-of-life management must be accounted for. Specifically, in terms of the water environment, flood and coastal defences made from plastic components that have been deployed as temporary measures should be removed or replaced with more permanent non-polluting alternatives when it is safe to do so, and not left to deteriorate in the water.

¹ For more information, please see the Hafren Water submission to the EAC's nitrates inquiry in 2018.

Should local authorities and highways agencies be given a duty to prevent pollution to watercourses without prior treatment?

Pollution from towns, cities and transport is a major reason for our water bodies not achieving 'good status' under the Water Framework Directive and more needs to be done to address it. The NFU believes this source is often overlooked when it comes to addressing water pollution, particularly when compared to the attention agriculture receives. We urge the Government and its agencies to take greater consideration of pollution from urban areas, particularly that from urban wastewater treatment plants, when addressing water quality issues. Placing a duty on local authorities and highways agencies to prevent pollution to watercourses without prior treatment would appear to be a step in the right direction.

To reduce pollution from towns, cities and transport, every land use must do its part to reduce water pollution. Residential, business and infrastructure uses all have an important part to play in helping to maintain and improve water quality. There is only a finite amount of agricultural land and the focus on growing more food sustainably and allowing productivity to be improved is being held up by water pollution issues in some parts of the country where other land uses are not being constrained.

Being able to source food locally helps reduce everyone's carbon footprint and helps with central Government's 2050 targets as well as local government climate emergency targets and NFU's more ambitious 2040 targets for agriculture to be carbon zero. This will be made more difficult if other land uses are being advised to take land out of agricultural production to offset water pollution issues, as is being proposed in the Solent area², and water quality restrictions are not being applied consistently to other land uses.

How could the designation of inland bathing waters by water companies affect the costs of achieving the associated water quality standards?

While not championed by a water company, part of the River Wharfe at Ilkley has recently been designated as a bathing water, and multiple stakeholders now face the costs associated with meeting water quality standards, including farmers. Unfortunately, there seems to be little or no consideration of the costs, or indeed the benefits, of a designation when Defra considers a new bathing water application.

The Bathing Water Directive and Defra itself seemingly limits the criteria for making designation decisions to the number of bathers and infrastructure etc at a site and this is a real concern for us. We struggle to understand why there is little or no consideration and discussion of other relevant and significant factors, such as the safety of bathers at the site, in the decision-making process. Moreover, it seems rather perverse that designation decisions are not accompanied by an impact assessment, meaning that little or no consideration of the implications of the subsequent costs for businesses, such as water companies or farmers, are made.

For instance, a designation may attract more tourists and boost the local economy, but it may also put pressure on, and increase maintenance costs for, local infrastructure; add to the monitoring workload of the EA; and force local industry to fund additional water quality improvements. For local farmers, there may further costs associated with greater use of a designated site, such as more trespass, litter, and anti-social behaviour on nearby land. It is standard practice to consider such costs and benefits of

² For more information on this proposal, please see page 23 of the [Natural England guidance on achieving nutrient neutrality for new housing development in the Solent region](#).

decisions in Government, as well as other walks of life, so we are concerned as to why Defra does not do this for bathing water decisions.

Of course, local water companies are also likely to face pressure to make water quality improvements if a bathing water designation is made. Like agriculture, additional measures to limit faecal contamination will be costly for the water industry but, unlike farmers, water companies can pass this cost on to the end customer. Furthermore, farmers may be expected to take additional measures in the short- and medium-term whereas water companies have the reassurance of planning years ahead through the price review process. These differences mean it can be far more difficult for agriculture to take further action in response to a local bathing water designation than it is for the water industry.

It is also unclear what role farmers would be expected to play in the efforts of water companies to reduce their own contribution to faecal contamination. For instance, if a water company sets out to reduce combined sewer overflow events by slowing the flow of water into its system from rural land, a local farmer may be asked to host a sustainable drainage system (SuDS). Without the enactment of Schedule 3 of the Flood and Water Management Act 2010, which would place the responsibility for SuDS on to the Local Authority, Highways Authority or Water Company itself, the farmer or landowner would have to take on an unacceptable level of risk associated with such infrastructure.

In light of the issues discussed above, perhaps there is a more fundamental question to be asked; having now left the EU, why is the UK Government still considering designations under EU legislation that carry the potential to seriously impact farmers and other local stakeholders? We believe there is now an opportunity to review bathing water legislation to ensure it fully considers the costs and benefits of any designations in the future.

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