

At PIP for the first time there were a series of five seminars on topical issues. In this edition of the Potato Newsletter a summary of one of the seminars presented by Mike Inglis of SAC is given. A summary of a second seminar will appear in the December edition.

COPING WITH ENVIRONMENTAL, WASTE AND WATER LEGISLATION

UK government and EU legislation continues to create issues for farmers and potato growers to consider. If anything, the regulations are being introduced with greater frequency. However, because some are being linked to the Single Farm Payment (SFP), there is little alternative but to take notice of them. The main pieces of legislation at the moment are the EU Waste Management Directive, the EU Water Framework Directive and various EU Environmental Directives.

Environment and Waste Legislation

To receive the SFP farmers must comply with 18 EU Directives that are already in force and maintain land in Good Agricultural and Environmental Condition (GAEC). As part of cross compliance, failure to meet GAEC requirements could result in loss of part of SFP, currently 3 to 5% or 15% if there is repetition of failure. Full requirements for cross compliance are contained in the SFPS Information leaflet 7.

GAEC is related to soil erosion, soil organic matter, soil structure and minimum level of maintenance. A range of problems could put farmers at odds with GAEC compliance:

- Soil erosion through wind or exposed soils over the winter period
- Capping leading to rills, gullies and soil deposition
- Cultivation of soils when too wet
- Removal of boundary features (dykes, walls, hedges etc)

To avoid problems it is worth considering

- protecting vulnerable soils through crop, grass or stubble cover
- avoiding preparation of fine seedbeds too far in advance of planting
- using low ground pressure tyres, dual wheels or tracked vehicles to minimise soil compaction

The way SEERAD will enforce the legislation is still being established but after some discussion with them it appears that complaints from the public will be followed up. A penalty framework will be established relating to:

- intent - Negligent or Intentional
- extent - on farm or off farm
- severity - minimum 0.5Ha, medium <5Ha, high >5Ha
- permanence - Rectifiable minor, Rectifiable Permanent
- repetition of a problem

A combined assessment will be made to determine if a penalty needs to be applied. If other bodies are involved (e.g. soil into watercourse will be monitored by SEPA) there is a potential for greater penalty.

Luckily, potato harvesting is not considered a cultivation. Therefore breaches of cross compliance are unlikely although soil erosion must be kept to a minimum where conditions allow. This can be achieved by lightly cultivating across sloping harvested fields to prevent soil run-off, if they are being left fallow over-winter.

There is no rectifiable period, thus working together with SEERAD should resolve any issue.

Compaction

As the reviews elsewhere in this Newsletter indicate, compaction is bad news for quality potato production. Avoiding compaction is also part of good practice. The BPC and SAC are working together on issues of compaction. Plots at Potatoes in Practice provided a clear demonstration of how rooting is affected by compaction. In addition, SAC can help growers determine how effective their cultivations are through a penetrometer service.

There will be training courses in the future on visual soil analysis. Currently, there are approximately ten methods in use around the world to analyse soil structure and suitability. These include one devised by Dr Bruce Ball of SAC. The most commonly used system is the NZ model devised by Graham Shepherd of Landcare Research.

A free guidance document, a Farm Soils Plan for 'protecting soils and income' in Scotland containing information on

- identifying and rectifying poor soil conditions
- reducing soil erosion
- targeted nutrient application
- GAEC compliance checklist (for soil measures)
- where to get further help and information

will be launched after a consultation period ending 20 November 2005. Details can be viewed and comments made on the FSP at www.sac.ac.uk/fsp.

Water legislation

New regulations for all water users administered by SEPA are being introduced as part of the EU Water Framework Directive (WFD), which aims to maintain 'good ecological conditions' for all water bodies across Europe. This legislation will affect all water abstractions (e.g. for irrigation) and all water impoundments (e.g. dams and weirs). The new regulations will help to build up a picture of water use across Scotland.

The Scottish legislation bringing the WFD into effect is the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). This legislation was passed earlier this year. It introduces new controls over abstraction, impoundment and engineering work. It will be fully operational from April 1st 2006 but there is provision for a transfer period between 1st October 2005 and 31st March 2006.

Date applications received by SEPA	Number of activities per licence			
	1-5	6-25	26-100	>100
Oct-Dec 2005	£109	£98	£82	£54
Jan – Mar 2006	£134	£123	£107	£79

What this means for farmers is that if they are taking water from the environment they need to obtain authorisation by April 2006. Farmers will have to identify how much water is taken on a daily basis. Specifically it must be known who will apply for an abstraction licence, especially if you are renting ground. If abstraction is under 10m³ (2,200 gallons) per day, no registration is necessary but users of water must abide to General Binding Rules (GBR's). If abstraction is between 10m³ and 50m³ per day, registration must be applied for. However, if abstraction is likely to be more than 50m³ (11,000 gallons) per day a licence must be applied for. These can be 'simple' for 50 to 100m³ per day or 'complex' for >100m³ per day.

There will be a transitional charging scheme (1st October 2005 to 31st March 2006). If you apply during this period then a one off application charge will be much less than waiting until April 2006. There will be a full charging scheme – application fee and subsistence charging fee from 1st April 2006 onwards. A complex licence application will be more than £1000. However, there will be reductions for multiple activity applications.

Some points to note are that if you are already irrigating you can apply between 1st October and April 2006. Applications before 31st December 2005 will be slightly cheaper! After April 2006 all applications will be treated as a new abstraction and will require SEPA investigation, including an Environmental Impact Assessment (which will increase the cost of your application). Charges have yet to be confirmed, but application forms and guidance are already available on the SEPA website. More information on full charging scheme costs should be available nearer late September.

The transitional charging scheme consultation closed on 25th July 2005 but will be finalised in September (for details go to http://www.sepa.org.uk/pdf/consultation/current/waterenv_feescharges.pdf)

The transitional charging scheme application charges are shown in the table below.

Application forms and guidance is now available on the internet at <http://www.sepa.org.uk/wfd/regimes/application.htm> However, SEPA cannot receive applications until 1st October 2005. Transfer application packs are available from the SEPA web-site now, although the charges will be finalised in September.

On receiving applications SEPA will transpose current operational practices into a CAR authorisation, from 1st April 2006. Authorisations will be reviewed from 2007 onwards to enable the WFD requirements to be met.

There will be a subsistence charging scheme. An annual charge will be made to cover monitoring, enforcement and other regulatory costs. The subsistence charge is 50% of SEPA total cost, on average assuming typical bands it should be around £439 per abstraction point. The detail is currently being finalised in discussion with the National Stakeholder Forum (NFUS are involved). It will be put out to consultation in early September. Visiting the SEPA website will allow anyone to give comment on this document, which will be entitled "Water Environment Charging Scheme".

In summary, if you apply for a licence during the transition period - until April 2006, the costs are likely to be:

- Licence + Subsistence Charge
£109 + £439(?)

After the transition period, costs will be

- Licence + Subsistence charge
>£1000 £439(?)

Thus the message is apply early but be realistic in the amount of water that you are applying for.

Finally, a great deal of advice about environmental issues can be found in the new PEPFAA Code of Practice – available from the Scottish Executive.

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