23 October 2018

George Eustice MP
Minister of State for Agriculture, Fisheries and Food
Department for Environment, Food and Rural Affairs
Seacole Block, 2 Marsham Street
London, SW1P 4DF

Dear George

EM 8693/18 REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2012-2015

Thank you for attending the meeting of our Energy and Environment Sub-Committee on 10 October to discuss the above report.

We note that there has been progress in reducing the levels of nitrates in the UK’s water courses over the past two decades, and that new rules for farmers and land managers aimed at preventing water pollution were introduced earlier this year. We remain concerned, however, that a significant number of monitoring stations across the UK (including around a quarter in England) reported increasing levels of nitrates for the last reporting period (2012-15). Please clarify what percentage of monitoring stations in each of the four nations of the UK you expect to report increasing trends in nitrate pollution at the end of the current four-year reporting period.

We note that, whilst there is a general, gradual, decreasing trend in nitrate levels, there are some parts of the UK where it could take 50 years to bring the levels below the recommended 50mg per litre limit. We note your explanation that the areas that are reporting increases are suffering from the impact of historic use of fertilisers working its way through the water table and that these increasing nitrate levels in the water are, therefore, inevitable. Please clarify if this explanation applies to the reported increases in nitrates in both groundwater and surface water.

Thank you for explaining that the UK’s nitrate levels do not have a human health impact, as water companies are obliged to treat the water. We note that the cost of this water treatment, however, is likely to be borne by the consumer. Thank you also for explaining
that any impact on fish stocks is likely to be minimal, given the other challenges they will experience and the low instance of eutrophication in the UK.

We were surprised that you did not seem to be aware of what concerns prompted the European Commission to address a Pilot investigation to the UK in 2016-17 and did not seem to know whether the Commission now considers those concerns to have been addressed. Why have you, or your officials, not discussed this issue with the Commission? We would urge you to contact them and seek clarity on whether any outstanding concerns remain.

We note that you believe the increasing levels of non-compliance by farmers is testament to your department’s improved detection. Thank you for explaining that you believe the current measures to ensure compliance are sufficient, as where the right kind of advice and guidance is given there is evidence of improved farm practices and water quality.

Thank you for explaining that the current derogation from the Directive is needed to allow a small number of farmers to manage their farms effectively, but that there is no evidence in the monitoring data to suggest that water quality is affected as a result of the derogation.

We note that you believe that effective measures are in place to deliver the objectives of the Directive, but that you also believe there is more that could be done to reduce nitrate levels and that when the UK leaves the EU you intend, over time, to bring in a different approach.

We have decided to retain this Report under scrutiny, and look forward to a reply to this letter within 10 working days.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee