

**ANNEX A  
INDEX OF ENCLOSURES**

<b>Enclosure No.</b>	<b>Description</b>	<b>Date</b>	<b>Explanation of redactions</b>	<b>Clause</b>
1	Email: FAS - Briefing - Water Regulation Changes & Slurry Pits	09 March 2022	Personal data	Reg 11
1a	Email: RE: Urgent: MSP Micase water regulation changes and slurry pits	09 March 2022	Personal data	Reg 11
2	Email: RE: MiCase Water Quality Lines	13 January 2022	Personal data	Reg 11
3	Email: FW: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)	12 December 2021	Personal data	Reg 11
3a	Letter: Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)	10 December 2021	Personal data	Reg 11
4	Email: RE: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)	23 December 2021	Personal data	Reg 11
4a	Email: Letter from Màiri McAllan MSP, Minister for Environment and Land Reform	23 December 2021	Personal data	Reg 11
4aa	PDF: Letter from Màiri McAllan MSP, Minister for Environment and Land Reform	23 December 2021	Personal data	Reg 11
4ab	Word doc: Letter from Màiri McAllan MSP, Minister for Environment and Land Reform	23 December 2021	Personal data	Reg 11
5	Email: RE: Press release - the Water Environment (controlled Activities) (Scotland) Amendment Regulations 2021	10 November 2021	Personal data	Reg 11
6	Email: RE: Urgent: MSP Micase water regulation changes and slurry pits	08 March 2022	Personal data	Reg 11
7	Email: SSI 2021/: 412: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	11 November 2021	Personal data	Reg 11
7a	Enclosure 7a Letter: NAME OF SSI (including No.): The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 SSI 2021/412	11 November 2021	Personal data	Reg 11
7b	Enclosure 7b SSI 2021/: 412: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021		Personal data	Reg 11
7c	Enclosure 7c PDF Policy Note: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 SSI 2021/412		Personal data	Reg 11
8	Email: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	08 October 2021	Personal data	Reg 11
8a	Document: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	8 October 2021	Personal data	Reg 11

8b	Document: River Basin Management. Consultation – Silage, Slurry and Liquid Digestate – Storage and Application. Analysis of responses	August 2021	Personal data	Reg 11
8c	Document: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	7 October 2021	Personal data	Reg 11
8d	Document: Policy Note - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	October 2021	Personal data	Reg 11
9	Email: RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	14 October 2021	Personal data	Reg 11
10	Email: RE: Link to the Policy Collection sheet for the Next Climate Change Plan (Agriculture chapter) workshop being held on 25/7/22 to discuss current Outcome 5 Slurry	27 July 2022	Personal data	Reg 11
11	Email: RE: MiCase 2022/00291362 - NFU Scotland letter Slurry Storage	06 April 2022	Personal data	Reg 11
11a	Document: Draft response to NFUS micase slurry storage		Personal data	Reg 11
11b	Document: 0322 Cabinet Secretary letter Slurry	28 March 2022	Personal data	Reg 11
12	Email: RE: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Will Coulter	02 March 2022	Personal data	Reg 11
13	Email: RE: Update on progress for the CCPu Comment/ question from George Burgess	01 August 2022	Personal data	Reg 11
14	Email: RE: Submission – The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	09 November 2021	Personal data	Reg 11
15	Email: FW: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021	15 September 2021	Personal data	Reg 11
16	Email: RE: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES	30 March 2022	Personal data	Reg 11
17	Email: RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES	30 March 2022	Personal data	Reg 11
18	RE: URGENT: Slurry consultation	16 April 2022	Personal data	Reg 11
19	Email: RE: AECS Funding	22 April 2022	Personal data Third party interests	Reg 11 Reg 10(5)(f)
20	Email: RE: GBR slurry query GBR 18 transitional provision	15 March 2022	Personal data	Reg 11
21	Email: FW: Scottish Farmer Slurry Storage Article	28 July 2022	Personal data	Reg 11
22	Email: RE: Kintyre Farmers slurry storage meeting	07 July 2022	Personal data Third party interests	Reg 11 Reg 10(5)(f)
23	Email: FW: Slurry management: Support & contribution to Briefing request by COP 8	06 April 2022	Personal data	Reg 11

	April			
24	Email: FW: Submission - Consultation Delivering Scotland's River Basin Management Plans	19 April 2022	Personal data	Reg 11
25	Email: SSAFO consultation - Scots farmers face tougher slurry and silage restrictions - Farmers Weekly	28 January 2022	Personal data	Reg 11
26	Email: NFUS - Silage, slurry meeting.	19 March 2022	Personal data	Reg 11
27	Email: FWS Scottish Farmer page - 9th April	06 April 2022	Personal data	Reg 11
27a	Document – PDF Farming and Water Scotland: Making the most of slurry storage		Personal data	Reg 11
28	Email: NFUS release	14 April 2022	Personal data	Reg 11
29	Email: CAR GBRs - Saving SSAFO provisions	11 October 2021	Personal data	Reg 11
30	Email: RE: NFUS question re beef livestock units and the new GBR's	31 March 2022	Personal data	Reg 11
31	Email: Sewage sludge report	20 October 2021	Personal data	Reg 11
32	Email: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES	30 March 2022 13:43	Personal data	Reg 11
33	Email: FW: Tenant Farmers - SSAFO - Compliance Costs	14 September 2022	Personal data	Reg 11
33a	Document: Briefing Mr Ewing STFA AGM			
34	Email: FW: Tenant Farmers - SSAFO - Compliance Costs	14 September 2022	Personal data	Reg 11
34a	Document: PDF: Partial BRIA – The Water Environment (Miscellaneous) (Scotland) Regulations 2021		Personal data	Reg 11
35	Email: FW: Silage and Slurry Summary	14 September 2022	Personal data	Reg 11
35a	Document: Silage and Slurry Summary		Personal data	Reg 11
36	Email: FW: Silage and Slurry Summary	14 September 2022	Personal data	Reg 11
36a	Document: One pager - Slurry		Personal data Internal communications Third party interests	Reg 11 Reg 10(4)(e) Reg 10(5)(f)
37	Email: FW: Silage and Slurry Summary	14 September 2022	Personal data	Reg 11
38	Email: FW: Slurry briefing	14 September 2022	Personal data	Reg 11
38a	Document: Document 1 (009 (002)		Personal data	Reg 11
38b	Document: Silage and Slurry Summary	February 2022	Personal data	Reg 11
39	Email: FW: PfG Possible: Reducing	14	Personal data	Reg 11

	emissions from farming	September 2022		
40	MiCase – 182011 silage Pits and slurry storage	12 March 2021	Personal data	Reg 11
40a	Micase -182011 response email	25 March 2021	Personal data	Reg 11
40b	Micase -182011 response letter	25 March 2021	Personal data	Reg 11
41	Micase – 191573 Farm case study for the slurry and silage consultation	06 April 2021	Personal data	Reg 11
41a	Document: Redact (Third party interests) Slurry and silage Proposal impact.pdf	06 April 2021	Personal data Third party interests	Reg 11 Reg 10(5)(f)
41b	Micase – 191573 response	17 May 2021	Personal data	Reg 11
42	MiCase – 244130 Slurry tanks	25 Sept 2021		
42a	MiCase – 244130 response	12 Oct 2021		
43	MiCase – 268350 Slurry Storage	21 Dec 2021	Personal data	Reg 11
43a	MiCase – 268350 response	27 Jan 2022	Personal data	Reg 11
44	MiCase – 282364 slurry storage	18 Feb 2022	Personal data	Reg 11
44a	MiCase – 282364 response	14 Mar 2022	Personal data	Reg 11
45	MiCase – 291362 NFU Scotland letter slurry storage	28 Mar 2022		
45a	MiCase – 291362 response	5 May 2022	Personal data	Reg 11
46	MiCase – 299810 Invitation to Kintyre to discuss slurry storage	11 May 2022	Personal data	Reg 11
46a	MiCase – 299810 response	13 June 2022	Personal data	Reg 11
47	MiCase – 295379 Water Framework Directive	17 Apr 2022	Personal data	Reg 11
47a	MiCase – 295379 response	3 May 2022	Personal data	Reg 11

**Enclosure 1 FAS - Briefing - Water Regulation Changes & Slurry Pits**

**From:** Redact (personal info) >  
**Sent:** 09 March 2022 16:15  
**To:** Redact (personal info)>; Redact (personal info) >  
**Subject:** RE: Urgent: MSP Micase water regulation changes and slurry pits

Hi Redact (personal info),

In terms of changes to the regulations, we have a piece on the FAS pages <https://www.fas.scot/news/new-regulations-around-slurry-management/> which you might find useful?

There is additional info at <https://www.fas.scot/environment/water-management/slurry-storage-and-management/> and how to draw up your RAMS plan at <https://www.fas.scot/environment/water-management/slurry-storage-and-management/risk-assessment-for-manure-and-slurry-rams-map/>. We have also <https://www.fas.scot/environment/water-management/> to the Farming and Water Scotland Pages, where there is additional information including a <https://www.farmingandwaterscotland.org/know-the-rules/new-general-binding-rules-on-silage-and-slurry-whats-changed/new-general-binding-rules-on-silage-slurry-faqs/> section and <https://www.farmingandwaterscotland.org/know-the-rules/new-general-binding-rules-on-silage-and-slurry-whats-changed/> for implementation of the regulations, so hopefully the changes to the regs via the FAS pages are well covered.

In terms of support to crofters, there is a dedicated section for crofters and common grazings on the FAS website - <https://www.fas.scot/rural-business/crofts-small-farms/>. Support through the crofting subscription provides up to two hours of advice at a discounted rate plus additional advice provision (also at discounted rate via the croft subscription). All have access to the FAS advice line for any questions around the new regs, plus events, publications and other useful information on the webpages.

Hope that helps,

Redact (personal info).

**From:** Redact (personal info)  
**Sent:** 08 March 2022 11:49  
**To:** Redact (personal info) >; Redact (personal info) >  
**Subject:** FW: Urgent: MSP Micase water regulation changes and slurry pits  
**Importance:** High

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Morning Redact (personal info) / Redact (personal info),

Hope this reaches you well.

I was wondering if you would be able to offer some lines or content we could refer to specifically on Slurry stores and spreaders or even reference the changes to the Water Regulations and help that can be provided to crofters through FAS?

Thanks in advance.

**Redact (personal info)** | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD



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**Enclosure 1a RE: Urgent: MSP Micase water regulation changes and slurry pits**  
Morning Redact (personal info) ,

Some additional lines from FAS 1:1 if you need.

Thanks,

**Redact (personal info)** | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD



**From:** Redact (personal info)  
**Sent:** 08 March 2022 12:00  
**To:** Redact (personal info)>  
**Cc:** **Redact(personal info)** ) >; Redact (personal info) >  
**Subject:** RE: Urgent: MSP Micase water regulation changes and slurry pits

Hi Redact (personal Info),

Thanks for your email. Please see below lines:

- The Farm Advisory Service (FAS) offers a range of free advice to help land manager, crofter and farmers identify, protect and enhance the sustainability of their businesses, reduce diffuse pollution risk to enhance and protect water quality.
- Additionally, the FAS provides information highlighting the <https://www.fas.scot/news/new-regulations-around-slurry-management/> , providing practical, cost effective ideas crofter, farmers and land managers can consider.
- Further advice can be sought via the <https://www.fas.scot/advice-grants/>, <https://www.fas.scot/environment/water-management/> and SG funded bespoke <https://www.fas.scot/specialist-advice/> on water pollution prevention and control.

I have emailed each contractor to check if there's anything further they'd like to highlight and I will revert back to you.

Thanks,

**Redact (personal info)** | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD



**From:** Redact (personal info) >  
**Sent:** 08 March 2022 11:43  
**To:** Redact (personal info) >

**Subject:** FW: Urgent: MSP Micase water regulation changes and slurry pits  
**Importance:** High

Hi Redact (personal info) ,

The attached MiCase is referring to changes to the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which includes the phasing out of broadcast spreading of slurries by splash plates and the introduction of low-emission precision spreading equipment, and asks about packages or consideration of packages to support crofters and farmers in the islands to help for the necessary transition (specifically slurry) as these changes could prove prohibitive to crofts and farm businesses in Shetland at a time when the sector is facing a number of challenges

I'm wondering if FAS have anything specific on Slurry stores and spreaders or even reference the changes to the Water Regulations and help that can be provided to crofters? Would you by any chance have any lines that could be tailored to this query and advise that FAS can provide support to crofters on this matter?

Thanks

Redact (personal info)

**Enclosure 3aa RE: Urgent: MSP Micase water regulation changes and slurry pits**

Hi Redact (personal info)

Is the text below any use?

.....

Amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 came into force on 1 January 2022 with some phased in over five years. The key objective of these regulations is to reduce the risk of point of source pollution, diffuse pollution and emissions from the storage and spreading of slurry and digestate, and to maximise the nutrient benefit to land.

Adopting such actions does not only help businesses to reduce their greenhouse gas emissions, it can also help to, provide cleaner water and air, benefit biodiversity and improve soil quality.

The Scottish Government funded Farm Advisory Service, offers advisory support to help farmers and crofters understand the regulatory changes; how they must adapt to comply and any investment required. Through the <https://www.fas.scot/advice-grants/>, Scottish farming businesses can access up to a total of **£3,700 in funding** to secure expert advice to support the business in meeting regulatory requirements and improving business performance.

A FAS approved adviser can undertake a thorough review of the business, producing an Integrated Land Management Plan, carbon audit or up to two specialist advice plans on areas of particular interest or concern (Specialist advice is available on a broad range of topics; farmers or crofters concerned about meeting the Water Environment (Controlled Activities) (Scotland) Regulations 2011 may wish to apply for specialist advice on Climate change adaptation and mitigation, Soil and nutrient management, or Water pollution prevention and control). These provide detailed plans, actions, and recommendations on how to improve business performance, sustainability and profitability.



In a poll, 98% of FAS users stated they would recommend FAS services to other farmers and crofters. To apply for support or find out more information about FAS services, please visit <http://www.fas.scot/>.

.....

Redact (personal info)

*FAS One-to-One Programme Manager*  
*Farm Advisory Service*  
Website: [www.fas.scot](http://www.fas.scot/) | Advice Line: 0300 323 0161 | E-mail: [advice@fas.scot](mailto:advice@fas.scot)

Mobile: Redact (personal info) | Tel: Redact (personal info) | E-mail: Redact (personal info)

**From:** Redact (personal info) >  
**Sent:** 08 March 2022 11:51  
**To:** Redact (personal info) >  
**Subject:** FW: Urgent: MSP Micase water regulation changes and slurry pits  
**Importance:** High

Morning Redact (personal info),

Hope this reaches you well.

I was wondering if you would be able to offer some lines or content we could refer to specifically on Slurry stores and spreaders or even reference the changes to the Water Regulations and help that can be provided to crofters through FAS 1:1? I assume help could be offered through Specialist Advice but if you had anything else to add it would be most welcome.

Thanks in advance.

Redact (personal info) | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD



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**Enclosure 2 RE: MiCase Water Quality Lines**

Hi Redact (personal info)

Here are some lines on water quality:

The Scottish Government sets out our objectives and action programmes for protecting and improving Scotland's water environment, including water quality, in River Basin Management Plans (RBMPs), which the Scottish Environment Protection Agency (SEPA) produces on our behalf every six years. The latest RBMPs 2021 – 2027 were recently published by SEPA in December 2021 and are available at <https://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/>. The associated Scottish Government press release, which includes a link to Scottish Water's Urban Water's Improvements Routemap, is available at <https://www.gov.scot/news/transforming-scotlands-waters/>.

SEPA's current water quality classification data for Scotland is also available at <https://www.sepa.org.uk/data-visualisation/water-classification-hub/>.

Scottish legislation on the water environment, including water quality, can be found on the following webpage <https://www.gov.scot/publications/water-environment-legislation/>. The <https://www.legislation.gov.uk/ssi/2021/412/contents/made> came into force on the 1 January 2022. The amendments incorporate the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 ("SSAFO") into the Regulations and introduce some new measures, with the aim of protecting the water environment. There is no further planned legislation envisaged at the present time.

I hope this helps.

Redact (personal info)

**(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate

Tel: (+44) (0)131 244

**From:** Redact (personal info) >

**Sent:** 13 January 2022 15:11

**To:** Redact (personal info) >

**Subject:** MiCase Water Quality Lines

Hi Redact (personal info) ,

I'm dealing with (yet another) MiCase and was wondering if you might be able to send on some brief lines.

The MiCase contains an email from a consultant working on behalf of Surfers Against Sewage. In their email, they have asked for information on any current and planned legislation relating to the areas below, as well as links to any relevant consultations.

- Plastic Pollution;
- Water Quality;
- Ocean and Climate Change;
- And Ocean Recovery.

I've covered off the first point with upcoming single-use plastics regs and our Marine Litter Strategy consultation etc. and I'm waiting on other contributions re Climate Change and also Ocean Recovery.

I was wondering if you might be able to provide a few lines on Water Quality. The ask seems really broad, so I've kept my own section short and just included links to our key pieces of legislation, our live consultations and our Marine Litter webpages. I don't think there's any need to go into loads of detail. I'd be happy to even include a list of relevant webpages if that's easier.

Thanks again.

Redact (personal info)

**Redact (personal info) | Marine Scotland**

The Scottish Government | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Email: | Mob:

Our Marine Litter Strategy consultation is now live [An updated marine litter strategy for Scotland - Scottish Government - Citizen Space \(consult.gov.scot\)](#)

*I am currently working from home. Contact me via mobile, email or Microsoft Teams.*

**Enclosure 3 FW: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**

Hi all,

Please see attached letter from Net Zero committee – I would be grateful for a draft response and any advice for the Minister.

Many thanks

Redact (personal info) Minister for Environment and Land Reform - Màiri McAllan  
The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: **0131 244** Mob: | Email:  
[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

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**From:** Net Zero, Energy & Transport <[netzero.committee@Parliament.Scot](mailto:netzero.committee@Parliament.Scot)>  
**Sent:** 10 December 2021 17:16  
**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>  
**Cc:** Net Zero, Energy & Transport <[netzero.committee@Parliament.Scot](mailto:netzero.committee@Parliament.Scot)>  
**Subject:** NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)

Dear Minister,

Please find attached a letter from the Convener of the Net Zero, Energy and Transport Committee in relation to the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412).

Best wishes,

Redact (personal info) **Net Zero, Energy and Transport Committee**



Net Zero, Energy and Transport Committee [webpage](#)

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**Enclosure 3a RE: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**



The Scottish Parliament  
Pàrlamaid na h-Alba

**By email only**

**Minister for Environment and Land  
Reform, Mairi McAllan MSP**

**Net Zero, Energy and Transport Committee**  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

[netzero.committee@Parliament.Scot](mailto:netzero.committee@Parliament.Scot)

10 December 2021

Dear Minister,

**Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**

At its meeting on 7 December, the Net Zero, Energy and Transport Committee considered the above instrument. While the Committee agreed to make no recommendations in relation to the instrument, we also agreed to write to the Scottish Government to request further information on the implementation dates chosen, and the rationale for choosing those dates. As noted by Mark Ruskell MSP during the public session:

‘larger farms will have to move quickly in dealing with slurry in a more responsible way but, for smaller farms, there will be a delay. There will be a transitional period of up to five years, with the regulations not really taking effect until 2027. That leaves us just three years before we are meant to meet the 30 per cent methane reduction target.’

More information would be useful to understand the Scottish Government’s thinking on the above, as well as information on whether the Scottish Government was approached in relation to implementation dates before a policy on this was determined? If so, by whom and with what consequences for this policy?

The Official Report for this meeting can be found here - [Official Report \(parliament.scot\)](#)

Yours sincerely,

Dean Lockhart MSP  
Convener  
**Net Zero, Energy and Transport Committee**

**Enclosure 4 RE: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**

Hi Redact (personal info),

Please find a copy of the signed and issued letter.

Many thanks

Redact (personal info)

Redact (personal info)

The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: **0131 244** Redact (personal info) Mob: | Email: [MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

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**From:** Redact (personal info) >

**Sent:** 21 December 2021 10:16

**To:** Redact (personal info) >; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Redact (personal info) >; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;  
Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)

Hi Redact (personal info)

Please find attached amended version.

Thanks

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 20 December 2021 13:25

**To:** Redact (personal info) >; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Redact (personal info) >; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;  
Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)

Redact (personal info)

We've spelled Ms McAllan's name wrongly





Redact (personal info)

Redact (personal info)

The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: **0131 244** Redact (personal info)

Mob: Redact (personal info) | Email: [MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

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**From:** Net Zero, Energy & Transport <[netzero.committee@Parliament.Scot](mailto:netzero.committee@Parliament.Scot)>

**Sent:** 10 December 2021 17:16

**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Net Zero, Energy & Transport <[netzero.committee@Parliament.Scot](mailto:netzero.committee@Parliament.Scot)>

**Subject:** NZET Committee letter - Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)

Dear Minister,

Please find attached a letter from the Convener of the Net Zero, Energy and Transport Committee in relation to the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412).

Best wishes,

Redact (personal info)

Redact (personal info)

**Net Zero, Energy and Transport Committee**



Redact (personal info) [@parliament.scot](https://twitter.com/parliament.scot)



Net Zero, Energy and Transport Committee [webpage](#)

\*\*\*\*\*

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\*\*\*\*\*

**Enclosure 4a Letter from Màiri McAllan MSP, Minister for Environment and Land Reform**

Good afternoon,

Please find attached a letter from Màiri McAllan MSP, Minister for Environment and Land Reform.

Best Wishes

Redact (personal info)

Redact (personal info)

The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: **0131 244** Mob: | Email: [MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

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**Enclosure 4aa: PDF: Letter from Màiri McAllan MSP, Minister for Environment and Land Reform**

Minister for Environment and Land Reform  
Mairi McAllan MSP



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Net Zero, Energy and Transport Committee  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

---

23<sup>rd</sup> December 2021

Dear Convenor

**Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**

Thank you for your letter of 10 December regarding the Net Zero, Energy and Transport Committee's consideration of the above instrument.

In respect of the points raised by Mark Ruskell MSP, the decision to allow smaller farms a longer transition period to comply with a move to low emission spreading was based on the rationale that:

- this approach is consistent with that previously taken on introducing the Action Programme for Nitrate Vulnerable Zones.
- we understand that many larger farms have already moved to low emission application methods, either using their own equipment or by the use of contractors.
- recent experience has shown that the supply chain for the type of equipment likely to be used by smaller farms is currently stretched and there may be a lengthy waiting period.
- some farms may also have to achieve compliance with other measures and we considered that a reasonable transition period was a suitably balanced approach.
- farmers will have to forward plan compliance. They will not be able to wait until final transition date to comply.
- there could be a degree of financial business planning required in order to secure any necessary infrastructure/machinery.
- as the first UK administration to introduce a total ban on splash plates, sector buy-in is an important factor.
- farm advisory support will promote a shift to low emission spreading equipment and it is expected that many farmers will achieve full compliance well before 31 December 2026.

The transition periods in the regulations are based on the expert opinion of Scottish Government and SEPA officials. There was no outside influence on transition periods; these were identified before any sector discussions were held.

Low emission spreading of slurries and digestate will contribute to meeting water quality/ climate change/air quality targets by reducing ammonia emissions. As there is minimal methane emission from slurry spreading, the 5 year transition period is not an inhibiting factor to the target of reducing methane levels by 30% by 2030.

The promotion of a move to low emission spreading equipment, through the Farm Advisory Service and Farming and Water Scotland events, is already in planning, with events, press articles, social media podcasts and webinars scheduled from early 2022. Future programmes will continue to promote better management of slurries.

I trust this satisfies the points raised by the Committee and that you are content that Scottish Government has given due consideration to the setting of reasonable transition periods.

**MÀIRI MCALLAN**

**Enclosure 4ab: Word doc: Letter from Màiri McAllan MSP, Minister for Environment and Land Reform**

Minister for Environment and Land Reform  
Mairi McAllan MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Government

T: 0300 244 4000  
E: scottish.ministers@gov.scot

Net Zero, Energy and Transport Committee  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

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23<sup>rd</sup> December 2021

Dear Convenor

**Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (SSI 2021/412)**

Thank you for your letter of 10 December regarding the Net Zero, Energy and Transport Committee's consideration of the above instrument.

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- farmers will have to forward plan compliance. They will not be able to wait until final transition date to comply.
- there could be a degree of financial business planning required in order to secure any necessary infrastructure/machinery.
- as the first UK administration to introduce a total ban on splash plates, sector buy-in is an important factor.
- farm advisory support will promote a shift to low emission spreading equipment and it is expected that many farmers will achieve full compliance well before 31 December 2026.

The transition periods in the regulations are based on the expert opinion of Scottish Government and SEPA officials. There was no outside influence on transition periods; these were identified before any sector discussions were held.

Low emission spreading of slurries and digestate will contribute to meeting water quality/ climate change/air quality targets by reducing ammonia emissions. As there is minimal methane emission from slurry spreading, the 5 year transition period is not an inhibiting factor to the target of reducing methane levels by 30% by 2030.

The promotion of a move to low emission spreading equipment, through the Farm Advisory Service and Farming and Water Scotland events, is already in planning, with events, press articles, social media podcasts and webinars scheduled from early 2022. Future programmes will continue to promote better management of slurries.

I trust this satisfies the points raised by the Committee and that you are content that Scottish Government has given due consideration to the setting of reasonable transition periods.

**MÀIRI MCALLAN**

***Enclosure 5 RE: Press release - the Water Environment (controlled Activities) (Scotland) Amendment Regulations 2021***

Following a conversation with PO and agreement with SpAds resending this to update the quote to come from the Minister.

**PO/ Minister for Environment and Land Reform**

**CC**

**PO/ Cabinet Secretary for Rural Affairs and Islands**

**PO/ Cabinet Secretary for Net Zero, Energy and Transport**

Ahead of the laying of the Water Environment regulations tomorrow, comms have drafted the release below. Grateful if you can advise if the Minister is content. Comms, officials and SpAds are content.

Best,

Redact (personal info)

**Reducing agricultural emissions**

**Improved controls on the storage and application of slurry and digestate.**

Changes to the way that slurry and digestate is stored and spread on farms could lead to a reduction of up to 70% of the harmful ammonia that is released.

Amendments have been made to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These include improving controls on the storage of slurry and digestate to reduce leakage, and more targeted spreading to maximise the nutrient benefit and reduce emissions.

Agriculture is the largest contributor to ammonia emissions, and a key element of the regulations is the phasing out of broadcast spreading of slurries by splash plates, and the introduction of low-emission, precision spreading equipment.

The changes are being made following a 12 week public consultation and engagement with the agricultural sector and the National Farmers Union Scotland (NFUS). The changes will be phased in, with some farms having up to five years to comply.

Minister for Environment and Land Reform Màiri McAllan said:

“While slurry and digestate are important nutrients for use on our farms, they can also be damaging to our natural environment if not used properly, causing harmful emissions into our air and water.

“Agriculture accounts for around 90% of ammonia emissions. By using low emission, precision equipment, we can reduce the ammonia emissions by up to 70%, protecting our vital water environment and reducing the agricultural impact on climate change.

“This will also make an important contribution to the commitments on reducing air pollutant emissions from agricultural activity, which are set out in our new air quality strategy published earlier this year.





Ahead of the laying of the Water Environment regulations tomorrow, comms have drafted the release below. Grateful if you can advise if Cab Sec is content. Comms, officials and SpAds are content.

Best,

Redact (personal info)

## **Reducing agricultural emissions**

### **Improved controls on the storage and application of slurry and digestate.**

Changes to the way that slurry and digestate is stored and spread on farms could lead to a reduction of up to 70% of the harmful ammonia that is released.

Amendments have been made to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These include improving controls on the storage of slurry and digestate to reduce leakage, and more targeted spreading to maximise the nutrient benefit and reduce emissions.

Agriculture is the largest contributor to ammonia emissions, and a key element of the regulations is the phasing out of broadcast spreading of slurries by splash plates, and the introduction of low-emission, precision spreading equipment.

The changes are being made following a 12 week public consultation and engagement with the agricultural sector and the National Farmers Union Scotland (NFUS). The changes will be phased in, with some farms having up to five years to comply.

Net Zero Secretary Michael Matheson said:

“While slurry and digestate are important nutrients for use on our farms, they can also be damaging to our natural environment if not used properly, causing harmful emissions into our air and water.

“Agriculture accounts for around 90% of ammonia emissions. By using low emission, precision equipment, we can reduce the ammonia emissions by up to 70%, protecting our vital water environment and reducing the agricultural impact on climate change.

“This will also make an important contribution to the commitments on reducing air pollutant emissions from agricultural activity, which are set out in our new air quality strategy published earlier this year.

“We understand that farms will not be able to introduce these changes overnight. We have engaged with and listened to the concerns of farmers, and where possible have made alterations that would allow us to meet the aims of the regulations while reducing the impact on businesses.

“We will continue to work with the NFUS and our farming communities to ensure a continued thriving agricultural sector, while meeting our obligations to achieve net zero.”

### **Background**

[[hyperlink to regulations](#)]

The regulations will come into force from 1 January 2022.

Key facts:

- The total quantity of slurry produced in Scotland is estimated at 6.35 million tons (1.67 billion gallons) per annum.
- A single 10 m<sup>3</sup> tanker of slurry can have an equivalent fertiliser value of between £30 to £50. Better use of the nutrients in slurry/manure/digestate can reduce fertiliser bills.
- Spreading slurry using a splash plate can lose around 30% of the available nitrogen as ammonia gas in just the first 3 hours.

**Enclosure 6 RE: Urgent: MSP Micase water regulation changes and slurry pits**

Hi Redact (personal info),

Thanks for your email. Please see below lines:

- The Farm Advisory Service (FAS) offers a range of free advice to help land manager, crofter and farmers identify, protect and enhance the sustainability of their businesses, reduce diffuse pollution risk to enhance and protect water quality.
- Additionally, the FAS provides information highlighting the <https://www.fas.scot/news/new-regulations-around-slurry-management/>, providing practical, cost effective ideas crofter, farmers and land managers can consider.
- Further advice can be sought via the <https://www.fas.scot/advice-grants/>, <https://www.fas.scot/environment/water-management/> and SG funded bespoke <https://www.fas.scot/specialist-advice/> on water pollution prevention and control.

I have emailed each contractor to check if there's anything further they'd like to highlight and I will revert back to you.

Thanks,

Redact (personal info) | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

**From:** Redact (personal info)>

**Sent:** 08 March 2022 11:43

**To:** Redact (personal info) >

**Subject:** FW: Urgent: MSP Micase water regulation changes and slurry pits

**Importance:** High

Hi Redact (personal info),

The attached MiCase is referring to changes to the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which includes the phasing out of broadcast spreading of slurries by splash plates and the introduction of low-emission precision spreading equipment, and asks about packages or consideration of packages to support crofters and farmers in the islands to help for the necessary transition (specifically slurry) as these changes could prove prohibitive to crofts and farm businesses in Shetland at a time when the sector is facing a number of challenges

I'm wondering if FAS have anything specific on Slurry stores and spreaders or even reference the changes to the Water Regulations and help that can be provided to crofters? Would you by any chance have any lines that could be tailored to this query and advise that FAS can provide support to crofters on this matter?

Thanks

Redact (personal info)

**Enclosure 7 SSI 2021/: 412: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**  
**SSI 2021/412: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**

Please find attached paperwork for the laying of the above negative SSI.

I would be grateful if you could e-mail confirmation of the instrument being laid.

If there are any problems please give me a call.

Thanks

[redacted]

**Scottish Government Legal Directorate | Business Division | Scottish Statutory Instruments Unit**  
Area 1G North | Victoria Quay | Edinburgh | EH6 6QQ

**Please contact me by email as I am currently working from home**

**Enclosure 7a Letter: NAME OF SSI (including No.): The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 SSI 2021/412**

Clerk to the Delegated Powers and Law Reform Committee  
Scottish Parliament  
2nd Floor  
Room T1.01  
Edinburgh

11th November 2021

**NAME OF SSI (including No.): The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 SSI 2021/412**

I enclose one copy of the above SSI for laying before the Scottish Parliament on 11th November 2021.

The SSI is being laid before the Scottish Parliament under section 36(5) of the Water Environment and Water Services (Scotland) Act 2003. The negative instrument is subject to annulment within 40 days of it being laid.

The names and telephone numbers of the contact officials for further enquiries are;

Administrator: Redact (personal info) Water Environment Team,  
Solicitor: Redact (personal info) @gov.scot

Redact (personal info) S.S.I. Unit  
Scottish Government Legal Directorate  
Victoria Quay  
Edinburgh  
0131-244-

***Enclosure 7b SSI 2021/: 412: The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021***

SSI now published - exempt under regulation 6(b) of the EIRs in that 'the information is already publicly available and easily accessible to the applicant in another form or format

**POLICY NOTE  
THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)  
AMENDMENT REGULATIONS 2021  
SSI 2021/412**

1) The above instrument is made in exercise of the powers conferred by section 20 and 36(2) of, and schedule 2 to, the Water Environment and Water Services (Scotland) Act 2003. The instrument is subject to negative procedure.

**Policy Objectives**

2) The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“CAR”) (as amended) provide a regulatory framework for controlling activities which could have an adverse effect on Scotland’s water environment, including abstraction, impoundments, engineering, dredging, surface water drainage, and pollution.

**Consultation**

3) As a matter of good practice, regular reviews are carried out to identify any policy or legislative changes which may be required to further protect the water environment. On this occasion, we proposed to incorporate The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (“SSAFO”) into CAR.

4) Between 20 January 2021 and 13 April 2021 the Scottish Government, in accordance with section 21 of the Water Environment and Water Services (Scotland) Act 2003, consulted on a draft set of proposed amendments to further amend CAR and introduce some new measures, with the aim of protecting the water environment.

5) There were 43 responses to the consultation. There was a mixed response to some of the proposals. The comments in the consultation responses were taken into consideration and a number of the proposed rules redrafted.

**Regulatory Amendments**

6) The Regulations make amendments to the table in Schedule 3 (General Binding Rules) (“GBRs”) to CAR. An activity in column 1 of the table is authorised if it is carried out in accordance with the rules in column 2, which correspond to that activity.

7) In addition to the consolidation of SSAFO, the regulations update controls over the storage and application of organic materials, with the following key aims:

- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

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8) The amendments to existing GBR 18 and six new activities (29-34) will provide further protection of the water environment from agricultural activities along with supporting Scotland’s air quality and climate change targets.

9) The consultation also contained proposals for minor revisions to various existing GBRs in the interests of clarity and effectiveness. The changes made to existing activities 5, 6, 8, 9, 10, 14, 15, 22, 25, 27, and 28 are mostly to clarify the requirements within the activity.

10) The key amendment to activity 18 is in respect of a phased move to low emission precision method application of slurries and digestate. Precision application will protect water quality and air quality, and benefit climate change by reducing greenhouse gas emissions

11) Activity 29 consolidates SSAFO rules on the making and storage of silage in bales or

bulk bags as a GBR

12) Activities 30 and 33 relate to the treatment of lightly contaminated silage and slurry through a constructed farm wetland.

13) Activities 31 and 32 relate to consolidation of SSAFO rules on the storage of silage and slurry as GBRs.

14) Activity 34 introduces controls over the storage of liquid digestate, a by-product of the energy production process using anaerobic digestion.

15) The consolidation of SSAFO provisions into CAR includes the removal of an exemption for silage and slurry stores constructed prior to September 1991.

#### **Transitional Periods**

16) The precision application rules in activity 18 have transitional periods of up to 5 years, with splash plates for all but smaller farms banned after 1 year.

17) Rules 31, 32 and 34 on the storage of silage, slurry and digestate have transitional periods of 2 years for stores currently regulated by SSAFO and 4 years for previously exempt stores.

#### **Revocations**

18) The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 are revoked.

#### **Financial Effects**

19) Many of the changes are points of clarification or consolidation of existing legislation.

20) A partial BRIA was published alongside the consultation.

Scottish Government

Environment and Forestry Directorate

October 2021

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***Enclosure 8 Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021***

Minister for Environment and Land Reform

Please find attached a submission from Redact (personal info) regarding amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These amendments have 4 key aims:

- to consolidate the requirements of The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (“SSAFO”) into CAR, in the interests of simplification;
- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

The submission is accompanied by

- a summary of consultation responses and the Scottish Government response (Annex B)
- the draft Regulations (Annex C)
- a draft Policy Note (Annex D).

Redact (personal info)

Redact (personal info)

**Currently working from home –**

**Enclosure 8a Document: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**

From: Redact (personal info)  
EQCED  
8 October 2021

Minister for Environment and Land Reform

**PROTECTING OUR WATER ENVIRONMENT - THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) AMENDMENT REGULATIONS 2021**

**Purpose**

1. This **routine** minute invites you to approve the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 and draft Policy Note for laying in the Scottish Parliament; and to approve an associated consultation response document for publication on the Scottish Government website. The regulations are due to be laid on **28 October**.

**Background**

2. To facilitate delivery of the objectives set out in Scotland's River Basin Management Plans, the Water Environment (Controlled Activities) (Scotland) Regulations ("CAR") were introduced in 2005 and consolidated in 2011. These Regulations provide for controls on a range of activities likely to have an adverse effect on the water environment, including impoundments, abstractions, discharges of pollutants, and diffuse pollution from rural land use activities.

3. The structure of CAR provides for 3 tiers of risk-based control, in line with better regulation principles. Activities posing the lowest environmental risk may be carried out without the need for further authorisation from SEPA, provided the activity is undertaken in accordance with the relevant General Binding Rules (GBRs). This minute focuses on proposed amendments to the GBRs within CAR.

**Regulatory review and consultation exercise**

4. As a matter of good practice, we carried out a regulatory review during 2019/20 to identify any policy or legislative changes which may be required to further protect the water environment. The main purpose of this review was to consolidate the requirements of The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 ("SSAFO") into CAR, in the interests of simplification.

5. We ran a Scottish Government consultation from 20 January to 13 April 2021. In addition to the consolidation exercise, the consultation proposed updates to controls over the storage and application of organic materials, with the following key aims:

- to update existing controls for the storage of slurry and silage, including requirements to bring slurry stores over 30 years old in line with standards introduced by SSAFO in 1991;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

Suitable transitional periods for each of these elements were also proposed.

6. Some of the measures proposed have been identified in Climate Change and Air Quality strategies as measures which will contribute to reducing emissions and help achieve Scotland's targets in these high profile policy areas. There is also a cost benefit to farmers - having the capacity and potential to better plan slurry applications in order to gain maximum nutrient benefit can reduce the need to buy costly chemical fertilisers.

7. The consultation also contained proposals for minor revisions to various non-agriculture GBRs in the interests of clarity and effectiveness.

8. We received 43 responses to the consultation. There was a mixed response to the proposals, with the most substantive being that from NFUS. These reflected a number of misunderstandings about what was proposed, but in particular raised concerns about the scale of upgrades and associated costs which would be required to bring slurry stores over 30 years old in line with the standards introduced by SSAFO in 1991.

9. We met with Redact (personal info), on 21 July to discuss the consultation responses. This was a constructive meeting, where we put forward some revised proposals in response to the NFUS concerns, whilst reaffirming the sector's legal and environmental responsibilities. Our revised proposals will ensure the structural integrity of 30-year old slurry stores, and that the water environment is protected, whilst placing less of a burden on farmers with these old slurry stores.

10. Further detail about the proposals and consultation is presented in **Annex A**. An analysis of responses and our proposed response is attached for approval at **Annex B**

11. We have also shared the latest draft of the regulations, which reflect those discussions, with the NFUS. The NFUS welcomed the clarity around the revised requirements, and has offered to support the roll out of the requirements through publicity and guidance.

### **Funding support for implementation of the proposed measures**

12. The Scottish Government currently provides financial support to farm businesses through the Agri-Environment Climate Scheme (AECS), aiming to improve water quality and help mitigate climate change by ensuring sufficient slurry storage capacity is available on a farm for the equivalent livestock units. The Scheme has committed over £5m since 2015 for slurry storage provision in priority water quality catchments.

13. On 4 October the Cabinet Secretary for Rural Affairs and Islands agreed to continue with AECS in the period 2022-24, subject to budget constraints, which may provide an opportunity for further slurry storage funding. However, the actual amounts and options funded under future rounds of the Scheme are still to be determined and will be driven by the current Spending Review process.

14. Another potential source of future funding may be the Agricultural Transformation Fund (ATF) that is also subject to the outcome the current spending review process. The ATF has previously provided some limited funding for slurry storage through the SACGS pilot and it may be possible to utilise funding to extend that in future, although the overall amount available will be subject to any other demands on that budget that may arise for other transitional funding requirements for the agricultural sector.

15. It is expected that the sector will continue to push the Scottish Government for funding to support the implementation of the measures required to comply with these regulations.

## Media interest and Communications

16. The key proposals have been the subject of farming media coverage in the UK over the last couple of years, and other UK administrations are planning a similar approach.

17. Through the Farm Advisory Service and our Farming and Water Scotland programme we plan to organise events to disseminate advice about compliance with the legislation. The Farming and Water Scotland website will continue to be the central information hub from which farmers can download information on good practice methods for reducing polluting impacts. The Farming for a Better Climate website will also be a platform for disseminating information.

18. We also plan to use social media platforms along with farming press articles to publicise the new requirements. We will liaise with Comms on these.

19. The Cabinet Secretary for Rural Affairs and Islands will give a speech at the NFUS annual conference on 28 October, the same day as the regulations will be laid in Parliament. This will be a good opportunity to highlight how the regulations will support our climate and environment ambitions for agriculture, particularly the requirements around direct application and banning of splash plates.

## Parliamentary Process

20. We plan to lay the regulations before the Scottish Parliament on 28 October, to allow these to come into force on 1 January 2022. A draft of the Regulations is attached at **Annex C**, and a draft Policy Note is attached at **Annex D**. Both are undergoing final legal checks and will be subject to minor drafting changes. The SSI is subject to negative procedure and will come forward for the Minister to sign at the appropriate time.

21. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 will be revoked.

## Recommendation

22. We recommend that the Minister **approves**:
- the draft consultation response at **Annex B** for publication on the Scottish Government website; and
  - the draft Regulations and Policy Note at **Annexes C and D** respectively for laying in the Scottish Parliament.

Redact (personal info)  
Water Environment Team  
Environmental Quality and Circular Economy Division

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Net Zero, Energy and Transport			X		
Cabinet Secretary for Rural Affairs and Islands			X		

<p>DG Economy  Kevin Quinlan, Director, Environment &amp; Forestry  Aidan Grisewood, EQCE  Redact (personal info), EQCE  Redact (personal info), EQCE  Redact (personal info), SGLD  Redact (personal info), SGLD  Alison Coull, SGLD  Lord Advocate  Legal Secretariat to Lord Advocate  Redact (personal info), EQCE  Redact (personal info) SGRPID  Andrew Scott, Director, ARE  John Kerr, ARE  Redact (personal info) ARE  Redact (personal info), ARE  Redact (personal info), ARE  Kersti Berge, Director, DECC  Redact (personal info), Air Quality  John MacFarlane, Special Adviser  Kate Higgins, Special Adviser  Redact (personal info), Communications  Communications Rural Economy and Environment</p>					

**ANNEX A**

**PROTECTING OUR WATER ENVIRONMENT - THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) AMENDMENT REGULATIONS 2021**

**Rationale for Scottish Government consultation**

1. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003, known as SSAFO set construction standards over the storage of silage and slurry, and were first introduced in 1991; and although these were revised in 2003, they have remained mostly unchanged. Structures built pre-1991 were exempt from the regulations and, if they have not been upgraded since 1991, are still exempt. Those structures are now approaching 30 years old (the life of silage pits and slurry stores is reckoned to be around 20 years) and, if not properly maintained, are a potential high risk of failure which could impact on our natural water environment, bathing waters and shellfish waters. Our consultation proposed that the exemption for these old stores is now removed, and that all stores must meet the standard set out in the SSAFO Regulations in 1991, which refer to British Standards of construction.

2. Currently there are no legislative controls over the storage of feedstock for energy-producing anaerobic digestion (AD) plants, or liquid digestate which is a residue from that process. Run off from feedstocks for AD plants can be highly toxic and can strip a river of oxygen, impacting on aquatic species. The liquid digestate carries as high a risk to the water environment as slurry, and a

potentially higher risk to air quality and climate change due to high availability of ammonia. The consultation proposed that the storage facilities for these are brought within scope of regulations.

3. The proposals will also introduce greater consistency across regulatory regimes. There are currently slightly differing legislative requirements in the SSAFO regulations and in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 (“the NVZ Action Programme”), regarding the optimal amount of slurry storage required to reduce the risk of pollution to the water environment. For example, the SSAFO measure requires farmers to have 6 months’ storage whereas the more targeted NVZ Action Programme requires farmers to have 22 weeks’ storage for cattle and 26 weeks’ storage for pigs.

4. The consultation proposed that a 22/26 week requirement for slurry storage, in line with the existing requirements in the NVZ Action Programme, is adopted across the whole of Scotland. This will ensure that all farmers have the flexibility to spread when there is maximum crop benefit and avoid spreading slurry when there is a high pollution risk through leaching, run off, or emissions; and represents a justifiable relaxation from the current SSAFO obligation.

5. Storage options, such as lagoons and slurry bags, are proposed as an alternative to more traditional storage methods. These may be an option to increase storage in line with capacity requirements. These may be a cost saving over traditional storage methods.

6. The proposals included a four-year transition period for previously exempt silage and slurry stores, providing a suitable lead in time for the required investment, and a potential opportunity to apply for any available funding. We also propose a 2 year transition period for other stores.

7. The consultation also contained proposals to move to more efficient slurry spreading methods, now recognised internationally as best practice. The splash plate method of slurry spreading has not changed in over 60 years and is one of agriculture’s highest contributors to greenhouse gas emissions.

8. A move to low emission precision spreading will benefit water quality, air quality and, by potentially reducing emissions by over 70 %, will contribute to Scotland’s climate change targets by reducing impacts caused by ammonia and associated nitrogenous gases.

9. It is proposed that all slurries and digestate are spread by precision methods within 5 years.

### **Consultation responses and Scottish Government response**

10. The key concern raised by respondents was the perceived cost to bring the currently exempt silage and slurry structures to comply with the British Standards set out in SSAFO. We can also deduce from responses that some post-1991 structures may not be fully compliant with existing legislation.

11. Redact (personal info), recognises the need for farmers to improve their current practices but highlighted that applying the British Standards within SSAFO to the upgrading of old slurry stores would bring unacceptably high costs. We now propose that these old stores meet a basic set of standards which will ensure their structural integrity, thereby protecting the environment. This will be in lieu of meeting the full set of standards which have been in place since 1991 for all structures built post 1991.

12. Where a pre-1991 structure is rebuilt or enlarged they will be required to meet the full modern standards. Many pre-1991 structures will, in due course, be brought up to the full set of standards through general upgrading of farm infrastructure.

13. The NFUS has welcomed our recognition of the issues and our proposed accommodation.

#### **Implications for existing businesses**

14. Farmers in Nitrate Vulnerable Zones are already compliant with the majority of the proposals. This accounts for approximately 11% of Scotland, and the majority of the more intensively farmed land.

15. Over the last few years SEPA has carried out a programme inspections in at- risk catchments and has identified that around 75% of storage at those farms inspected is broadly compliant with the current SSAFO regulations. Of the 25% which predate SSAFO requirements, many of these may only require some remedial work to comply with the proposed legislative measures.

16. The costs for individual businesses are difficult to assess due to there being no database of the number, age, or condition of current silage and slurry stores. The Scottish Government has already taken action to support farmers to make investments in some measures through the Sustainable Agriculture Capital Grant Scheme.

## **River Basin Management Planning**

### **Consultation – Silage, Slurry and Liquid Digestate – Storage and Application**

#### **Analysis of responses**



## **August 2021**

### **Introduction**

The consultation – Silage, Slurry and Liquid Digestate – Storage and Application - was published on 12<sup>th</sup> January 2021 and ran for 12 weeks, closing on 13<sup>th</sup> April 2021.

There were 43 responses to the consultation. Forty one responded to the questions on Scottish Government Consultation Hub. Two others responded by email but did not answer the consultation questions. Of the 41 responses to the consultation hub, 29 were from individuals or farm businesses with the other 12 from organisations with an interest in water quality, biodiversity and the agriculture sector. The NFU Scotland response contained details of a survey of 549 farmers and 5 case studies.

A large number of respondents did not provide comment with their response.

The 34 responses permissioned to be published can be found on the Scottish Government Consultation Hub.

Controls over the storage of silage and slurry have been in place since September 1991 through the Silage, Slurry, and Agricultural Fuel Oil (Scotland) Regulations (SSAFO). All structures built since 1991 have been required to comply with the regulations including having 6 months storage for slurry.

The consultation proposed that the SSAFO regulations are consolidated into The Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

In addition, the consultation proposed that the exemption for pre 1991 structures was removed. This does not mean that all pre-1991 structures should be demolished and rebuilt, but that they must meet the requirements of the regulations.

Scottish Government fully understands that the basic design of structures has not changed over the years and that many pre-1991 structures will have been well maintained. But, with age, the risk of failure of the infrastructure associated with silage and slurry stores increases.

One major slurry escape of recent years involved the release of 150,000 gallons of slurry, and was due to a sluice gate jamming open. Such incidents have potential for a devastating effect on water quality and biodiversity. Ensuring that all structures meet basic construction standards will help avoid potential impacts.

Many of the proposals are based on the good practice measures in the Prevention of Pollution from Agricultural Activities code of practice (PEPFAA) which was originally published in 1997 with input from Scottish Government, the Scottish Environment Protection Agency, the NFU Scotland, and the Scottish Rural College

This report will cover points raised on a question by question basis.

## **Analysis of responses**

**Question 1: Do you agree with the proposed rules for the control of silage in bales or bulk bags?**

There were 37 answers to Q.1. Yes – 26 No - 11

Eleven respondents provided comments, including NFU Scotland, and were mostly in agreement. Scottish Water considered that rather than just surface water drains any drain connected to the public sewer system should be included.

**SG Comment** – The proposed rules were mostly unchanged from existing SSAFO rules. There appeared to be misunderstanding that silage effluent from bales had to be collected. Field storage in wrapped bales or bulk bags is also still allowed as long as the requirements are followed.

**Question 2: Do you agree with the proposed rules on the storage of silage?**

There were 38 answers to Q.2. Yes – 16 No – 22

Fifteen respondents provided comments which covered a number of topics.

NFU Scotland state: *“NFU Scotland supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality”*

One respondent commented that he would have to build new concrete silage pits to replace his earth bank pits.

Other responses raised commented on cost of silage effluent tank alarms and the difficulty of power supply.

One respondent commented that the rules prohibited the opening of silage pits to add 2<sup>nd</sup> or 3<sup>rd</sup> cuts..

Another response commented on the cost of roofing silage stores.

**SG comment** -The standards for silage pits have been in force since 1991 and NFU Scotland had a key role in production of the PEPFAA code on which many of the rules are based.

A recurring theme appeared to be the assumption that a high number of stores will need to be demolished and rebuilt. That is not the intention of the rules. It is considered that a certain degree of retrofitting may, in many cases, achieve compliance with the proposals.

Earth bank pits are a popular method of storing silage and the construction requirements continue to be the same as those currently in SSAFO.

Where power supply for alarms is a limiting factor a battery powered alarm is an option.

The rule on the opening of silage pits only applies from when the pit is open for use as feedstock.

Although roofing stores is an extra level of protection it is not a consultation proposal as it is considered that well maintained stores and proper effluent collection are an acceptable approach.

By ensuring that silage storage is built to an adequate standard Scottish Government considers that regulation by general binding rule is the best approach.

**Question 3: Do you agree with the proposal to remove exemptions for silage stores built prior to 1 September 1991?**

There were 37 answers to Q.3. Yes – 12 No – 25

Nineteen respondents provided comments.

A number of respondents appear to consider that all pre-1991 stores were now condemned and had to be demolished and rebuilt.

Some respondents commented on the basis of the cost of demolish/rebuild.

**SG comment** - Many silage stores will most likely have had maintenance work such as flooring, or lining, since they were built. If that maintenance was carried out post 1991 it should have been carried out in accordance the SSAFO regulations.

The intention of the proposals is not to require pre-1991 stores to be demolished and rebuilt but that they are brought in line with modern standards.

The consultation proposals are to ensure that older stores do not pose a risk to groundwater or surface water. This risk will mostly rise from insufficient effluent storage or leaching to groundwater. This is a potential risk to aquatic life and potentially private and public water supplies.

**Question 4: Do you agree with the proposed revisions to consolidate the storage requirements for slurry across Scotland at 22 weeks for housed cattle and 26 weeks for housed pigs?**

There were 34 answers to Q.4 Yes – 16. No – 18

Eighteen respondents provided comments.

NFU Scotland response considered this is an extension of NVZ rules across the whole of Scotland.

A number of respondents also considered that there was no problem in spreading slurries all year round.

The NFU Scotland survey revealed that 70% of survey respondents with cattle had sufficient storage.

**SG comment** – The current requirement in the SSAFO regulations for the storage of slurry is six months (Schedule 2 para 6.2), with the requirement in Nitrate Vulnerable Zones 22 weeks for housed cattle and 26 weeks for housed pigs.

Scottish Government considered it more appropriate to consolidate the storage of slurry across Scotland and in doing so proposed to reduce the SSAFO requirement for cattle to 22 weeks in the proposed regulations.

Slurry spread during colder wetter winter months is of no benefit to crop growth and is a breach of CAR GBR 18, where fertiliser should only be spread in accordance with crop need. There is also a greater risk of leaching either as gaseous emissions or to surface or groundwater.

SEPA's catchment work over the last few years has resulted in a large number of farmers increasing storage to the required standard.

**Question 5: Do you agree with the proposal to remove exemptions for slurry stores built prior to 1 September 1991?**

There were 37 answers to Q.5. Yes – 12 No - 25

Seventeen respondents provided comments.

Respondents were mostly concerned with the cost of rebuilding storage built prior to 1 September 1991.

A number of respondents considered that their pre 1991 facilities have been well maintained and although may not fully meet the standards are fit for purpose.

**SG comment** -As with silage storage some respondents assumed that any storage built pre 1991 is condemned. That is not case, but all storage must have structural integrity.

As with silage stores where any work has been carried out post 1991 it should have been carried out to the required standard.

**Question 6: Do you agree with the proposed rules for slurry storage?**

There were 36 answers to Q.6. Yes – 16 No – 20

Twenty respondents provided comments.

As with silage storage the cost of replacing older infrastructure was the main concern to respondents. Particularly for stores constructed pre 1991.

There were also some concerns that transition periods were not long enough due to the availability of materials and contractors.

**SG comment** - Rules on the storage of slurry have been in place since 1991. Some respondents against the proposed rules appeared to think these were new regulations.

There are various types of slurry stores which can pose different environmental risks. It is important that all slurry stores are properly maintained and that their structural integrity is not compromised.

**Question 7: Do you agree with the proposed rules on the storage of liquid digestate?**

There were 36 answers to Q. 7. Yes – 24 No – 12

Fourteen respondents provided comments. The comments were mostly in support of the proposals.

**SG comment** -The number of on-farm anaerobic digestate plants has increased in recent years Scottish Government is confident that storage constructed in association with these plants will mostly be of the required standard.

Where farms are accepting digestate from off farm sources they must be confident that their storage facilities are of the required standard and size to accommodate imports.

**Question 8: Do you agree with the proposed revised requirements for the notification of new silage, slurry, and liquid digestate structures?**

There were 40 responses to Q. 8. Yes – 22 No – 18

Thirteen respondents provided comments.

Most respondents were in support of the proposal. Two respondents questioned who would have responsibility for final sign off.

**SG comment** - Responsibility that final sign off is fully in line with initial application and design standards is responsibility of operator of the facility.

**Question 9: Do you agree with the proposal that a Risk Assessment for Manure and Slurry (RAMS) Map should be prepared and issued, to those carrying out organic fertiliser spreading operations?**

There were 39 responses to Q. 9 Yes – 19. No – 20

Twenty respondents provided comments.

The comments in support of the proposal included NFU Scotland who recognised it as good practice Some responses considered it would be time consuming and expensive.

**SG comment** - RAMS maps have been recognised as good practice since introduction of the PEPFAA code. Information on how to produce a RAMS map can be found on the Farming and Water Scotland website.

Scottish Government considers that the important aspect of the proposal is that those carrying out applications should be provided with a copy of the map.

**Question 10: Do you agree with proposals for the application of slurry, and liquid digestate, by precision equipment?**

There were 37 responses to Q. 10. Yes – 20. No – 17

Twenty-three respondents provided comments.

Overall those that commented, including NFU Scotland, were in support of the proposals but considered that there should be funding available to support the move.

Some respondents considered that existing application methods, such as splash plates, are still an acceptable method of application.

**SG comment** - More precise applications of slurry and digestate has been identified internationally as the way forward in protecting water quality and reduce climate change contributing emissions.

**Question 11: Do you agree with the proposed amendments, on measurements of channel width, to General Binding Rules 5, 6, 8, and 14?**

There were 32 responses to Q. 11 Yes – 16 No – 16

Twelve respondents provided comments.

One respondent considered that this could potentially impact on the spawning grounds of freshwater pearl mussels. Other responses were generally supportive.

**SG Comment** -There are no changes to the conditions protecting freshwater pearl mussels and, where applicable, measures within other rules, such as GBR 9, will continue to give additional protection.

**Question 12: Do you agree with the proposed amendments, on operating machinery in a watercourse, to General Binding Rule 9?**

There were 31 responses to Q. 12 Yes – 13 No – 18

Thirteen respondents provided comments.

**SG comment** - There appeared to be some misunderstanding over what the proposal applied to. The proposed amendment only applies to static plant.

**Question 13: Do you agree with the proposed amendments, on control of surface water drainage, to General Binding Rule 10?**

There were 31 responses to Q. 13 Yes – 16 No – 15

Seven respondents provided comments.

One respondent sought clarification on how proposals might affect their business compared to existing rules.

**SG comment** - There are no proposed changes to the points raised but Scottish Government/SEPA will work with respondent to fully clarify the proposals.

**Question 14: Do you agree with the proposed amendments, on discharge of abstracted groundwater back to groundwater, to General Binding Rule 15?**

There were 29 responses to Q. 14 Yes – 14 No – 15

Eight respondents provided comments.

**SG comment** - The comments were not substantive and were supportive of the proposed amendments.

**Question 15: Do you agree with the proposed amendments, on construction of waterbound roads, to General Binding Rule 22?**

There were 29 responses to Q. 15 Yes – 15 No – 14

Seven respondents provided comments.

**SG comment** - The comments were not substantive and were supportive of the proposed amendments.

**Question 16: Do you agree with the proposed amendments, on placement of trees to prevent bank erosion, to General Binding Rule 25?**

There were 29 responses to Q. 16 Yes – 20 No – 9

Eight respondents provided comments.

**SG comment** - The comments were not substantive and were supportive of the proposed amendments.

**Question 17: Do you agree with the proposed amendments, on oil storage provisions, to General Binding Rules 27 and 28?**

There were 28 responses to Q. 16 Yes – 14 No – 14

Seven respondents provided comments.

**SG comment** - The comments were not substantive and were supportive of the proposed amendments.

## **The Scottish Government response.**

Scottish Government appreciated the responses to the consultation and the constructive comments. Following analysis of the responses Scottish Government has taken into account points raised and the potential cost implications for some in the farming sector.

Based on the analysis Scottish Government proposes that:

### **Silage storage**

- The proposals on storage of silage in bales and bulk bags will be taken forward as drafted.

#### **Pre 1991 stores**

- In a change to the consultation proposals the exemption for pre-1991 stores will be removed but these stores will not be required to meet certain rules including the British Standards within the rules.
- Pre-1991 stores will be required to meet a basic set of standards which will ensure their integrity in being fit for purpose and protecting the environment.
- Where any pre-1991 store is enlarged, reconstructed, or remedial work carried out full compliance with all the silage storage general binding rules is required.

### **Slurry storage**

- The requirement for 22 (cattle) or 26 (pig) weeks storage, for housed livestock, across Scotland will be taken forward.
- The requirement for 6 months storage has been in the SSAFO regulations since 1991.
- The ability to store slurry and apply when there is most nutrient benefit for crop growth is important for all farmers and can be a cost saving on expensive chemical fertilisers.
- We consider that it unfair that only those with storage constructed after 1991 be required to meet the minimum storage capacity requirement.

#### **Pre-1991 storage**

- In a change to the consultation proposals the exemption for pre-1991 stores will be removed but these stores will not be required to meet certain rules including the required British Standards.
- Pre-1991 stores will be required to meet a basic set of standards which will ensure their integrity in being fit for purpose and protecting the environment.
- Where any pre-1991 store is enlarged, reconstructed, or remedial work carried out full compliance with the slurry storage general binding rules is required.

### **Liquid digestate**

- The provisions for the storage of liquid digestate will be taken forward as drafted.
- This is in line with storage of slurry as there are similar characteristics.



### **Notification of new silage, slurry, and liquid digestate structures.**

- The requirement to notify SEPA before construction will be taken forward.
- This will help identify any issues before becoming operational.

### **Risk Assessment for Manures and Slurries map**

- The requirement to produce RAMS maps will be taken forward
- RAMS maps have been used by many farmers for a number of years and recognised as a helpful tool.
- The requirement for all farmers to prepare RAMS map will help focus the general provisions of water environment protection.

### **The use of precision spreading equipment for slurry and digestate.**

- The requirement to spread slurries and digestate will be taken forward.
- A phased move to low emission precision spreading equipment will provide further protection of the water environment from agricultural activities along with supporting Scotland's air quality and climate change targets.

### **Summary**

The key concern raised by respondents was the perceived cost to bring the currently exempt silage and slurry structures to compliance with the SSAFO standards. We can also deduce from responses that some post-1991 structures may not be fully compliant with existing legislation.

NFU Scotland recognised the need for farmers to improve their current practices but highlighted that applying a British Standard requirement to the upgrading of old slurry stores would bring unacceptably high costs.

Scottish Government accepts these concerns and now proposes that these older stores meet a basic set of standards which will ensure their integrity in being fit for purpose and thereby protecting the environment. This will be in lieu of meeting the full set of standards which have been in place since 1991 for all structures built post 1991.

In order to give businesses time to adapt transition periods will apply, with up to 4 years, to achieve compliance, allowed for those with older infrastructure.

Although a large number of the proposals consulted on were already in legislation we consider that Scottish Government has fulfilled the principles of consultation and has taken into consideration responses.

The measures taken forward are consistent with Scottish Government's holistic approach to protection of the water environment and in addition will provide benefits to air quality and climate change targets.



***Enclosure 8c Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021***

Regulations available online – exempt under regulation 6(b) of the EIRs in that ‘the information is already publicly available and easily accessible to the applicant in another form or format

**Enclosure 8d Document: Policy Note - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**

**POLICY NOTE**

**The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**

**SSI 2021/xxx**

1) The above instrument is made in exercise of the powers conferred by section 20 and 36(2) of, and schedule 2 to, the Water Environment and Water Services (Scotland) Act 2003. The instrument is subject to negative procedure.

**Policy Objectives**

2) The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“CAR”) (as amended) provide a regulatory framework for controlling activities which could have an adverse effect on Scotland’s water environment, including abstraction, impoundments, engineering, dredging, surface water drainage, and pollution.

**Consultation**

3) As a matter of good practice, regular reviews are carried out to identify any policy or legislative changes which may be required to further protect the water environment. On this occasion, we proposed to incorporate The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (“SSAFO”) into CAR.

4) Between 20 January 2021 and 13 April 2021 the Scottish Government, in accordance with section 21 of the Water Environment and Water Services (Scotland) Act 2003, consulted on a draft set of proposed amendments to further amend CAR and introduce some new measures, with the aim of protecting the water environment.

5) There were 43 responses to the consultation. There was a mixed response to some of the proposals. The comments in the consultation responses were taken into consideration and a number of the proposed rules redrafted.

**Regulatory Amendments**

6) The Regulations make amendments to the table in Schedule 3 (General Binding Rules) (“GBRs”) to CAR. An activity in column 1 of the table is authorised if it is carried out in accordance with the rules in column 2, which correspond to that activity.

7) In addition to the consolidation of SSAFO, the regulations update controls over the storage and application of organic materials, with the following key aims:

- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

8) The amendments to existing GBR 18 and six new activities (29-34) will provide further protection of the water environment from agricultural activities along with supporting Scotland’s air quality and climate change targets.

9) The consultation also contained proposals for minor revisions to various existing GBRs in the interests of clarity and effectiveness. The changes made to existing activities 5, 6, 8, 9, 10, 14, 15, 22, 25, 27, and 28 are mostly to clarify the requirements within the activity.

10) The key amendment to activity 18 is in respect of a phased move to low emission precision method application of slurries and digestate. Precision application will protect water quality and air quality, and benefit climate change by reducing greenhouse gas emissions

11) Activity 29 consolidates SSAFO rules on the making and storage of silage in bales or bulk bags as a GBR

12) Activities 30 and 33 relate to the treatment of lightly contaminated silage and slurry through a constructed farm wetland.

13) Activities 31 and 32 relate to consolidation of SSAFO rules on the storage of silage and slurry as GBRs.

14) Activity 34 introduces controls over the storage of liquid digestate, a by-product of the energy production process using anaerobic digestion.

15) The consolidation of SSAFO provisions into CAR includes the removal of an exemption for silage and slurry stores constructed prior to September 1991.

#### **Transitional Periods**

16) The precision application rules in activity 18 have transitional periods of up to 5 years, with splash plates for all but smaller farms banned after 1 year.

17) Rules 31, 32 and 34 on the storage of silage, slurry and digestate have transitional periods of 2 years for stores currently regulated by SSAFO and 4 years for previously exempt stores.

#### **Revocations**

18) The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 are revoked.

#### **Financial Effects**

19) Many of the changes are points of clarification or consolidation of existing legislation.

20) A partial BRIA accompanied the consultation.

Scottish Government  
Environment and Forestry Directorate  
October 2021

**Enclosure 9 RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**

Hi Redact (personal info)

Ms McAllan has noted and commented that her third question was more checking that there weren't recommendations in other SG documents, including our air quality objectives, that relate to slurry etc but which we are not taking the opportunity to develop here.

Otherwise content - albeit that funding point is for the cab secs.

Thanks

**Redact (personal info)** The Scottish Government | Web: [www.gov.scot](http://www.gov.scot)

Tel: 0131 244 Redact (personal info) | Mobile: Redact (personal info) | Email:

[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

**From:** Redact (personal info)>

**Sent:** 12 October 2021 14:39

**To:** Redact (personal info)>; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet

Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

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info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal

info)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate

<[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>;

Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>;

Redact (personal info)>; Redact (personal info)>; Communications Net Zero & Rural Affairs

<[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info)

We would not propose to raise funding matters directly with Cab Sec RAI as we are aware there are many priorities which must be considered in the round, and in light of budget constraints. That is why we have been engaging over several months at official level to ensure that integrated advice is brought forward to Cab Sec RAI to enable appropriate decisions to be taken on the range of cross-Government priorities for funding within the new 'CAP'.

Paragraphs 12-14 of the submission, developed in conjunction with ARE officials, note:

*The Scottish Government currently provides financial support to farm businesses through the Agri-Environment Climate Scheme (AECS), aiming to improve water quality and help mitigate climate change by ensuring sufficient slurry storage capacity is available on a farm for the equivalent livestock units. The Scheme has committed over £5m since 2015 for slurry storage provision in priority water quality catchments.*

*On 4 October the Cabinet Secretary for Rural Affairs and Islands agreed to continue with AECS in the period 2022-24, subject to budget constraints, which may provide an opportunity for further slurry storage funding. However, the actual amounts and options funded under future rounds of the Scheme are still to be determined and will be driven by the current Spending Review process.*

*Another potential source of future funding may be the Agricultural Transformation Fund (ATF) that is also subject to the outcome the current spending review process. The ATF has previously provided some limited funding for slurry storage through the SACGS pilot and it may be possible to utilise funding to extend that in future, although the overall amount available will be subject to any other demands on that budget that may arise for other transitional funding requirements for the agricultural sector.*

We will continue to work with ARE officials as these matters evolve.

Redact (personal info)

**From:** Redact (personal info)>

**Sent:** 12 October 2021 14:15

**To** Redact (personal info)>; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

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Redact (personal info)>; Redact (personal info)>; Communications Net Zero & Rural Affairs

<[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info)

This is ENfor policy so not sure why funding would be directed to RAI Cab Sec? Again if this is to improve water quality utilising RAI/CAP (or once were) funds then the appropriate approach would be Cab Sec to Cab Sec – clearly there is a shared cross-government desirable outcome here to better store and prevent slurry from impacting on air, water and soil quality so there is bound to be a common agreement between Cab Secs on the desirability of this, with the appropriate advice

It might be useful for Minister and Cab Secs to get some info on funding we have previously made available to farmers to upgrade or cover slurry stores and what take up was like

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Redact (personal info)

Rural Affairs, Islands and Transport





for this exercise. It is not possible to unpick these various complexities in order to identify more accurate cost estimates without a site-by-site assessment of every slurry store, which is not feasible. We believe our proposals will deliver the necessary environmental outcome in a proportionate manner, with phasing to allow any necessary investment; and the NFUS is content with this approach.

3. Climate and air quality. The measures for phased introduction of precision methods of application of slurries fully support climate change and air quality recommendations. Our changed approach will not impact on these plans in any way.

4. Funding. We have been engaging with colleagues dealing with the new funding schemes for agriculture, and any funding considerations will be taken forward through that route to Cab Sec Rural Affairs.

I hope that helps clarify these matters.

Redact (personal info)

Redact (personal info) **Environmental Quality and Circular Economy Division**  
**Currently working from home – Redact (personal info)**

**From:** Redact (personal info) > **On Behalf Of** Minister for Environment and Land Reform

**Sent:** 12 October 2021 10:40

**To:** Redact (personal info); Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet

Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info); Redact (personal

info); Redact (personal info); Redact (personal info); Redact (personal info); Redact (personal

info); Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate

<[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info); Redact (personal info); Redact (personal info);

Redact (personal info); Redact (personal info); Redact (personal info); Redact (personal info);

Redact (personal info); Redact (personal info); Redact (personal info); Redact (personal info);

Redact (personal info); Redact (personal info); Redact (personal info); Communications Net Zero

& Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment

Regulations 2021

Hi Redact (personal info)

Ms McAllan having considered the sub has provided the following comments;

“With regards the below section – are we likely to be accused of pandering to concerns re costs (and not prioritising the highest possible environmental quality?)

*Jonnie Hall, NFUS Policy Director, recognises the need for farmers to improve their current practices but highlighted that applying the British Standards within SSAFO to the upgrading of old slurry stores would bring unacceptably high costs. We now propose that these old stores meet a basic set of standards which will ensure their structural integrity, thereby protecting the environment. This will be in lieu of meeting the full set of standards which have been in place since 1991 for all structures built post 1991.*

Also, this section of para 16 is a little concerning - *The costs for individual businesses are difficult to assess due to there being no database of the number, age, or condition of current silage and slurry stores.*

I'm wondering what impact assessments have been undertaken?

And – I'd like to know if there are recommendations in climate and air quality plans which pertain to these matters but which we are choosing not to adopt here (which will be presented as a 'missed opportunity'?)

Finally, matters of the funding of policy should be directed to the Cabinet Secretary."

Thanks

Redact (personal info) The Scottish Government | Web: [www.gov.scot](http://www.gov.scot)

Tel: 0131 244 Redact (personal info) | Mobile: Redact (personal info) | Email:

[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)

**From:** Redact (personal info)>

**Sent:** 08 October 2021 12:53

**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet

Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info)>; Redact (personal

info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal

info)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate

<[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>;

Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>;

Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>;

Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Communications Net Zero

& Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>  
**Subject:** Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Minister for Environment and Land Reform

Please find attached a submission from Redact (personal info) regarding amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These amendments have 4 key aims:

- to consolidate the requirements of The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 ("SSAFO") into CAR, in the interests of simplification;
- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

The submission is accompanied by

- a summary of consultation responses and the Scottish Government response (Annex B)
- the draft Regulations (Annex C)

- a draft Policy Note (Annex D).

Redact (personal info)

Redact (personal info) – **Environmental Quality and Circular Economy Division**  
**Currently working from home** – Redact (personal info)

**Enclosure 10 RE: Link to the Policy Collection sheet for the Next Climate Change Plan (Agriculture chapter) workshop being held on 25/7/22 to discuss current Outcome 5 Slurry**

Thanks Redact (personal info),

That should suffice for discussion with Redact (personal info) on Friday. We will be presenting the proposals to Cab Sec in September for discussion / approval at ARIOB in November this year, so policy development will need to be mostly finalised by then.

Best,

Redact (personal info)  
Scottish Government | Saughton House | Edinburgh  
Tel: +44 (0)131 244 Redact (personal info) Mob: Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 27 July 2022 09:51  
**To:** Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>  
**Cc:** Redact (personal info)>; Redact (personal info)>; Redact (personal info)>  
**Subject:** RE: Link to the Policy Collection sheet for the Next Climate Change Plan (Agriculture chapter) workshop being held on 25/7/22 to discuss current Outcome 5 Slurry

Redact (personal info), Redact (personal info) some words added in below.

Comments/amendments welcome. Redact (personal info), I don't want to be creating any hostages to fortune here or committing us to producing something that is undeliverable. What I'm looking to say is something about our broad intent relating to obtaining data and measurement of emissions, not set out the detail of what we need to do to deliver on this. Your input would be much appreciated, please!

In terms of support given the uncertainties around budget availability, we cannot in my view say anything more that I have on how we would deliver that support.

Redact (personal info), I hope you now have sufficient text that is required for now. The plan I believe is not due to be published until later next year, so we can work in more detail on this over the next few months as required

Kind regards,

Redact (personal info).

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 26 July 2022 12:32  
**To:** Redact (personal info)>; Redact (personal info)>

**Cc:** Redact (personal info)>; Redact (personal info)>; Redact (personal info)>

**Subject:** FW: Link to the Policy Collection sheet for the Next Climate Change Plan (Agriculture chapter) workshop being held on 25/7/22 to discuss current Outcome 5 Slurry

Hi Redact (personal info) and Redact (personal info)

Following the climate change plan slurry workshop yesterday I have drafted lines under two headings as Redact (personal info) suggested, although they're not very SMART.

I'd appreciate you're input on the SG support area highlighted and any other amendments/ additions you think are appropriate. My primary focus is on water quality and diffuse pollution so I am unsure of the wider context around reduced emissions from the use and storage of manure and slurry in relation to climate change. For example, I'm not sure where <https://www.farmingforabetterclimate.org/> fits into provision of guidance and have no data on what these new requirements will have on GHG emissions.

I've including the Farming on Water Scotland 2022 delivery plan for information.

#### **Provision of guidance and support to farmers**

Advice and guidance to farmers on slurry management following the introduction of the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 is being delivered through the Farming and Water Scotland programme. Farming and Water Scotland is a targeted communication initiative aimed at farmers and land managers to help them improve routine practices to reduce diffuse pollution risk and benefit the farm business. It is delivered by SAC Consulting, in partnership with SEPA on behalf of Scottish Government.

The Prevention of Environmental Pollution from Agricultural Activities (PEPFAA) code is produced by the Scottish Government, the Scottish Environment Protection Agency, the National Farmers Union Scotland, and the Scottish Rural College. It provides practical guidance for farmers and those involved in agricultural activities, on minimising the risks of environmental pollution from farming operations. The PEPFAA code is currently being reviewed and updated and will include advice and guidance on reducing emissions from the use and storage of manure and slurry.

Over the lifetime of this Action Plan ,The Scottish Government will work with its partners towards establishing baseline data in relation to slurry store condition and emissions data relating to slurry in order to obtain better data to allow more effective measurement of changes to emissions relating to slurry. In offering any support to farmers and crofters for slurry storage and low emission spreading equipment, The Scottish Government will take an evidence based approach to capital items supported and will prioritise expenditure to areas where there is most emission reduction.

#### **Policy and legislation**

Controls over construction standards for slurry stores have been in place since 1991 in the Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO). The SSAFO measures have been consolidated into the Water Environment (Controlled Activities)(Scotland)Regulations 2011 by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021.

The new Regulations have introduced improved controls over the storage of slurry to reduce pollution of the water environment, and more targeted spreading to maximise the nutrient benefit and reduce emissions. Slurry/liquid digestate applied under inappropriate conditions, or when there

is no crop nutrient requirement, can lead to losses of nitrogen through leaching or gaseous emissions including nitrous oxide. In particular, there is a new requirement for broadcast spreading by splash plates to be phased out and all slurry must be applied by precision equipment by 1 January 2027. Liquid digestate can only be applied using precision equipment from 1 January 2023. Low emission slurry spreading systems give more control over application and minimise runoff and emissions to air.

The deadline is Wednesday morning so a swift response would be useful.

Thanks

Redact (personal info)

Redact (personal info)

**(I am currently working from home and can be contacted via email only)**

Water Environment Team  
Environmental Quality & Resilience Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**Enclosure 11 RE: MiCase 2022/00291362 - NFU Scotland letter Slurry Storage**

Hi Redact (personal info)

As requested here are some lines to add in to your response to the NFUS letter:

- These changes to slurry management were made following a 12 week public consultation and engagement with the agricultural sector and the National Farmers Union Scotland (NFUS).
- Improving slurry management and maximising its benefit has been recognised as good practice internationally for a number of years now. A single 10 m<sup>3</sup> tanker of slurry can have an equivalent fertiliser value of around £87.
- The measure for 22 weeks storage is in line with many other countries, including Wales and N. Ireland. It is important that farms have adequate slurry storage capacity to aid slurry management as applying slurry when there is no crop nutrient requirement, in poor weather conditions or by using inefficient application methods decreases nitrogen use efficiency. There is also a greater risk to the environment of leaching either as gaseous emissions into the atmosphere or pollution to surface water or groundwater.

Let me know if you require anything else.

Thanks

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division

Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 06 April 2022 08:07  
**To:** Redact (personal info)>  
**Cc:** Redact (personal info)>  
**Subject:** FW: MiCase 2022/00291362 - NFU Scotland letter Slurry Storage

Hi Redact (personal info) – sorry to push but I am on leave from tomorrow so I would be grateful for any contribution you could give me for this by close today if possible. (I should be able to get the briefing to you later today as well)

Many thanks

Redact (personal info)

-----

Hi Redact (personal info)

I have started drafting a response to the NFU Scotland letter but I'm afraid I don't really know anything about the background to the changes to the regulations.

I have used a couple of your lines in the draft, from the exchange on the news release, but thought that some of the other details would be things that the NFUS would already know if they were involved in the consultation process(?) and wouldn't be worth repeating back to them. So I would be really grateful if you could take a look at the draft and edit it as appropriate. In particular I wondered if you had anything to refute the charge that the changes are purely regulatory?

This is a 'starter for ten' so apologies that it is a bit rough and ready but grateful for an early response.

Redact (personal info) – I have copied you in in case there is anything you can add?

Many thanks

Redact (personal info)

Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 30 March 2022 15:16  
**To:** Redact (personal info)>; Redact (personal info)>; Redact (personal info)>  
**Cc:** Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>; Redact (personal info)>  
**Subject:** RE: MiCase 2022/00291362 - NFU Scotland letter Slurry Storage - Think this might be for your side

Hi Redact (personal info),

Please assign this to Redact (personal info) as she leads on this policy area (and has been copied on the other email thread regarding the press lines).

Thanks,  
Redact (personal info)

Redact (personal info) | [Agriculture Policy Division](#) | [DG: Economy](#) | [Tel: 0131 244 Redact \(personal info\)](#)

Redact (personal info)

Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 30 March 2022 14:32  
**To:** Redact (personal info)>  
**Cc:** Redact (personal info)> ; Redact (personal info)>; Redact (personal info)> ; Redact (personal info)> ; Redact (personal info)> ; Redact (personal info)>  
**Subject:** RE: MiCase 2022/00291362 - NFU Scotland letter Slurry Storage - Think this might be for your side

Hi Redact (personal info)

I have just been working with Redact (personal info) and your colleagues on a media release to the P&J on the NFUS press statement on this very matter (see attached). Whilst, I'm happy to supply a contribution I think this matter firmly rests with AECS and SAGC policy when the NFUS letter calls for the following:

*Therefore, NFU Scotland is calling on the Scottish Government to significantly enhance the agri-environment measures budget as a matter of priority and to specifically fund the capital investment that will be required for slurry storage over the next three years. Moreover, the element of funding for slurry storage investment should be ring-fenced within AECS and made more widely accessible – unlike previous iterations of AECS where location was a determining factor in eligibility – as well as increasing the grant rate.*

*In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the 'transformational' funding required across all sectors and business types. To be effective in the context of emissions reductions and environmental enhancement, the*



*SACGS would have to be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.*

I've also included Redact (personal info) email from this morning that nicely sets out the current AECS situation and the decision not to expand AECS slurry storage support to cover the whole of Scotland's area.

Thanks

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
**Tel: (+44) (0)131 244 Redact (personal info)**

**From:** Redact (personal info)>

**Sent:** 30 March 2022 14:09

**To:** Redact (personal info)> ; Redact (personal info)>

**Subject:** MiCase 2022/00291362 - NFU Scotland letter Slurry Storage - Think this might be for your side

Hi Redact (personal info)

This attached MiCase has come in. I think it's for yourselves given it refers to the recent introduction of the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021. They do mention Agri-Environment Climate Scheme (AECS) and Sustainable Agricultural Capital Grant Scheme (SACGS) so Redact (personal info) and Redact (personal info) might be able to supply lines on that.

Let me know if it should be transferred over and to who.

thanks

Redact (personal info)  **Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

Redact (personal info), Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email – Redact (personal info) [@gov.scot](mailto:Redact (personal info)@gov.scot)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) [@gov.scot](mailto:Redact (personal info)@gov.scot)> **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

**Sent:** 29 March 2022 09:26  
**To:** Public Engagement Unit <[CorrespondenceUnit@gov.scot](mailto:CorrespondenceUnit@gov.scot)>  
**Cc:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Subject:** FW: NFU Scotland letter Slurry Storage

FOR MR please.

Redact (personal info)  
Cabinet Secretary for Rural Affairs and Islands

---

Redact (personal info) | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

**From:** Redact (personal info) @nfus.org.uk>  
**Sent:** 28 March 2022 16:46  
**To:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Cc:** Redact (personal info) @nfus.org.uk>; Redact (personal info)> ; Cabinet Secretary for Finance and Economy <[CabSecFE@gov.scot](mailto:CabSecFE@gov.scot)>; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>  
**Subject:** NFU Scotland letter Slurry Storage

I attach a letter from Martin Kennedy, President NFU Scotland, to Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon MSP.

I have also ccd Cabinet Secretary for Finance, Kate Forbes MSP, and Minister for Environment and Land Reform Mairi McAllan MSP.

Kind regards,

Redact (personal info)

Redact (personal info)

**NFU Scotland** | Rural Centre, West Mains, Ingliston, Newbridge, EH28 8LT

**Tel:** Redact (personal info) | **Mobile:** Redact (personal info) | **Email:** Redact (personal info)

[@nfus.org.uk](mailto:nfus.org.uk) | **Website:** <http://www.nfus.org.uk/>

**NFU Scotland Virtual Conference and AGM**  
**10 and 11 February 2022**



*All sessions at NFU Scotland's action-packed 2022 conference on 10 and 11 February have been recorded. [Click here to view](#)*

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**Enclosure 11a Document: Draft response to NFUS micase slurry Storage**

Thank you for your letter of 28 March regarding the introduction of the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 and your concerns . around the requirements for slurry storage.

As you are well aware the slurry storage provisions remained mostly unchanged for 30 years and it was absolutely necessary that these were brought up to date to develop resilience and sustainability in the agricultural sector. These new regulations have introduced improved controls over the storage of slurry to reduce the risks of pollution, and more targeted spreading to maximise the nutrient benefit and reduce emissions. [anything about NFUS' contribution to the process? Or response to the charge of the measures being 'purely regulatory'?].

Of course, support has been provided to enable farmers to modernise their slurry storage over a number of years now and the AECS 2022 round is currently open for slurry storage applications for famers and crofters within the SEPA identified priority catchments which includes parts of Orkney and the Kintyre peninsula. Agri-environment support has been prioritised in the face of significant cuts to our budget resulting from UKG renegeing on public commitments and I have been clear in my commitment to continue this support although I cannot pre-empt what budget allocations will be available to me.

Turning to your comments regarding SACGS 2022, the scheme has been developed to recognise feedback from stakeholders, including the ARIOB, which called for better targeting and support to be given to equipment with a recognised evidence base. To address these issues, it was decided that the scheme would specifically target low emission slurry spreading equipment and slurry store covers that are proven to lower ammonia emissions by up to 70%, and reduce adverse impacts on water and air quality.

The focussed nature of the SACGS 2022 also reflects the overall capital funding picture for 2022-23 which is more constrained than in previous years. The scheme will build on the £2.1m offered in the SACGS pilot for such equipment and is commensurate with current equipment supply challenges. I would also highlight that SACGS 2022 is not a single option for change but should be considered in the context of the wider allocation of £25 million for transformative actions which includes the National Test Programme.

[Do we want to say anything here about future decisions on AECS? SACGS linking to the NTP?]

**Enclosure 11b Document: 0322 Cabinet Secretary letter slurry**

28 March 2022

Mairi Gougeon MSP  
Cabinet Secretary for Rural Affairs and Islands  
Scottish Government  
St Andrews House  
Regent Road  
EH1 3DG

**Sent by email:** CabSecRAI@gov.scot

Dear Mairi,

I write with regard to the introduction of the

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fssi%2F2021%2F412%2Fmade%2Fdata.pdf&data=04%7C01%7Csarah.cowie%40nfus.org.uk%7Cd4a28476389440b14aff08da05dbab38%7Cb92549c3cd2a499681b68d328ca7ebeb%7C1%7C0%7C637828738276734740%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ij1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=KGC%2BHwF187kjlUS%2BIsbAIZ%2BrH3sx4wuzE9eRrBF6k0Q%3D&reserved=0>. In

particular, we have significant concerns around the slurry storage requirements and what that might mean in terms of business viability set against environmental gain.

NFU Scotland supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality. However, we are very concerned that the financial impacts of compliance on a number of agricultural businesses may threaten their economic viability, as well as Scotland's rural economy and wider supply chain. Whilst regulations will mitigate against environmental damage, measures must also be put in place to mitigate against economic and social damage if a 'just transition' is to be achieved.

Baseline regulation must form part of the solution to help address climate change, through greenhouse gas emissions reductions, and minimising pollution risks. However, the consolidation of the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 into the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ('CARs'), which came into effect from 1 January this year, will be a purely regulatory solution that delivers

nothing for the Scottish economy or for fragile rural communities highly dependent on agricultural production as the mainstay of economic activity.

In particular, the new Regulations effectively roll out the requirements of the Action Programme for Nitrate Vulnerable Zones (NVZs) in terms of slurry storage capacity requirements. The new Regulations require minimum slurry storage of 22 weeks for housed cattle and 26 weeks for housed pigs across Scotland. While the new Regulations allow for a four-year transition period to help farm businesses become compliant, affording such time provides only limited assistance. The true costs of compliance will be the capital investment requirements faced by a number of farm businesses – not least in economically fragile locations such as the Kintyre milk field and the Orkney beef sector.

A proportionate and enabling regulatory solution is required that delivers the desired environmental ('public goods') outcomes without excessive, punitive or business threatening costs to individual farm businesses. In the context of just transition, the delivery of public goods must not be met by private cost – nor be seriously damaging to sectors of Scottish agriculture that are the first links in supply chains of significant worth to the food and drinks sectors and the Scottish economy as a whole.

We appreciate that over the next few years both Scottish Government and SEPA are intent on working with NFU Scotland, through initiatives such as Farming and Water Scotland, to provide farm businesses with appropriate options and advice to ensure compliance and, moreover, help enable good or best practice. However, that will not address the implications of significant financial (capital) investment that will be required in a number of circumstances – additional costs that cannot be recovered via enhanced market returns or which banks are willing to provide additional lending for because such investment does not yield a financial return.

For investment in slurry storage, the only current available support is through the very limited Agri-Environment Climate Scheme (AECS). Our understanding is that, since launching in 2016, some 134 slurry storage applications have been approved under AECS - thereby committing £5.21 million. There was no application round in 2020, as the Scottish Government decided to extend agri-environment and organics contracts expiring in 2020 for a further year instead. Ministers then decided in December 2020, due to budgetary concerns, to open a restricted AECS application round in 2021 which included support for slurry stores. On those figures, from a total AECS budget of some £290 million since 2016, it appears that less than 2 per cent has been allocated to slurry storage. Moreover, Whilst the Scottish Government has now committed to its continuity of AECS from 2022 to 2024, it is

also clear that the agri-environment measures budget line (within the Scottish Budget published in December 2021) has been cut from £42.7 million in 2020-21 to £35.8 million in 2022-2023.

Therefore, NFU Scotland is calling on the Scottish Government to significantly enhance the agri-environment measures budget as a matter of priority and to specifically fund the capital investment that will be required for slurry storage over the next three years. Moreover, the element of funding for slurry storage investment should be ring-fenced within AECS and made more widely accessible – unlike previous iterations of AECS where location was a determining factor in eligibility – as well as increasing the grant rate.

In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the ‘transformational’ funding required across all sectors and business types. To be effective in the context of emissions reductions and environmental enhancement, the SACGS would have to be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.

I fully appreciate your commitment to enabling Scottish agriculture to deliver high quality food production, climate mitigation and adaptation, and nature restoration – as well as its critical role for thriving rural and island communities. As such, regulatory safety nets are needed - in this case, minimum slurry storage requirements. However, it is also the case that financial support, as well as advice, must be effectively provided if desired outcomes are to be realised through a just transition.

I look forward to hearing from you.

Yours sincerely,

Martin Kennedy  
President, NFU Scotland

Cc Mairi McAllan MSP (Minister for Environment and Land Reform) and Kate Forbes MSP (Cabinet Secretary for Finance and the Economy)

**Enclosure 12 RE: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)**

Hi Redact (personal info)

As requested, here are some lines on the new Regulations in regards to phasing out of broadcast spreading of slurries by splash plates and the introduction of low-emission, precision spreading equipment and that, providing they are fit for purpose, slurry stores built prior to 1991, can be retained, but all farms keeping cattle must have adequate slurry storage of 22 weeks.

*Controls over construction standards for slurry stores have been in place since 1991 in the Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO). These SSAFO measures have now been consolidated into the Water Environment (Controlled Activities)(Scotland) Regulations 2011 by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021. The new Regulations have introduced improved controls over the storage of slurry to reduce leakage, and more targeted spreading to maximise the nutrient benefit and reduce emissions.*

### **Slurry storage**

*The current SSAFO construction standards remain mostly unchanged. However, the new CAR regulations general binding rules require slurry stores constructed prior to September 1991 no longer have exempt status and must comply with a basic set of construction standards. Stores built before 1 September 1991 have a 4 year transitional period from 1 January 2022 to comply with the rules.*

### **Slurry storage capacity**

The slurry storage capacity requirement is consolidated across Scotland at 22 weeks for housed cattle and 26 weeks for housed pigs rather than the current 2 differing regimes for SSAFO and the Action Programme for Nitrate Vulnerable Zones. For housed cattle this is actually a reduction from the 6 months currently required by SSAFO. To achieve compliance with the 22/26 week minimum storage requirement a 4 year transitional period from 1 January 2022 will apply to all those farming outwith a Nitrate Vulnerable Zone.

### **Low emission spreading equipment**

*It is estimated that agricultural activities account for around 90% of ammonia emissions. Low emission slurry spreading systems give more control over application and minimise runoff and emissions to air. Broadcast spreading by splash plates will be phased out:*

- *from 1 January 2023 slurry may not be applied by means of high trajectory raised splash plate or rain guns*
- *from 1 January 2023 slurry must be applied using precision equipment when:*
  - (i) applied by contractors,*
  - (ii) applied on farms with more than 100 milking cows, or 200 beef cattle livestock units, and*
  - (iii) applied on pig units with more 800 fattening pigs or 800 sows.*
- *from 1 January 2023 liquid digestate can only be applied using precision equipment,*
- *from 1 January 2027 all slurry must be applied by precision equipment.*



I hope you find these useful.

Regards

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 02 March 2022 11:44

**To:** Redact (personal info) >

**Subject:** RE: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)

Thanks Redact (personal info),

Its due up to PO today so if you could get lines over today it would be greatly appreciated. Happy if this is later on as I am aware it's short notice and you will have other things on your plate.

Kind Regards

Redact (personal info)

Redact (personal info) | [Are : Agriculture Policy Division](#) | [Apd : Agriculture Transformation For Environment And Climate Change](#) | Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 02 March 2022 11:40

**To:** Redact (personal info) >

**Cc:** Redact (personal info)>

**Subject:** RE: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)

Hi Redact (personal info)

That's fine, it happens all the time with MiCases and you can also find teams working on duplicate correspondence at the same time.

I'm the only person in my team at the moment so just give me a deadline for when you need the lines.

Thanks

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info) >  
**Sent:** 02 March 2022 11:35  
**To:** Redact (personal info) >  
**Cc:** Redact (personal info)>  
**Subject:** FW: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)  
**Importance:** High

Hi Redact (personal info),

Apologies for sending over the MiCase yesterday, I am somewhat new to my position and still getting to grips with what's for who etc. and was of the impression that it was for your team. I was not sighted in the below email thread but knowing what I do now I will take lead on this.

Could you or someone in your team please provide me with top lines, possibly on the new regulations that have come into force and those being phased in over the next five years. Also any lines on the phasing out of broadcast spreading of slurries by splash plates and the introduction of low-emission, precision spreading equipment and retaining slurry stores?

Any lines would be a great help as it will give me a bit more of an understanding also.

Thanks  
Kind Regards  
Redact (personal info)

Redact (personal info) | [Are : Agriculture Policy Division](#) | [Apd : Agriculture Transformation For Environment And Climate Change](#) | Redact (personal info)

**From:** Redact (personal info)>  
**Sent:** 02 March 2022 09:47  
**To:** Redact (personal info) >  
**Subject:** FW: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)  
**Importance:** High

Redact (personal info) | [Agriculture Policy Division](#) | [Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD](#) | [T 0300 244 Redact \(personal info\)](#)

**From:** Redact (personal info) >  
**Sent:** 25 February 2022 11:24  
**To:** Redact (personal info)>  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** FW: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)  
**Importance:** High

Hi Redact (personal info)

I contacted Redact (personal info) and Redact (personal info) as you suggested, and received the email below.

The team have said that given the request concerns funding they are willing to provide lines but not willing to take the lead.

Given the SACGS does provide funding, can I assign it to you?

Thanks

Redact (personal info)

**From:** Redact (personal info) >  
**Sent:** 25 February 2022 10:20  
**To:** Redact (personal info) >  
**Cc:** Redact (personal info)>; Redact (personal info) >; Redact (personal info)>  
**Subject:** RE: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)

Redact (personal info)

As you will have seen Redact (personal info) has Redact (personal info), and today is my Redact (personal info). Redact (personal info) will be main contact in our team in the short term.

Redact (personal info) is quite correct in that we have policy responsibility for the regulations but I note from the line below that the correspondence specifically requests information on funding over which we have no control.

I would be grateful if you could outline any packages, or consideration of packages, to support crofters and farmers in the islands as such support would help allow for the necessary transition to take place.

I am sure Redact (personal info) would be content to add some text from a water protection point of view but I consider the main request is not for our team.

Regards

Redact (personal info)

**From:** Redact (personal info) >  
**Sent:** 25 February 2022 10:04  
**To:** Redact (personal info) >; Redact (personal info) >  
**Cc:** Redact (personal info)>  
**Subject:** FW: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)  
**Importance:** High

Good Morning

I've been allocated the attached correspondence on the MiCase system which concerns the effect of new Water Environment Regulations, specifically slurries and the phasing out of broadcast slurry spreading, and the effect of this on farmers and crofters.

I'm happy to provide a contribution for crofting, but this isn't a case for me to answer. Having spoken to Redact (personal info) this morning, he suggested it is your policy area. Can you confirm who in your team I should assign the case to?

Kind regards

Redact (personal info)

**From:** Redact (personal info) > **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands  
**Sent:** 17 February 2022 12:13  
**To:** Public Engagement Unit <[CorrespondenceUnit@gov.scot](mailto:CorrespondenceUnit@gov.scot)>  
**Cc:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Subject:** FW: MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)

FOR MR please.

Redact (personal info) Cabinet Secretary for Rural Affairs and Islands

---

Redact (personal info) | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

**From:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Sent:** 17 February 2022 11:57  
**To:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Subject:** MPO - FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations - Redact (personal info)

Good morning

[The email enquiry below was received at the Central Enquiry Unit today.](#)

I would be grateful if you would deal with this or forward it to the appropriate person / area of business.

*You may wish to acknowledge receipt of this email to the enquirer.*

Thank you

Redact (personal info)

**Reminder:** If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. Please refer to the [FOI Guidance](#). All FOI requests received must be registered on [Micase](#)

Redact (personal info) | iTECS: Central Enquiry Unit | Digital Directorate | Scottish Government | Ext: Redact (personal info) | Tel: 0131 244 Redact (personal info) | Email: Redact (personal info)



**From:** Redact (personal info)>  
**Sent:** 17 February 2022 11:52  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Subject:** FAO Cabinet Secretary for Rural Affairs and Islands - Letter from Beatrice Wishart MSP re Water environment regulations

FAO Cabinet Secretary for Rural Affairs and Islands –

Please find attached a letter from Beatrice Wishart MSP regarding water environment regulations.

Kind regards,  
Redact (personal info)

Redact (personal info) Beatrice Wishart MSP | Shetland

\*\*\*\*\*

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\*\*\*\*\*

**Enclosure 13 RE: Update on progress for the CCPu Comment/ question from George Burgess**

Redact (personal info)

I think the extent of uncovered stores is a bit of a red herring. The majority of successful applicants applied for low emission spreading equipment and we know that will result in at least a 30% reduction in ammonia emissions, assuming that this was spread using splash-plates previously.

Redact (personal info)

**From:** Redact (personal info)>

**Sent:** 01 August 2022 13:22

**To:** Redact (personal info) >; Redact (personal info)>; Redact (personal info) >

**Subject:** Update on progress for the CCPu Comment/ question from George Burgess

All, I'd be grateful if you should be so kind as to review the text below, please. It would be very helpful if you could get back to me this afternoon, please. Apologies for the short notice.

Thanks,

Redact (personal info).

Comment:

“Emissions from slurry &c. “Indicator progress” column refers to 2016 data. Given we have just focused SACGS on slurry storage, I'm assuming we have rather more recent data/evidence on the extent of uncovered storage and therefore an assessment of the extent to which the 550 SACGS applications would make a difference.”

Response:

SACGS 2022 offered support relating to low emission slurry spreading equipment and slurry store covers. AECS offers support for slurry storage in SEPA catchment areas.

There is evidence that all items supported in SACGS 2022 reduce ammonia emissions (which was the theme for the scheme this year following the introduction of the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021). SAC consulting provided this data in various reports published in 2020 **[DN: was all the evidence from 2020 SAC reports?]**. Given we know the emission reduction capability associated with each capital item supported through SACGS, and the numbers of each piece of equipment it should be possible to calculate an estimated effect on emissions of the equipment supported through SACGS 2022. **[DN Redact (personal info) is this true? It would seem to be a mechanically straight forward calculation along the lines of X units of equipment multiplied by Y tonnes of emissions reduced per unit/head/ per year, but there may be reasons why the calculation does not work that way!]**.

In terms of evidence in relation to slurry storage, we have no systematic information on the number of farms with slurry storage. Anecdotally we know the most common type of slurry storage in Scotland is slatted sheds which cannot be covered. Unfortunately what information we had relating to slurry storage in Scotland was held by SEPA and that was apparently lost in the cyber-attack on them in 2020.

Redact (personal info) | [Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244](#) Redact (personal info)

**Enclosure 14** Email: RE: Submission – The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 09 November 2021 15:08

**To:** Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Yes that is ok. I had hoped to get an ARIOB reference earlier in the sub but if that doesn't work let's go with what flows best.

---

**John Kerr** | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 Redact (personal info) | Mobile Redact (personal info) | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >

**Sent:** 09 November 2021 14:49

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

John, sorry to come back to you in the first additional sentence do you mean

In addition, adopting option 2 or 3 allows you to show you have listened to the ARIOB criticism of the current approach and allows you to demonstrate that future actions, are to be more targeted, as you signalled in that discussion.

I have also taken the liberty of moving that sentence to para 12, where I think it sits more appropriately (in another point about ARIOB), I trust that is ok.

Thanks.

Redact (personal info).

Redact (personal info) | Head of Agricultural Transformation Policy Development | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 09 November 2021 11:23

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >; Director of Agriculture and Rural Economy <[DirectorARE@gov.scot](mailto:DirectorARE@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info),

I should have picked this up earlier (so apologies to you Kate for this intervention).



Can we add to para 3 the following:

3. As you are aware the Sustainable Agriculture Capital Grant Scheme (SACGs) was run as a pilot in 2020 and has run into a number of supply related problems and some criticism relating to its non-targeted and non-conditional nature of the support offered. **Adopting option 2 or 3 set out below allows you to demonstrate you have listened to the ARIOB criticism of the current approach and allows you to demonstrate the actions, to be more targeted, you signalled in that discussion.**

Further background may be found at Annex A.

at para 15 could we add the following:

15. All the options have been considered against a backdrop of an indicative £15m allocation as detailed in the last Capital Spending Review although the actual ATF budget will be determined by the settlement for the Scottish Budget in December for 2022-23 and, for future years, on the announcement of the Spending Review outcome in spring 2022. **The overall capital picture for 2022/23 is more constrained than previously anticipated so funding levels associated with all of the options will be held in reserve to allow you flexibility across the capital pressures, including potential costs associated with the National Test Programme, in your budget.**

John

---

John Kerr | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 Redact (personal info) | Mobile Redact (personal info) | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >  
**Sent:** 09 November 2021 10:12  
**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >  
**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

I should have also said we aim to get the sub to the Cabinet Secretary early this afternoon.

Redact (personal info) | Head of Agricultural Transformation Policy Development | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Redact (personal info)  
**Sent:** 09 November 2021 10:11  
**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Kate,

This is a draft submission on the ATF for next year that presents some options to the Cabinet Secretary particularly in relation to slurry management which may, should the Cabinet Secretary wish to proceed with those, provide a helpful line in an announcement in relation to support to the sector for slurry management in the light of the new regulations.

Happy to join the call.

Kind regards,

Redact (personal info).

Redact (personal info) | Head of Agricultural Transformation Policy Development | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 09 November 2021 08:59

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs

<[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; DL SPADS Admin <[DLSPADSAdmin@gov.scot](mailto:DLSPADSAdmin@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>;

Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >;

McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications COP26

<[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Hi am presuming someone is going to arrange a call today to agree approach?

Sent with BlackBerry Work

([www.blackberry.com](http://www.blackberry.com))

**From:** Redact (personal info) >

**Date:** Monday, 08 Nov 2021, 2:11 pm

**To:** Redact (personal info) >, Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Communications Net Zero & Rural Affairs

<[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>,

Redact (personal info) >, Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>, Redact (personal info) >,

McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>, Redact (personal info) >, Redact

(personal info) >, Redact (personal info) >, Communications COP26  
<[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info) - Grateful if Redact (personal info) could pick up with comms team leaders tomorrow via the Comms COP box.

Redact (personal info) | **Communications: News (Rural Affairs & Islands)**

Redact (personal info)

Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info)

**From:** Redact (personal info)

**Sent:** 08 November 2021 09:01

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications COP26 <[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Adding Comms COP box

Redact (personal info) | **Communications: News (Rural Affairs & Islands)**

Redact (personal info)

Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 08 November 2021 09:01

**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Hi Kate,

Ian is back in the office tomorrow and will pick it up then.

Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 06 November 2021 10:46

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

I agree with [redact] - can we link up with Comms on it ahead of our meeting Redact (personal info)? Thanks

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** Redact (personal info) >

**Date:** Friday, 05 Nov 2021, 3:57 pm

**To:** Redact (personal info) >, Redact (personal info) >, Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>, Redact (personal info) >, Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>, Redact (personal info) >, McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

All

We are having a discussion with Kate on this.

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 05 November 2021 15:55

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Thanks Redact (personal info)

Given these regulations will now be laid during COP and the recent UK commitments around methane, along with our wider climate change commitments (I note that this progresses one of the policies in the CCPu) I wonder if there is an opportunity to promote the agriculture elements of these regulations through a press release? While this will require some investment from the industry, it is a good news story and supports ministers aim of a more sustainable agriculture sector.

Grateful for a view from Comms colleagues and SPADs

Kind regards

[redact]

Redact (personal info)

Redact (personal info) | Scottish Government

**Tel:** 0300 244 Redact (personal info) | **Mob:** Redact (personal info)

***I am working remotely and contactable via email, Teams, or on my mobile number above***

**From:** Redact (personal info) >

**Sent:** 05 November 2021 10:05

**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Kate

I am picking this up from our side. Unfortunately I am only around this morning today.

With regard to interaction with NBS I think it would be best to deal with the two measures separately. I have forwarded the invite for this aft NBS meeting to Redact (personal info) who is more knowledgeable on the subject.

As I think you are now aware the regulations were delayed and will now be laid on the 11<sup>th</sup> Nov.

We had not planned any SG press release around what is mostly a consolidation of existing water quality legislation into the Controlled Activities Regulations. There is of course the inclusion of storage of liquid digestate and the phased move to precision

application methods. The latter being the measure which will bring benefit to air quality and reduce ammonia emissions, and is of interest to you.

The NFUS have prepared a positive article for publication in the Dec issue of Scottish Farming Leader. I attach a copy with the caveat that this is embargoed until publication. NFUS have also been in discussion with SRUC on collaboration of dissemination of revised rules.

We have also been working with SRUC on roll out through Farming and Water Scotland. There are a number of possible measures planned including:

- Scottish Farmer advertorial highlighting the proposed changes and practical ideas to maximising existing slurry storage capacity (November)
- New material on FWS pages – increasing slurry storage capacity; storage maintenance checklist
- FAS/FWS video showcasing what other farmers have done to maximise storage capacity on farm
- Article through FAS on changes to legislation – link to FWS
- Update and new sections in FWS KTRs booklet (Dec/Jan); update to FWS pages
- Scottish Farmer advertorial highlighting the new regulations in force (January)
- Podcast – practical tips and hints for complying with new regs
- Annual FWS webinar series - x4 events over a 4 week period; complementary to messages in this years 'Managing Slurry for folks in a hurry' (Feb/March)
- Podcast and Scottish Farmer advertorial highlighting nutrient value in slurry and how this is enhanced through better application techniques; links to financial savings through improved practices (April)

Also, on your additional point of not saying much on non-compliance in NVZs. Could you please elaborate on any information you have on this non-compliance. We currently have a fairly good relationship with NFUS on introducing these regulations and would wish that to continue.

Happy to discuss how you would wish to take this forward.

regards

Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 04 November 2021 17:24

**To:** Redact (personal info) >; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy <[DGEEconomy@gov.scot](mailto:DGEEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >;

Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison) <[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord

Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info)

The intention had been to lay these regs on 28 October – did that happen? The Cab Sec obviously didn't reference this at NFUS autumn conference but I do think there is scope to announce this as a positive development during COP almost to show our willingness to address these issues, providing a useful synergy with the methane initiative announcement etc

Also we appear to be saying nothing very much about currently non compliance in NVZs nor about making all stores pre and post 91 compliant, if not now at least over a specified time frame. I am also conscious that we have underspent the ATF last year and this year.

Can we have a discussion beyond laying the regs about next steps around this? Also about spreading and timescales and rules on that? I am not sure I totally understand those so that would be a helpful discussion to have and what, if anything, might be possible in that regard (though appreciate Joyce and Ian, this might not be for you)

Many thanks

Kate

Kate Higgins  
Special Advisor to the First Minister  
Rural Affairs, Islands and Transport  
0131 244 [redact]

Please continue to follow the public health guidance on coronavirus at

<https://www.nhsinform.scot/coronavirus>

Scottish Government

St Andrew's House, 2 Regent Road, Edinburgh, EH1 3DG

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot).

**From:** Redact (personal info) >

**Sent:** 08 October 2021 12:53

**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DGEEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;  
Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison)  
<[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord  
Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Kerr J (John)  
<[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Berge K (Kersti)  
<[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser)  
<[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >;  
Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>  
**Subject:** Submission - The Water Environment (Controlled Activities) (Scotland) Amendment  
Regulations 2021

Minister for Environment and Land Reform

Please find attached a submission from Redact (personal info) regarding amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These amendments have 4 key aims:

- to consolidate the requirements of The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (“SSAFO”) into CAR, in the interests of simplification;
- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

The submission is accompanied by

- a summary of consultation responses and the Scottish Government response (Annex B)
- the draft Regulations (Annex C)
- a draft Policy Note (Annex D).

Redact (personal info)

Redact (personal info) – Redact (personal info) – **Environmental Quality and Circular Economy Division**  
**Currently working from home** – Redact (personal info)



**Enclosure 15 FW: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**  
Document 6.

Let me know if these aren't the ones.

Redact (personal info)

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 09 November 2021 15:08

**To:** Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Yes that is ok. I had hoped to get an ARIOB reference earlier in the sub but if that doesn't work let's go with what flows best.

---

**John Kerr** | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 [redact] | Mobile [redact] | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >

**Sent:** 09 November 2021 14:49

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

John, sorry to come back to you in the first additional sentence do you mean

In addition, adopting option 2 or 3 allows you to show you have listened to the ARIOB criticism of the current approach and allows you to demonstrate that future actions, are to be more targeted, as you signalled in that discussion.

I have also taken the liberty of moving that sentence to para 12, where I think it sits more appropriately (in another point about ARIOB), I trust that is ok.

Thanks.

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 09 November 2021 11:23

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs [CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>;

Redact (personal info) >; Director of Agriculture and Rural Economy <[DirectorARE@gov.scot](mailto:DirectorARE@gov.scot)>  
**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info) ,

I should have picked this up earlier (so apologies to you Kate for this intervention).

Can we add to para 3 the following:

3. As you are aware the Sustainable Agriculture Capital Grant Scheme (SACGs) was run as a pilot in 2020 and has run into a number of supply related problems and some criticism relating to its non-targeted and non-conditional nature of the support offered. **Adopting option 2 or 3 set out below allows you to demonstrate you have listened to the ARIOB criticism of the current approach and allows you to demonstrate the actions, to be more targeted, you signalled in that discussion.**

Further background may be found at Annex A.

at para 15 could we add the following:

15. All the options have been considered against a backdrop of an indicative £15m allocation as detailed in the last Capital Spending Review although the actual ATF budget will be determined by the settlement for the Scottish Budget in December for 2022-23 and, for future years, on the announcement of the Spending Review outcome in spring 2022. **The overall capital picture for 2022/23 is more constrained than previously anticipated so funding levels associated with all of the options will be held in reserve to allow you flexibility across the capital pressures, including potential costs associated with the National Test Programme, in your budget.**

John

---

John Kerr | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 [redact] | Mobile [redact] | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info)>

**Sent:** 09 November 2021 10:12

**To:** Higgins K (Kate) <>

**Cc:** Redact (personal info)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

I should have also said we aim to get the sub to the Cabinet Secretary early this afternoon.

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) M Redact (personal info)

**From:** Redact (personal info)  
**Sent:** 09 November 2021 10:11  
**To:** Higgins K (Kate) <>  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >  
**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Kate,

This is a draft submission on the ATF for next year that presents some options to the Cabinet Secretary particularly in relation to slurry management which may, should the Cabinet Secretary wish to proceed with those, provide a helpful line in an announcement in relation to support to the sector for slurry management in the light of the new regulations.

Happy to join the call.

Kind regards,

Redact (personal info)

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 09 November 2021 08:59

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; DL SPADS Admin <[DLSPADSAdmin@gov.scot](mailto:DLSPADSAdmin@gov.scot)>  
**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications COP26 <[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Hi am presuming someone is going to arrange a call today to agree approach?

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** Redact (personal info) >

**Date:** Monday, 08 Nov 2021, 2:11 pm

**To:** Redact (personal info) >, Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>, Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>, Redact (personal info) >, Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>, Redact (personal info) >, McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Communications COP26 <[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info) - Grateful if Redact (personal info) could pick up with comms team leaders tomorrow via the Comms COP box.

Redact (personal info) | **Communications: News (Rural Affairs & Islands)**

Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info)

**From:** Redact (personal info)

**Sent:** 08 November 2021 09:01

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications COP26 <[CommunicationsCOP26@gov.scot](mailto:CommunicationsCOP26@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Adding Comms COP box

Redact (personal info) | **Communications: News (Rural Affairs & Islands)**

Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 08 November 2021 09:01

**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; @gov.scot>; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Hi Kate,

Redact (personal info) is back in the office tomorrow and will pick it up then.

Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 06 November 2021 10:46

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

I agree with Redact (personal info) - can we link up with Comms on it ahead of our meeting Redact (personal info)? Thanks

Sent with BlackBerry Work

([www.blackberry.com](http://www.blackberry.com))

**From:** Redact (personal info) >

**Date:** Friday, 05 Nov 2021, 3:57 pm

**To:** Redact (personal info) >, Redact (personal info) >, Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >, Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>, Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>, Redact (personal info) >, Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>, Redact (personal info) >, McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>, Redact (personal info) >, Redact (personal info) >, Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

All

We are having a discussion with Kate on this.

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 05 November 2021 15:55

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact

(personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Thanks Redact (personal info)

Given these regulations will now be laid during COP and the recent UK commitments around methane, along with our wider climate change commitments (I note that this progresses one of the policies in the CCPu) I wonder if there is an opportunity to promote the agriculture elements of these regulations through a press release? While this will require some investment from the industry, it is a good news story and supports ministers aim of a more sustainable agriculture sector.

Grateful for a view from Comms colleagues and SPADs

Kind regards

Redact (personal info)

Redact (personal info) | Scottish Government

**Tel:** 0300 244 Redact (personal info) | **Mob:** Redact (personal info)

***I am working remotely and contactable via email, Teams, or on my mobile number above***

**From:** Redact (personal info) >

**Sent:** 05 November 2021 10:05

**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >

**Cc:** Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Kate

I am picking this up from our side. Unfortunately I am only around this morning today.

With regard to interaction with NBS I think it would be best to deal with the two measures separately. I have forwarded the invite for this aft NBS meeting to Redact (personal info) who is more knowledgeable on the subject.

As I think you are now aware the regulations were delayed and will now be laid on the 11<sup>th</sup> Nov.

We had not planned any SG press release around what is mostly a consolidation of existing water quality legislation into the Controlled Activities Regulations. There is of course the inclusion of storage of liquid digestate and the phased move to precision

application methods. The latter being the measure which will bring benefit to air quality and reduce ammonia emissions, and is of interest to you.

[redact] under EIR regulation 10(4)(e) Internal Communications.

We have also been working with SRUC on roll out through Farming and Water Scotland. There are a number of possible measures planned including:

- Scottish Farmer advertorial highlighting the proposed changes and practical ideas to maximising existing slurry storage capacity (November)
- New material on FWS pages – increasing slurry storage capacity; storage maintenance checklist
- FAS/FWS video showcasing what other farmers have done to maximise storage capacity on farm
- Article through FAS on changes to legislation – link to FWS
- Update and new sections in FWS KTRs booklet (Dec/Jan); update to FWS pages
- Scottish Farmer advertorial highlighting the new regulations in force (January)
- Podcast – practical tips and hints for complying with new regs
- Annual FWS webinar series - x4 events over a 4 week period; complementary to messages in this years 'Managing Slurry for folks in a hurry' (Feb/March)
- Podcast and Scottish Farmer advertorial highlighting nutrient value in slurry and how this is enhanced through better application techniques; links to financial savings through improved practices (April)

Also, on your additional point of not saying much on non-compliance in NVZs.

Could you please elaborate on any information you have on this non-compliance. We currently have a fairly good relationship with NFUS on introducing these regulations and would wish that to continue.

Happy to discuss how you would wish to take this forward.

regards

Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 04 November 2021 17:24

**To:** Redact (personal info) >; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DG_Economy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison)

<[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord

Advocate <[DLPCEALS@gov.scot](mailto:DLPCEALS@gov.scot)>; Redact (personal info) >; Scott A (Andrew) Dr

<[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact

(personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J

(John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Redact (personal info) >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Redact (personal info)

The intention had been to lay these regs on 28 October – did that happen? The Cab Sec obviously didn't reference this at NFUS autumn conference but I do think there is scope to announce this as a positive development during COP almost to show our willingness to address these issues, providing a useful synergy with the methane initiative announcement etc

Also we appear to be saying nothing very much about currently non compliance in NVZs nor about making all stores pre and post 91 compliant, if not now at least over a specified time frame. I am also conscious that we have underspent the ATF last year and this year.

Can we have a discussion beyond laying the regs about next steps around this? Also about spreading and timescales and rules on that? I am not sure I totally understand those so that would be a helpful discussion to have and what, if anything, might be possible in that regard (though appreciate Joyce and Ian, this might not be for you)

Many thanks

Kate

Kate Higgins

Special Advisor to the First Minister

Rural Affairs, Islands and Transport

0131 244 [redact]/[redact]

Please continue to follow the public health guidance on coronavirus at

<https://www.nhsinform.scot/coronavirus>

Scottish Government

St Andrew's House, 2 Regent Road, Edinburgh, EH1 3DG

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot).

**From:** Redact (personal info) >

**Sent:** 08 October 2021 12:53

**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; DG Economy

<[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Director of Environment & Forestry <[director.enfor@gov.scot](mailto:director.enfor@gov.scot)>;

Grisewood A (Aidan) <[Aidan.Grisewood@gov.scot](mailto:Aidan.Grisewood@gov.scot)>; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison)



<[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Berge K (Kersti) <[Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot)>; Redact (personal info) >; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; >; Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>  
**Subject:** Submission - The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021

Minister for Environment and Land Reform

Please find attached a submission from **Redact (personal info)** regarding amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2011. These amendments have 4 key aims:

- to consolidate the requirements of The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (“SSAFO”) into CAR, in the interests of simplification;
- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production from anaerobic digestion;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

The submission is accompanied by

- a summary of consultation responses and the Scottish Government response (Annex B)
- the draft Regulations (Annex C)
- a draft Policy Note (Annex D).

Redact (personal info)

Redact (personal info) – **Environmental Quality and Circular Economy Division**  
**Currently working from home –**



“While slurry provides important nutrients for use on our farms, it can also be damaging to our natural environment if not used properly, causing harmful emissions into our air and water. Agriculture accounts for around 90% of ammonia emissions.

“After 30 years, remaining mostly unchanged, slurry storage provisions have been brought up to date to develop resilience and sustainability in the agricultural sector. We have provided support to enable farmers to modernise their slurry storage over a number of years.

“The new regulations have introduced improved controls over the storage of slurry to reduce the risks of pollution, and more targeted spreading to maximise the nutrient benefit and reduce emissions. We understand that farms will not be able to introduce these changes overnight. The changes will be phased in, with some farms having up to five years to comply.

“Following the Sustainable Agriculture Capital Grant (SACGS) pilot scheme, stakeholders called for better targeting and support to be given to equipment with a recognised evidence base. The 2022 scheme addresses these issues and specifically targets low emission slurry spreading equipment and slurry store covers that are proven to lower ammonia emissions, protecting our vital water environment and reducing the agricultural impact on climate change and air quality.

“The AECS 2022 round is currently open for slurry storage applications for famers and crofters within the SEPA identified priority catchments, this includes parts of Orkney and the Kintyre peninsula. Farmers and crofters can check if the option is available on their holdings by checking the targeting tool on the AECS website.”

**From:** NFU Scotland <[nfuscootland@nfus.org.uk](mailto:nfuscootland@nfus.org.uk)>

**Sent:** 29 March 2022 15:19

**Subject:** NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES



## *News Release*

Date : 29 March 2022

Number : 24/22

Contact : Bob Carruth

Telephone : [redact]

Email : [redact]

### **CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES**

NFU Scotland is calling on the Scottish Government to increase the agri-environment budget as a matter of priority to specifically fund the significant levels of capital investment that will be required on many Scottish farms to comply with new slurry storage rules coming into force over the next four years.

It calls for funding for slurry storage investment to be ring-fenced within the Agri-Environment Climate Scheme (AECS), the grant rate available per project to be increased and for the funding to be made more widely accessible. From a total AECS budget of some £290 million since 2016, it appears that less than 2 per cent has been allocated to slurry storage, with only 134 slurry storage applications approved.

In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the 'transformational' funding required. To be effective in reducing emissions and enhancing the environment, SACGS must be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.

NFU Scotland had an unprecedented level of response and concerns from members last year when consulting on the proposals. The Scottish Government's <https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fssi%2F2021%2F412%2Fmade%2Fdata.pdf&data=04%7C01%7Csarah.cowie%40nfus.org.uk%7Cd4a28476389440b14aff08da05dbab38%7Cb92549c3cd2a499681b68d328ca7eb7%7C1%7C0%7C637828738276734740%7CUnknown%7CTWFpbgZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=KGC%2BHwF187kjiUS%2BIsbAIZ%2BrH3sx4wuzE9eRrBF6k0Q%3D&reserved=0> came into force on 1 January 2022. The Union has described the regulations as a purely regulatory solution that delivers nothing for the Scottish economy or for fragile rural communities highly dependent on agricultural production.

The new regulations require minimum slurry storage of 22 weeks for housed cattle and 26 weeks for housed pigs across Scotland.

While the new regulations allow for a four-year transition period to help farm businesses become compliant, affording such time provides only limited assistance.

The true costs of compliance will be the cost of capital investment requirements faced by many farm businesses – not least in economically fragile locations such as the Kintyre milk field and the Orkney beef sector.

NFU Scotland President Martin Kennedy said: “The Union supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality.

“However, If reducing emissions and improving water quality are to be attained through a just transition, then transformational funding needs to be made available in addition to the backstop of regulatory compliance.

“The financial impacts of compliance with new regulations on slurry on some farms and crofts may threaten their economic viability. A proportionate solution is required that delivers the desired environmental outcomes without excessive or business threatening costs to individual farms and crofts.

“Over the next few years both Scottish Government and SEPA have committed to working with NFU Scotland, through initiatives such as Farming and Water Scotland, to provide farm businesses with appropriate options and advice to ensure compliance and, moreover, help enable good or best practice.

“That is welcome, and we will look to build on that through meetings being planned round the country later this year.

“However, it will not address the implications of significant financial investment that will be required by some. Those are additional costs that cannot be recovered from the marketplace or which banks are willing to provide additional lending for because such investment does not yield a financial return.

“A significantly enhanced support package is crucial to delivery of the new regulations and vital if production levels from some Scottish livestock farms and crofts is to be maintained.” Ends

### **Notes for Editors**

- For investment in slurry storage, the only current available support is through the very limited Agri-Environment Climate Scheme (AECS). Since launching in 2016, some 134 slurry storage applications have been approved under

AECS - thereby committing £5.21 million. There was no application round in 2020. Due to budgetary concerns, a restricted AECS application round opened in 2021 which included support for slurry stores. From a total AECS budget of some £290 million since 2016, less than 2 per cent has been allocated to slurry storage. Whilst the Scottish Government has committed to its continuity of AECS from 2022 to 2024, the agri-environment measures budget line has been cut from £42.7 million in 2020-21 to £35.8 million in 2022-2023.

- Regional case studies on the estimated costs faced by some farmers and crofters to comply with new slurry storage rules are available on request from [media@nfus.org.uk](mailto:media@nfus.org.uk)

## NFU Scotland

**NFU Scotland** | Rural Centre, West Mains, Ingliston, Newbridge, EH28 8LT

Tel: 0131 472 [redact] | Email: [nfuscotland@nfus.org.uk](mailto:nfuscotland@nfus.org.uk) | Website:

<http://www.nfus.org.uk/>

**NFU Scotland Virtual Conference and AGM**  
**10 and 11 February 2022**



*All sessions at NFU Scotland's action-packed 2022 conference on 10 and 11 February have been recorded. [Click here to view](#)*

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**Enclosure 17 Email: RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES**

Thanks Redact (personal info)

Still a useful figure to have and one we might want to return to in the context of ongoing pressure on fertiliser (adding Caspian for that reason).

By my reckoning that makes Slurry an asset worth c. £50 million to the industry nationally in fertiliser terms so an asset worth storing and using wisely. (6.35 million tonnes of slurry at £8.7 per tonne) (assumes slurry weighs roughly same as water at 1 tonne /m<sup>3</sup>).

John

---

John Kerr | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 [redact] | Mobile [redact] | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >  
**Sent:** 30 March 2022 14:01  
**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

John

Too late for the final response but based on latest fertiliser prices, 10m<sup>3</sup> cattle slurry worth about £87 based on an assumption of 50% recovery of potentially available N (applied using LESS equipment) and 100% availability of P and K.

Redact (personal info)

**From:** Redact (personal info)  
**Sent:** 30 March 2022 11:27  
**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >  
**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

John

It is difficult to do a comparative figure without knowing what assumptions were made previously. I am currently exploring with my SRUC contacts, who are unfortunately currently difficult to get hold of due to them being tied up with SAF submission! Leave it with me for now and I'll get back before the deadline either way.

Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 30 March 2022 09:53

**To:** Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

This is really helpful Redact (personal info) (and Redact (personal info)). Is it possible to recalculate the 10m<sup>3</sup> fertiliser value of slurry at today's money?

John

---

John Kerr | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 [redact] | Mobile [redact] | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >

**Sent:** 30 March 2022 08:56

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Hi John

In collaboration with Redact (personal info) here are some suggested lines in response to the NFUS press release:

*While slurry provides important nutrients for use on our farms, it can also be damaging to our natural environment if not used properly, causing harmful emissions into our air and water.*

*After 30 years, remaining mostly unchanged, slurry storage provisions have been brought up to date to develop resilience and sustainability in the agricultural sector. The new Regulations have introduced improved controls over the storage of slurry to reduce the risks of pollution, and more targeted spreading to maximise the nutrient benefit and reduce emissions.*



*Agriculture accounts for around 90% of ammonia emissions. By using low emission, precision equipment, we can reduce the ammonia emissions by up to 70%, protecting our vital water environment and reducing the agricultural impact on climate change.*

*As acknowledged by NFUS in their press release, the Scottish Government and SEPA are providing guidance to farmers on implementing these changes through Farming and Water Scotland.*

*Key facts:*

- The total quantity of slurry produced in Scotland is estimated at 6.35 million tons (1.67 billion gallons) per annum.*
- A single 10 m<sup>3</sup> tanker of slurry can have an equivalent fertiliser value of between £30 to £50 (prior to the recent price increases). Better use of the nutrients in slurry/manure/digestate can reduce fertiliser bills.*
- Spreading slurry using a splash plate can lose around 30% of the available nitrogen as ammonia gas in just the first 3 hours.*

I have attached the previous press release to support the new Regulations for information.

Thanks

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 29 March 2022 17:20

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** RE: Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Adding Redact (personal info) and Redact (personal info) for their respective interests.

Essentially we have focused the capital grants scheme to support slurry application and store covers as these regs were coming so our policy reflects the regulation change already. Redact (personal info)'s lines reflect this.

I think we also need to say that (Redact (personal info) may have better words to hand):

The regulations are intended to reduce that harm caused to the environment by agriculture through release of gases such as ammonia and also from leaching of nitrates into watercourses by improving slurry application techniques. This is a vital step in making agriculture more sustainable and we welcome the NFUS support in taking these steps.

Then use the lines that we are supporting though... as provided by Redact (personal info)).

Redact (personal info) might have something to add on preparing the industry including though work done in NVZ areas.

John

---

**John Kerr** | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 [redact] | Mobile [redact] | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) >

**Sent:** 29 March 2022 16:00

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** Media Enquiry: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Colleagues,

Just had a request in from P&J looking for a line on this for noon tomorrow.

Grateful for some suggested lines as a starting point please.

Best,

Redact (personal info)

Redact (personal info) Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info)

**From:** Redact (personal info)

**Sent:** 29 March 2022 15:22

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>

**Subject:** FW: NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

All – sending on for your info.

Redact (personal info) Scottish Government, St Andrew's House

**e:** Redact (personal info)

**m:** Redact (personal info))

**From:** NFU Scotland <[nfuscotland@nfus.org.uk](mailto:nfuscotland@nfus.org.uk)>

**Sent:** 29 March 2022 15:19

**Subject:** NFU SCOTLAND NEWS RELEASE 24 - CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES



## *News Release*

Date : 29 March 2022

Number : 24/22

Contact : Bob Carruth

Telephone : [redact]

Email : [redact]

### **CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES**

NFU Scotland is calling on the Scottish Government to increase the agri-environment budget as a matter of priority to specifically fund the significant levels of capital investment that will be required on many Scottish farms to comply with new slurry storage rules coming into force over the next four years.

It calls for funding for slurry storage investment to be ring-fenced within the Agri-Environment Climate Scheme (AECS), the grant rate available per project to be increased and for the funding to be made more widely accessible. From a total AECS budget of some £290 million since 2016, it appears that less than 2 per cent has been allocated to slurry storage, with only 134 slurry storage applications approved.

In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the

‘transformational’ funding required. To be effective in reducing emissions and enhancing the environment, SACGS must be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.

NFU Scotland had an unprecedented level of response and concerns from members last year when consulting on the proposals. The Scottish Government’s [Water Environment \(Controlled Activities\) \(Scotland\) Amendment Regulations 2021](#) came into force on 1 January 2022. The Union has described the regulations as a purely regulatory solution that delivers nothing for the Scottish economy or for fragile rural communities highly dependent on agricultural production.

The new regulations require minimum slurry storage of 22 weeks for housed cattle and 26 weeks for housed pigs across Scotland.

While the new regulations allow for a four-year transition period to help farm businesses become compliant, affording such time provides only limited assistance. The true costs of compliance will be the cost of capital investment requirements faced by many farm businesses – not least in economically fragile locations such as the Kintyre milk field and the Orkney beef sector.

NFU Scotland President Martin Kennedy said: “The Union supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality.

“However, If reducing emissions and improving water quality are to be attained through a just transition, then transformational funding needs to be made available in addition to the backstop of regulatory compliance.

“The financial impacts of compliance with new regulations on slurry on some farms and crofts may threaten their economic viability. A proportionate solution is required that delivers the desired environmental outcomes without excessive or business threatening costs to individual farms and crofts.

“Over the next few years both Scottish Government and SEPA have committed to working with NFU Scotland, through initiatives such as Farming and Water Scotland, to provide farm businesses with appropriate options and advice to ensure compliance and, moreover, help enable good or best practice.

“That is welcome, and we will look to build on that through meetings being planned round the country later this year.

“However, it will not address the implications of significant financial investment that will be required by some. Those are additional costs that cannot be recovered from the marketplace or which banks are willing to provide additional lending for because such investment does not yield a financial return.

“A significantly enhanced support package is crucial to delivery of the new regulations and vital if production levels from some Scottish livestock farms and crofts is to be maintained.” Ends

### **Notes for Editors**

- For investment in slurry storage, the only current available support is through the very limited Agri-Environment Climate Scheme (AECS). Since launching in 2016, some 134 slurry storage applications have been approved under AECS - thereby committing £5.21 million. There was no application round in 2020. Due to budgetary concerns, a restricted AECS application round opened in 2021 which included support for slurry stores. From a total AECS budget of some £290 million since 2016, less than 2 per cent has been allocated to slurry storage. Whilst the Scottish Government has committed to its continuity of AECS from 2022 to 2024, the agri-environment measures budget line has been cut from £42.7 million in 2020-21 to £35.8 million in 2022-2023.
- Regional case studies on the estimated costs faced by some farmers and crofters to comply with new slurry storage rules are available on request from [media@nfus.org.uk](mailto:media@nfus.org.uk)

### **NFU Scotland**

**NFU Scotland** | Rural Centre, West Mains, Ingliston, Newbridge, EH28 8LT

**Tel:** 0131 472 [redact] | **Email:** [nfuscotland@nfus.org.uk](mailto:nfuscotland@nfus.org.uk) | **Website:**

<http://www.nfus.org.uk/>

***NFU Scotland Virtual Conference and AGM  
10 and 11 February 2022***



***All sessions at NFU Scotland's action-packed 2022 conference on 10 and 11 February have been recorded. [Click here to view](#)***

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### **Enclosure 18 Email: RE: URGENT: Slurry consultation**

Redact (personal info)

The draft consultation was presented to the Rural Economy and Environment Cabinet Secretaries on 1 December 2020. Mr Ewing approved this for publication as we had met with the NFUS, who recognised the aims of the consultation and raised no concerns at that time.

Some headline facts below.

### **Key aims of the consultation on slurry storage and management**

- Updated storage and low emission spreading techniques required to meet water quality/air quality/climate change targets.

### **Current position**

- Controls over construction standards for silage and slurry stores have been in place since 1991; stores built pre 1991 are currently exempt from these controls.
- Current regulations require 6 months slurry storage. Indications are that many farms do not meet the 6 month requirement.
- There are currently no controls over the storage of liquid digestate.

### **Consultation main proposals**

- That existing controls are consolidated into the Water Environment (Controlled Activities)(Scotland) Regulations 2011 ("CAR") as general binding rules.
- That the exemption for pre 1991 structures is removed as they are over 30 years old, which can pose a risk if not properly maintained
- That all farms have 22 weeks slurry storage for housed cattle (which is less than the current 6 months requirement) and 26 weeks for pigs
- That low emission spreading techniques for slurry and liquid digestate are introduced.

### **Feedback:**

- Consultation responses express concern about replacement cost for pre 1991 stores - the perception appears to be that these are condemned and must be replaced.
- There is also some opposition against the proposal for 22/26 week storage

### **Key points:**

- **Replacement of pre-1991 stores is not a consultation proposal** - the consultation proposes that the integrity of these stores is brought into line with the controls for post-1991 stores. Many pre-1991 stores including slatted concrete tanks should already fall into that category if they have been properly maintained.
- **6 months storage has been a requirement of the regulations since 1991, so the 22 weeks storage proposed for housed cattle is a relaxation**

Redact (personal info)

Redact (personal info) – **Environmental Quality and Circular Economy Division**  
**Currently working from home** – Redact (personal info)

**From:** Beddows K (Kirsten) <[Kirsten.Beddows@gov.scot](mailto:Kirsten.Beddows@gov.scot)>  
**Sent:** 19 April 2021 09:21  
**To:** Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>; Redact (personal info) >; Redact (personal info) >  
**Cc:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >  
**Subject:** RE: URGENT: Slurry consultation

Redact (personal info), Redact (personal info)

Can you please provide some short factual advice to Mr Ewing on the consultation which includes requirements for slurry storage and use. It is required immediately for a meeting Mr Ewing has later this morning. Redact (personal info) can you please help as necessary.

Thanks

Redact (personal info)

Redact (personal info)  
Redact (personal info) | Scottish Government  
**Tel:** 0300 244 Redact (personal info) | **Mob:** Redact (personal info)  
***I am working remotely and contactable via email, Skype, or on my mobile number above***

**From:** Redact (personal info) > **On Behalf Of** Cabinet Secretary for Rural Economy and Tourism  
**Sent:** 19 April 2021 09:16  
**To:** Redact (personal info) >  
**Cc:** Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>  
**Subject:** URGENT: Slurry consultation

Morning Redact (personal info)

Aware you aware of the this consultation? Sorry the picture isn't particularly clear.

Any **factual** advice on this would be appreciated asap as Mr Ewing is meeting local farmers later this morning.

Thanks

Redact (personal info) Cabinet Secretary for Rural Economy and Tourism  
Redact (personal info)  
St Andrews House  
☎ 0131 244 Redact (personal info)  
☎ Redact (personal info)



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From: Ewing F (Fergus), MSP <[Fergus.Ewing.msp@parliament.scot](mailto:Fergus.Ewing.msp@parliament.scot)>  
Sent: 19 April 2021 09:11  
To: Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>  
Subject: Slurry consultation

This is the consultation paper I was referring to. Did I get a chance to comment on it pre publication and was I informed about its publication

F



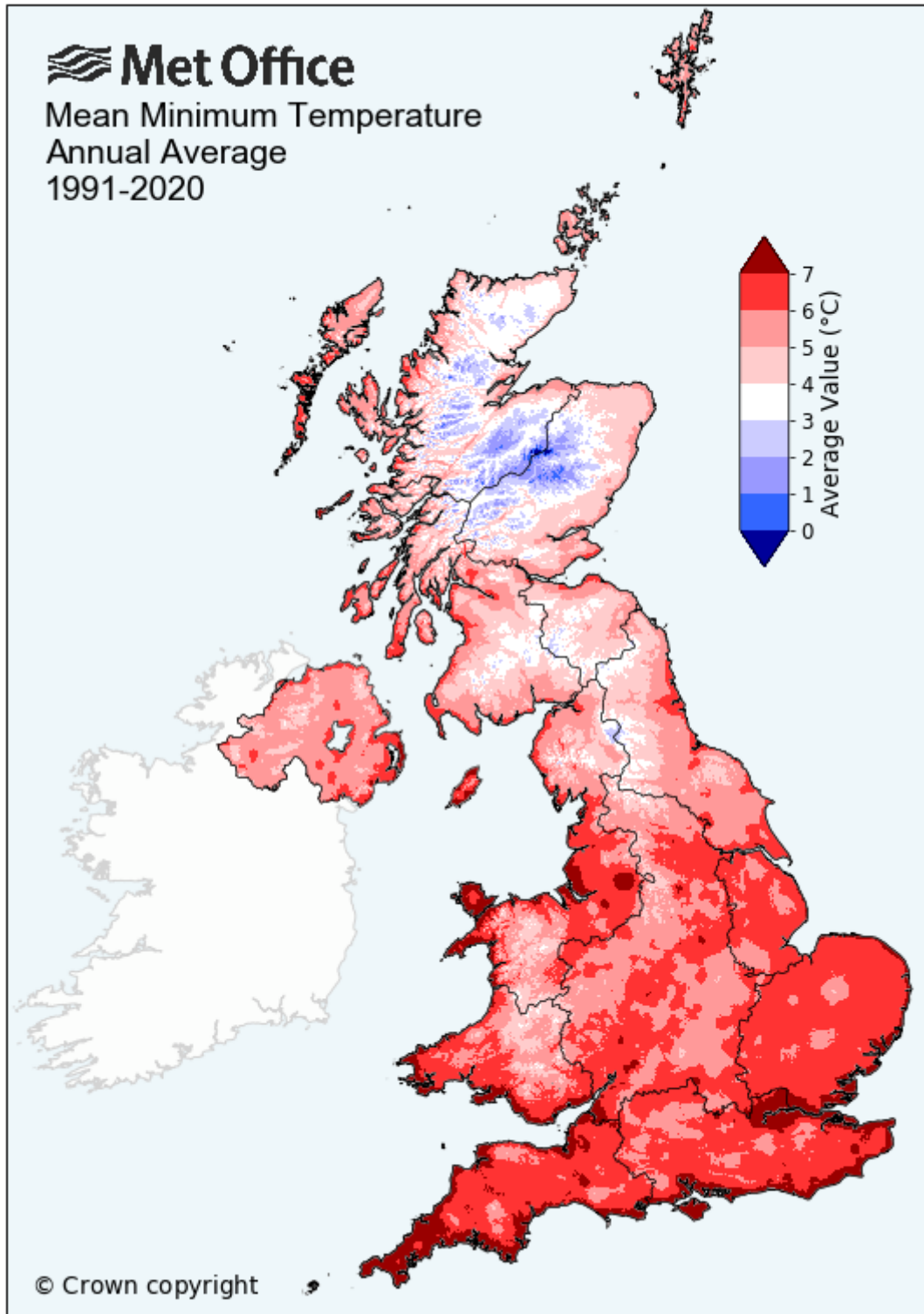
Sent from my iPhone

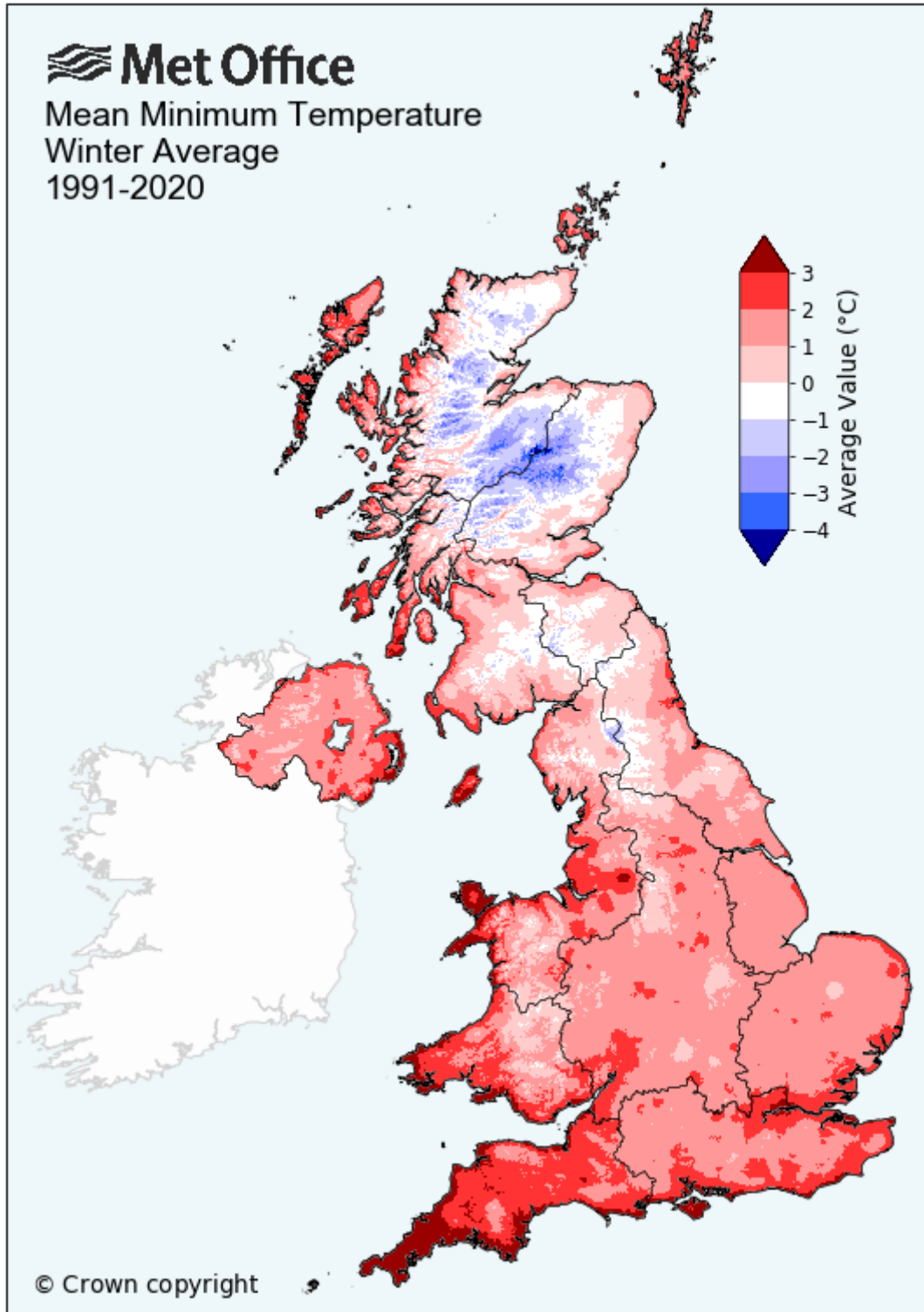
\*\*\*\*\*

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Hi Redact (personal info) and Redact (personal info)

I worked with Redact (personal info) yesterday to produce the following contributing lines for the MiCase and the attached Met Office climate maps referenced. The third and fourth paragraphs cover the other two queries raised at the meeting by Jenni Minto MSP that I said I would provide further detail on.

*The AECS slurry storage option does require that businesses have 26 weeks storage across their business on completion of the works, but we do not expect businesses to be starting from a position of having no current storage capacity. The required additional capacity can only be determined by applicants assessing their needs through the production of a Manure and Slurry Management Plan (MSMP). The plan considers a number of factors including current storage capacity, livestock numbers housed on a slurry storage system and contaminated rainfall run-off draining to the slurry storage system. The plan can often identify simple, cost effective means of increasing storage capacity through minimising the quantity of dirty water collected and AECS also provides funding for Rural Sustainable Drainage systems to help achieve this. The detail we currently have in relation to this case is insufficient to make any assessment of the current storage capacity and any additional storage that may be required.*

*The Met Office climate maps, attached, for the UK indicate that the winter minimum average temperature and annual minimum average temperature for Kintyre is no different than parts of Wales and Northern Ireland. Opportunities to spread slurry are also dependent on other weather conditions such as rainfall. Winter rainfall in Kintyre averages 780 mm, and from last October approached 1000 mm, where there is a high risk that applications over the winter period will result in leaching and run-off, which may impact on other water users including those dependent on clean coastal waters. It is important that farms have adequate slurry storage capacity as slurry spread during colder wetter winter months is of minimal benefit to crop growth and is potentially in breach of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 General Binding Rule 18, where fertiliser should only be spread in accordance with crop need. In winter months the grass will still be benefiting from the mineralisation of soil organic nitrogen residues that remain in the soil from earlier slurry applications. Further applications throughout the winter months are not agronomically justified and will run the risk of increased nitrous oxide emissions, which can contribute to global warming as it is a powerful greenhouse gas. There is also a risk of continual slurry applications increasing phosphate levels beyond acceptable agronomic levels, which can pose a significant risk to the water environment*

*A concerned Kintyre farmer did respond to the Scottish Government consultation on the proposed slurry storage regulations last year and indicated that they would have to demolish their 3 pre-1991 slurry storage towers in order to meet the requirements of the new standards and replace them with new ones at a great cost. The NFUS also highlighted this concern and so, following the consultation, the proposed Regulations were adjusted so these pre-1991 slurry stores must now meet a basic set of standards by 1 January 2026, which will ensure their structural integrity and prevent the need for them to be demolished. This relaxation of the standards was in lieu of meeting the full set of construction standards, which have been in place since 1991 for all structures built over the last 30 years.*

*Through River Basin Management Planning SEPA has identified Kintyre Peninsula as a Focus Area for targeted rural diffuse pollution prevention work. In particular, the Breackerie and Strone Waters have been assessed by SEPA as having impacted water quality from the livestock and dairy sectors that requires improvement. Further detailed information on the River Basin Management Plans is available on SEPA's*

website at <https://informatics.sepa.org.uk/RBMP3/>. SEPA will work with farmers in these catchments over the third River Basin Management Plan cycle 2021-27 to reduce the impacts of diffuse pollution on the water environment.

Let me know if you require anything else.

Thanks

Redact (personal info)

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 21 April 2022 10:33

**To:** Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: AECS Funding

Redact (personal info)

Myself and Redact (personal info) will provide some input here, because AECS funding is only part of the issue with GBR compliance and the lack of agronomic need coming into play IRO the slurry spreading issue (but note I am on leave from tonight until Tuesday).

Kind regards

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 21 April 2022 10:17

**To:** Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >

**Subject:** FW: AECS Funding

Both, I'd be grateful for your input on answering this follow-up to the meeting with Jenni Minto two days ago.

Redact (personal info), is the farmers right in their point about being unable to apply for AECS funding?

Redact (personal info), is the farmer correct in his point about slurry spreading?

I'd be grateful for responses by Monday lunch-time next week, please.

Redact (personal info) could you then draft an answer, please? We will need to come up with a line about the farmers point about being unable to borrow.

Thanks.

Kind regards,

Redact (personal info).

**From:** Redact (personal info) >  
**Sent:** 20 April 2022 16:37  
**To:** Redact (personal info) >  
**Subject:** FW: AECS Funding

Hi Redact (personal info),

Sorry to even ask the question – I wouldn't if I thought it might lie anywhere else! AECs....might that sit with you guys? I have no issue rejecting this outright and leaving it there. So no pressure.

Thanks,

Redact (personal info) | Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 Redact (personal info)



**From:** Redact (personal info) > **On Behalf Of** Minister for Environment and Land Reform  
**Sent:** 20 April 2022 14:49  
**To:** Public Engagement Unit <[CorrespondenceUnit@gov.scot](mailto:CorrespondenceUnit@gov.scot)>  
**Subject:** FW: AECS Funding

MR please – fast track

**From:** Redact (personal info) >  
**Sent:** 19 April 2022 17:09  
**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** AECS Funding

Good afternoon

Sorry to follow on so quickly from our conversation earlier. We asked one of the farmers who had been in touch to confirm they had applied for the AECS funding. He advised that he cannot apply for it as it requires him to have 22 weeks storage on completing the works and there is no way that he could afford to do this in one go. His bank would never loan him that kind of money with no financial benefit.

One other point Ms Minto thought afterwards she had wanted to raise is that the farmers have advised that the temperature is higher in Kintyre than Northern Ireland and Wales and as it sits around the 6 degrees mark it means that the grass grows a lot more of the year round than in other places. Hence more opportunity to spread the slurry.

Ms Minto would be very grateful if you or either of the officials, copied in from the meeting today, could comment on both of these points as soon as possible.

Kind regards

Redact (personal info)

Redact (personal info) Jenni Minto MSP

Redact (personal info) The Scottish Parliament, Edinburgh, EH99 1SP

Telephone: 0131 348 Redact (personal info) Mobile: Redact (personal info)

Email: Redact (personal info)

\*\*\*\*\*

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**Enclosure 20 Email: RE: GBR slurry query GBR 18 transitional provision**

Hi Redact (personal info)

I have discussed your query with Redact (personal info) and we agreed that the herd number thresholds are to give an indication of the general farm business size in relation to compliance timescales as set out within the consultation.

For this reason the Regulations refer to 'the number of beef livestock units on the farm' and doesn't distinguish between those on slats or straw courts. Whilst, I can sympathise with the point raised in the NFUS members question I do not think we should be making the distinction to allow this dispensation for some farms, but not others of a similar sized business. We can't make that determination if it is not defined or explicit in the Regs and it is likely to lead to confusion if we do.

I'm happy to discuss this matter further, if required.

Thanks

Redact (personal info)

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 11 March 2022 11:53

**To:** Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >

**Subject:** GBR slurry query GBR 18 transitional provision

OFFICIAL

Redact (personal info), Redact (personal info)

We would be grateful for your thoughts on a question that has come up from NFUS regarding the transitional provision for GBR 18 relating to the requirement to apply slurry via precision eqpt:  
**Questions from members with bedded courts and slats both on what numbers count towards their 200 beef cattle for example if have 400 cattle but only 80 say on slats are they out of precision spreading regs till 1/27 or have to comply by 1/23?**

The regs refer to 'the number of beef livestock units on the farm' and doesn't distinguish between those on slats or straw courts. We are considering taking a pragmatic approach whereby we allow them to just count the livestock units on their slurry based system in the same way as they would



when calculating capacity requirement, but would be grateful for your views. For info the wording within the consultation is below:

*Although the aim is for all slurry and liquid digestate in Scotland to be applied by precision methods, it is appreciated that there may be financial implications for smaller enterprises in the short term.*

*It is therefore proposed that, in support of smaller enterprises, prohibiting the use of all types of splash plates will be phased in, with a total ban from 5 years from date of regulations. In the interim: from 1 year of date of proposed regulations, until 5 years from date of regulations, precision methods for slurry application will only apply to farms with more than:*

- 100 milking cows
- 200 beef cattle
- 800 fattening pigs or breeding sows

Thanks

Redact (personal info) [Water and Land Unit](#)  
[Circular Economy](#)

[Scottish Environment Protection Agency | Strathallan House | Castle Business Park | Stirling FK9 4TZ](#)  
e: Redact (personal info)

OFFICIAL

**Enclosure 21 Email: FW: Scottish Farmer Slurry Storage Article**

**From:** Redact (personal info) >

**Sent:** 28 July 2022 09:22

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Scottish Farmer Slurry Storage Article

All,

You may be interested in the attached story from this week's Scottish Farmer.

Redact (personal info)

Redact (personal info) | The Scottish Government | P1 Spur | Saughton House | Broomhouse Drive |  
Edinburgh | EH11 3XD | Tel: [0300 244](tel:0300244) Redact (personal info) | Mobile: Redact (personal info)  
Redact (personal info)



**Enclosure 22 Email: RE: Kintyre Farmers slurry storage meeting**

OFFICIAL

Hi Redact (personal info)

There was no formal minute of the meeting so will cover it in the text below:

**Present at meeting:**

Redact (personal info)

Redact (personal info)

Redact (personal info)

Redact (personal info)

Audience \_ 45 farmers from Campbeltown area.

The meeting was well attended by local farmers and according to **Redact (personal info)** I had drawn a larger audience than Martin Kennedy and Johnny Hall (10) re agri futures. There was a lot of interest in the new regulations and the implication of not being able to comply. Most of the concern was from dairy sector due to the small number of operators in the area and the distance milk must be hauled for processing.

The format of the evening was simple the NFUS reps introduced themselves before opening the floor to me for 2 hours. It was a positive productive meeting although very interactive.

I provided an overview of the new regulations and at each stage compared these to the old SSAFO regulations. It was very evident they had not fully understood that for exempt structures nothing has really changed, they need to maintain them in good working order, structurally sound and impermeable.

They do have concerns over the 22 weeks minimum slurry storage capacity although when I explored the issue a little more with simple questions on additional stock levels and whether additional slurry had been provided a good number indicated they had increased their slurry storage capacity a little in the last 15years.

[redact] under EIR regulation 10(5)(f) Third Party Interest

In relation to ground truthing their claims, which they had outlined to the minister detailing the financial impact the new regulations would have on them and she had asked them to demonstrate these costs, we discussed how this information could be gathered both for their benefit and SEPA. Initially there was a little reluctance from the farmers to ground truth their allegations but they agreed it was better for each of them to understand where the stand with the regulations. There was the reluctance to have SEPA on their farms for the fear of what non compliance with the regulations will mean, would SEPA be trying to shut them down. The concern within the dairy farmers present was they need to retain the level of milk production and farm numbers in the areas so First Milk will collect and process their milk. They seem to think if one farm closes then the rest will follow very quickly.

I emphasized SEPA was not coming to shut them down, we are here to help them wade their way through the regulations and attain compliance. I responded by suggesting the ground truthing visits would be carried out by NRU staff who have worked with many farmers on a daily basis and have an excellent understanding and knowledge of the agri sector. I took my time and outlined the approach we have taken with farmers in priority catchments over 6500 initial compliance

assessment visits, 3500 revisit to non-compliant operators and only taken enforcement action on 4 farming units in the form of £600 FMP's.

There was general agreement from those present that they needed to understand where they stood as individual farming operations in respect of the regulations and what actions they needed to take to reach compliance. Having this information to hand would mean they would have a better handle on the financial implications of the new regulations and put themselves and the NFUS in a better position to lobby SG. It was agreed this work should be programmed for August and once all units have been visited an on farm workshop would be arranged to discuss the main non-compliant themes observed in the area and mitigation options available to achieve compliance. It was agreed a letter will be composed by SEPA and sent by NFUS to all NFUS members as well as non members in the region outlining the approach SEPA will be taking to ground truth the allegations made by the famers in the consultation and via MSP questions to ministers.

A final point they raised was around forestry pollution and what SEPA was doing about that as they see it being a larger problem within the area as a consequence of pollution to private and public drinking water supplies .

Hope this helps happy to discuss further if needed.

regards

Redact (personal info)

Redact (personal info)

Redact (personal info)

Scottish Environment Protection Agency  
Environmental Performance  
Water Industry & Rural Economy  
National Rural Unit

Tel - Redact (personal info)

Mobile - Redact (personal info)

Email - Redact (personal info)

Ayr Office | 31 Miller Road | Ayr | KA7 2AX

[Dairy production sector plan | Scottish Environment Protection Agency \(SEPA\)](#)

*Got a question or need to report anything to us? With our contact centre severely impacted by reduced staffing due to current public health guidance, SEPA have developed a [coronavirus.sepa.org.uk](https://coronavirus.sepa.org.uk) website, with information on how we're responding and how to report to and contact SEPA online:*

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- Check live flooding information [here](#).
- Register for Floodline [here](#).
- Ask questions [here](#).



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Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ.  
Fo Achd Riaghladh nan Cumhachdan Rannsachaidh  
2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm.

## OFFICIAL

**From:** Redact (personal info)>

**Sent:** 07 July 2022 12:08

**To:** Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info); Redact (personal info)

**Subject:** Kintyre Farmers slurry storage meeting

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Redact (personal info)

Scottish Government has received a request from Donald Cameron MSP to the Cabinet Secretary, see below, to meet with a group of farmers from the Kintyre area, after recess, who want to raise their concerns surrounding the new regulations on slurry storage.

*am emailing you to request a meeting with you in Parliament after recess, alongside a small group of farmers from the Kintyre area, regarding concerns surrounding the new regulations on slurry storage. I have received a considerable amount of correspondence from local farmers about this issue, and many have indicated that they are concerned that the Scottish Government may have underestimated the impact of the costs that these regulations will create for their businesses, even with the financial support available. I organised two similar meetings prior to the pandemic for NFUS Argyll and the Islands members with your predecessor Fergus Ewing MSP which was greatly appreciated by local members, so I very much hope you feel able to agree to this request. It would also be my intention to open the*

*invitation to other regional MSPs, and also the constituency MSP Jenni Minto. I am happy to work around your diary, and I look forward to hearing from you*

On Monday it was helpful to get some verbal feedback on the meeting you attended last week with the NFUS and Kintyre farmers regarding the slurry storage regs. However, in order to fully consider the request above I'd appreciate it if you can share any note of the meeting or provide a summary of the salient points discussed and agreed outcomes with me so we are fully briefed on the current situation and I can share the information across SG policy areas.

Thanks

Redact (personal info)

Redact (personal info) (I am currently working from home and can be contacted via email only)



Water Environment Team  
Environmental Quality & Resilience Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

\*\*\*\*\*

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\*\*\*\*\*

**Enclosure 23 Email: FW: Slurry management: Support & contribution to Briefing request by COP 8 April**

Hi Redact (personal info)

Briefing notes attached and Redact (personal info) will attend the meeting.

Redact (personal info)

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 31 March 2022 11:43

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Slurry management: Support & contribution to Briefing request by COP 8 April

Hi Redact (personal info),

Copying in Redact (personal info) who leads on this policy area. I will leave with Redact (personal info) and Redact (personal info) to decide who is best placed to provide official support.

Thanks,

Redact (personal info)

Redact (personal info) | [Agriculture Policy Division](#) | DG: Economy | Tel: 0131 244 Redact (personal info)

Redact (personal info)

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 31 March 2022 09:11

**To:** Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Slurry management: Support & contribution to Briefing request by COP 8 April

Hi Redact (personal info) and Redact (personal info)

Ms McAllan has requested briefing and support for a meeting with Jenny Minto MSP on Tuesday 19 April 15:15 – 16:00 regarding the new slurry storage and application requirements.

Jenny Minto MSP has recently written to Ms McAllan on two occasions (see attached correspondence) raising the concerns of her constituents over the changes. I will attend the meeting to support Ms McAllan and will provide her with briefing in relation to the changes in requirements around slurry management.

In light of the NFUS press release yesterday please can you consider who in your team is able to attend the meeting so I can forward on the meeting request and also who can provide briefing contribution to me in relation to agricultural support scheme policy by **COP Friday 8 April**.

Thanks

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)



**Enclosure 24 Email: FW: Submission - Consultation Delivering Scotland's River Basin Management Plans**

**From:** Redact (personal info) > **On Behalf Of** Cabinet Secretary for Rural Economy and Tourism  
**Sent:** 02 December 2020 12:41  
**To:** Redact (personal info) >; Cabinet Secretary for Rural Economy and Tourism  
<[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>; Cabinet Secretary for the Environment, Climate Change and Land Reform  
<[CabSecECCLR@gov.scot](mailto:CabSecECCLR@gov.scot)>  
**Cc:** Minister for Rural Affairs and the Natural Environment <[MinisterRANE@gov.scot](mailto:MinisterRANE@gov.scot)>; DG Economy  
<[DGEconomy@gov.scot](mailto:DGEEconomy@gov.scot)>; Campbell B (Bridget) <[Bridget.Campbell@gov.scot](mailto:Bridget.Campbell@gov.scot)>; McGillivray D  
(Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact  
(personal info) >; Coull AJ (Alison) <[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate  
<[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact  
(personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Redact  
(personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Gray H (Helena)  
<[Helena.Gray@gov.scot](mailto:Helena.Gray@gov.scot)>; Redact (personal info) >; McAllan M (Màiri) (Special Adviser)  
<[Mairi.Mcallan@gov.scot](mailto:Mairi.Mcallan@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >;  
Communications Rural Economy & Environment  
<[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>  
**Subject:** RE: Submission - Consultation Delivering Scotland's River Basin Management Plans


Hi Redact (personal info),

Mr Ewing has noted with thanks.

Many thanks,

Redact (personal info)

**Cabinet Secretary for Rural Economy and Tourism**

: Redact (personal info)

---

Room Redact (personal info) | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

**From:** Redact (personal info)  
**Sent:** 01 December 2020 17:04  
**To:** Cabinet Secretary for Rural Economy and Tourism ; Cabinet Secretary for the Environment,  
Climate Change and Land Reform  
**Cc:** Minister for Rural Affairs and the Natural Environment ; DG Economy ; Campbell B (Bridget) ;  
McGillivray D (Donald) ; Redact (personal info); Redact (personal info); Redact (personal info); Coull  
AJ (Alison) ; Lord Advocate ; Legal Secretariat to the Lord Advocate ; Redact (personal info) ; Redact  
(personal info) ; Scott A (Andrew) Dr ; Redact (personal info); Kerr J (John) ; Redact (personal info);  
Gray H (Helena) ; Redact (personal info); McAllan M (Màiri) (Special Adviser) ; Higgins K (Kate) ;  
Redact (personal info) ; Communications Rural Economy & Environment  
<[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>  
**Subject:** RE: Submission - Consultation Delivering Scotland's River Basin Management Plans

Redact (personal info)

The draft of proposals has been shared and discussed with the NFUS. They recognise the need for farmers to be more proactive in managing the environmental

risks from these activities. The proposals gave no cause for concern and that the transitional periods are welcome.

Regards

Redact (personal info)

**From:** Redact (personal info) > **On Behalf Of** Cabinet Secretary for Rural Economy and Tourism

**Sent:** 01 December 2020 16:45

**To:** Redact (personal info) >; Cabinet Secretary for the Environment, Climate Change and Land Reform <[CabSecECCLR@gov.scot](mailto:CabSecECCLR@gov.scot)>

**Cc:** Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>; Minister for Rural Affairs and the Natural Environment <[MinisterRANE@gov.scot](mailto:MinisterRANE@gov.scot)>; DG Economy <[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Campbell B (Bridget) <[Bridget.Campbell@gov.scot](mailto:Bridget.Campbell@gov.scot)>; McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison) <[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Gray H (Helena) <[Helena.Gray@gov.scot](mailto:Helena.Gray@gov.scot)>; Redact (personal info) >; McAllan M (Màiri) (Special Adviser) <[Mairi.Mcallan@gov.scot](mailto:Mairi.Mcallan@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Communications Rural Economy & Environment <[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>


**Subject:** RE: Submission - Consultation Delivering Scotland's River Basin Management Plans

Hi Redact (personal info),

Mr Ewing has noted for his interests and has asked if there has been discussion with NFUS or SBA?

Many thanks,

Redact (personal info) **Cabinet Secretary for Rural Economy and Tourism**

: Redact (personal info)

---

Room Redact (personal info) | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

**From:** Redact (personal info) >

**Sent:** 01 December 2020 12:37

**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform <[CabSecECCLR@gov.scot](mailto:CabSecECCLR@gov.scot)>

**Cc:** Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>; Minister for Rural Affairs and the Natural Environment <[MinisterRANE@gov.scot](mailto:MinisterRANE@gov.scot)>; DG Economy <[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; Campbell B (Bridget) <[Bridget.Campbell@gov.scot](mailto:Bridget.Campbell@gov.scot)>; McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Coull AJ (Alison) <[Alison.Coull@gov.scot](mailto:Alison.Coull@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Redact (personal info) >; Scott A (Andrew) Dr <[Andrew.Scott2@gov.scot](mailto:Andrew.Scott2@gov.scot)>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Gray H (Helena) <[Helena.Gray@gov.scot](mailto:Helena.Gray@gov.scot)>; Redact (personal info) >; McAllan M (Màiri) (Special Adviser) <[Mairi.Mcallan@gov.scot](mailto:Mairi.Mcallan@gov.scot)>; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >; Communications Rural Economy & Environment

[<CommunicationsRuralEconomy&Environment@gov.scot>](mailto:CommunicationsRuralEconomy&Environment@gov.scot)

**Subject:** Submission - Consultation Delivering Scotland's River Basin Management Plans

Cabinet Secretary

Please find attached routine submission, consultation document and BRIA in respect of proposed consultation: Delivering Scotland's River Basin Management Plans Silage, Slurry, and Anaerobic Digestate - Improving storage and application.

Redact (personal info) Environmental Quality and Circular Economy Division

Scottish Government

Redact (personal info)

**Enclosure 25 Email: SSAFO consultation - Scots farmers face tougher slurry and silage restrictions - Farmers Weekly**

<https://www.fwi.co.uk/business/business-management/scots-farmers-face-tougher-slurry-and-silage-restrictions>

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**Enclosure 26 Email: NFUS - Silage, slurry meeting.**

The read out from the NFUS meeting. A recording of the meeting can be accessed at bottom.

Redact (personal info)

## **Proposed Changes to Slurry and Silage Controls See Farmers and Crofters Tune in in Numbers**

### **NFU Scotland hosts webinar discussing proposed changes to storage and application of Silage, Slurry and Anaerobic Digestate**

120 of Scotland's farmers and crofters from across the country tuned into an NFU Scotland led webinar last night (17 March), to learn more about the proposed changes linked to the storage and application of silage, slurry, and anaerobic digestate currently being consulted upon by the Scottish Government.

The discussion covered topics from the updating of existing controls for the storage of slurry and silage, and upgrading storage and setting capacity requirements, to introducing controls over the storage of materials associated with energy production and proposing new requirements regarding more targeted and efficient application of slurry and liquid digestate.

NFU Scotland members were encouraged to voice their opinions and help inform the Union's collated response to the consultation.

Describing the potential impact of the proposals, Jonnie Hall, NFU Scotland's Director of Policy said: "This is a significant set of proposals from the Scottish Government with the potential for major impacts on many agricultural businesses – especially dairy and more intensive beef units outside of Nitrate Vulnerable Zones (NVZs)."

"It goes without saying that all farm businesses can and should play their part in helping meet climate change challenges and safeguarding our water environment."

"In particular, the storage and application of slurry typifies the challenge – but that challenge cannot be met by a purely regulatory approach which will do little to foster awareness and best practice and has the potential to impose damaging costs."

"If it is in the public interest, let alone the provision of public goods, then it should not be at private cost. Instead, all farm businesses must be provided with insight and options, via the right advice and support, if the desired outcomes are to be realised."

"As we all endeavour to move to more sustainable farming systems in Scotland, as well as setting baseline standards, the Scottish Government has to enable all farm types and sizes to invest – both in required capital and best practice."

"The real value of last night's meeting was hearing first-hand the enormity of the potential impacts for different farming businesses across the country – something that is completely absent from the consultation itself. It is clear that many face business

changing or business damaging costs with no clear route to recoup. The collateral damage for some parts of rural Scotland is likely to outweigh any benefits the proposals might bring.”

**Notes for Editors:**

- A recording of the event is available here: [https://us02web.zoom.us/rec/share/PXwJIXyz0ItHWfp4u34\\_MMIyrWgZRG05iyXaVtawUNLr-HTknMioHcXFWWk6vvWp.TNDYbTan\\_1F04ZfO](https://us02web.zoom.us/rec/share/PXwJIXyz0ItHWfp4u34_MMIyrWgZRG05iyXaVtawUNLr-HTknMioHcXFWWk6vvWp.TNDYbTan_1F04ZfO) Passcode: hYa\$a4.g
- A photograph of NFU Scotland’s Director of Policy Jonnie Hall is attached

Redact (personal info)

Environmental Quality and Circular Economy Division

Scottish Government

Redact (personal info)

**Enclosure 27 Email: FWS Scottish Farmer page - 9th April**

Redact (personal info), Redact (personal info) and Redact (personal info),

Thanks for your piece for the Farming and Water Scotland page in this weeks Scottish Farmer. It looks great. Final proof attached for your files.

Im on leave from Thursday pm onwards until after Easter, but Ive asked **Redact (personal info)** to promote it on our socials once out on Friday and tag in the respective organisations.

Thanks again for your support,

Redact (personal info).

Redact (personal info)

Redact (personal info)

Environment Team | SAC Consulting

+44 (0)1292 Redact (personal info) | Redact (personal info)

Post c/o SAC Consulting | Arduathie Business Centre | Kirkton Road | Stonehaven | AB39 2NQ

Redact (personal info) | [www.sruc.ac.uk](http://www.sruc.ac.uk)

*SAC Consulting is part of Scotland's Rural College (SRUC)*



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***Enclosure 27a Document: PDF Farming and Water Scotland: Making the most of slurry storage***

Attached in public domain – exempt under regulation 6(b) of the EIRs in that ‘the information is already publicly available and easily accessible to the applicant in another form or format



**Enclosure 28 Email: NFUS release**

<https://www.nfus.org.uk/news/news/scottish-government-proposals-on-slurry-and-silage-are-excessively-blunt-and-ill-thoughtout>

Redact (personal info) – **Environmental Quality and Circular Economy Division**

**Currently working from home** – Redact (personal info)

**Enclosure 29 Email: CAR GBRs - Saving SSAFO provisions**

Redact (personal info)

Redact (personal info) and I have discussed the saving of provisions and have come to the conclusion that the impact of revoking the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil)(Scotland) Regulations 2003, on 1 Jan 2022, and creating a gap while the transition periods apply will be minimal.

Exempt pre 91 stores: As far as exempt stores are concerned: the exemption has applied for 30 years and very little action has been taken, with regard to issuing notices, to achieve compliance with SSAFO. SEPA by its own admission has said that the issue of notices is used more as a threat than actually enforced. We consider that it could be said that the same tactics could be applied to CAR GBRs. If a facility is discovered that needs remedial work any works will need to be planned in advance. This is not an activity that can be left till the last day of the transition period.

Post 91 stores: We have a similar situation in that historically SEPA have used notices as a threat to gain compliance rather than taking enforcement action. With the transition period for these ending 31 December 2023 SEPA will still be able to take a similar approach in exerting pressure for works to be carried out. Again the fact that this is not an activity that can be complied with on last day of transition period is in itself an incentive to take action.

As this is almost a relaunch of SSAFO the planned rollout of guidance will probably play an important role in raising the profile, and reaffirming transition dates, of the rules.

SEPA will also have powers, under CAR, to take action where there is an impact on the water environment and we consider this, and the threat this can be used, will give additional weight to any discussion.

Taking above in consideration, we conclude that there is no need to take forward any saving provisions for the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil)(Scotland) Regulations 2003 and that these are revoked in their entirety.

Regards

Redact (personal info)

Redact (personal info)  
Environmental Quality and Circular Economy Division  
Scottish Government  
Redact (personal info)

**Enclosure 30 Email: RE: NFUS question re beef livestock units and the new GBR's**

OFFICIAL

Redact (personal info) / Redact (personal info) many thanks for turning this around.

Cheers

Redact (personal info)

Redact (personal info)

Redact (personal info) Scottish Environment Protection Agency  
Environmental Performance  
Water Industry & Rural Economy  
National Rural Unit

Tel - 01292 Redact (personal info)

Mobile - Redact (personal info)

Email - Redact (personal info)

Ayr Office | 31 Miller Road | Ayr | KA7 2AX

[Dairy production sector plan](#) | [Scottish Environment Protection Agency \(SEPA\)](#)

*Got a question or need to report anything to us? With our contact centre severely impacted by reduced staffing due to current public health guidance, SEPA have developed a [coronavirus.sepa.org.uk](https://coronavirus.sepa.org.uk) website, with information on how we're responding and how to report to and contact SEPA online:*

- *Report environmental incidents [here](#).*
- *Check live flooding information [here](#).*
- *Register for Floodline [here](#).*
- *Ask questions [here](#).*



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immediately by return email to [postmaster@sepa.org.uk](mailto:postmaster@sepa.org.uk).

Registered office: Strathallan House, Castle Business Park, Stirling FK9 4TZ. Under the Regulation of Investigatory Powers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

Dh'fhaodadh gum bi am fiosrachadh sa phost-  
d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a  
bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn.  
Chan fhaod neach sam bith eile cothrom

fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist.  
Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu [postmaster@sepa.org.uk](mailto:postmaster@sepa.org.uk).

Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ.  
Fo Achd Riaghladh nan Cumhachdan Rannsachaidh  
2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm.

**From:** Redact (personal info) <Redact (personal info) >  
**Sent:** 31 March 2022 15:48  
**To:** Redact (personal info) >  
**Cc:** Redact (personal info)  
**Subject:** RE: NFUS question re beef livestock units and the new GBR's

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Redact (personal info)

I have discussed this with Redact (personal info) and suggest the following text for the FWS page and NFUS:

*We have sought clarification from Scottish Government and checked the original consultation for further details. The Scottish Government acknowledged in the consultation that, although, the aim is for all slurry and liquid digestate in Scotland to be applied by precision methods, it was appreciated that there may be financial implications for smaller enterprises in the short term. It was therefore proposed in the consultation that a phasing in period be implemented in support of these enterprises, with a total ban coming into effect 5 years from the date of the regulations coming into force. Small farm businesses were identified by the herd number thresholds proposed in the consultation and these herd number thresholds are now also reflected in the Regulations.*

*The Regulations refer to the number of beef livestock units on the farm, or milking cows. They do not distinguish between those on slurry and those on straw courts, as these were the threshold levels above which the farm was deemed to be a large unit in relation compliance timescales. Consequently, if a farm has over 200 beef livestock units or 100 milking cows any slurry that is produced on these units would need to be applied to land using a precision technique from 1st January 2023.*

*I advise farm businesses in the situation that you set out to take advantage of the Sustainable Agriculture Capital Grant Scheme support for low emission spreading equipment wherever possible in order to minimise the investment implications for their business. Precision application techniques ensure that the loss of available nitrogen, as ammonia emissions, is minimised benefiting the farmer, protecting Scotland's water environment and reducing the agricultural impact on climate change and air quality.*

Thanks

Redact (personal info)



Redact (personal info) (I am currently working from home and can be contacted via email only)

Water Environment Team, Environmental Quality & Circular Economy Division  
Environment & Forestry Directorate  
Tel: (+44) (0)131 244 Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 29 March 2022 14:08

**To:** Redact (personal info) >; Redact (personal info) >

**Subject:** NFUS question re beef livestock units and the new GBR's

OFFICIAL

Redact (personal info) / Redact (personal info)

Please find below the NFUS question and our response regarding livestock units and need for use of precision spreading equipment. This will be placed on the FWS page and forwarded to NFUS along with other questions they have raised. Comments welcome.

Question: Farmers with bedded courts and slats what is meant by the 200 beef livestock units in relation to slurry spreading – ie a farmer has 400 beef cattle but only 80 say on slats are they out of precision spreading regs till 1/27 or have to comply by 1/23?

Ans: We have sought clarification from Scottish Government and checked the original consultation for further details. It was clear in the consultation and now the Regulations that the herd number thresholds have been stated to give a general indication of the size of the farm business in relation to compliance timelines. The aim is for all slurry and liquid digestate to be applied by precision methods. In support of smaller businesses where it is appreciated the financial implications may be proportionately greater, the regulations are being phased in over a greater time period for smaller farms. As the longer transition period is provided to support smaller farms, the ability of the farm to produce slurry or risk to water pollution was not considered in determining the compliance timescales for implementation of precision application techniques. The Regulations refer to the number of beef livestock units on the farm, it does not distinguish between those on slurry and those on straw courts. Similarly when it mentions 100 milking cows there is nothing to distinguish whether these are on straw courts or a slurry system these were threshold levels above which the farm was deemed to be large unit and the compliance timelines applied to. Consequently, if a farm has over 200 beef livestock units or 100 milking cows any slurry that is produced on these units would need to be applied to land using a precision technique from 1<sup>st</sup> January 2023.

regards

Redact (personal info)

Redact (personal info) Scottish Environment Protection Agency  
Environmental Performance  
Water Industry & Rural Economy  
National Rural Unit

Tel - 01292 Redact (personal info)

Mobile - Redact (personal info)

Email - Redact (personal info)

Ayr Office | 31 Miller Road | Ayr | KA7 2AX

[Dairy production sector plan | Scottish Environment Protection Agency \(SEPA\)](#)

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- Report environmental incidents [here](#).
- Check live flooding information [here](#).
- Register for Floodline [here](#).
- Ask questions [here](#).



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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu [postmaster@sepa.org.uk](mailto:postmaster@sepa.org.uk).

Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ.  
Fo Achd Riaghladh nan Cumhachdan Rannsachaidh  
2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm.

OFFICIAL

\*\*\*\*\*  
\*\*\*\*

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\*\*\*\*

OFFICIAL

**Enclosure 31 Email: Sewage sludge report**

Hi Redact (personal info)

Here you go.

Obviously to be kept to yourself until Thursday 28 October.

Cheers

Redact (personal info)



**Enclosure 32 Email: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES**

**From:** Higgins K (Kate) <Kate.Higgins@gov.scot>

**Sent:** 30 March 2022 13:43

**To:** Redact (personal info) >; Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <CommunicationsNetZero&RuralAffairs@gov.scot>;  
Beddows K (Kirsten) <Kirsten.Beddows@gov.scot>; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Kerr J (John) <John.Kerr@gov.scot>; Redact (personal info) >

**Subject:** RE: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Perfect thanks Redact (personal info)

Kate Higgins

Special Advisor to the First Minister

Rural Affairs, Islands and Transport

0131 244 Redact (personal info) / Redact (personal info)

Scottish Government

St Andrew's House, 2 Regent Road, Edinburgh, EH1 3DG

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot).

**From:** Redact (personal info) >

**Sent:** 30 March 2022 13:39

**To:** Redact (personal info) >; Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>;  
Beddows K (Kirsten) <[Kirsten.Beddows@gov.scot](mailto:Kirsten.Beddows@gov.scot)>; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)  
>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >

**Subject:** RE: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Thanks Redact (personal info).

Kate are you content with highlighted updates below?

A Scottish Government spokesperson said:

“While slurry provides important nutrients for use on our farms, it can also be damaging to our natural environment if not used properly, causing harmful emissions into our air and water. Agriculture accounts for around 90% of ammonia emissions.

“After 30 years, remaining mostly unchanged, slurry storage provisions have been brought up to date to develop resilience and sustainability in the agricultural sector.

We have provided support to enable farmers to modernise their slurry storage over a number of years.

“The new regulations have introduced improved controls over the storage of slurry to reduce the risks of pollution, and more targeted spreading to maximise the nutrient benefit and reduce emissions. We understand that farms will not be able to introduce these changes overnight. The changes will be phased in, with some farms having up to five years to comply.

“Following the Sustainable Agriculture Capital Grant (SACGS) pilot scheme, stakeholders called for better targeting and support to be given to equipment with a recognised evidence base. The 2022 scheme addresses these issues and

specifically targets low emission slurry spreading equipment and slurry store covers that are proven to lower ammonia emissions, protecting our vital water environment and reducing the agricultural impact on climate change and air quality.

“The AECS 2022 round is currently open for slurry storage applications for farmers and crofters within the SEPA identified priority catchments, this includes parts of Orkney and the Kintyre peninsula. Farmers and crofters can check if the option is available on their holdings by checking the targeting tool on the AECS website.”

Redact (personal info) | Communications: News (Rural Affairs & Islands)

Redact (personal info)

Scottish Government, St Andrew's House

e Redact (personal info)

m: Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 30 March 2022 13:38

**To:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>; Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>;

Beddows K (Kirsten) <[Kirsten.Beddows@gov.scot](mailto:Kirsten.Beddows@gov.scot)>; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info)

**Subject:** RE: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

Hi Kate and Redact (personal info)

We have used the following line before in a media release:

*The changes will be phased in, with some farms having up to five years to comply.*

Redact (personal info)

Redact (personal info)

Redact (personal info) **(I am currently working from home and can be contacted via email only)**

Water Environment Team, Environmental Quality & Circular Economy Division

Environment & Forestry Directorate

Tel: (+44) (0)131 244 Redact (personal info)

**From:** Higgins K (Kate) <[Kate.Higgins@gov.scot](mailto:Kate.Higgins@gov.scot)>

**Sent:** 30 March 2022 13:33

**To:** Redact (personal info) >

**Cc:** Communications Net Zero & Rural Affairs <[CommunicationsNetZero&RuralAffairs@gov.scot](mailto:CommunicationsNetZero&RuralAffairs@gov.scot)>;

Beddows K (Kirsten) <[Kirsten.Beddows@gov.scot](mailto:Kirsten.Beddows@gov.scot)>; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info)

>; Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact

(personal info) >

**Subject:** RE: SPAD VIEW: Media Enquiry: NFU SCOTLAND RELEASE 2 CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES

I think there is also a 4 year transition so can we mention that? and also say that we have provided support to enable farmers to modernise their slurry storage over a number of years

Kate Higgins

Special Advisor to the First Minister

Rural Affairs, Islands and Transport

0131 244 Redact (personal info) / Redact (personal info)

Scottish Government



Contact : Bob Carruth

Telephone : [redact]

Email : [redact]

## **CALLS FOR SLURRY STORAGE FUNDING TO MEET NEW RULES**

NFU Scotland is calling on the Scottish Government to increase the agri-environment budget as a matter of priority to specifically fund the significant levels of capital investment that will be required on many Scottish farms to comply with new slurry storage rules coming into force over the next four years.

It calls for funding for slurry storage investment to be ring-fenced within the Agri-Environment Climate Scheme (AECS), the grant rate available per project to be increased and for the funding to be made more widely accessible. From a total AECS budget of some £290 million since 2016, it appears that less than 2 per cent has been allocated to slurry storage, with only 134 slurry storage applications approved.

In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the 'transformational' funding required. To be effective in reducing emissions and enhancing the environment, SACGS must be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.

NFU Scotland had an unprecedented level of response and concerns from members last year when consulting on the proposals. The Scottish Government's [Water Environment \(Controlled Activities\) \(Scotland\) Amendment Regulations 2021](#) came into force on 1 January 2022. The Union has described the regulations as a purely regulatory solution that delivers nothing for the Scottish economy or for fragile rural communities highly dependent on agricultural production.

The new regulations require minimum slurry storage of 22 weeks for housed cattle and 26 weeks for housed pigs across Scotland.

While the new regulations allow for a four-year transition period to help farm businesses become compliant, affording such time provides only limited assistance. The true costs of compliance will be the cost of capital investment requirements

faced by many farm businesses – not least in economically fragile locations such as the Kintyre milk field and the Orkney beef sector.

NFU Scotland President Martin Kennedy said: “The Union supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality.

“However, If reducing emissions and improving water quality are to be attained through a just transition, then transformational funding needs to be made available in addition to the backstop of regulatory compliance.

“The financial impacts of compliance with new regulations on slurry on some farms and crofts may threaten their economic viability. A proportionate solution is required that delivers the desired environmental outcomes without excessive or business threatening costs to individual farms and crofts.

“Over the next few years both Scottish Government and SEPA have committed to working with NFU Scotland, through initiatives such as Farming and Water Scotland, to provide farm businesses with appropriate options and advice to ensure compliance and, moreover, help enable good or best practice.

“That is welcome, and we will look to build on that through meetings being planned round the country later this year.

“However, it will not address the implications of significant financial investment that will be required by some. Those are additional costs that cannot be recovered from the marketplace or which banks are willing to provide additional lending for because such investment does not yield a financial return.

“A significantly enhanced support package is crucial to delivery of the new regulations and vital if production levels from some Scottish livestock farms and crofts is to be maintained.” Ends

### **Notes for Editors**

- For investment in slurry storage, the only current available support is through the very limited Agri-Environment Climate Scheme (AECS). Since launching in 2016, some 134 slurry storage applications have been approved under AECS - thereby committing £5.21 million. There was no application round in

2020. Due to budgetary concerns, a restricted AECS application round opened in 2021 which included support for slurry stores. From a total AECS budget of some £290 million since 2016, less than 2 per cent has been allocated to slurry storage. Whilst the Scottish Government has committed to its continuity of AECS from 2022 to 2024, the agri-environment measures budget line has been cut from £42.7 million in 2020-21 to £35.8 million in 2022-2023.

- Regional case studies on the estimated costs faced by some farmers and crofters to comply with new slurry storage rules are available on request from [media@nfus.org.uk](mailto:media@nfus.org.uk)

## NFU Scotland

**NFU Scotland** | Rural Centre, West Mains, Ingliston, Newbridge, EH28 8LT

Tel: 0131 472 [redact] | Email: [nfusscotland@nfus.org.uk](mailto:nfusscotland@nfus.org.uk) | Website:

<http://www.nfus.org.uk/>

**NFU Scotland Virtual Conference and AGM**  
**10 and 11 February 2022**



*All sessions at NFU Scotland's action-packed 2022 conference on 10 and 11 February have been recorded. [Click here to view](#)*

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**Enclosure 33 Email: FW: Tenant Farmers - SSAFO - Compliance Costs**

Redact (personal info)

Redact (personal info) Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 03 March 2021 18:59

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Tenant Farmers - SSAFO - Compliance Costs

Bringing Redact (personal info) into the chain too as keen she is involved as this relates to a policy in the Climate Change Plan update so important that she is sighted.

Happy for Redact (personal info) to work with Redact (personal info) and Redact (personal info) on this, along with Redact (personal info) who can comment on the funding position as it stands. I also know that the current farmer led groups are aware of this issue and are likely to make recommendations on it. It would be helpful to understand the scale of the issue and potential costs.

Redact (personal info) Redact (personal info)

Redact (personal info)

Redact (personal info) Scottish Government

Tel: 0300 244 Redact (personal info) | Mob: Redact (personal info)

***I am working remotely and contactable via email, Skype, or on my mobile number above***

**From:** Redact (personal info) >

**Sent:** 03 March 2021 18:12

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Tenant Farmers - SSAFO - Compliance Costs

Redact (personal info)

Redact (personal info)

Redact (personal info) – final para

Redact (personal info) very helpfully provided material to my colleague Redact (personal info) as part of a briefing pack that he was compiling for Mr Ewing's attendance at the Scottish Tenant Farmers Association (STFA) AGM on Monday night.

Following his speech, Mr Ewing was asked what financial assistance could be given from SG for tenant farmers who would require to spend significant sums to enable them to meet the potential outcomes of the consultation and ensure they continue to comply with SSAFO construction standards and storage capacity requirements. Tenants raised concern about the expensive cost arising from the removal of the exemption for silage pits/stores built prior to September 1991.

As Mr Ewing stated that he would work with officials and stakeholders on this, I'd be grateful if you could consider this and progress accordingly. Please engage with us as part of this process given the implications this creates for specific fixed equipment and also for how elements of our tenant farming legislation work in these situations.

I'd be grateful if you could include everyone on this copy list on future discussion on this. We are happy to meet with you to talk through the potential knock-on implications arising from your consultation in relation to tenant farming policy and our own legislation.

Redact (personal info) - Can you please advise if there is funding available from the Ag Transformation Fund or elsewhere in your area for tenant farmers impacted by these new requirements?

Thanks & Regards,

Redact (personal info)

Redact (personal info)

[Agricultural Policy Division \\* Directorate for Agriculture and Rural Economy](#)

Redact (personal info) ([diverted to mobile](#))

Normal working hours: Mon > Fri - 8.30 to 5.30 (normally 1 hour break sometime between 1.00 and 2.30)

**From:** Redact (personal info) >

**Sent:** 02 March 2021 18:17

**To:** Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >

**Subject:** RE: slurry store consultation

Hi Redact (personal info)

This is the briefing for the Slurry store consultation and Mr Ewing said on the Slurry question- *'There would need to be further discussion. Recognise that these are complicated matters. He will discuss with Redact (personal info) and others so that we can find a practical solution'*

Redact (personal info) Redact (personal info), *Agricultural Policy Division,*



**CAR General Binding Rules Consultation Proposals**

**Key points**

**Scottish Government is currently consulting on consolidation of the the Silage Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 (SSAFO) into The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“CAR”) with the following key aims:**

- **to update existing controls for the storage of slurry and silage;**
- **to introduce controls over the storage of materials associated with energy production;**
- **to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.**

**For those already compliant with SSAFO construction standards, and storage capacity requirements, there are only a few additional actions.**

**Transitional periods to achieve compliance will apply.**

**The consultation closes on 13th April.**

**Background – Consultation proposals**

**Silage pits**

The current SSAFO construction standards remain mostly unchanged.

The consultation key proposals are that:

- Silage stores constructed prior to September 1991 will no longer have exempt status and must comply with construction standards.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged silo.
- The storage of draff, and crops for energy production, now falls within the rules.
- Transitional periods will apply to the majority of proposals.

Exemption for silage stores built prior to September 1991 to be removed as these are now approaching 30 year old, and if not maintained to SSAFO standards are a potential risk to water environment.

**Transitional Periods**

**Stores built before 1 September 1991 will have a 4 year transitional period from the coming into force date of the regulations to comply with the rules.**

**Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.**

### **Slurry Storage**

The current SSAFO construction standards remain mostly unchanged.

The consultation key proposals are that:

- Slurry stores constructed prior to September 1991 no longer have exempt status and must comply with construction standards.
- Slurry lagoons must be fitted with an impermeable liner.
- Storage in a slurry bag will be allowed provided it is in a lined bund.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged slurry store.
- Transitional periods will apply.

Exemption for slurry stores built prior to September 1991 proposed to be removed as these are now approaching 30 year old and if not maintained to SSAFO standards are a potential risk to water environment.

Funding is available for slurry stores in priority areas.

### **Transitional periods**

**Stores built before 1 September 1991 will have a 4 year transitional period from the coming into force date of the regulations to comply with the rules.**

**Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.**

### **Slurry storage capacity**

It is proposed that the slurry storage capacity requirement will be consolidated across Scotland at 22 weeks for housed cattle and 26 weeks for housed pigs rather than the current 2 differing regimes for SSAFO and the Action Programme for Nitrate Vulnerable Zones.

SSAFO currently requires 6 months slurry storage but many farms still have less than this which can lead to spreading in poor weather conditions or when there is no crop need.

### **Transitional Period**

**It is proposed that to achieve compliance with the 22/26 week minimum storage requirement a 4 year transitional period from the coming into force date of the regulations will apply to all those farming outwith a Nitrate Vulnerable Zone.**

### **Liquid Digestate**

The proposed rules for the storage of liquid digestate are much in line with those for the storage of slurry.

The rules on construction standards for storage apply to all storage of liquid digestate whether on farm or other commercial sites.

### **Transitional Period**

**Where liquid digestate stores do not currently meet the requirements within the regulations, a 2 year transitional period from the regulations coming into force will apply.**

### **Risk Assessment for Manures and Slurries**

Carrying out a simple Risk Assessment for Manure and Slurry (RAMS) is an easy way to plan applications of organic materials whilst following good agricultural practice and reducing pollution risk. **The risk assessment only needs to be carried when manures, slurries, and other organic materials (sewage sludge/digestate) are likely to be applied.**

Guidance on completing a RAMS map is available on the [Farming and Water Scotland](#) website.

### **Low emission spreading equipment**

It is estimated that agricultural activities account for around 90% of ammonia emissions. Low emission slurry spreading systems give more control over application and minimise runoff and emissions.

The consultation proposes that broadcast spreading by splash plates is phased out.

The consultation sets out a number of objectives to move to more efficient precision methods for application of slurries and digestate. Smaller farms will have up to five years, from date of regulations, to comply.

**Enclosure 34 Email: FW: Tenant Farmers - SSAFO - Compliance Costs**

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 10 March 2021 17:14

**To:** Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Tenant Farmers - SSAFO - Compliance Costs

Redact (personal info) (and adding Redact (personal info) and Redact (personal info))

Could you please put a meeting in about SSFO (which is The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations) for which a consultation is running which has been the source of this issue [River basin management plans - silage, slurry and anaerobic digestate – improving storage and application: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/river-basin-management-plans-silage-slurry-and-anaerobic-digestate-improving-storage-and-application) . Please just invite all those on the copy list and other teams can decide who is best placed to attend, I think everyone listed in our team should attend as there is a cross over between all of our interests so we should all have some knowledge of the issue.

Redact (personal info) – it would be helpful if at the meeting we take a step back and understand the background to this issue, where we are and the timescales going forward (in part as I have some new folk in my team). We can then discuss comms handling and funding issues, including for tenant farmers and agree how we progress.

Thanks

Redact (personal info)

Redact (personal info)

Redact (personal info) | Scottish Government

Tel: 0300 244 Redact (personal info) | Mob: Redact (personal info)

***I am working remotely and contactable via email, Skype, or on my mobile number above***

**From:** Redact (personal info) >

**Sent:** 10 March 2021 16:31

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** RE: Tenant Farmers - SSAFO - Compliance Costs

Redact (personal info), Redact (personal info) et al

This is a consideration which applies more widely to farming than just tenant farms.

As the point raised is around funding we think it perhaps best led from that side and we feed into it.

As I don't know who to include we would appreciate it if perhaps Redact (personal info) could set up a meeting with Redact (personal info) and I and the relevant people from the agri-environment/climate change funding side to discuss.

I attach a copy of the Partial BRIA, prepared with the consultation, and signed off by Ms Cunningham.

Regards

Redact (personal info)  
**From:** Redact (personal info) >  
**Sent:** 03 March 2021 18:59  
**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** RE: Tenant Farmers - SSAFO - Compliance Costs

Bringing Redact (personal info) into the chain too as keen she is involved as this relates to a policy in the Climate Change Plan update so important that she is sighted.

Happy for Redact (personal info) to work with Redact (personal info) and Redact (personal info) on this, along with Redact (personal info) who can comment on the funding position as it stands. I also know that the current farmer led groups are aware of this issue and are likely to make recommendations on it. It would be helpful to understand the scale of the issue and potential costs.

Redact (personal info) Redact (personal info) Redact (personal info) | Scottish Government  
**Tel:** 0300 244 Redact (personal info) | **Mob:** Redact (personal info)  
***I am working remotely and contactable via email, Skype, or on my mobile number above***

**From:** Redact (personal info) >  
**Sent:** 03 March 2021 18:12  
**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Cc:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >  
**Subject:** Tenant Farmers - SSAFO - Compliance Costs

Redact (personal info) Redact (personal info) Redact (personal info) – final para

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Following his speech, Mr Ewing was asked what financial assistance could be given from SG for tenant farmers who would require to spend significant sums to enable them to meet the potential outcomes of the consultation and ensure they continue to comply with SSAFO construction standards and storage capacity requirements. Tenants raised concern about the expensive cost arising from the removal of the exemption for silage pits/stores built prior to September 1991.

As Mr Ewing stated that he would work with officials and stakeholders on this, I'd be grateful if you could consider this and progress accordingly. Please engage with us as part of this process given the implications this creates for specific fixed equipment and also for how elements of our tenant farming legislation work in these situations.

I'd be grateful if you could include everyone on this copy list on future discussion on this. We are happy to meet with you to talk through the potential knock-on implications arising from your consultation in relation to tenant farming policy and our own legislation.

Redact (personal info) - Can you please advise if there is funding available from the Ag Transformation Fund or elsewhere in your area for tenant farmers impacted by these new requirements?

Thanks & [Regards](#),

Redact (personal info)

Redact (personal info)

[Agricultural Policy Division](#) \* [Directorate for Agriculture and Rural Economy](#)

Redact (personal info)

Normal working hours: Mon > Fri - 8.30 to 5.30 (normally 1 hour break sometime between 1.00 and 2.30)

**From:** Redact (personal info) >

**Sent:** 02 March 2021 18:17

**To:** Redact (personal info) >

**Cc:** Redact (personal info) >; Redact (personal info) >

**Subject:** RE: slurry store consultation

Hi Redact (personal info)

This is the briefing for the Slurry store consultation and Mr Ewing said on the Slurry question- *'There would need to be further discussion. Recognise that these are complicated matters. He will discuss with Redact (personal info) and others so that we can find a practical solution'*

Redact (personal info)

Redact (personal info)

***Enclosure 34a Document: PDF: Partial BRIA – The Water Environment (Miscellaneous) (Scotland) Regulations 2021***

BRIA exempt under regulation 6(b) of the EIRs in that ‘the information is already publicly available and easily accessible to the applicant in another form or format

**Enclosure 35 Email: FW: Silage and Slurry Summary**

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email – Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 31 March 2021 09:11

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Silage and Slurry Summary

Redact (personal info) et al

Following Monday's meeting, as discussed please find attached paper setting out current position.

Regards

Redact (personal info)



## **Enclosure 35a Document: Silage and Slurry Summary**

### **Silage and Slurry**

#### **Key points – Current position**

- Controls over construction standards for silage and slurry stores have been in place since 1991.
- Currently these are regulated by the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 (SSAFO).
- It is proposed that SSAFO measures are consolidated into the Water Environment (Controlled Activities)(Scotland)Regulations 2011.
- Stores built pre 1991 are exempt from the regulations
- The design life of silage/slurry stores is considered to be 20 years.
- There is no database of silage or slurry stores in Scotland and agricultural statistics do not collect information on age or type of stores.
- Of the slurry stores inspected by SEPA during priority catchment work it is estimated that around 30 % could be pre-1991.
- Any silage or slurry stores constructed, enlarged, or had remedial work carried out post 1991 are required to be compliant with SSAFO construction standards.
- SSAFO requires 6 months slurry storage. Indications are that many farms do not meet the 6 month requirement.

#### **Potential impacts from silage and slurry**

- The effluent from 100 tonnes of silage has the same polluting potential as the daily sewage output of a town of 25,000 people. (one 60ft x 30ft pit holds over 300 tons).
- The high Biochemical Oxygen Demand of silage effluent means it can strip oxygen from any watercourse it enters, starving water dependent species of oxygen.
- Silage effluent is highly acidic and has potential to corrode steel and concrete.
- Slurry/liquid digestate applied under inappropriate conditions, or when there is no crop nutrient requirement, can lead to losses of nitrogen through leaching or gaseous emissions including nitrous oxide, a powerful greenhouse gas which has an atmospheric lifetime of over 100 years.
- Applying slurry when there is no crop nutrient requirement or by using inefficient application methods decreases nitrogen use efficiency.
- The failure of an above ground slurry store has potential to have devastating impact on both local and further afield water environment.
- Both groundwater and surface water are at risk of pollution from silage effluent and slurry. Contamination of private or public water supplies has health implications.

## **Summary of CAR General Binding Rules Consultation Proposals**

The consultation proposes that the Silage Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 are consolidated into The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“CAR”), along with the following key aims:

- to update existing controls for the storage of slurry and silage;
- to introduce controls over the storage of materials associated with energy production;
- to propose new requirements regarding more targeted and efficient application of slurry and liquid digestate.

### **Silage bales and bulk bags**

The current SSAFO controls on storage of silage in bales and bulk bags remain mostly unchanged, but we propose that they now contain a provision to protect surface water drainage systems.

- silage bales, or bulk bags, should not be stored, opened, or unwrapped within 10 metres of any surface water or opening into a surface water drain into which silage effluent could enter if it were to escape.

### **Silage silos**

The current SSAFO construction standards remain mostly unchanged.

The consultation proposes that:

- Silage stores constructed prior to September 1991 no longer have exempt status and must comply with construction standards.
- Silos brought into operation after proposed regulations come into force must display the maximum loadings for the structure.
- All silage effluent collection systems must have an overflow alarm fitted, with a dedicated power supply.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged silo.
- The storage of draff, and crops for energy production, now falls within the rules.

### **Transitional Periods for silage storage compliance.**

**Stores built before 1 September 1991 will have a 4 year transitional period from the coming into force date of the regulations to comply with the rules.**

**Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.**

**Stores with planning permission but not constructed before the coming into force date of regulations will also have a 2 year transitional period.**

-----

### **Slurry storage**

The current SSAFO construction standards remain mostly unchanged.

The consultation proposes that:

- Slurry stores constructed prior to September 1991 no longer have exempt status and must comply with construction standards.
- Slurry lagoons must be fitted with an impermeable liner.
- Storage in a slurry bag will be allowed provided it is in a lined bund.
- Restriction on size of slurry tankers removed.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged slurry store.

### **Transitional periods for slurry storage compliance.**

**Stores built before 1 September 1991 will have a 4 year transitional period from the coming into force date of the regulations to comply with the rules.**

**Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.**

**Stores with planning permission but not constructed before the coming into force date of regulations will also have a 2 year transitional period.**

-----

### **Slurry storage capacity**

It is proposed that the slurry storage capacity requirement will be consolidated across Scotland at 22 weeks for housed cattle and 26 weeks for housed pigs rather than the current 2 differing regimes for SSAFO and the Action Programme for Nitrate Vulnerable Zones. For housed cattle this is actually a reduction from the 6 months currently required by SSAFO.

The calculation method will be as already set in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. An online version will be made available.

### **Transitional period for slurry storage capacity compliance**

**It is proposed that to achieve compliance with the 22/26 week minimum storage requirement a 4 year transitional period from the coming into force date of the regulations will apply to all those farming outwith a Nitrate Vulnerable Zone.**

-----

### **Liquid Digestate**

The proposed rules for the storage of liquid digestate are much in line with those for the storage of slurry.

The rules on construction standards for storage apply to all storage of liquid digestate whether on farm or other commercial sites.

With regard to storage quantity:

- Where liquid digestate is produced on farm, there must be sufficient storage capacity to accommodate the volume of liquid digestate produced during periods when application is not authorised under activity 18 of CAR, or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.
- Where liquid digestate is imported onto a farm, there must be sufficient storage capacity on the farm to store quantities imported during periods when application is not authorised under activity 18 of CAR or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.

### **Transitional period for liquid digestate storage**

**Where liquid digestate stores do not currently meet the requirements within the regulations, a 2 year transitional period from the regulations coming into force will apply.**

-----

### **Risk assessment for manures and slurries**

Carrying out a Risk Assessment for Manure and Slurry (RAMS) is an easy way to plan applications of organic materials whilst following good agricultural practice and reducing pollution risk. **The risk assessment only needs to be carried when manures, slurries, and other organic materials (sewage sludge/digestate) are likely to be applied.**

A RAMS map must be produced which identifies no-spread zones and spreading risks, providing a clear guide for contractors and farmworkers spreading manure, slurry or other organic fertilisers.

The person carrying out the application of organic fertilisers must be provided with a copy of the risk assessment map for the area to which fertiliser is being applied, Guidance on completing a RAMS map is available on the Farming and Water Scotland website.

-----

### **Low emission spreading equipment**

It is estimated that agricultural activities account for around 90% of ammonia emissions. Low emission slurry spreading systems give more control over application and minimise runoff and emissions.

The consultation proposes that broadcast spreading by splash plates is phased out.

- from [1 year of date of regulations] slurry may not be applied by means of high trajectory raised splash plate or rain guns
- from [1 year from date of regulations] slurry must be applied using precision equipment when:
  - (i) applied by contractors,
  - (ii) applied on farms with more than 100 milking cows, or 200 beef cattle livestock units, and
  - (iii) applied on pig units with more 800 fattening pigs or 800 sows.
- from [1 year of date of regulations] liquid digestate can only be applied using precision equipment,
- from [5 years of date of regulations] all slurry must be applied by precision equipment.

March 2021

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 01 April 2021 14:42

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Hi all,

Thanks Redact (personal info) for sharing the paper on the current position. I've tried to pull that document and our discussion into a 'one pager' format (that inevitably ended up a 1.5 pager). Grateful for any additions and amendments.

Best,  
Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 31 March 2021 09:11

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Silage and Slurry Summary

Redact (personal info) et al

Following Monday's meeting, as discussed please find attached paper setting out current position.

Regards

Redact (personal info)

***Enclosure 36a Document One Pager - Slurry***

Document exempt under EIR internal communications Reg 10(4)(e)

**Enclosure 37 Email: Email: FW: Silage and Slurry Summary**

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email – Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 26 April 2021 10:28

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Redact (personal info)

Thanks for this. I have attached an article on this, we need to be ready for a stronger stakeholder reaction.

Our next steps also need to consider any opportunities for funding (an area that Redact (personal info) is looking into); consideration of how we can weave this into our wider strategic comms plan; and how we can integrate this issue into future support – both for upgrading stores but also enforcing compliance (noting that there are particular issues re tenant farmers).

Could we also capture something in the data/evidence section on evidence about how improving slurry storage and use supports outcomes – climate, water, air (Imogen may be able to help).

Redact (personal info) / Redact (personal info) – it would be helpful if you could add in some information about the tenant farmers so we better understand the issue, what we already know, and what more needs to be done i.e. what is the current legal position for tenants/landowners and capital investments on farms? I appreciate that you are snowed just now with covid testing work so no rush for this.

Finally, it would be helpful if you could work with Ian to pull together a short core brief and top lines on this for our interests. I'm sure we will need it fairly soon after the elections as I expect stakeholders to raise it with incoming ministers.

Thanks

Redact (personal info)



# Farmers slam silage and slurry proposals



By Gordon Davidson

**PROPOSED** new controls on how Scottish farmers store and use silage, slurry and digestate have been condemned as 'excessively blunt and ill-thought-out'.

Responding to the Scottish Government's recent consultation on increasing and upgrading storage capacity on farms, the National Farmers Union Scotland this week highlighted 'significant and potentially damaging costs' associated with the proposals, and noted that the actual benefits from such a clampdown were at best 'unknown'.

More than 540 union members – who between them have 140,000 cows and 17,000 pigs – responded to a survey on the proposals and case studies from all parts of the nation have been included in the its

response, in an effort to illustrate the 'huge costs' of implementing ScotGov's plan.

President Martin Kennedy said: "NFUS fully supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality. There are no excuses for bad practice in this area, but a policy balance of regulation, support and advice must be struck.

"However, responses from our membership clearly show that, if unchanged or unsupported, these proposals bring a costly over-reliance on regulatory compliance that is highly unlikely to yield the desired policy outcomes," warned Mr Kennedy. "Instead, they may lead to very damaging unintended consequences of people leaving the industry.

"Through the hundreds of responses we received, from Shetland to Stranraer, it is abundantly clear that what

is on the table would add a huge cost burden to farmers and crofters.

"That is a cost burden that would not be recovered from the marketplace for our produce and are additional costs that farmers in many other competing nations would not have to bear," he stressed.

He pointed out there had been no offer of significant financial support to help the industry meet the proposed new regulations, and the existing schemes that might be applied to the problem were already on reduced budgets and caught up in the uncertainty surrounding UK agri-funding in the aftermath of Brexit. As such, farmers were being asked to supply public goods at their own expense.

There were also queries over just how much 'public good' the proposed regime would deliver. "Case studies show that ScotGov's anticipated benefits of reduced emissions and improved water quality are likely to be relatively insignificant and dwarfed by

Redact (personal info) | Scottish Government

**Tel:** 0300 244 Redact (personal info) | **Mob:** Redact (personal info)

*I am working remotely and contactable via email, Skype, or on my mobile number above*

**From:** Redact (personal info) >

**Sent:** 22 April 2021 09:33

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Hi all,

Thanks for your comments, just sending round the updated version of this document. We agreed at the last meeting to try to meet again at the end of April bringing in your colleague from SEPA – I don't think we have anything in the diary as of yet so just flagging as a reminder. I'm happy to try to find some time in diaries if that would be helpful as well.

Best,

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 07 April 2021 13:54

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Redact (personal info)

Many thanks for that confirmation

Redact (personal info)

Redact (personal info)

Redact (personal info) | Agriculture Policy Division | Scottish Government | Saughton House | EDINBURGH | EH11 3XD

I am currently working from home email: Redact (personal info) M Redact (personal info) DD: 0131 244 Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 07 April 2021 13:40

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Hi both,

Thanks Redact (personal info) for that amendment, that makes perfect sense, I will make that change. Redact (personal info), there is no particular rush so let's say by the end of next week to account for Easter holidays etc.

Best,  
Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 07 April 2021 13:27

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Hi Redact (personal info)

Can I check, when do you need comments by?

Redact (personal info)

Redact (personal info) | Agriculture Policy Division | Scottish Government | Saughton House | EDINBURGH  
|EH11 3XD

I am currently working from home email Redact (personal info) M: Redact (personal info) DD: 0131 244

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 07 April 2021 13:23

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Redact (personal info)

Thanks for pulling this together. I have just one comment on bullet point:

- Extend requirement for 22 weeks' storage for cattle and 26 weeks' storage for pigs to all farmers, with a four year transitional period for farmers outside an NVZ

The use of the word extend implies that there is currently no requirement outside NVZs. I suggest

- Consolidation of the SSAFO and NVZ slurry storage requirements to establish one rule which applies across the whole of Scotland, with 22 weeks' storage for cattle and 26 weeks' storage for pigs and a four year transitional period for those farming outside an NVZ.

I think it important to draw out that there are currently 2 regimes and that, for those already regulated by SSAFO, this is not a new measure.

Regards

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 01 April 2021 14:42

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: Silage and Slurry Summary

Hi all,

Thanks Redact (personal info) for sharing the paper on the current position. I've tried to pull that document and our discussion into a 'one pager' format (that inevitably ended up a 1.5 pager). Grateful for any additions and amendments.

Best,

Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 31 March 2021 09:11

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** Silage and Slurry Summary

Redact (personal info) et al

Following Monday's meeting, as discussed please find attached paper setting out current position.

Regards

Redact (personal info)

**Enclosure 38 Email: FW: Slurry briefing**

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email – Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 11 February 2022 10:19

**To:** Redact (personal info) >

**Subject:** Slurry briefing

Hi

A summary and Q&A on the slurry regs – can you please save these so that we have them to hand.

Thanks

Redact (personal info)

## **Silage and Slurry Q & A**

1. Slurry regs - Q&A would be helpful

**Q.** - Why have these new regulations on silage and slurry storage been introduced?

**A** - Controls have been in place since 1991 over the storage of silage and slurry. These remain mostly unchanged and have now been consolidated into the Controlled Activities Regulations as general binding rules, with an added provision to ensure pre 1991 facilities are fit for purpose.

**Q** - What advice and support will farmers be given in implementing measures?

**A** – Farmers will continue to be supported through the Farm Advisory Service and the Farming and Water Scotland programme will provide valuable information on the revised silage, slurry and spreading rules, along with webinars, videos, podcasts, industry shows and events.

**Q.** – What financial support is available for farmers?

**A** – The Sustainable Agricultural Capital Grant Scheme round in 2022 will offer support to farmers, crofters and for the first time agricultural contractors to assist in purchasing low emission slurry spreading equipment and slurry store covers.

Farmers in SEPA’s priority catchments can apply for slurry storage - under the current round of the Agri-Environment Climate Scheme (AECS). AECS also provides grant funding to help farmers manage stabling drainage to minimise the collection of dirty water. This is often an effective means of reducing the slurry storage capacity requirements.

**Q** – Why do we need to have a minimum 22 weeks slurry storage?

**A** – It has been a requirement since 1991 to maintain 6 months slurry storage. We have consolidated the 22 week requirement as the minimum standard across Scotland. In times of rising chemical fertiliser prices this will allow farmers with slurries to make to maximise its fertiliser benefit.

**Q** - Why do those with older stores built before 1991 have to replace them?

**A** – There is no requirement in the regulations to replace pre 1991 stores but that they must be structurally sound and fit for purpose.

**Q** – Why are splash plates being banned?

**A** - It is estimated that agricultural activities account for around 90% of ammonia emissions. Low emission slurry spreading systems give more control over application and will minimise runoff and can greatly reduce emissions. Many countries worldwide recognise the benefits of a move to these methods.

**Q** – Farmers need time to make these changes –has that been taken into account?

**A** - We understand that farmers will not be able to introduce these changes overnight. We have engaged with NFUS, and the transitional periods aim to ensure farmers have adequate time to introduce any necessary changes.

**Q** – Are these regulations not just a way of introducing Nitrate Vulnerable Zones controls across the whole of Scotland?

**A** – No. The additional controls in Nitrate Vulnerable Zones are important to protect at risk surface and ground waters from the impacts of nitrates. Compliance with the Controlled Activities Regulations general binding rules will help avoid other waters across Scotland falling into the at risk category.

## **Silage and slurry summary**

### **Key points – Current position**

- Controls over construction standards for silage and slurry stores have been in place since 1991 in the Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO).
- SSAFO measures consolidated into the Water Environment (Controlled Activities)(Scotland)Regulations 2011 by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021.
- The design life of silage/slurry stores is considered to be 20 years.
- There is no database of silage or slurry stores in Scotland and agricultural statistics do not collect information on age or type of stores.
- Of the slurry stores inspected by SEPA during priority catchment work it is estimated that around 30 % could be pre-1991.
- Any silage or slurry stores constructed, enlarged, or had remedial work carried out post 1991 were required to be compliant with SSAFO construction standards.

### **Potential impacts from silage and slurry**

- The effluent from 100 tonnes of silage has the same polluting potential as the daily sewage output of a town of 25,000 people. (one 60ft x 30ft pit holds over 300 tonnes).
- The high Biochemical Oxygen Demand of silage effluent means it can strip oxygen from any watercourse it enters, starving water dependent species of oxygen.
- Silage effluent is highly acidic and has potential to corrode steel and concrete.
- Slurry/liquid digestate applied under inappropriate conditions, or when there is no crop nutrient requirement, can lead to losses of nitrogen through leaching or gaseous emissions including nitrous oxide, a powerful greenhouse gas which has an atmospheric lifetime of over 100 years.
- Applying slurry when there is no crop nutrient requirement or by using inefficient application methods decreases nitrogen use efficiency.
- The failure of an above ground slurry store has potential to have devastating impact on both local and further afield water environment.
- Both groundwater and surface water are at risk of pollution from silage effluent and slurry. Contamination of private or public water supplies has health implications.

## **Summary of CAR General Binding Rules amendments.**

### **Silage bales and bulk bags**

The current SSAFO controls on storage of silage in bales and bulk bags remain mostly unchanged, but we propose that they now contain a provision to protect surface water drainage systems.

- silage bales, or bulk bags, should not be stored, opened, or unwrapped within 10 metres of any surface water or opening into a surface water drain into which silage effluent could enter if it were to escape.



## **Silage silos**

The current SSAFO construction standards remain mostly unchanged.

- Silage stores constructed prior to September 1991 no longer have exempt status and must comply with basic construction standards.
- All silage effluent collection systems must have an overflow alarm fitted, with a dedicated power supply.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged silo.

### **Transitional Periods for silage storage compliance.**

Stores built before 1 September 1991 will have a 4 year transitional period from 1 January 2022 to comply with the rules.

Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.

Stores with planning permission but not constructed before 1 January 2022 will also have a 2 year transitional period.

-----

## **Slurry storage**

The current SSAFO construction standards remain mostly unchanged.

The CAR regulations general binding rules require:

- Slurry stores constructed prior to September 1991 no longer have exempt status and must comply with a basic set of construction standards.
- Slurry lagoons must be fitted with an impermeable liner.
- Storage in a slurry bag will be allowed provided it is in a lined bund.
- Restriction on size of slurry tankers removed.
- SEPA must be notified before construction of any new, reconstructed, or substantially enlarged slurry store.

### **Transitional periods for slurry storage compliance.**

Stores built before 1 September 1991 will have a 4 year transitional period from 1 January 2022 to comply with the rules.

Stores built after 1 September 1991 will have a 2 year transitional period to make any upgrades to ensure compliance with the revised rules.

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---

## **Slurry storage capacity**

The slurry storage capacity requirement is consolidated across Scotland at 22 weeks for housed cattle and 26 weeks for housed pigs rather than the current 2 differing regimes for SSAFO and the Action Programme for Nitrate Vulnerable Zones. For housed cattle this is actually a reduction from the 6 months currently required by SSAFO.

The calculation method will be as already set in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. An online version will be made available.

## **Transitional period for slurry storage capacity compliance**

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---

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With regard to storage quantity:

- Where liquid digestate is produced on farm, there must be sufficient storage capacity to accommodate the volume of liquid digestate produced during periods when application is not authorised under activity 18 of CAR, or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.
- Where liquid digestate is imported onto a farm, there must be sufficient storage capacity on the farm to store quantities imported during periods when application is not authorised under activity 18 of CAR or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.

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---

## **Risk assessment for manures and slurries**

Carrying out a Risk Assessment for Manure and Slurry (RAMS) is an easy way to plan applications of organic materials whilst following good agricultural practice and reducing

pollution risk. The risk assessment only needs to be carried when manures, slurries, and other organic materials (sewage sludge/digestate) are likely to be applied.

A RAMS map must be produced which identifies no-spread zones and spreading risks, providing a clear guide for contractors and farmworkers spreading manure, slurry or other organic fertilisers.

The person carrying out the application of organic fertilisers must be provided with a copy of the risk assessment map for the area to which fertiliser is being applied, Guidance on completing a RAMS map is available on the Farming and Water Scotland website.

-----

### **Low emission spreading equipment**

It is estimated that agricultural activities account for around 90% of ammonia emissions. Low emission slurry spreading systems give more control over application and minimise runoff and emissions to air.

Broadcast spreading by splash plates will be phased out.

- from 1 January 2023 slurry may not be applied by means of high trajectory raised splash plate or rain guns
- from 1 January 2023 slurry must be applied using precision equipment when:
  - (i) applied by contractors,
  - (ii) applied on farms with more than 100 milking cows, or 200 beef cattle livestock units, and
  - (iii) applied on pig units with more 800 fattening pigs or 800 sows.
- from 1 January 2023 liquid digestate can only be applied using precision equipment,
- from 1 January 2027 all slurry must be applied by precision equipment.

February 2022

**Enclosure 39 Email: FW: PfG Possible: Reducing emissions from farming**

Redact (personal info)



Redact (personal info), Agriculture Transformation for Environment and Climate Change , Agriculture Policy Division, D Spur, Saughton House, Edinburgh , EH11 3XD

Tel – 0300 244 Redact (personal info) - Email – Redact (personal info)

**PN – I am currently home working until further notice, and will only respond via email**

**From:** Redact (personal info) >

**Sent:** 22 July 2022 16:04

**To:** Redact (personal info) >; Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Raines P (Philip) <[Philip.Raines@gov.scot](mailto:Philip.Raines@gov.scot)>; Redact (personal info) >; Donnelly S (Shiree) <[Shiree.Donnelly@gov.scot](mailto:Shiree.Donnelly@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Deputy Director of Food & Drink <[DeputyDirectorofFood&Drink@gov.scot](mailto:DeputyDirectorofFood&Drink@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: PfG Possible: Reducing emissions from farming

**Importance:** High

Good afternoon colleagues,

**Actions for:**

Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Redact (personal info), Food & Drink colleagues

I am summarising where I think we have got to on the PfG advice to Ms Gougeon so far. Could policy leads please review the potential PfG commitments and advice below and reply to me **by COP Tuesday 26.** Please note these are rough lines based on various email chains and discussions so you may wish to frame appropriately.

- **Lead:** Redact (personal info)
- **Request:** Expand the agricultural transformation fund, providing capital grants and loans for, for example, slurry storage, precision fertiliser application equipment, anaerobic digesters,
- **Proposal:** Redact (personal info) **to develop.**
- **Budget:** There is no budget currently, we could support some of this if budget was secured.
- **Advice:**

- **PARTIALLY ACCEPT**
  - many of the measures suggested under the ATF have been discussed already. Support for low emission slurry spreading equipment and slurry store covers was the theme for SACGS this year and could form part of any future scheme.
  - We have been considering options around slurry storage. There is support for that available through AECS for SEPA designated areas and it may be that a wider scheme beyond those designated areas could be operated using the AECS mechanism if resources were available through, for example the ATF.
  - Anaerobic Digesters are very expensive to run. SG funded some on farms a few years ago that are no longer in operation – **can we add some details?**
  - AD funding available from UK Gov – we could just signpost to that
- **Leads:** Redact (personal info) / Redact (personal info) / Redact (personal info)
  - **Request:** Not listed here is anything around farm based district heating from on farm renewables (straw boilers etc)
  - **Proposal:** We will support farmers and crofters to reduce their emissions, energy costs, reliance on fossil fuels and potentially support new income streams through the provision of advice through the Farm Advisory Service. We will develop a new programme of advice on integration of renewable energy systems, including wind, solar and bioenergy.
  - **Budget:** can be developed within existing FAS contract. May require a slight uplift to next years contract depending on farmers uptake of the service.
  - **Advice:**
    - **ACCEPT**
    - Work in this area by officials has identified the key barrier to implementation of renewables on farms is lack of knowledge and understanding of private markets, available technologies, and appropriate options for the specific business.
    - The FAS contract is up for renewal in April 2023. The current contract has scope to begin developing and rolling out advice on renewable energy, but additional budget may be required to expand the programme in the new contract.
- **Leads:** Redact (personal info) **and** Redact (personal info) (Redact (personal info) **to speak with** Redact (personal info) / Redact (personal info))
  - **Request:** Support for reducing synthetic fertiliser use through encouraging use of legumes in grassland, efficient application, replacement with organic manures, etc. This could also be positioned as support for the sector in adapting to rapidly increasing synthetic fertiliser prices.
  - **Proposal:** Support for reducing synthetic fertiliser use will be explored through the National Test Programme through immediate support for farmers through Track 1, to develop Nutrient Management Plans, with legumes and cover crops being included as actions for Track 2. Farmers will be supported to implement their Nutrient Management Plan and improve the nitrogen use efficiency of their crops with support through FAS and Knowledge Exchange.

- **Budget: ??**
- **Advice:**
  - **PARTIALLY ACCEPT**
  - The current prices are already resulting in decreased artificial N inputs,
  - Research indicates that you can significantly reduce N inputs while having only a marginal effect on yield – promoting this information could form part of the communications around Nutrient Management Plans and reduced fertiliser use.
  - There has already been a bit of work by AHDB and FAS on this but one easy win might be increasing KE on this.
  - The Nitrogen Balance Sheet could be used as a metric for improved efficiency of nitrogen use, and has been included as an indicator in the Climate Change Plan monitoring report.
  
- **Lead:** Redact (personal info) / Redact (personal info)
- **Request:** Accelerator programme for methane inhibitor development and trials
- **Proposal:** None
- **Advice:**
  - **REJECT**
  - A trial is not needed, and products are still 6-12 months away from licencing, so doesn't fit the timescales for a PfG.
  - We will develop a narrative policy to include in the Climate Change Plan.
  
- **Leads: Food and drink colleagues - who leads on food for life?**
- **Request:** Further measures to support organic conversion, e.g. increase investment in Food for Life
- **Proposal:** none?
- **Budget:** support is already provided for organics through AECS. Additional action would require further funding. **Any budget in Food and Drink?**
- **Advice:**
  - **REJECT**
  - We have an existing PfG commitment for doubling organics that is proving challenging to deliver
  
- **Leads:** Redact (personal info), Redact (personal info) **and** Redact (personal info)
- **Request:** Further measures to support agroforestry/native woodland on farms – we are already probably doing as much as we can here and understand the challenge is growing demand so likely to be a comms/advisory commitment
- **Proposal:** We will support greater integration of trees on farms by committing £150,000 to further build on the success of the Integrating Trees Network to reduce barriers and stimulate more farmers to successfully stitch woodland into the farmed landscape. We will also explore ways to make woodland creation more financially attractive to farmers through future reforms to farm

support, including modifying the Ecological Focus Area (EFA) option to include agroforestry.

- **Budget:** £150k from the Agriculture and Climate Change Team budget for 2022-23
- **Advice**
  - o **ACCEPT**
  - o Advice was provided to the Cabinet Secretary on *date* regarding the next steps for the Integrating Trees Network.
  - o **Summarise advice and ministerial response**

Redact (personal info)

Scottish Government | Saughton House | Edinburgh

Tel: +44 (0)131 244 Redact (personal info) Mob: Redact (personal info)

**From:** Redact (personal info) >

**Sent:** 20 July 2022 12:22

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Raines P (Philip) <[Philip.Raines@gov.scot](mailto:Philip.Raines@gov.scot)>; Redact (personal info) Donnelly S (Shiree) <[Shiree.Donnelly@gov.scot](mailto:Shiree.Donnelly@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Deputy Director of Food & Drink <[DeputyDirectorofFood&Drink@gov.scot](mailto:DeputyDirectorofFood&Drink@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** RE: PFG Possible: Reducing emissions from farming

John, yes many of the measures suggested under the ATF have been discussed already. Support for low emission slurry spreading equipment and slurry store covers was the theme for SACGS this year and could form part of any future scheme. We have been considering options around slurry storage. There is support for that available through AECS for SEPA designated areas and it may be that a wider scheme beyond those designated areas could be operated using the AECS mechanism if resources were available through, for example the ATF.

With regard to anaerobic digesters, there appears to be a four year, UK wide scheme (Green Gas Support Scheme operated by Ofgem) launched last year and we can obtain further information on that to find out about eligibility. England operated a an Anaerobic Digestion Loan Fund some years ago and we can find out more about the operation of that too. Support for renewables also exists through the SME Loan Fund from the Energy Savings Trust, and farm businesses may be eligible for that, I can also look into that as part of the sign-posting you refer to.

As [redact] has said, budget availability for any new support is an issue both in terms of availability of capital and also in terms of FTs (which we did not bid for in the capital spending review).

Happy to discuss.

Redact (personal info).

Redact (personal info) | Agriculture Policy Division | Scottish Government, D Spur Saughton House, Broomhouse Drive, Edinburgh EH11 3XD | T 0300 244 Redact (personal info) | M Redact (personal info)

**From:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Sent:** 19 July 2022 17:34

**To:** Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Raines P (Philip) <[Philip.Raines@gov.scot](mailto:Philip.Raines@gov.scot)>; Redact (personal info) >; Donnelly S (Shiree) <[Shiree.Donnelly@gov.scot](mailto:Shiree.Donnelly@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Deputy Director of Food & Drink <[DeputyDirectorofFood&Drink@gov.scot](mailto:DeputyDirectorofFood&Drink@gov.scot)>; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >; Redact (personal info) >

**Subject:** FW: PfG Possible: Reducing emissions from farming

**Importance:** High

Colleagues,

See below a commission from Cab Sec following a discussion with the green group. AS I mentioned to some of you at the RHS Harry H had broached the subject of doing more in the margins of supporting Ms Slater.

I am not sure about the time scales required Redact (personal info) or Redact (personal info) can you advise?) for PFG but my initial reaction to the list would be as follows:

Firstly I have already flagged the pressure on capital budgets in my acknowledgment response to PO. [redact] / Redact (personal info) can you give a steer on any flexibility there (even confirming there is none will be helpful for the advice).

- Expand the agricultural transformation fund, providing capital grants and loans for, for example, slurry storage, precision fertiliser application equipment, anaerobic digesters, Redact (personal info) these issues will have been discussed through ATF already but the anaerobic digesters may allow access to other budgets for renewables which we could direct through the ATF (or signpost farmers to). This item is principally constrained by a. budget and b. our ability to usefully deploy FTs in this sector. Not listed here is anything around farm based district heating from on farm renewables (straw boilers etc) Redact (personal info) are we ready to offer that in this space yet?
- Support for reducing synthetic fertiliser use through encouraging use of legumes in grassland, efficient application, replacement with organic manures, etc. This could also be positioned as support for the sector in adapting to rapidly increasing synthetic fertiliser prices.



Redact (personal info) **and** Redact (personal info) **can you pick this one up one way to do this would be to offer resource funding for legume seeding into swards/or cover cropping. Cutting N inputs is probably top of the list in emissions reduction quickly (not mentioned are nitrification inhibitors so we should add that to the advice)**

- Accelerator programme for methane inhibitor development and trials  
Redact (personal info) **(copy to Redact (personal info) to ensure AHW sighted) this could be something we outsource or could be a gathering up of already planned activity on methane inhibitors, this one is probably the second top pick (due to lead time) in terms of delivering emissions reduction quickly**
- Further measures to support organic conversion, e.g. increase investment in Food for Life  
Redact (personal info) / Redact (personal info) **who leads on food for life?**
- Further measures to support agroforestry/native woodland on farms – we are already probably doing as much as we can here and understand the challenge is growing demand so likely to be a comms/advisory commitment  
Redact (personal info), Redact (personal info) **and** Redact (personal info) **this one seems to play right into the work on the tree network that we had offered to Ministers already but could include the EFA element as well.**

As regards funding I suppose we have two options on resource either the uncommitted “Bew 2” money or that we release money from elsewhere (eg bps) to fund these initiatives so if “Bew 2” is not available to us then this request gives us a way into that tricky territory of reallocating funds from existing schemes. [redact]/  
Redact (personal info) to advise

I am very conscious that whilst all of the things on this list are in our plans bringing them forward for delivery sooner is a new ask with no new capacity to do it. So we should be careful to flag up delivery risks here. Moreover some of it may be cart before the horse (I.e. a legume seeding scheme should follow from a protein strategy and not the other way around). On the other hand the world (significant parts of France at least) is literally on fire and we are in the middle of a record breaking heatwave so getting on with it is also paramount.

Grateful if colleagues in bold can pull together initial advice on the subject listed and one of us can coordinate a response.

John

---

John Kerr | Head of Agriculture Policy Division | The Scottish Government  
D Spur, Saughton House Edinburgh EH11 3XD | Tel: 0131 244 Redact (personal info) | Mobile Redact (personal info) | [john.kerr@gov.scot](mailto:john.kerr@gov.scot)

**From:** Redact (personal info) > **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

**Sent:** 19 July 2022 16:13

**To:** Kerr J (John) <[John.Kerr@gov.scot](mailto:John.Kerr@gov.scot)>

**Cc:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; Cabinet Secretary for Net Zero, Energy and Transport <[CabSecNetZET@gov.scot](mailto:CabSecNetZET@gov.scot)>; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>; McFarlane J (John) (Special Adviser) <[John.McFarlane@gov.scot](mailto:John.McFarlane@gov.scot)>; Lloyd E (Elizabeth) <[Elizabeth.Lloyd@gov.scot](mailto:Elizabeth.Lloyd@gov.scot)>; Director of Agriculture and Rural Economy <[DirectorARE@gov.scot](mailto:DirectorARE@gov.scot)>; DG Net Zero <[DGNetZero@gov.scot](mailto:DGNetZero@gov.scot)>; Redact (personal info) >; Redact (personal info) >

**Subject:** PfG Possible: Reducing emissions from farming

**Importance:** High

John

Ms Gougeon discussed with the SGP and agreed to commission advice with the aim of developing a package of measures to accelerated the reduction of emissions in the agriculture sector that builds on the National Testing programme and can be a high-level commitment in the PfG, delivered from April next year. Extract from exchanges;

“There’s lots of good work underway for the post CAP framework that will be in line with our targets, but it’s clear from the Climate Change Committee advice that we need to increase delivery sooner to be on track to meet our 2030 targets and e-NGOs are singling this area out for action. When John and I met with the NFU last week they were also clear that they thought we could be moving faster, and relayed the fact that their members who had taken up the carbon audit had found it positive in growing their understanding but were now asking what they should do about it.

The package could include:

- Expand the agricultural transformation fund, providing capital grants and loans for, for example, slurry storage, precision fertiliser application equipment, anaerobic digestors,
- Support for reducing synthetic fertiliser use through encouraging use of legumes in grassland, efficient application, replacement with organic manures, etc. This could also be positioned as support for the sector in adapting to rapidly increasing synthetic fertiliser prices.
- Accelerator programme for methane inhibitor development and trials
- Further measures to support organic conversion, e.g. increase investment in Food for Life
- Further measures to support agroforestry/native woodland on farms – we are already probably doing as much as we can here and understand the challenge is growing demand so likely to be a comms/advisory commitment

Obviously not an exhaustive list, but clear that there is plenty of opportunity. The challenge will be funding it – I’m assuming it would have to come from existing agricultural funding, but there will be a number of ways of doing this.”

They aren’t necessarily looking for all of the above to be individually referenced, but a commitment to doing more ahead of the revised funding approach and that these are considered for inclusion.

Cab Sec would welcome advice on the implementability of these, which might give her something to work with the Greens on.

Kind regards

Redact (personal info)

Cabinet Secretary for Rural Affairs and Islands

Redact (personal info)

St Andrews House

☎ 0131 244 Redact (personal info)

☎ Redact (personal info)

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## **Enclosure 40 MiCase – Silage Pits and Slurry Storage**

**From:** Private - Russell MW (Michael), MSP <Michael.Russell.msp1@parliament.scot>

**Sent:** 12 March 2021 14:52

**To:** Cabinet Secretary for Rural Economy and Tourism <[CabSecRET@gov.scot](mailto:CabSecRET@gov.scot)>

**Cc:** Docherty M (Marie-Claire) <Redact (personal info) @parliament.scot>; Redact (personal info)@btconnect.com

**Subject:** Silage Pits and Slurry Storage - practical observations from a farmer regarding the current consultations

Dear Fergus

My constituent Redact (personal info), , has emailed me about current consultations, one about silage pits and one about slurry storage.

His observations are given below and I have great sympathy with them. It would be simply impossible to ask farmers to meet such costs for no benefit and without any chance of recouping them.

I do hope that sensible pragmatic position will inform the outcome of the consultations.

Regards

Michael

Extracts from Redact (personal info) email regarding the consultations:

***The first is one on silage pits. All our silage pits have to get a design certificate to assess loading. We have built our own very substantial pits over a number of years and they would not qualify for a design certificate although they meet today's general binding rules for basic payment scheme. There has been no risk assessment done (to my knowledge) to justify this regulation. To replace these pits will cost in the region of £650,000. I am awaiting firm estimates to prove my point. Even if there was a grant scheme available there would be no improvement in profit whatsoever if we had to make that investment.***

*The second consultation is on slurry storage for 6 months. This will definitely not be an environmental improvement. At the moment we spread the slurry on the drier ground in winter, and the grass utilises the slurry so that the grass feeds our sheep over the winter as opposed to hauling in purchased feed. At the end of the 6 months everyone will have to pour slurry on to fields and if the following week was wet a lot of run off would be washed into burns. This would cost our business a further £ 400,000. I have asked for estimates for this as well.*

Our business could not stand these investments where there is no gain but there would be additional costs instead.

***Enclosure 40a MiCase – Silage Pits and Slurry Storage***

From: CabSecECCLR@gov.scot

To: [Michael.Russell.msp1@parliament.scot](mailto:Michael.Russell.msp1@parliament.scot)

Subject: Your recent correspondence with Scottish Government and partner agencies -  
202100182011

Date: 25/03/2021 09:08

Please find attached a response to your correspondence.

**Enclosure 40b MiCase – Silage Pits and Slurry Storage reply letter**

Cabinet Secretary for Environment, Climate Change and Land Reform Roseanna Cunningham MSP  
abc d

T : 0300 244 4000

E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Michael Russell MSP

[Michael.Russell.msp1@parliament.scot](mailto:Michael.Russell.msp1@parliament.scot)

Our Reference: 202100182011

Your Reference: Silage Pits and Slurry Storage - practical observations from a farmer regarding the current consultations

25 March 2021

Dear Michael,

Thank you for your email of 12 March, to Fergus Ewing MSP Cabinet Secretary for Rural Economy and Tourism, regarding the concerns of your constituent, Redact (personal info), on the proposals for silage and slurry storage currently under consultation. I am responding as the proposals in the consultation fall within my portfolio.

It is difficult without full knowledge of Redact (personal info) situation to offer a response on an individual basis. I can however offer a response to the points he raises on a general basis.

The consultation proposes that the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 (SSAFO) are consolidated into the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) as a set of general binding rules, along with proposed modifications to reflect modern practices.

The SSAFO regulations have been in force since 1991 and set standards for construction of silage and slurry stores.

In response to Redact (personal info) comment on silage storage. All silage stores built post 1991 are required by legislation to meet the standards in SSAFO including notification to the River Purification Authority, or SEPA, who would have requested a design specification, a sign off from Local Authority building control also being acceptable. Where this has not been adhered to the consultation proposes that farmers will have 2 years from introduction of legislation to take remedial action to bring the structures up to standard.

If post 1991 stores have been built and maintained to the required standard they may only require minor modification to comply with the proposals.

With regard to pre 1991 silage and slurry storage. The consultation does not propose that all pre 1991 stores are required to be replaced. For example it may be sufficient that, to protect groundwater, pre 1991 slatted slurry stores under sheds are inspected to ensure that they are impermeable, and, if necessary, remedial action taken. Above ground stores may need action appropriate to their design and condition.

The consultation proposes that, as these structures have a design life of around 20 years, it is proportionate that the continued integrity of older stores should be in line with modern standards. All structures, whether pre or post 1991, should be regularly inspected for defects.

Any pre-1991 stores which have been enlarged or reconstructed, since 1991, are already required to meet the SSAFO standards.

In respect of slurry storage capacity. It has been a requirement since introduction of the 1991 SSAFO regulations to have 6 months storage capacity. The consultation proposal to consolidate slurry storage across Scotland at 22 weeks for housed cattle is in essence a slight relaxation of the current SSAFO regulations.

In Scotland, we do not have the luxury of dry winters or summers, so good slurry management is key to protecting the water environment. The current general binding rules on application of fertilisers do not contain dates when slurry cannot be applied but do prohibit application during poor ground and weather conditions, or there is no growing crop nutrient requirement. Scottish weather conditions in winter make it difficult to justify applying slurry during cold or wet periods, when there is little uptake by crops and a high risk of leaching to groundwater, so sufficient capacity to cover these periods is essential.

As with all Scottish Government consultations responses will be taken into consideration in any decision making.

I trust this clarifies the points raised by Redact (personal info).

Yours sincerely,

Roseanna Cunningham

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**Enclosure 41 MiCase – Farm case study for the slurry and silage consultation**

AO – Redact (personal info)

For MiCase please

Redact (personal info) | Redact (personal info)  
**Cabinet Secretary for Rural Economy and Tourism**  
📧: Redact (personal info)

---

Room Redact (personal info) | St. Andrew’s House | Regent Road | Edinburgh | EH1 3DG

**From:** Redact (personal info) >  
**Sent:** 06 April 2021 13:49  
**To:** Ewing F (Fergus), MSP <[Fergus.Ewing.msp@parliament.scot](mailto:Fergus.Ewing.msp@parliament.scot)>  
**Subject:** \*\* Farm Case study for the slurry and silage consultation- Redact (Third party interests) \*\*

**CAUTION:** *This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.*

Dear Fergus,

Thank you very much for your support at the meeting last night. It was a great opportunity to meet Redact (personal info) and we thought there were a lot of important issues raised. We hope to see more of Redact (personal info) and obviously yourself after the elections in May. As discussed, please find attached the case study for our farm that my wife and I put together. The quotes are all as accurate as I could get and I can provide the quotes in addition if you need? We are keen to help in anyway we can and really feel that this consultation needs a lot of thought and industry input. Please let me know your thoughts and if there’s anything else I can do to help,

Thanks again,  
Regards,  
Redact (personal info)

Redact (personal info)  
Redact (personal info)

\*\*\*\*\*

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**Enclosure 41a Document: Redact (personal info) *Slurry and silage Proposal impact.pdf***

Impact of Scottish Government's Silage, slurry and anaerobic digestate storage proposals on a Redact (personal info) run Argyll Dairy, beef, sheep and arable farm

Farm: Redact (personal info)

Staff: Redact (Third party interests)

Acreage: Redact (Third party interests)

Livestock: Redact (Third party interests)

Arable: Redact (Third party interests)

Silage: Redact (Third party interests)

Slurry Storage

Current capacity:

Redact (Third party interests).

Current slurry management: The farm Redact (Third party interests) of Scotland, with mild but unpredictably wet weather, the farm is best able to manage slurry handling by spreading little and often throughout the year on ground that is rarely, if ever, snow covered, frozen or waterlogged. In fact, due to the mild weather in Redact (Third party interests), the grass grows all year round and spreading frequent small amounts of slurry on winter grazing fattens lambs without the cost and environmental impact of buying and hauling in concentrate feed.

Impact of proposals:

Although meticulously maintained, under the current proposals all Redact (Third party interests) would need to be demolished and replaced with larger storage that would provide no financial, management or environmental benefits.

Redact (Third party interests) +VAT (Redact (Third party interests))

Redact (Third party interests) gallon slurry store with cover Redact (Third party interests) +VAT

Redact (Third party interests) gallon slurry store with cover Redact (Third party interests) +VAT

Redact (Third party interests) gallon slurry store with cover Redact (Third party interests) +VAT

Total Redact (Third party interests) +VAT

Total financial cost to the farm of over Redact (Third party interests) with zero financial gain to the business. There would also be no environmental benefit to the proposals given that the current stores are fit for purpose, slurry is well managed and there is a significant and harmful environmental impact of the construction works themselves. Including but not limited to the carbon impact of equipment haulage, use of construction machinery, aggregates, concrete etc.

Silage Storage

Current Capacity:

Redact (Third party interests)

Impact of proposals:

Although well built, fit for purpose, and meeting current guidelines, the Redact (Third party interests) if the pre-1991 exemptions were revoked. The silage pits are situated in such a way as to make upgrading them impossible and not cost effective. The only option would therefore be to demolish and replace all existing silos.

Galvanised kit delivered Redact (Third party interests) +VAT

Concrete wall panels Redact (Third party interests) +VAT

Concrete floor and effluent tank Redact (Third party interests) +VAT

Site preparation, foundations and erection Redact (Third party interests) +VAT

Total for Redact (Third party interests) tonne silage pit Redact (Third party interests) +VAT

Total for Redact (Third party interests) silage pits Redact (Third party interests) +VAT

Total financial cost to the farm of Redact (Third party interests) with zero financial gain to the business. Once again there would be no environmental benefit to these proposals as all the silage

pits are fit for purpose, not within 10 metres of any surface water and built in such a way to as to not cause contamination of ground water even in the case of a catastrophic structural breach. Again, the proposed works would also have a significant and harmful environmental impact themselves. Including but not limited to the carbon impact of equipment haulage, use of construction machinery, aggregates, concrete etc.

#### Conclusion

Should the proposed regulations be implemented unchanged this successful Redact (Third party interests) business would be subject to costs of well over Redact (Third party interests) of investment which, even if grant aided, would be wholly untenable and would risk the future of the farming partnership as well as the livelihoods of its Redact (Third party interests) employees. The environmental impact of agriculture in Scotland cannot be meaningfully addressed by a 'one size fits all' approach. Generically imposed regulations prevent farmers from having the freedom to invest in farm specific projects that could have tangible environmental benefits unique to their situation. The cost implications of these proposals would also be hugely detrimental to the potential growth of the Scottish food and drink industry. The industry is currently worth approximately £14 billion, a figure which the Scottish government themselves have ambitiously targeted to double by 2030 to £30 billion. With the vast investment these regulations would need, farms would be left with no capital. Far from doubling productivity, farms will be unable to increase their production at all and in many cases, unable to meet the demands and costs of these regulations, they will have no choice but to close altogether which may well be the only option for this business. Universally enforcing the proposed silage and slurry regulations on Scottish farms including businesses like Redact (Third party interests) where there is no financial or environmental benefit is counterproductive and puts farms, livelihoods, the Scottish food and drink industry and the rural economy at great risk.

***Enclosure 41b MiCase – Farm case study for the slurry and silage consultation***

DIRECTORATE FOR ENVIRONMENT AND FORESTRY ENFOR : Environmental Quality & Circular Economy

Redact (personal info)

Our Reference: 202100191573

17 May 2021

Dear Redact (personal info),

Thank you for your email of 6 April, to Fergus Ewing Cabinet Secretary for Rural Affairs and Tourism, containing a case study in respect of the consultation: Silage, slurry and liquid digestate, storage and application. I am responding on his behalf.

I have passed the case study to colleagues dealing with the consultation and it will be considered along with the other consultation responses.

Yours sincerely

Redact (personal info)

EQCE : Environmental Quality Unit

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG [www.gov.scot](http://www.gov.scot)

**Enclosure 42 MiCase – slurry tanks**

Mairi Gougeon MSP  
Cabinet Secretary for Rural Affairs and Islands Rural Affairs and Islands  
Scottish Government, St. Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Our Ref: ET202  
25 September 2021

Dear Mairi,

Re: slurry tank issues

I am writing to you on behalf of a constituent who recently contacted me regarding issues he is having on his farm with new regulations relating to slurry tanks.

As I understand it, the issue at hand is that government regulation requires that the constituent need a new slurry tank in order to abide by environmental regulations.

On the phone to a member of my staff, the constituent stated that the cost and vat of this tank could be as high as £150,000. This amount is unaffordable to him.

With this in mind, can you advise on what support may be available to the constituent in order to support him with installing this.

Yours sincerely,

Evelyn Tweed MSP

**Enclosure 42a MiCase reply – slurry tanks**

Evelyn Tweed MSP  
Scottish Parliament  
Edinburgh EH99 1SP \_\_\_\_

Our ref: 202100244130

12 October 2021

Dear Evelyn,

Thank you for your letter of 25 September regarding your constituent's concerns over replacing his slurry tank.

The Scottish Government consulted earlier this year on a number of measures which would protect water quality and contribute to climate change mitigation. One of these measures being the consolidation of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil)(Scotland) Regulations 2003 (SSAFO), which set construction standards for slurry stores, into the Water Environment(Controlled Activities)(Scotland) Regulations (CAR). The proposed regulations are not yet in force.

The consultation proposed removal of the exemption for slurry stores built prior to 1991, when SSAFO was first introduced, from meeting the construction standards contained within SSAFO. Although many of these stores may be in good condition they are now over 30 years old and if not properly maintained are a potential risk to the water environment. The consultation did not propose that these stores are replaced, but that they should be in line with recognised industry standards. Pre -1991 stores will have a 4 year transition period, from when regulations come into force, to achieve compliance.

The Scottish Government has taken into account responses to the consultation and is considering how best to achieve cost effective standards of construction, supported by legislative controls, for older stores.

With regards to funding, consideration is currently being given as to how future funding, for agriculture, can be taken forward.

As policy decisions for future funding are yet to be agreed, I am afraid that is as much information as I can provide at the moment.

I trust this clarifies the current position.

Yours sincerely,

MAIRI GOUGEON

**Enclosure 43 MiCase – slurry storage**

**From:** Redact (personal info)[@gov.scot](mailto:Redact (personal info)@gov.scot) **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands  
**Sent:** 22 December 2021 08:48  
**To:** Public Engagement Unit <[CorrespondenceUnit@gov.scot](mailto:CorrespondenceUnit@gov.scot)>  
**Cc:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Subject:** FW: Argyll & the Isles NFU - Slurry Storage

AO Redact (personal info)

FOR MR please.

Redact (personal info)  
Cabinet Secretary for Rural Affairs and Islands

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Room 2N.08 | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

**From:** Minto J (Jenni), MSP <[Jenni.Minto.MSP@Parliament.scot](mailto:Jenni.Minto.MSP@Parliament.scot)>  
**Sent:** 21 December 2021 18:49  
**To:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>  
**Cc:** Redact (personal info)[@parliament.scot](mailto:Redact (personal info)@parliament.scot); Redact (personal info)[@parliament.scot](mailto:Redact (personal info)@parliament.scot)  
**Subject:** Argyll & the Isles NFU - Slurry Storage

Dear Mairi

I met yesterday with Argyll & the Isles NFUS along with Kate Forbes and Redact (personal info).

The Argyll farmers raised concerns about the new legislation regarding the storage capacity of slurry tanks as follows:

*The issue relates specifically for the need for all farms to have sufficient slurry storage for 22 weeks for housed cattle. Even if farms are able to access funding through any future AECS, as highlighted by Redact (personal info), at a 50% grant intervention rate this would still require a £350,000 investment on a £700,000 project. This would give him no tangible return on investment, other than complying with the regulations. Equally it would be an unnecessary expenditure of Scottish Government funding, when Redact (personal info) is able to demonstrate that he is current storage facility of 2-3 months is perfectly adequate for the system he has. SEPA have not highlighted any pollution incidents relating to how he currently manages slurry on the farm. The ability to spread slurry all year round in Kintyre drastically reduces the farms requirement for artificial fertilisers and thereby reducing the carbon footprint of the farm. The requirement to construct 22 weeks storage, as well as an unnecessary cost to the farm, would also result in an increased carbon footprint dues to the amount of concrete that would be needed to construct any new facility.*

I agreed to raise it with you and also SEPA to request that there is some level of discretion be introduced when applying this legislation where farmers can demonstrate an extremely low risk.

With best wishes  
Jenni

Jenni Minto  
MSP for Argyll and Bute  
Email: [Jenni.Minto.msp@parliament.scot](mailto:Jenni.Minto.msp@parliament.scot)  
@jenni\_minto | FB: JenniMintoSNP



**Enclosure 43a MiCase reply – slurry storage**

T : 0300 244 4000

E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Jenni Minto MSP

[Jenni.Minto.MSP@Parliament.scot](mailto:Jenni.Minto.MSP@Parliament.scot)

Our Reference: 202100268350

Your Reference: Slurry Storage

27 January 2022

Dear Jenni,

Thank you for your email to Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands, about legislation on slurry storage capacity to protect the environment. As Minister for Environment and Land Reform this matter falls under my remit so I am responding.

The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (SSAFO) previously set construction standards over the storage of slurry, which were first introduced in 1991. The SSAFO regulations also set a requirement for six months of slurry storage capacity. After 30 years, remaining mostly unchanged, these provisions have been brought up to date and consolidated into the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). The new Regulations have introduced improved controls over the storage of slurry and digestate to reduce leakage, and more targeted spreading to maximise the nutrient benefit and reduce emissions.

One of the requirements to protect the environment is that farms with a slurry storage system will need to provide 22 weeks slurry storage capacity for housed cattle by 1 January 2026. Although, the previous requirement in the SSAFO regulations for the storage of slurry was six months, there was a corresponding requirement in Nitrate Vulnerable Zones for 22 weeks storage for housed cattle. The Scottish Government considered it appropriate to have a consistent time frame for the storage of slurry across Scotland and in doing adopted the lesser period of 22 weeks. The 22 weeks is also in line with the slurry storage requirements in Wales and Northern Ireland.

These changes were made following a 12 week public consultation and engagement with the agricultural sector and the National Farmers Union Scotland (NFUS). The changes will be phased in, with some farms having up to five years to comply. It is important that farms have adequate slurry storage capacity as slurry spread during colder wetter winter months is of minimal benefit to crop growth and is potentially in breach of CAR General Binding Rule 18, where fertiliser should only be spread in accordance with crop need. There is also a greater risk to the environment of leaching either as gaseous emissions into the atmosphere or pollution to surface water or groundwater during this period.

Your constituent, Redact (personal info) responded to the public consultation on this very matter. Redact (personal info) gave his consent as part of the consultation for his information to be published. Redact (personal info) also submitted to the Scottish Government, via Fergus Ewing MSP, a detailed case study indicating the potential impact of these new Regulations on his business, which the Scottish Government took into consideration before introducing these requirements.



Redact (personal info) case study indicated that he currently has 3 pre-1991 slurry storage towers and suggested that these would need to be demolished and replaced by 3 new ones in order to meet the requirements of the new standards. Whilst the new regulations require all pre-1991 structures to meet adequate construction standards, this does not mean that all pre-1991 structures should be demolished and rebuilt.

These pre-1991 slurry stores must now meet a basic set of standards by 1 January 2026, which will ensure their structural integrity and thereby protect the environment. This will be in lieu of meeting the full set of construction standards which have been in place since 1991 for all structures built over the last 30 years.

In Redact (personal info), provided the 3 slurry towers meet these basic structural requirements, there is no need to demolish and replace them. He can build on his existing slurry storage capacity of 2-3 months by increasing it to 22 weeks for housed cattle during the 4 year transition period before compliance with the requirements becomes mandatory.

I suggest that Redact (personal info) and other farmers in a similar position seek help and advice from their local SEPA office on how they can meet the 22 weeks slurry storage capacity requirement. In relation to advice on funding for new slurry stores they should contact their local Scottish Government Agriculture and Rural Economy Office. Through the Farm Advisory Service and our Farming and Water Scotland programme there will also be organised events to disseminate advice to farmers about compliance with the legislation to attend for further information.

I hope you find this information helpful.

Yours sincerely

MAIRI MCALLAN

**Enclosure 44 MiCase – slurry storage**

**From:** Redact (personal info) @gov.scot> **On Behalf Of** Minister for Environment and Land Reform  
**Sent:** 18 February 2022 15:03  
**To:** Public Engagement Unit <CorrespondenceUnit@gov.scot>  
**Subject:** FW: Slurry Storage

Redact (personal info)MR please

**From:** Redact (personal info) @parliament.scot>  
**Sent:** 18 February 2022 13:46  
**To:** Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>  
**Cc:** Redact (personal info) @parliament.scot>  
**Subject:** Slurry Storage

Good afternoon

Thank you for your response. Ms Minto has spoken with her constituents and a group of them have responded to your letter with the following points:

- *No reference in the letter that previously a farmer could use a FWP and/or Nutrient Budget to demonstrate that they did not require 6 months storage – this has been omitted from the new legislation and removes the previous flexibility, which is what is now required.*
- *While the letter references that ‘fertiliser should only be spread in accordance with crop need’, there is no acknowledgment that in certain circumstance i.e. in Kintyre that growing conditions are such that the crop i.e. grass continues to grow in the winter months and where there have been no record of pollution incidents in relation to this.*
- *No reference to the additional cost to the farmer of providing 22 weeks storage, when they can carry on spreading as they do, and where that full 22 weeks would not be needed. As we have highlighted, if AECS funding is secured this will also be a waste of Government funds, as well as an additional unnecessary cost to the farmer.*
- *No reference in the letter to any specific funding and eligibility. AECS funding for slurry storage extremely limited by the <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ruralpayments.org%2Fmedia%2Fresources%2F87332-AECS-Review---2018-map---WQ-Slurry-storage.pdf&data=04%7C01%7CJenni.Minto.MSP%40Parliament.scot%7C251e6a4eb80c4486ed1208d9efde2197%7Cd603c99ccfdd4292926800db0d0cf081%7C1%7C1%7C637804559589356379%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjE1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=iU6zBn9a75GB%2FqvsRev8E3FZ%2FEyCB888C7USVc5TnT8%3D&reserved=0>, which is dated from 2018. Other exclusion also apply:*

*This option must not be used to increase slurry storage capacity to accommodate an increase in livestock numbers:*

- *The holding must currently have livestock on a slurry-based system*
- *The holding must not have received funding for slurry storage in the 2007–2013 Scottish Rural Development Programme*

Another constituent that Jenni spoke with wants to make the additional two points:

- *If they waited to spread slurry as suggested, it would coat the grass and stifle its growth or it would be too much and therefore wash out which would cause problems from a SEPA perspective.*

- *The way they operate just now works with their farming cycle so they can spread a little a lot of times as opposed to waiting and doing it all at one time when there are other things to do on the farm.*

Ms Minto would be grateful if these points can be considered and responded to.

Kind regards

Redact (personal info)

Redact (personal info) Jenni Minto MSP

M3.06, The Scottish Parliament, Edinburgh, EH99 1SP

Telephone: 0131 348 Redact (personal info) Mobile: Redact (personal info)

Email: Redact (personal info)@parliament.scot

**Enclosure 44a MiCase reply – slurry storage**

T : 0300 244 4000

E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Jenni Minto MSP

Redact (personal info)[@parliament.scot](mailto:redact@parliament.scot)

Our Reference: 202200282364

Your Reference: -

14 March 2022

Dear Jenni Minto MSP,

Thank you for your email of 18 February which raised some further points regarding slurry storage and application.

Since the SSAFO regulations were introduced in 1991 the relationship between farming and the environment has changed dramatically. Whether to protect water quality, air quality, biodiversity or the increasing threat of climate change.

The recent changes to legislation reflect this, and in answer to the points raised by your constituents:

- Slurry is an asset not a waste, and the use of a Farm Waste Management Plan (FWMP) to offset storage quantities is no longer considered feasible in complying with the general binding rule relating to the application of fertilisers including organic manures. The term FWMPs has been replaced by Farm Slurry and Manure Management Plans, to better reflect that slurries and manures are a valuable asset and not a waste. Applying slurry at the right time and the right rate will maximise the recovery of available nutrients and reduce the use of increasingly expensive mineral fertilisers.
- With winter rainfall in Kintyre averaging 780mm, and from last October approaching 1000mm, there is a high risk that applications over the winter period will result in leaching and run-off, which may impact on other water users including those dependent on clean coastal waters. During winter months the grass likely still benefits from the mineralisation of soil organic nitrogen residues that remain in the soil from earlier manure applications. Further applications throughout the winter months are not agronomically justified and will run the risk of increased nitrous oxide emissions, which can contribute to global warming as it is a powerful greenhouse gas.
- Improving slurry management and maximising its benefit has been recognised as good practice internationally for a number of years now. The measure for 22 weeks storage is a relaxation of the 6 month requirement in SSAFO and is in line with many other European countries. As herd sizes in Scotland have increased over the years slurry storage capacity may not have kept pace and has led to increased pressure to spread at inappropriate times or during unsuitable conditions.

- Many farms may already have the required storage, or be close to it. There are options to achieve this, be it either through better steading water management or increasing storage through the use of lagoon, slurry bag, or extending slurry tower. The post consultation change to the regulations which allowed well maintained older stores to be retained greatly reduced the potential costs.
- The Agricultural Transformation Fund already provides funding for low emission spreading equipment and slurry store covers. Scottish Government is currently considering all post Brexit funding options and how best to implement these across Scotland.
- AECS funding for slurry storage is currently targeted at SEPA's Priority catchments and Focus Areas, as these areas have been assessed as having possible adverse impact on the water environment. The southern end of the Kintyre peninsula is actually included in the target area as it is regarded as a focus area.
- The funding option is not intended to encourage farmers to increase livestock numbers or change from bedded systems to slurry based ones. Recipients of grant funding under the previous SRDP were given grant funding to upgrade their storage facilities and provide a minimum of 6 months storage. Having already received public support to achieve this, it does not seem unreasonable to expect these businesses to fund any further increase in livestock numbers at their own cost.
- Low emission precision spreading is fast becoming the preferred method in many countries. The 2018 Slurry Storage Feasibility Study estimated that over 80% of slurry in Scotland is already spread by low emission techniques. The Farming and Water Scotland website provides key information and farmer led advice on slurry spreading by this method.
- Maximising the benefit from slurry should be an integral part of a farm business plan and application not seen as an activity which interferes with other farm duties. The financial benefits of slurry for farms have been well documented and with the recent rising costs of mineral fertiliser the cost savings are ever increasing.

Since 2008 we have moved towards the use of general binding rules in protecting water quality as a pragmatic approach of applying measures across Scotland. The recent consolidation of SSAFO into the general binding rules along with the other measures follows Scottish Government holistic approach to protection of the water environment and also benefits air quality and climate change objectives.

I trust this information helps further clarify the situation for your constituents.

Yours sincerely,

MAIRI MCALLAN

**Enclosure 45 MiCase – NFU Scotland letter slurry storage**

28 March 2022

Mairi Gougeon MSP  
Cabinet Secretary for Rural Affairs and Islands  
Scottish Government  
St Andrews House  
Regent Road  
EH1 3DG

**Sent by email:** CabSecRAI@gov.scot

Dear Mairi,

I write with regard to the introduction of the

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fssi%2F2021%2F412%2Fmade%2Fdata.pdf&data=04%7C01%7Csarah.cowie%40nfus.org.uk%7Cd4a28476389440b14aff08da05dbab38%7Cb92549c3cd2a499681b68d328ca7ebeb%7C1%7C0%7C637828738276734740%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=KGC%2BHwF187kjlUS%2BIsbAIZ%2BrH3sx4wuzE9eRrBF6k0Q%3D&reserved=0>. In particular, we have significant concerns around the slurry storage requirements and what that might mean in terms of business viability set against environmental gain.

NFU Scotland supports policies and practices that aim to reduce emissions and diffuse pollution associated with agricultural activity and believes all farm businesses can and should play their part in meeting climate change challenges and safeguarding water quality. However, we are very concerned that the financial impacts of compliance on a number of agricultural businesses may threaten their economic viability, as well as Scotland's rural economy and wider supply chain. Whilst regulations will mitigate against environmental damage, measures must also be put in place to mitigate against economic and social damage if a 'just transition' is to be achieved.

Baseline regulation must form part of the solution to help address climate change, through greenhouse gas emissions reductions, and minimising pollution risks. However, the consolidation of the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 into the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ('CARs'), which came into effect from 1 January this year, will be a purely regulatory solution that delivers

nothing for the Scottish economy or for fragile rural communities highly dependent on agricultural production as the mainstay of economic activity.

In particular, the new Regulations effectively roll out the requirements of the Action Programme for Nitrate Vulnerable Zones (NVZs) in terms of slurry storage capacity requirements. The new Regulations require minimum slurry storage of 22 weeks for housed cattle and 26 weeks for housed pigs across Scotland. While the new Regulations allow for a four-year transition period to help farm businesses become compliant, affording such time provides only limited assistance. The true costs of compliance will be the capital investment requirements faced by a number of farm businesses – not least in economically fragile locations such as the Kintyre milk field and the Orkney beef sector.

A proportionate and enabling regulatory solution is required that delivers the desired environmental ('public goods') outcomes without excessive, punitive or business threatening costs to individual farm businesses. In the context of just transition, the delivery of public goods must not be met by private cost – nor be seriously damaging to sectors of Scottish agriculture that are the first links in supply chains of significant worth to the food and drinks sectors and the Scottish economy as a whole.

We appreciate that over the next few years both Scottish Government and SEPA are intent on working with NFU Scotland, through initiatives such as Farming and Water Scotland, to provide farm businesses with appropriate options and advice to ensure compliance and, moreover, help enable good or best practice. However, that will not address the implications of significant financial (capital) investment that will be required in a number of circumstances – additional costs that cannot be recovered via enhanced market returns or which banks are willing to provide additional lending for because such investment does not yield a financial return.

For investment in slurry storage, the only current available support is through the very limited Agri-Environment Climate Scheme (AECS). Our understanding is that, since launching in 2016, some 134 slurry storage applications have been approved under AECS - thereby committing £5.21 million. There was no application round in 2020, as the Scottish Government decided to extend agri-environment and organics contracts expiring in 2020 for a further year instead. Ministers then decided in December 2020, due to budgetary concerns, to open a restricted AECS application round in 2021 which included support for slurry stores. On those figures, from a total AECS budget of some £290 million since 2016, it appears that less than 2 per cent has been allocated to slurry storage. Moreover, Whilst the Scottish Government has now committed to its continuity of AECS from 2022 to 2024, it is

also clear that the agri-environment measures budget line (within the Scottish Budget published in December 2021) has been cut from £42.7 million in 2020-21 to £35.8 million in 2022-2023.

Therefore, NFU Scotland is calling on the Scottish Government to significantly enhance the agri-environment measures budget as a matter of priority and to specifically fund the capital investment that will be required for slurry storage over the next three years. Moreover, the element of funding for slurry storage investment should be ring-fenced within AECS and made more widely accessible – unlike previous iterations of AECS where location was a determining factor in eligibility – as well as increasing the grant rate.

In addition, while the focus of investment through the Sustainable Agricultural Capital Grant Scheme (SACGS) has shifted to precision slurry applications and slurry store covers, the limited £5 million earmarked for this year falls way short of the ‘transformational’ funding required across all sectors and business types. To be effective in the context of emissions reductions and environmental enhancement, the SACGS would have to be significantly expanded – in terms of overall available funding, eligible expenditure, funding per business and grant rates.

I fully appreciate your commitment to enabling Scottish agriculture to deliver high quality food production, climate mitigation and adaptation, and nature restoration – as well as its critical role for thriving rural and island communities. As such, regulatory safety nets are needed - in this case, minimum slurry storage requirements. However, it is also the case that financial support, as well as advice, must be effectively provided if desired outcomes are to be realised through a just transition.

I look forward to hearing from you.

Yours sincerely,

Martin Kennedy  
President, NFU Scotland

Cc Mairi McAllan MSP (Minister for Environment and Land Reform) and Kate Forbes MSP (Cabinet Secretary for Finance and the Economy)



**Enclosure 45a MiCase reply – NFU Scotland letter slurry storage**

T: 0300 244 4000

E: scottish.ministers@gov.scot

Martin Kennedy

Redact (personal info)@nfus.org.uk \_\_\_\_

Our ref: 202200291362

5 May 2022

Dear Mr Kennedy,

Thank you for your letter of 28 March regarding the introduction of the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 and your concerns around the requirements for slurry storage.

As you know the slurry storage provisions remained mostly unchanged for 30 years and it was absolutely necessary that these were brought up to date to develop resilience and sustainability in the agricultural sector. These new regulations, which were made following a 12 week public consultation and engagement with the agricultural sector, have introduced improved controls over the storage of slurry to reduce the risks of pollution, and more targeted spreading to maximise the nutrient benefit and reduce emissions. Improving slurry management and maximising its benefit has been recognised as good practice internationally for a number of years now.

The measure for 22 weeks storage is in line with many other countries, including Wales and Northern Ireland. It is important that farms have adequate slurry storage capacity to aid slurry management as applying slurry when there is no crop nutrient requirement, in poor weather conditions or by using inefficient application methods decreases nitrogen use efficiency. There is also a greater risk to the environment of leaching either as gaseous emissions into the atmosphere or pollution to surface water or groundwater.

Of course, support has been provided to enable farmers to modernise their slurry storage over a number of years now and the AECS 2022 round is currently open and allows for slurry storage applications for famers and crofters within the SEPA identified priority catchments which includes parts of Orkney and the Kintyre peninsula. Agri-environment support has been prioritised in the face of significant cuts to our budget resulting from UKG renegeing on public commitments and I have been clear in my commitment to continue this support, although I cannot pre-empt what budget allocations will be available to me in future.

Turning to your comments regarding SACGS 2022, the scheme has been developed to recognise feedback from stakeholders, including the ARIOB, which called for better targeting and support to be given to equipment with a recognised evidence base. To address these issues, it was decided that the scheme would specifically target low emission slurry spreading equipment and slurry store covers that are proven to lower ammonia emissions by up to 70%, and reduce adverse impacts on water and air quality.

The focussed nature of the SACGS 2022, and indeed AECS, reflects the overall capital funding picture for 2022-23 which is more constrained than in previous years. The scheme will build on the £2.1m offered in the SACGS pilot for such equipment and is commensurate with current equipment supply challenges. I would also highlight that SACGS 2022 should be considered in the context of an overall allocation of £25 million for transformative actions including the National Test Programme. While it might appear that we are out of step with Defra who recently announced their intention to provide specific support for slurry storage equally we have chosen not to apportion part of the BPS budget to pay for such measures.

I fully appreciate that meeting the new regulatory requirements cannot be enacted immediately, however, I would caution that any future decisions on future financial support will need to balance increasing demands against constrained budgets.

Yours sincerely,

MAIRI GOUGEON

**Enclosure 46 MiCase – Invitation to Kintyre to discuss slurry storage**

**From:** Redact (personal info)@gov.scot> **On Behalf Of** Minister for Environment and Land Reform  
**Sent:** 11 May 2022 15:17  
**To:** Public Engagement Unit <CorrespondenceUnit@gov.scot>  
**Subject:** FW: Invitation to Kintyre to discuss Slurry Storage and Application legislation

AO Redact (personal info)

Diary please

**From:** Redact (personal info)@nfumutual.co.uk>  
**Sent:** 11 May 2022 15:08  
**To:** Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>; Minister for Environment and Land Reform <[MinisterELR@gov.scot](mailto:MinisterELR@gov.scot)>  
**Cc:** [Jenni.Minto.msp@parliament.scot](mailto:Jenni.Minto.msp@parliament.scot); Redact (personal info)@aol.co.uk <Redact (personal info)@aol.co.uk>; Redact (personal info)@nfus.org.uk>  
**Subject:** Invitation to Kintyre to discuss Slurry Storage and Application legislation

Classification: Public

Dear Cabinet Secretary & Minister

I write to you on behalf of our members from NFU Scotland in Kintyre to invite you to meet with us to discuss the new legislation for Slurry Storage and Application.

The legislation presents significant challenges for our membership who feel the proposed changes are not only unnecessary, but could also cause real economic and environmental harm to our area. Considering this, we would like to discuss the following topics with you.

Kintyre is a unique area of Scotland with a unique climate. Our grass grows all year round. This allows our farmers to spread slurry all year without causing any pollution to our carefully managed environment, waterways, rivers and our beautiful coastline. This in turn supports the growth of grasslands, reducing the reliance on bought in feed and supports additional carbon capture. As we all know, growing grass captures more carbon than slow growing trees. This means the volume of slurry storage required on our farms is considerably less than in other areas of the country.

Our members have spent significant time establishing the financial impact the new legislation will have to their businesses. Mainly around increasing slurry storage capacity and the cost of machinery required for spreading. The numbers involved here are significant and without appropriate financial support, totally unachievable. The real risk here is a reduction in cow numbers. The consequences of this for the supply chain and further will be damaging and ultimately could result in rural depopulation of our area.

I'm sure you are aware that Kintyre is a vulnerable milk field, which provides high quality milk in addition to supporting brilliant beef and sheep units. Legislation such as this, while not intended, has the potential to cause real economic harm to the wider area and beyond. Longer term concerns around food security are also a potential issue here.

Finally, our members feel that given the unique circumstances of our area, there is a real case to allow for a derogation supported with a robust waste management plan.

We would welcome the opportunity to put our case to you in person and would be most grateful if you would accept our invitation and let us know of any available dates you have.

Kind regards,

[redact],  
NFU Scotland Kintyre Branch Chair

**Email sent on behalf of [redact] by;**

Redact (personal info)  
Phone: Redact (personal info)  
Mobile: Redact (personal info)  
Email: Redact (personal info)@nfumutual.co.uk

NFU Office, Hazelburn Business Park, Campbeltown, PA28 6HA

**Enclosure 46a MiCase reply – Invitation to Kintyre to discuss slurry storage**

T : 0300 244 4000

E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Redact (personal info)Redact (personal info)@nfumutual.co.uk

Our Reference: 202200299810

13 June 2022

Dear Redact (personal info),

Thank you for your email inviting the Cabinet Secretary for Rural Affairs and Islands and Minister for Environment and Land reform to a meeting with your members to discuss their concerns about the new slurry management legislation. Regulations on slurry storage and application fall under the remit of Ms McAllan, as Minister for Environment and Land Reform, and I am responding on her behalf.

As you will be aware, controls over construction standards for slurry stores have been in place since 1991 in the Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO). These SSAFO measures have now been consolidated into the Water Environment (Controlled Activities)(Scotland) Regulations 2011 by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021. The new Regulations have introduced improved controls over the storage of slurry to reduce pollution of the water environment, and more targeted spreading to maximise the nutrient benefit and reduce emissions.

Ms McAllan previously met with Jenni Minto MSP on 19 April and discussed this particular matter in relation to Kintyre farmers and she understands and appreciates the investment required by Kintyre farmers through these transitional arrangements towards a more sustainable and resilient farming sector.

The Scottish Government has provided support for farmers to increase slurry storage capacity and to introduce low emission spreading techniques through the Agri-Environment Climate Scheme and Sustainable Agriculture Capital Grant Scheme.

SEPA has identified the Kintyre Peninsula as a Focus Area for targeted rural diffuse pollution prevention work through River Basin Management Planning. In particular, the Breackerie and Strone Water catchments have been assessed by SEPA as having impacted water quality from the livestock and dairy sectors that requires improvement. SEPA will work with farmers in these catchments over the third River Basin Management Plan cycle 2021-27 to reduce the impacts of diffuse pollution on the water environment.

Given the technical nature of previous discussions on this matter a meeting with Ms McAllan would not be appropriate at this time. However, as your members have spent significant time establishing the financial impact the new legislation will have to their businesses it would be beneficial if you could share this information with the Scottish Government for consideration.

I suggest you send any Farm Waste Management Plans (now called Farm Slurry and Manure Management Plans, to better reflect that slurries and manures are a valuable asset and not a waste) along with the associated detail of the financial implications on your members to Redact (personal info)@gov.scot. Once the information has been considered a meeting with officials may be arranged to continue to discuss the matter further.

Yours sincerely,

Redact (personal info)

**Enclosure 47 MiCase – Water Framework Directive**

**From:** Redact (personal info)@btconnect.com>

**Sent:** 17 April 2022 12:28

**To:** 'Nicola.Sturgeon.msp@parliament.scot' <[Nicola.Sturgeon.msp@parliament.scot](mailto:Nicola.Sturgeon.msp@parliament.scot)>

**Cc:** 'jennimminto@gmail.com' <[jennimminto@gmail.com](mailto:jennimminto@gmail.com)>

**Subject:** Water Framework Directive

Good morning Nicola

[redact] – information exempt under EIR regulation 11(2):  
Third party data

Kind regards

Redact (personal info)

Redact (personal info)

**Enclosure 47a MiCase response – Water Framework Directive**

Redact (personal info)  
Redact (personal info)@btconnect.com

Our Reference: 202200295379

3 May 2022

Dear Redact (personal info),

Thank you for your email to the First Minister about legislation on slurry storage capacity to protect the environment and the situation for Kintyre farmers. Ms McAllan, Minister for Environment and Land Reform has portfolio responsibility for the slurry storage Regulations. I have been asked by Ms McAllan to thank you for your email of 17 April and to reply on her behalf.

As you will be aware, controls over construction standards for slurry stores have been in place since 1991 in the Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO). These SSAFO measures have now been consolidated into the Water Environment (Controlled Activities)(Scotland) Regulations 2011 by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021. The new Regulations have introduced improved controls over the storage of slurry to reduce pollution of the water environment, and more targeted spreading to maximise the nutrient benefit and reduce emissions.

The current SSAFO construction standards remain mostly unchanged. However, the new CAR regulations general binding rules require slurry stores constructed prior to September 1991 no longer have exempt status and must comply with a basic set of construction standards. Stores built before 1 September 1991 have a 4 year transitional period from 1 January 2022 to comply with the rules.

The slurry storage capacity requirement has been consolidated across Scotland at 22 weeks for housed cattle rather than the current 2 differing regimes for SSAFO and the Action Programme for Nitrate Vulnerable Zones. For housed cattle this is actually a reduction from the 6 months that was required by SSAFO. To achieve compliance with the 22 week minimum storage requirement a 4 year transitional period from 1 January 2022 applies to farms outwith the Nitrate Vulnerable Zones. The measure for 22 weeks storage is in line with many other countries, including Wales and N. Ireland.

It is difficult to comment on your specific situation and the potential cost of complying with the slurry storage requirements you estimate to be over £700,000 without further detailed information. However, the estimated investment appears very high if you already have a slurry management system in place.

The required additional slurry storage capacity can be determined by considering a number of factors including current storage capacity, livestock numbers housed on a slurry storage system and contaminated rainfall run-off draining to the slurry storage system. This can also help identify simple, cost effective means of increasing storage capacity through minimising the quantity of dirty water collected in the slurry storage system. I strongly advise that you seek advice from the Scottish Environment Protection Agency (SEPA) on the specific changes you may require to meet the slurry storage requirements and from your local Scottish Government Agriculture and Rural Economy Office on the support available through the Agri-Environment Climate Scheme (AECS).



The Met Office climate maps for the UK indicate that the winter minimum average temperature and annual minimum average temperature for Kintyre are no different than parts of Scotland, Wales and Northern Ireland. Opportunities to spread slurry are also dependent on other weather conditions such as rainfall. Winter rainfall in Kintyre averages 780 mm, and from last October approached 1000 mm, where there is a high risk that applications over the winter period will result in leaching and run-off pollution.

It is important that farms have adequate slurry storage capacity as slurry spread during colder wetter winter months is of minimal benefit to crop growth and is potentially in breach of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 General Binding Rule 18, where fertiliser should only be spread in accordance with crop need. In winter months the grass will still be benefiting from the mineralisation of soil organic nitrogen residues that remain in the soil from earlier slurry applications. Further applications throughout the winter months are not agronomically justified and will run the risk of increased nitrous oxide emissions, which can contribute to global warming as it is a powerful greenhouse gas. There is also a risk of continual slurry applications increasing phosphate levels beyond acceptable agronomic levels, which can pose a significant risk to the water environment.

SEPA has identified the Kintyre Peninsula as a Focus Area for targeted rural diffuse pollution prevention work through River Basin Management Planning. In particular, the Breackerie and Strone Waters have been assessed by SEPA as having impacted water quality from the livestock and dairy sectors that requires improvement. SEPA will work with farmers in these catchments over the third River Basin Management Plan cycle 2021-27 to reduce the impacts of diffuse pollution on the water environment.

I hope you find this information helpful.

Yours sincerely

Redact (personal info)

EQR : Air Quality, Chemicals and Radioactive Substances