



# Environment, Food and Rural Affairs Committee

Committee Office, House of Commons, London, SW1A 0AA

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Sir James Bevan  
Environment Agency  
Seacole Building, 2 Marsham Street  
London  
SW1P 4DF

CC: Victoria Prentis MP, Minister of State at the Department for Environment, Food and Rural Affairs

20 October 2021

## Re: Farming Rules for Water

Dear Sir James,

I am writing to you concerning the "Farming Rules for Water", and the potential impact that they might have on farmers' ability to take action now to prepare their land for the spring crop.

The Farming Rules for Water are set out in Regulation 4(1)(a) Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.<sup>1</sup> This regulation requires that when applying organic manure to agricultural land, the application must be planned so that it does not either:

- exceed the needs of the soil or crop on that land
- give rise to a significant risk of agricultural diffuse pollution

We have been contacted by Anthony Mangnall MP and a group of stakeholders led by the Tenant Farmers Association who are concerned that the Environment Agency's (EA) current interpretation of this regulation would prevent farmers from the spreading of organic manure in the autumn, to meet the need of the spring crop.

Such an interpretation would have a hugely damaging impact on the farming sector. Spreading organic manure on soil in the autumn is a well-established part of good soil management, as reflected in the Agricultural and Horticultural Development Board's Nutrient Management Guide.<sup>2</sup> This approach ensures that nitrogen applied in the autumn will be available to the crop in the spring and, to reduce air pollution by incorporating biosolids into the soil immediately after they are spread. It is not possible to incorporate organic fertiliser into the soil in spring as it will destroy the crop.

If farmers are prevented from using organic fertiliser, they are likely to use inorganic fertiliser instead. Inorganic fertiliser costs farmers more, has a higher carbon footprint and increases ammonia nitrate levels in the soil – meaning a policy which promotes the

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<sup>1</sup> [The Reduction and Prevention of Agricultural Diffuse Pollution \(England\) Regulations 2018](#)

<sup>2</sup> <https://ahdb.org.uk/nutrient-management-guide-rb209>



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use of inorganic fertiliser would round counter to both the Government's Net Zero ambitions. and its commitment to reducing ammonia emissions by 16% by 2030.<sup>3</sup>

We understand that, under Regulatory Position Statement 252 (RPS 252), farmers can get an exemption to allow them to spread organic manure on their soil now for spring, but only if they had contacted the Environment Agency, to let them know that they had not met their obligations under the Farming Rules for Water Regulations. We also note that RPS 252 has been updated to say that the "Environment Agency will not normally take enforcement action where you have a plan to apply organic manure to agricultural land." However, understandably, many farmers may be unwilling to contact the EA to admit being in breach of the regulations - particularly when many believe their approach is in line with the regulations, just not what they understand to be the EA's current interpretation of those regulations

We understand the intention between the EA's current approach is to tackle those within the agricultural industry who persist in improper application of fertiliser which causes pollution. The Committee fully supports this aim of reduction and prevention of agricultural pollution. However, we are concerned that the current approach is disproportionate, preventing good and responsible farming practices, penalising farmers who follow the rules, whilst not doing enough to stop bad actors intent on continuing in poor practice.

The Committee is asking the Environment Agency to:

- Revisit its current approach to the Farming Rules for Water to ensure that it does not prevent the responsible application of organic manure on soil in autumn for a crop in spring, without having to make use RPS 252.
- Following such a review, provide an updated statement of its interpretation of the Farming Rules for Water, so farmers are clear what expectations they are operating under
- Set out clearly the approach it intends to take to enforcing the regulation.

We will monitor the interpretation of these rules and may hold an inquiry next year looking the impact these regulations are having on farming and pollution.

Given that many farmers would be planning to apply organic fertiliser in the coming weeks, I would be grateful for your reply by Friday 29 October. Given the interest in this subject in the farming community the Committee will be publishing this letter and would plan on publishing your responses.

Kind regards,

**Neil Parish, Chair of the Environment, Food and Rural Affairs Committee**

<sup>3</sup> <https://www.gov.uk/government/news/government-consults-on-use-of-fertilisers-to-clean-up-our-air>