

Neil Parish MP
Chair of the Environment Food and Rural Affairs
Committee
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Date: 29 October 2021

Dear Neil

Farming Rules for Water

Thank you for your letter of 20 October about the Farming Rules For Water. I welcome the opportunity to set out for the Committee the approach the Environment Agency is taking.

We, the Committee, and all responsible farmers share a common goal: the reduction and prevention of agricultural pollution. That is particularly important in the case of water, because diffuse pollution from farming is one of the main reasons why so many of our watercourses are failing to achieve good status.

The Farming Rules For Water (FRFW), enshrined in law in the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, are designed to tackle that problem. As you say, the regulations require that when farmers apply organic manure to agricultural land, the application must be planned so that it does not exceed the needs of the soil and crop on that land or give rise to a significant risk of agricultural diffuse pollution.

The EA has provided clear guidance for farmers on what they need to do to comply with the regulation, available at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

You express concern that the EA's current interpretation of the regulation would prevent farmers from spreading organic manure in the autumn to meet the need of the spring crop, and that this would have a damaging effect on the farming sector.

There is nothing within our interpretation of the FRFW that stops autumn application of appropriate organic fertilisers to improve soil organic matter. Improving organic matter in soil can be achieved by spreading and incorporating organic fertilisers that add organic matter but do not contain nutrients that are not needed: green composts are a good example.

The EA's interpretation of FRFW follows what is widely deemed to be good farming practice:

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- The Code of Good Agricultural Practice stipulates that “nitrogenous fertilisers should only be applied at times when the crops can utilise the nitrogen. In the autumn and winter application should be avoided except when there is a specific crop requirement. During the autumn, nitrate is produced in the soil from organic nitrogen.”
- RB209, a well-respected guide for nutrient management, available on the Agriculture and Horticulture Development Board website, says: “To make best use of their nitrogen content, organic manures should be applied at or before times of maximum crop growth – generally during the late winter to summer period. Organic material applications (containing readily available N) during the autumn or early winter period should be avoided, as there is likely to be sufficient overwinter rainfall to wash a large proportion of this nitrate out of the soil before the crop can use it.”

You also raised concerns about the EA’s Regulatory Position Statement 252. We introduced this at the request of the NFU and the water companies, who provide treated sewage sludge to farmers for land spreading. The RPS is specifically designed to help farmers this autumn, by making clear that if farmers follow its conditions the EA will not normally take enforcement action against them where they apply organic manure to agricultural land that may exceed the needs of the soil and crop on that land, if there are no feasible alternative options and provided this does not cause a risk of pollution.

We have asked farmers to contact us if they want to use the RPS in order to provide details of what is being spread where, or if they believe they cannot operate within the RPS and need more assistance. This is designed to help us help farmers and manage the risks of pollution.

When the government introduced the Farming Rules For Water it made clear that while all farmers must follow them, the EA would provide advice on how to comply, and that the EA’s enforcement of the rules would be proportionate and fair, with the emphasis on working with farmers to achieve compliance. That is the approach that the EA has been following since 2018. We will continue to follow it.

Yours sincerely



Sir James Bevan KCMG

Chief Executive