

Written evidence submitted by the RSPB (FR0050)

EFRA inquiry Farming Rules for Water – RSPB evidence submission

December 2021

Introduction

The RSPB is the largest conservation organisation in Europe, with more than 1.2 million members, over 2,000 employees and around 12,000 volunteers. We own or manage 158,725 hectares of land on 220 reserves throughout the UK, including woodland, peatland, wetlands and grasslands which connect people to nature and are home to 80% of our most threatened bird species. Our reserves welcome visitors, with our larger centres providing facilities such as cafes, shops and education and family activities.

Farming is uniquely placed as both one of the primary drivers of our environmental challenges, but also one of the primary solutions. The evidence is clear, to deliver the relevant objectives of the Governments 25 Year Environment Plan and tackle the nature and climate crises will require very significant and widespread changes in farming and land management practices, including a shift to agro-ecological systems as quickly as possible. To achieve this a strong and effective regulatory baseline is essential, serving to safeguard the environment and protect the interests of society.

We back the evidence provided by Wildlife and Countryside Link, which emphasises the importance of regulation such as the Farming Rules for Water, in improving the state and quality of our freshwater environment and driving improvements in relation to farm business practice. In particular, we would like to emphasise the following key points.

Context

1. Diffuse pollution from agriculture is the cause of 40% of waters failing to achieve Water Framework Directive targets and Environment Agency monitoring data shows that the application of excess nutrients is the biggest cause of this. In 2015, 81% of groundwater bodies were found to have poor status or be at risk at failing the objectives through nitrate concentrations.
2. Latest Environment Agency figures show that 0% of rivers, lakes and streams in England are in good health, and the percentage meeting good ecological standards is unchanged since 2016. Agriculture is the largest contributor to water body pollution in England, with 40% of waterbodies suffering directly from agriculture pollution¹.
3. A strong and effective regulatory baseline is essential for the protection and enhancement of our freshwater environment. It will be crucial to underpin investment in activities that go beyond current minimum standards, such as ELMs. The Farming Rules for Water (FRfW) have an important role to play in this regard.

¹ <https://www.gov.uk/government/publications/state-of-the-water-environment-indicator-b3-supporting-evidence/state-of-the-water-environment-indicator-b3-supporting-evidence>

Question 1. What are the best ways of preventing agricultural diffuse pollution?

Improving awareness and increasing rates compliance through advice, guidance and increased capacity for monitoring and enforcement:

4. Increasing rates of compliance with the Farming Rules for Water (FRfW) and environmental regulation more broadly can be supported by high quality advice to farmers and landowners on the FRfW, alongside advice on the business benefits of changing farming practice to achieve compliance. There is a clear need to increase awareness of rules and how they apply to farm businesses given the fact that to date awareness has been low².
5. While evidence highlights that an advice led approach is largely effective³, the enforcement option must never be off the table to compel the small minority unwilling to co-operate even after advice-led farm visits. Government must communicate clearly the date when advice-led regulation and support will be superseded by firmer enforcement.
6. The Environment Agency must be adequately resourced to effectively undertake their required duties and responsibilities for the environment, including on monitoring. A focus on increasing compliance through enhanced advice and guidance will require a significant uplift in resources to enforcement bodies but is likely to prove more cost-effective in the long term.

Transitional and time limited support:

7. There is a case for establishing some financial help where this is required, for example in relation to costly investments such as slurry stores, which may be provided via Defra's Slurry Investment Scheme. However, clarity around the detail, the timeline and the conditionality of such grants must be set out at the earliest possible date so that farm businesses can plan and invest.
8. Measures to ensure that the Slurry Investment Scheme provides value for money could be making this conditional on recipients committing not to increase their livestock numbers beyond the capacity of their farm (or those to which they export) to uptake nutrients from their waste arisings. Aid could also be restricted only to those farmers who had completed an approved assessment that showed the need for investment and had gained the support of an adviser.
9. Without a joined-up approach between capital investment (such as items in the Resource Management section of the Farm Equipment and Technology Fund), driving compliance, and a pathway to more effective future regulation and enforcement, problems are likely to re-occur reducing value for money. For example, a government grant for a slurry store might only increase compliance if a farmer doesn't increase stocking rates beyond their storage capacity. Expansion of environmental permitting for agriculture should be used to provide a

² For example: <https://promar-international.com/water-rules-do-you-know-if-youre-compliant>

³ <https://ieep.eu/uploads/articles/attachments/382e1f08-fa94-412a-9314-bbbfcf194d53/Post%20EU%20exit%20Regulatory%20Framework%20-%20Final%20-%20Jan%202020.pdf?v=63747936653>

framework for future regulation and cost recovery in the future, to mitigate against the risk of further public investment being needed to rectify the same problems in the future.

Question 2. What impact, if any, are the EAs implementation of Farming Rules for Water Regulation prevents farmers from spreading organic fertiliser?

10. Rather than preventing the spread of organic fertiliser, the Environment Agency interpretation of FRfW stipulate that each application of organic manure must be planned so that it neither exceeds the needs of the soil or crop on that land, nor creates a significant risk of agricultural diffuse pollution.
11. This interpretation recognises that the spreading of organic fertiliser to land must be done to achieve benefit, rather than simply to dispose of a waste product. In this regard, where the interpretation prevents the spreading of fertiliser that would cause pollution, it is a proper interpretation and must be upheld.
12. In addition to the spreading of manures (where this can be undertaken within the framework of the rules), there are alternative measures that farmers can use to build soil organic matter. These include: growing cover crops or green manures, incorporating crop residues, and including grass crops within arable rotations. These measures are described in [government guidance](#).

Q3. Are there changes that should be made to the rules or how they are applied?

13. The aims behind the Farming Rules for Water are positive and should be considered a foundation to build and improve upon. The Rules must not be removed or weakened. The FRfW- if well enforced- would provide a solid baseline for improved water quality, soil health and air quality, providing public benefit across the whole of England. They would underpin Government targets such as halting species decline and other targets to be set under the Environment Act 2021. By addressing the system enforcement issues with FRfW, this should drive the ambitious reform of the regulatory system which the government has promised during the agricultural transition to 2027, and will allow for investment in actions that go beyond what is expected as part of good practice, such as habitat creation and restoration.
14. Any moves to relax or remove the FRfW would represent a clear step backwards in the context of a nature and climate emergency, when water quality shows little sign of improvement, with agricultural pollution a key factor and when public concern around the impacts of poor water quality on nature, the environment and public health are increasing⁴.
15. In particular, the recent public outcry about combined sewer overflows demonstrates huge public concern about the impact of waste and pollution on our water environment. Agriculture is now a greater source of waterbodies failing to meet good ecological status than water companies. Any moves to weaken the capacity of the Environment Agency to address this level of public concern – and recommendations to do so by the EFRA Committee – would clearly be counter to the public interest and fly in the face of public opinion.

⁴ <https://www.rspb.org.uk/globalassets/downloads/our-work/troubled-waters-report>

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