

Written evidence submitted by David Black & Son Ltd (FR0071)

Dear Sir

EFRA Committee call for Evidence regarding Farming Rules for Water

I am writing in my capacity as Managing Director of a farming business based in mid-Suffolk. We run a mixed farming operation, consisting of arable farming over 1300 ha and a pig enterprise producing 56,000 pigs per year. The business also has other diversified interests which are not relevant to the Farming rules for Water.

We have been farming and keeping pigs for 100 years on the main farm at Bacton and have always prided ourselves on the circular nature of the operation we run. We use the land we farm to grow crops, some of which are cereals & oilseeds (wheat, barley and oilseed rape) which is processed and a proportion returned to the farm as animal feed for the pigs. This includes wheat and barley, as well as by-products from human food processing operations including wheatfeed from milling, extracted oilseed meal & beer waste from malting and brewing. Our pigs provide pork and pigmeat for the UK market and we have over the years tailored what we do to meet the higher welfare interests of the more discerning UK customer base. Muck and liquid effluent from our pigs is spread onto the arable land, and recycled as a nutrient for the next crops we grow.

This we believe is part of the overall **sustainable** aim that society at large currently seeks to encourage.

It is a great tragedy therefore that government and our regulators are not able to view the whole of the supply chain and needs of our society in a more holistic manner, and have instead become hooked on a set of words and processes, originally designed to meet the needs of European bureaucracy. At issue is the interpretation of "Rule 1 of the Farming rules for Water". By its interpretation of the regulations which have been compiled to attempt to control pollution, which nobody including ourselves wishes to cause; the Environment Agency (EA) is effectively making it an illegal act to continue to farm practically.

The RPS252 which was issued very suddenly last autumn has more or less precluded any future means of disposal of farm yard manure (FYM) on farm. The ruling practically forbade the autumn spreading of manure on any land that was not being sown with oilseed rape, since this is the only crop with a deemed nutrient requirement in the autumn. This means that we would have had to hold the FYM on farm until the spring. At which point it would need to be spread and incorporated into land with a growing crop that had a nutrient requirement to match the FYM being spread. Given that it is impossible to "incorporate" FYM in a "growing crop" at any time it is difficult to see what crop we would be allowed to spread this FYM on in the spring. How anyone ever thought this was practically achievable is beyond comprehension?

Clearly someone realised that there would be issues and there was a hastily concocted derogation available to get us through the late amendment to the EA interpretation of the rules. However we have been told this is a one off, so what is not clear is, what the longer-term solution is going to be? We submitted a notice to the EA as advised setting out the issues which pertain to us and how we intended to deal with them and were told that this had been sent to the "farming rules team". We have heard nothing from the EA since.

Separately I wrote to our local MP, Jo Churchill who has since moved to the DEFRA team. The letter I received this week from her department shows an abject lack of understanding of the issues. If livestock farming is to continue there will be muck and effluent produced. Unless one is able to

apply this to land in the autumn when it can be incorporated into the land, even if that means establishing some form of cover/catch crop to mitigate the pollution risk there can be no practical future for livestock production associated with arable production.

The letter claims that the EA is arranging meetings with the NFU and water companies and that DEFRA is reviewing the regulations but there is little evidence that the EA has any comprehension of the scale of the issue at hand. I am told these discussions have reached an impasse and that the EA is claiming that it has to follow the “Rule book”, whilst government is keen to be pragmatic. Unfortunately, we seem to be a pawn in this tussle with written codes, when all we are seeking to do is farm practically.

Our business will generate approximately 7,500 tonnes of FYM and 15,000 m³ of solid and liquid organic manure in a year and we export some of this to neighbouring farms as well as applying it to our farm. Everyone will be facing the same potential problem with the EA interpretation of the rules. In a time when we are being urged to avoid artificial fertiliser with its high energy requirement in manufacture, it seems bizarre that within one NGO; part is pushing to make the use of a natural fertiliser so difficult, while another part is concerned with a net zero calculation.

In spite of what some people in the EA may think, no farmer is looking to pollute the watercourses but creating proscriptive rules determined by calendar dates and RB209 nutrient requirements, as though these are the ‘real’ determinants of polluting potential is not sensible. Unfortunately, as with all regulations, the focus tends to be on the **process** rather than the **outcomes**. In the real world there are a vast number of variables and it behoves us all to be more adaptable to our social and economic needs as well as the environmental ones. Currently the “Farming rules for Water” are far too narrowly written and take little account of a host of other factors which are highly relevant to dealing with the pollution potential – THE OUTCOME. PROCESS based dates do not address weather, soil conditions, soil types, future crop potential, field capacity etc. Equally RB209 was originally written as a guide to nutrient requirements for crops and was never intended to be used as a prescription for what could be applied to each crop in all circumstances.

Does this marry up with the country’s aspiration for sustainability?

Are we as a nation content to simply export our livestock production industries?

Is anyone in government able to grapple with the bigger picture, or have we reached a point where each department is so focused on its own narrow interests that it cannot see beyond the rules it creates?

Sadly, it is a reality with Agriculture as with every other business that if one is forced to ‘work to rule’, much of the infrastructure of the country would fall apart.

What is needed in the Government’s promised review is a fresh approach where we do not rely on process-based rules, but make us as farmers more responsible for the outcomes of what we do. We can then manage our businesses appropriately to the conditions we face. Even on this farm what may suit one field on a given day would not necessarily suit another, and I defy any government or its NGO to come up with rules to meet all circumstances.

I wish you well with your enquiries, and would urge you to push DEFRA and its NGO’s think about the wider view of what constitutes true sustainability and **outcomes**, not simply regulatory **processes**.

Written in haste given your deadline.

Yours faithfully

James Black
Managing Director

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