

Written evidence submitted by Agricultural Industries Confederation (AIC) (FR0090)

EFRA Committee call for evidence on the Farming Rules for Water (FRfW)

Thank you for your kind attention to the following submission.

AIC is the association of the Agri-supply trade industry providing the farming sector with seeds, animal feeds, fertiliser, crop protection, agronomy services, crop marketing and trade assurance. Our members invest 50 million per annum on farm applied research and are part of a 40 million a year investment in professional advice delivery. Overall, the industry has a farmgate value of over £8 billion. The entire sector has made commitments out to 2050 in its [Roadmap for a Sustainable food chain](#) including expanding the circular economy for nutrients, decarbonisation of fertiliser production and feed, increasing on-farm resource efficiencies and providing innovative farming solutions.

Over 90% of the arable farmed area in England and an estimated 40% of fertilised grasslands are managed with crop nutritional advice of FACTS Qualified Advisers ([part of BASIS qualifications](#)). Feed nutritionists ([FAR Advisers](#)) are also involved in shaping grassland farming strategies. If farmers themselves have equivalent qualifications and farmers receive their advice from these qualified professionals, they will be in a strong position to comply with the Farming Rules for Water and to deliver longer-term goals for improved Farm Nutrient Balance.

What impact, if any, is the EAs implementation of Farming Rules for Water preventing farmers from spreading organic fertiliser?

- We understand from industry intelligence that organic fertiliser applications are continuing as of the previous year following the published Regulatory Position Statement (RPS), allowing these applications.
- Widespread fear of prosecution and confusion (talks of blanket bans on autumn organic applications) delayed decision-making by farmers and their FACTS Qualified Advisers and caused many sleepless nights. The uncertainty around the EA approach to FRfW created panic with untold time, resource, trust, reputational loss for all parties involved.
- EA's intention was to enable organic applications in 2020-21 through the RPS, however, farmers and industry read the RPS conditions as being tighter and more unworkable than the original regulations even though applications were deemed acceptable in most circumstances. A 5kg nitrate leaching tolerance, one of the RPS conditions is an arbitrary figure, with no practical means of measuring this accurately at a catchment scale, adding to the confusion, which remains. (Defra's MANNER NPK tool needs to be upgraded and maintained if it is to be used to support FRfW compliance).
- The main impact of the EA's interpretation was a breakdown in communications between Defra, EA and Industry bodies in how to interpret these new flexible outcome-based rules replacing the previous EU style prescriptive approach which farmers and advisers have been used to (in NVZs). By contrast, SEPA's Interpretation of equivalent General Binding Rules in Scotland works effectively (Mark Aitken, Principal Policy Officer, could give verbal evidence).
- If all key parties had convened to review the FRfW sooner, to arrive at a basic level of understanding of the intent behind the basic rules and the potential to use to use them

consistently and flexibly to advance the way in which organic manures are managed and applied to land, the current issues could have been avoided.

- No change in policy or costs for organic fertilisers were articulated by Defra in 2018, or included in the regulatory impact assessment and consistency with existing regulations was the stated intention in *Defra's communications package for Defra. EA and Defra Group staff, partners and stakeholders to the communication of activity of farming rules for water*. In turn, industry did not pass on a change in expectation or approach to farmers and advisers.
- With new targets for water and air on the horizon and anticipated Environmental Permits for the dairy and beef sector by 2025 and Industry's own leadership campaign for improved [Farm Nutrient Balance](#) by 2030, it is currently reasonable to re-open the conversation between Industry, Defra and EA. We need to jointly look afresh at the role FRfW 1 could have in reducing the burden of Nitrate loss, (focussing on drinking water catchments and bathing waters) accepting the improvements in inland surface waters) and of Phosphorus loss – the main reasons for waterbodies failing to meet good water quality status. It is essential that the achievements on nitrate are not down-played in EA's reporting of long-term trends.

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

The rules are written to allow flexibility of interpretation – this was a welcome development which requires a culture change in the way regulations are implemented.

We need:

- i) an agreed policy, industry communication on the water problems and solutions (general and specific messages) including where the key catchments in England are.
- ii) Clearer open to all guidance on the approach towards monitoring FRfW compliance mirroring that which appears in the draft Sustainable Farming Incentive i.e.:
 - Farmers will be given flexibility to decide what works on their farm to deliver the outcomes for water by showing their own Nutrient Management plans and risk assessments (with FACTS advice or own qualification if needed)
 - A two-way relationship has to exist between local EA teams involving communication of key water issues and geographical hotspots and realistic timescales for changing practices if required and the farmer and or adviser competence to put together appropriate Farm Nutrient Management Plans.
 - where things go wrong, the emphasis should be on fixing the problem with an industry-led solution based on a starting assumption of good faith rather than wrong-doing.
- iii) An acceptance that national crop nutrient management recommendations for nutrient application rates ([AHDB & Partners](#)) are guidelines and not a prescription and therefore not a reason in isolation for non-conformance with FrRW 1. (part a and b of this rule are interdependent but significant loss to water and environmental impact is not only determined by the nutrient application.
- iv) A framework for assessing risk of nutrient losses from organic applications (low to high to give an indication of likelihood of nutrient loss and need for interventions (lowering applications, moving application to another field).

- v) Clearer guidance on what significant risk to water quality is and how to determine it from the site and situation, application rates, timing, material type, pathways of loss & mitigation. New/improved technical tools and further CPD for farmers and advisers will be needed.
- vi) Definitions & clarity of what is meant by: i) Planning nutrient applications & what nutrient management involves ii) 'significant risk' to water (dealing with Nitrate and Phosphate separately iii) outcomes etc.

What are the best ways of preventing agricultural diffuse pollution?

- Fair and joint ownership of the problem and roadmap/plan of action with timescales – linked to existing and changing policy, funding, apportionment of responsibility and commitment to report progress.
- Clearer presentation of the evidence base – the nitrate and phosphorus story is often confused – important in different ways.
- Provide target led training for farmers and advisers – encouraging them to set their own farm targets and timescales for change
- Over 4000 FACTS Qualified Advisers will continue their CPD to step up to the challenge but incentives through the Sustainable Farming Incentive and other funding streams and recognition of innovation, and mix of traditional and modern techniques will be needed
- Where there are income and knowledge gaps – facilitate appropriate on-line training for farmers
- For all food chain partners to back the direction of travel and invest time and resources on the continuum sustainable nutrient management.
- There needs to be a consensus that all nitrate and phosphorus added to the nutrient cycle in organic or inorganic form is important to manage – there is no source of N or P superior over another it is all about balance and trade-offs (especially considering the decarbonisation of fertiliser production being accounted for).

Footnote: See Industry communication made by FACTS which paves the way: <https://www.basis-reg.co.uk/news?article=frfw-regulatory-position-statement-from-ea>