



Department  
for Environment  
Food & Rural Affairs

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Neil Parish MP  
House of Commons  
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Dear Neil,

Thank you for your interest in the Farming Rules for Water (FRfW) and the investigation the Environment, Food and Rural Affairs committee is undertaking. I would like to address the questions that have been raised as part of this investigation on behalf of the government.

I must start by noting the environmental priorities which the FRfW exist to achieve. As you know, our surface and groundwaters are vital assets for our country, providing us all with water of sufficient quality to produce drinking water, supply our farms and other businesses, and support biodiverse ecosystems. The need to safeguard this asset has never been clearer or more urgent; we are committed to leaving our environment in a better state than we found it, which is underpinned by the new target under the Environment Act to halt the decline in species by 2030. We are clear that improving water quality is crucial to achieving that goal. I also want to recognise the efforts of the many farmers across our country who are actively protecting our natural environment including to improve the quality of our rivers and waterbodies.

The scale of the environmental challenges we face means we need all farmers, alongside the rest of society, to go further. We know that nutrients and sediment passing from farmland into the environment is one of the main pressures on our rivers and protected sites, which is preventing the improvements in biodiversity we have committed to achieve. Agriculture is also a major cause of deteriorating groundwaters which are important sources of drinking water, especially in the South East.

Taking action to improve the financial and environmental sustainability of farming businesses can be mutually reinforcing. Organic material, both originating from animals and waste-water treatment, can be a valuable source of nutrients and organic matter for our crops and soils. The outcome I want to achieve is for all organic nutrients we produce to be put to productive use wherever technically possible, rather than being lost to the environment. The recent rise in the cost of artificial fertiliser is a useful prompt for us to consider how to enable UK farmers to derive the nutrients they need from each other as much as possible, rather than from potentially unreliable imports.

The investigation is looking into the extent that the interpretation of the FRfW has prevented farmers spreading organic fertiliser.

The Government legislated to bring in the FRfW in 2018, addressing previous gaps in the regulatory landscape that undermined our ability to address agricultural diffuse pollution across all of England.

It is too early to tell how much organic fertiliser has been used this year, and whether that has differed significantly from previous years. However, it is likely the extensive discussions that have been held between farming representatives, Defra and the Environment Agency (EA) on Rule 1, and the EA's Regulatory Position Statement (RPS 252), has influenced the way in which farmers have spread organic material. In some cases, the influence may have been helpful where farmers have been taking extra care to ensure the spreading they had planned to do would meet the needs of their crops without giving rise to a significant risk of pollution.

However, the discussions over Rule 1 have caused concern for farmers who in any case must either use or store their organic manure, but are unsure of what they are required to do due to a lack of clarity regarding the rule. The EA will continue to provide advice to individual farmers on a case-by-case basis, helping farmers to understand the circumstances in which organic manure cannot be spread without giving rise to a significant risk of diffuse pollution. Furthermore, Minister Pow and I recently hosted a roundtable attended by a number of farming representatives to discuss their concerns and how we might address them and better support them in this area. My officials will continue these discussions, including with the EA and water quality experts, and will meet industry again shortly.

To give farmers clarity on their obligations over the coming years, we will be issuing formal guidance. The guidance will seek to address key questions raised by farmers by setting out more clearly the steps they need to take to fulfil the requirement under FRfW, including what it means more specifically for nutrient applications to be planned to not give rise to a significant risk of diffuse pollution. This was raised as a particular area where differing interpretations had left farmers in a deadlock. We are aiming to provide this guidance in Spring 2022, with support from the EA, and with enough time ahead of the 2022 season to inform farmer decisions in this area.

On the EA's role in this issue, the EA's statutory duty is to reduce environmental risk and harm in accordance with existing law. Where there is a risk of a farmer misapplying organic fertiliser, it is the role of EA to intervene and work with the farmer to ensure appropriate plans are put in place. The EA's approach to investigation and engagement with farmers is targeted and advice led. Where sanctions are sought it should be as a last resort for serious and persistent offenders. Our advice will help inform the work of the EA to carry out these responsibilities.

Moving to potential changes to the law, now the UK has left the European Union, we will be looking across the range of retained EU law and pursuing reform where the approach can be better tailored to the UK's specific goals and circumstances. We have gathered a great

deal of evidence on the effectiveness of our water quality regulations affecting agriculture, which we will take into account when determining our priorities for legislative change. This will continue to be underpinned by our environmental commitments.

Finally, the investigation is seeking to identify the best ways to prevent agricultural diffuse pollution. A very great deal could be written on this subject, so I will attempt to be brief and give a broad view instead of setting out all our detailed policies.

Nutrients – as an input and by-product – are an integral part of legitimate work to produce food, and so managing them to maximise their benefits to food production while minimising pollution is a crucial part of everyday farming practice. Therefore, it requires a tailored and holistic approach, taking into account different farmers' needs to support them while protecting the environment.

You will be aware of the suite of government policies being brought forward to provide financial support and incentives to farmers to help them produce food in a sustainable way. I won't repeat them all, but this includes providing additional funding to Natural England and the Environment Agency to expand the successful Catchment Sensitive Farming advice partnership, to ensure farmers across all of England can access free, expert 1-2-1, face to face advice on water and air quality. The government has sought to provide information, advice, and funding to support some of the particularly costly and challenging changes needed to address diffuse pollution. We are already offering grants for equipment to help with slurry management and innovation, for instance separators and precision spreaders. Support is also available for interventions that maximise the storage available (e.g. by diverting rainwater). We will expand this offer, including grants to improve slurry infrastructure such as stores and covers, under a new theme of the Farming Investment Fund from Autumn 2022. We are currently working directly with farmers and industry to develop the scheme design of that offer.

Nonetheless, regulation is a necessary part of the strategy, because if there are no minimum standards that all must comply with on a level playing field, there could be a race to the bottom, leading to an uncontrollable increase in diffuse pollution. There are many straightforward and responsible steps farmers can take to reduce diffuse pollution and benefit from doing so. It would not be fair to expect those doing the right thing to compete against those who aren't. By providing the right set of balanced, proportionate regulatory standards, we can take a fair approach to work with and support farmers as the stewards of our countryside.

Yours sincerely,

*Victoria Prentis*

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