



Note for members on the Farming Rules for Water

Background

The reduction and prevention of agricultural Diffuse Pollution (England) Regulations 2018 is a new Statutory Instrument that came into force on 2nd April 2018. It is also referred to as the 'Farming rules for water' (FRfW). They apply in England.

The rules detail what farmers and land managers must do to manage manure, fertiliser and soil to prevent runoff, erosion and leaching. The aim is to minimise nitrate and phosphate pollution to watercourses. They apply to using and storing organic manure (such as composts and digestates) as well as manufactured fertiliser. Full details of the rules can be found [here](#).

Many of the requirements used to be within Codes of Good Agricultural Practice (CoGAP) which defines good practice. Having been written into the FRfW they are now mandatory and regulated and so formalise good practice. The principles of good nutrient management planning (as described in documents like RB209) are now **to be followed** when using organic manures; in RB209 composts and digestates count as organic manures.

Key Farming Rules for Water applicable to composts and digestates

All applications of manure (and fertiliser) must be planned. Manures includes organic manures. Application includes surface spreading, injecting and mixing with the surface layer of soil. All applications must;

- plan how much to use so that the needs of the soil and crop on that land are not exceeded,
- assess the pollution risks, and
- take into account the weather conditions.

The rules state that the Nutrient Management Guide (RB209) can be used to work out the nutrients that the soil and crop need.

The rules also state that reasonable steps must be taken by land manager to prevent diffuse pollution, this includes;

- checking that spreading equipment is calibrated and does not leak,
- working manures or fertilisers into the soil within 12 hours of application, and
- checking organic matter content and moisture level in the soil.

Soil tests for cultivated agricultural land

Soil tests are required for planning application of manure or fertiliser to cultivated agricultural land. 'Cultivated agricultural land' is land that's been ploughed, sowed or harvested at least once in the last year or land that has had an application of organic manure or fertiliser at least once in the last 3 years. Soil tests must be no more than 5 years old and must show results for: pH, nitrogen, phosphorous, potassium and magnesium.

Applying fertiliser and manure

Manure and fertiliser must not be used:

- on waterlogged, flooded or snow covered soil;
- when the soil has been frozen for more than 12 hours in the past 24 hours;
- in the case of fertilisers, within 2 metres (m) of inland freshwaters, coastal waters, a spring, well or borehole;
- in the case of manures, within 50 m of a spring, well or borehole and within 10 m of inland freshwaters or coastal waters unless you're using precision equipment or you're managing land for specific environmental benefits; and
- where risk factors mean there's a significant risk of pollution. Risk factors include;
 - the angle of slopes, in particular if the angle is greater than 12 degrees,
 - amount of ground cover,
 - distance to inland freshwaters, coastal waters, wetlands, springs, wells or boreholes,
 - soil type and condition, and
 - presence and condition of land drains.

Precision spreading equipment

You can apply manure no closer than 6 m from inland freshwaters or coastal waters if you use;

- a trailing hose or shoe band spreader,
- a shallow injector (no deeper than 10 cm), or
- a dribble bar applicator.

Storing manure

Risk factors for run-off must be taken into account when deciding where to store manure. In addition, it must not be stored within 10m of inland freshwaters or coastal waters or within 50m of a spring, well or borehole.

See also the [Code of Good Agricultural Practice for Reducing Ammonia Emissions](#) that covers how to store organic manures.

Enforcement

In England, the Environment Agency is responsible for enforcing these rules. If they find the rules being breached they will;

- identify changes needed,
- agree a timescale for changes,
- make a follow up visit, and
- ask for evidence, such as photographic evidence of change.

If pollution has already occurred or if in their view there is a high risk of pollution, the EA may take enforcement action. Such action can include prosecution.

Issues to be aware of

We have had feedback that the rules are being interpreted as banning digestate spreading in the autumn. This is not the case. The FRfW don't prevent all use of nitrogen containing material on autumn stubbles – there may be crops that will benefit. What they intend to do is put existing good practice into a regulatory mechanism. This means, for example, principles of good nutrient management planning (RB209) must be followed when using organic manures. So, realistically the spreading window for crops without an autumn requirement for nutrients has become February to May. This means in some cases there will be 9 month storage required, so there is greater pressure on storage capacity, particularly in the case of liquid digestates which must be stored in suitably designed and built contained storage.

If you require further information, please contact Jenny Grant (jenny@r-e-a.net), tel: 07796 430168.