

# Farming Rules for Water

The Farming Rules for Water (introduced 2<sup>nd</sup> April 2018 ) were to fulfil obligations on diffuse pollution under the Water Framework Directive. Defra have stated that most farms will already be carrying out these rules as part of general good practice. Some of these rules align with existing NVZ regulation and cross compliance.

The new regulatory approach to the rules is very different to any of the current rules in place such as NVZ's or cross compliance. Instead of an instant penalty for non-compliance, the Environment Agency (EA) are using an advice led approach, working with farmers to meet the requirements before enforcement action is taken.

**For Example:** *If you have an inspection and the EA find that you have not completed a nutrient management plan as part of a manure application, you will be advised how to comply and given the opportunity to rectify the non-compliance. If the EA find that the issue has still not been resolved, you may receive a penalty. However, some of the new rules already fall under cross compliance or NVZ requirements. Where this is the case you may not receive the advice led approach but could still receive instant penalty.*

## The Rules

### **Organic and manufactured fertiliser management, storage and management**

**Rule 1a)** Application of organic manures and manufactured fertilisers to **\*cultivated agricultural land** must be **nutrient management planned** to meet soil and crop nutrient needs without exceeding these levels and assessed for significant risk of pollution in advance

**\*Cultivated agricultural land definition:** *Agricultural land which has been cultivated by physical means (including ploughing, sowing or harvesting) at least once in the previous year, or by chemical means (including the application of organic manure or manufactured fertiliser) at least once in the previous 3 years. This will apply to grassland if it has had any nutrients applied to it in the last 3 years.*

**b) Nutrient Management Planning** must take into account the results of testing for Phosphorus, Potassium, Magnesium, pH and Nitrogen levels in the soil, **which must be done at least every 5 years.** You may determine soil Nitrogen levels by assessing the soil Nitrogen supply instead of testing the soil. (This can be done using the [Tried and Tested SNS calculator](#))

**Note:** *The soil testing requirement is only for land that requires a nutrient management plan due to it receiving an application of organic manure or manufactured fertiliser by spreading on the surface of the land, injection into the land or mixing with the surface layers of the soil. It does not include direct deposit of excreta onto land by livestock.*

### **Rule 2) Organic manures must not be stored on land:**

- a) within 10 metres of inland freshwaters or coastal waters,
- b) where there is significant risk of runoff entering inland freshwaters or coastal waters within 50 metres of a spring, well or borehole
- c)

### **Rule 3) Organic manures or manufactured fertilisers must not be applied:**

- a) if the soil is waterlogged, flooded, or snow covered
  - b) if the soil has been frozen for more 12 hours in the previous 24 hours
  - c) if there is significant risk of causing environmental pollution from soil erosion and run-off
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**Rule 4) Organic manures must not be applied within:**

- a) 10 metres of any inland freshwaters or coastal waters, except, if precision equipment is used within 6 metres of inland freshwaters or coastal waters
- b) 50 metres of a spring, well or borehole

**Rule 5) Manufactured fertiliser must not be applied within 2 metres of inland freshwaters or coastal waters****Soil management****Rule 6) Take all reasonable precautions to prevent significant soil erosion and runoff from:**

- a) seedbeds, tramlines, rows, beds, stubbles (including harvested land with haulm), polytunnels and irrigation, and
- b) poaching by livestock

**Rule 7) Land manager must ensure that poaching is prevented within 5 metres of inland freshwaters or coastal waters.**

For a non-compliance, inspectors will be looking for existing poaching adjacent to inland freshwaters or coastal waters over a single stretch of agricultural land (whether or not crossing permanent boundary features) which is at least 2 metres wide and 20 metres long.

**Ways to prevent this occurring include:**

- Moving livestock regularly,
- Erecting fencing around inland freshwaters or coastal waters, and
- Wintering livestock on well-drained, level fields.

The legislation does not stipulate that fencing is essential in order to comply, but in some cases, it may be the only option.

**Rule 8) Livestock feeders must not be positioned:**

- a) within 10 metres of any inland freshwaters or coastal waters,
- b) where there is **significant risk of runoff\*** from poaching around the feeder entering any inland freshwaters or coastal waters

Verify the distance of livestock feeders from inland freshwater or coastal water. Also check to see if livestock feeders pose a risk to water quality by being located in high risk areas that will act as a pathway.

**\* Significant risk of runoff:** Evaluate the slope of the agricultural land, especially if the slope is greater than 12 degrees. Is there any ground cover? What is the proximity to inland fresh waters, coastal waters and wetlands? What are the weather conditions and weather forecasts? What is the soil type and condition? Where and what condition are the agricultural land drains?

*The new farming rules for water are to be reviewed in 2021 to establish how well they are delivering against their expected outcomes, the impact on farmers and how farmers are working with the new approach.*

*Defra will monitor improvement in water quality through the existing EA water quality monitoring programme and other water data, for example, that collected by water companies or the Drinking Water Inspectorate to detect any trends in phosphate and sediment concentrations. Depending on resources, Defra will seek to monitor uptake of the rules, model the expected environmental benefits, and validate the model with additional water quality monitoring.*