



Farming Rules for Water Review

Department for Environment, Food & Rural Affairs Consultation

Date: 27 January 2021

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. CLA members own or manage around half the rural land in England and Wales and more than 250 different types of businesses. The work they undertake in the best interests of the land has a positive effect on wildlife and the natural environment, and their diverse and successful businesses are the heart of rural communities.

In order to respond to this review, the CLA undertook a targeted engagement exercise with members in England. This included a short online survey, discussions in CLA national committees and a review of our work from the past two years. The survey had a limited size (32 respondents), and was likely answered by some of our more engaged members, which means that it provides useful qualitative rather than robust quantitative evidence.

1. To what extent (if at all) do you think the Farming Rules for Water have been effective in reducing nutrient pollution from agriculture?

The view from our membership is that it is difficult to conclusively assess how effective the Farming Rules for Water (FRW) have been, given there have also been a number of other national and regional activities, advice, initiatives and underpinning regulations, that may also have influenced actions to protect water quality and land management practices more generally. This includes:

- Nitrate Vulnerable Zone regulations;
- Regulations on slurry storage and agricultural fuel;
- The Sustainable Use Directive for pesticides;
- The Catchment Sensitive Farming Initiative;
- The AHDB Nutrient Management Guide and other information;
- The Clean Air Strategy;
- Local Rivers Trust projects;
- Coverage of EA water quality reports;
- Advice from agronomists;
- Promotion of integrated pest management through the Voluntary Initiative;
- Catchment management work funded by water companies;
- Nitrogen neutrality requirements for the planning system in some areas;
- Coverage of water quality issues in national press;
- The increasing price of fertilisers and push towards efficiency.

Around 18 of our 32 survey respondents have taken specific action to tackle water pollution in the last two years. While there is a general feeling amongst members that a large proportion of the farming community is not aware of the FRW (explored further in our answer to Q2), the action taken would suggest that it is the package of measures, advice and guidance in the list above, alongside the FRW, that has increased overall awareness and influenced action.

In some areas, for example Staffordshire and Cheshire, it was felt that NVZ regulation had had a significant impact in reducing nutrient pollution from dairy enterprises. Others felt that the FRW had not been successful in reducing pollution as too few people knew of them.

2. What is your view about awareness of the rules among land managers?

The CLA survey showed that 19 of 32 respondents are aware of the FRW and 13 were not aware of the FRW. This aligns with the view of the CLA national and regional advice teams who support land managers – there is a core of farmers and land managers who have not heard of the rules, or were made aware of them at the time they were implemented but had subsequently forgotten the details.

Those in NVZs felt that the rules crossed over with the NVZ regulations – which were far better known, having been in place for a longer period of time – so compliance with NVZ regulations would automatically comply with the FRW. During discussions at our national committee, a number of CLA members mentioned that they followed good practice guidelines for land management and felt that the measures listed in the FRW were common sense, so compliance was high despite low awareness. Those who may have livestock or deal with slurry had a greater level of awareness.

3. *Can the rules be improved to better meet the above aim of reducing nutrient concentrations in water and providing a proportionate baseline for all farmers?*

The FRW themselves are clear, self-explanatory and well-understood by those who were aware of them. The key suggestion for improvement made by CLA members was not to the rules themselves, but their communication. Members felt they would benefit from workshops, video conferences (particularly at a catchment level), access to case studies, success stories and direct engagement with the Environment Agency on the FRW and compliance. This could include 'best practice' webinars that talk through how careful planning and land management practices can ensure a farm is compliant.

There was a suggestion that the FRW and supplementary guidance could be reframed to emphasise soil health, as there is increasing evidence of the co-benefits of good soil management. These include climate change mitigation, adaptation to the increasing risk of flood and drought and water quality, through increased infiltration rates and lower reliance on artificial fertilisers.

While there may be room for improvement, it is also important that the rules remain stable, to allow land managers to invest in infrastructure with confidence.

A key problem identified in our engagement with members was the restrictive spreading windows based on calendar dates, which are not applicable in all situations. For example, crop growth may be 2-4 weeks ahead in the south of the country compared with the north, and weather conditions vary each year. Basing rules on environmental conditions, rather than calendar dates, would improve the rules and water quality, by giving farmers the ability to make the right decision at the right time.

4. What is your view about compliance with the rules among land managers?

Despite a relatively low level of awareness of the FRW, the CLA engagement showed that most land managers have taken action in the last two years to reduce run-off of pesticides, fertilisers or slurry and improve water quality. There was a view that those who farm alongside major watercourses may be more aware of the FRW and the impact of farming on the water environment, and therefore more likely to comply.

While most (28 to 32) of land managers interviewed have had no contact with the Environment Agency on the FRW, there was a view that Catchment Sensitive Farming Officers, farm advisers and water company representatives are an asset and extremely helpful in ensuring compliance with the rules.

There are particular problems for those with inadequate slurry systems which often force them into poor practices. However, the planned Slurry Investment Fund in England should offer a solution to some businesses.

5. Are there any gaps in the rules that are causing an impact on water quality?

The main 'gap' appears to be a lack of awareness of the FRW themselves and help in meeting them.

6. What are your views on the current enforcement regime?

As above, just 4 of 32 respondents to the survey had engaged with the Environment Agency on enforcement, farm visits or inspections. A more visible presence and building of trust is crucial in developing a positive relationship with farmers. The promises for better regulation and enforcement stated in the Defra Agricultural Transition Plan must be delivered at the ground level.

While an "advice first approach" is welcome, it must be accompanied by a strong enforcement. Pollution requires action from everyone, and often farmers and land managers are left frustrated when they invest heavily in order to be compliant, while others with poor practice continue to pollute and no action is taken.

The River Axe is an example of how education and best practice can encourage compliance. <https://salmon-trout.org/wp-content/uploads/2020/03/Final-Axe-Regulatory-Report.pdf>



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