

FAS Technical Article November 2020

Are you complying with the farming rules for water?



What is the purpose of the rules?

From April 2018, [rules](#) that apply to all farmers in England were introduced to help improve water quality by reducing diffuse pollution. The rules standardise good farming practices that many farmers are already demonstrating to prevent manure, fertiliser and soil from entering watercourses.

The rules apply to many farming or horticultural practices (such as use and storage of organic or manufactured fertiliser), planting and harvesting, soil management (such as ploughing or planting cover crops) and managing livestock.

While the rules are separate from cross-compliance, farmers that are in a [Nitrate Vulnerable Zone](#) (NVZ) or receive funding from the [Basic Payment Scheme](#), [Countryside Stewardship](#) or [Environmental Stewardship](#) may already be complying. However, all farmers should check the new rules to satisfy themselves that they are complying with them in full.

How to comply with the rules

Essentially, the rules require all farmers to:

- minimise soil erosion and keep land in good condition;
- match nutrients to crop and soil needs;
- keep organic manures and fertilisers out of waterbodies.

Assessing pollution risks

It is the responsibility of farmers to identify the risks that apply to their land and the activities that are being undertaken. Taking account of the risk of leaching, runoff and soil erosion from the following factors is the first step before any activity is conducted:

- the angle of slopes, particularly 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;
- presence and condition of land drains.

Minimising erosion by managing soil

It is important to consider how planting and harvesting activities can impact on soil erosion. Reasonable precautions must be taken to reduce the risk of pollution when carrying out activities such as:

- creating farm tracks or gateways;
- establishing seedbeds, polytunnels or tramlines;
- cleaning out ditches;
- installing drainage or irrigation;
- irrigating crops;
- spraying crops with pesticides, herbicides or fungicides.

Examples of reasonable precautions that could be taken to mitigate the risk of soil erosion include:

- planting crops in early autumn and in dry conditions;
- planting headland rows and beds across the base of sloping land;
- undersowing or sowing a cover crop to stabilise soil after harvest;
- breaking up compacted soil;
- establishing grass buffer strips in valleys, and along contours, slopes, field edges and gateways.

Minimising erosion by managing livestock

Livestock keepers must take all reasonable precautions to prevent pollution caused by their animals. Livestock can compact soil by trampling it (poaching) and it is essential that action is taken to ensure that this does not occur within 5 metres (m) of an inland freshwater or coastal water. Action that can be taken to mitigate the risk include moving livestock to prevent poaching and bankside erosion, putting up fences to keep animals away from watercourses and wintering livestock on well-drained, level fields.

Keepers of livestock must not place livestock feeders within 10m of inland freshwaters or coastal waters, or within 50m of a spring, well or borehole.

Matching crop and soil needs by planning use of organic manure or manufactured fertilisers

Each application of manure or fertiliser must be planned. This will prevent using more than the crop or soil requires and reduce unnecessary cost to the business. The [Nutrient Management Guide \(RB209\)](#) can be used to calculate the nutrient requirements of the crop and soil. It is also important to consider the weather conditions and forecasts at the time of application.

Soil testing is necessary if manure or fertiliser is applied to cultivated agricultural land. This is land that has been ploughed, sowed or harvested at least once in the last year or land where manure or fertiliser has applied at least once in the last 3 years. Soil test results must be no more than 5 years old at the time of application.

The results of soil tests must show the pH and levels of nitrogen, phosphorus, potassium and magnesium. It is possible to use the [Soil Nitrogen Supply \(SNS\)](#) method instead of testing for nitrogen only.

Keeping manure and fertiliser out of waterbodies

To ensure that manure and fertiliser does not enter waterbodies, there are restrictions upon their use that must be adhered to. Where the risk assessment indicates a significant pollution risk, it is not permitted to make applications, for example, on waterlogged, flooded or snow-covered soil or when the soil has been frozen for more than 12 hours in the past 24 hours or when there is a significant risk of leaching.

Additional spreading restrictions:

- Manufactured fertiliser may not be spread within 2m of inland freshwaters, coastal waters, springs, wells or boreholes.

- Organic manure may not be spread within 50m of springs, wells or boreholes.
- Organic manure may not be spread within 10m of inland freshwaters or coastal waters unless precision equipment¹ is being used or the land is being managed for specific environmental benefits², such as management for breeding wader birds or as a species-rich, semi-natural grassland.

All reasonable precautions to reduce the risk of pollution must be taken when applying manure or fertiliser. For example:

- checking that spreading equipment is calibrated and does not leak;
- working manure or fertiliser into the soil within 12 hours or as soon as possible after applying it;
- checking the organic matter content and moisture level in the soil.

[Nutrient Management Guide \(RB209\)](#) or other resources can be used to help with this.

The pollution risk factors for runoff must also be considered when deciding where to store manure. It must not be stored within 10m of inland freshwaters or coastal waters, or within 50m of springs, wells or boreholes.



¹ Manure can be applied no closer than 6m from inland freshwaters or coastal waters if using a trailing hose or shoe band spreader, a shallow injector (no deeper than 10cm) or a dribble bar applicator.

² On this land, livestock manure (not slurry or poultry) can be applied within 10m of inland freshwaters and coastal waters if the land is in an Environmental or Countryside Stewardship scheme or it's a site of special scientific interest (SSSI), manure is not applied onto the surface of water, manure can be applied only from 1 June to 31 October and no more than 12.5 tonnes per hectare per year can be applied.

Enforcement of the rules

The Environment Agency is responsible for enforcing these rules and will conduct on-farm inspections to check compliance. If non-compliances are found, the Environment Agency will help by:

- identifying the changes that need to be made;
- agreeing a timescale to make the changes.
- To check that the changes have been made, the Environment Agency may:
- provide a follow-up visit;
- ask for evidence, such as photographs showing the change.



Environment Agency

The Environment Agency's National Customer Contact Centre is open Monday to Friday, 8am to 6pm:
email: enquiries@environment-agency.gov.uk
or telephone: 03708 506 506.

During May 2018, FAS recorded an online presentation regarding the new farming rules for water, with presenters from the Department for Environment, Food and Rural Affairs (Defra) and the Environment Agency. There was also a question and answer session.

To view the recording, please visit the FAS [webinar page](#).

In addition, Defra and the Environment Agency have produced a Q&A document to answer the most frequently asked questions. This can be viewed on the FAS [website](#).

Considerations for managing soils in dry weather

Good post-harvest management techniques are essential to remove surface capping caused by dry heat and hot winds. Light surface cultivations can help this. The removal of topsoil and subsoil compaction by subsoiling on headlands and tramlines can help enhance infiltration in fields, especially where soils are naturally fracturing.

Get in touch with the FAS

If you would like to speak to a free, independent adviser regarding the farming rules for water, please contact FAS on **0300 020 0301** or advice@farmingadviceservice.org.uk.



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