

Farming Advice Service Farming Rules for Water 2020 webinar: question and answer document

The Farming Rules for Water (FRFW) guidance for England can be found [here](#) and [here](#)

Question	Answer
<p>1. What records are required to comply with the Farming Rules for Water in case of inspection?</p>	<p>A land manager must be able to demonstrate that they have planned all applications of manufactured fertilisers and organic manures to be in accordance with crop and soil need or without causing significant risk of diffuse pollution. They will need to be able to show they have used results of soil testing that has been done within the last five years.</p> <p>Examples of records include: Soil test results, fertiliser and manure application records including a spreading risk map, cropping details.</p>
<p>2. What are the rules? How do I know if they're relevant to the specific land? Are there any other overlapping rules etc?</p>	<p>The farming rules apply to all agricultural land in England and regulation 5 gives specific meaning to cultivated land for the purposes of soil testing. Detailed guidance is available on what the rules are is available on GOV.UK here and here. FAS have also produced a technical article which you can read here and the Environment Agency have produced detailed guidance on Rule 1 which is on the FAS website.</p>
<p>3. Cultivated land - 'harvested' - does this include hay and silage cutting off grazing pasture please?</p>	<p>Yes - the definition of cultivated land includes cultivation by chemical or physical means. So harvesting includes hay and silage cutting of grazing pasture.</p>
<p>4. How is significant soil erosion defined?</p>	<p>Soil erosion is defined in the regulations. It means soil loss caused by soil runoff or degradation over a single area of agricultural land (whether or not crossing permanent boundary features) of at least 1 hectare. A land manager is required to take reasonable precautions to prevent agricultural diffuse pollution, which includes soil erosion.</p>
<p>5. What is the penalty for breaching one of the Rules which is not a Cross Compliance breach?</p>	<p>Farming Rule for Water are their own set of Regulations. An offence is committed if any of the FRFW regulations are breached. The offence could trigger a civil or criminal sanction and the offence may make the land manager liable to a fine. The Environment Agency will always take an advice-led approach but will take further enforcement action where appropriate and necessary.</p>
<p>6. When these rules were introduced in April 2018, why weren't farmers notified of these rules. I was one of the 25% who didn't know about it. I'd be interested to know how the 75% knew about them, when they found out about them and who notified them.</p>	<p>Defra and the Environment Agency carried out extensive stakeholder communications including with key national farming and environmental stakeholders. A variety of printed and social media were used alongside attendance at shows and locally targeted presentations. Communication is ongoing and the support of FAS in events like this is particularly helpful.</p>

Question	Answer
7. Is it ploughed within the last year AND cultivated land or 'OR'?	Ploughing is an example of cultivation by physical means. The definition of cultivated land includes both by physical or chemical means.
8. What is classed as winter please?	Farming Rules for Water apply throughout the year and are not seasonally dependant, so waterlogged soils in the Spring or Summer will still apply.
9. The RPA system does not allow the development of whole farm maps to allow management plans to be developed, just individual fields. It would be useful if there was the ability to access whole farm maps to print and annotate	Farmers do not need to have an official RPA map for a spreading risk map, any farm map that includes all the land under their control will suffice. Farmers can use MAGIC maps or something similar.
10. Current NVZ designated areas & rules ran from 2017-2020 do we know when the review will take place?	The NVZ designations from 2017-2020 remain the same for 2021-2024. You can read more on this in the FAS December 2020 newsletter .
11. How easy is it to report pollution incidents if they are seen as a bad practice?	Very straightforward, please use the Environment Agency pollution hotline: 0800 807060.
12. Does the 10m buffer strip for FYM apply next to watercourses.	Yes, as well as inland freshwaters (e.g. ponds), canals, and coastal water.
13. Do the rules ONLY apply for land parcels over 1 hectare?	No, Farming Rules for Water apply to all fields regardless of size.
14. What about application of low readily available N materials (like green compost) in the autumn/winter	If there is an agronomic benefit, based on soil testing, from applying them, then yes, they can be spread. Otherwise they can be stored in the field and applied when the crop is growing or as a soil conditioner during cultivation. The green compost must either have negligible nitrogen available for the crop so the supplied nutrients are held in the soil to meet the next crop need (typically in the spring), or there is an N need from the following crops, e.g. winter oilseed rape.
15. Is there an absolute requirement for soil tests every 5 years? Or would RB209 and history of previous cropping suffice for all nutrients as I believe it can for Nitrogen?	No. Soil tests are required at least every 5 years
16. Can you define "inland freshwater" river vs brook vs ditch etc	Anything that holds or carries water is a watercourse, including winterbournes, drainage and blind ditches. Also lakes, ponds and rivers.

Question	Answer
<p>17. What is the Government doing in terms of issues relating to Equine Business e.g. diffuse pollution/manure being stored next to a river?</p>	<p>The Farming Rules for Water (FRFW) covers land used for agriculture. The rules apply to horses that are kept on a farm, or where a livery yard or stud farm is operated as an integral part of a farm business. However, an equine business is currently not covered under the rules. To cover this, Defra would be required to expand the FRFW beyond land used for agriculture.</p> <p>Defra are currently reviewing the FRFW and several stakeholders have raised issues of manure storage on equine businesses. So this will be taken into consideration but the review is still ongoing and results cannot be pre-empted at this stage.</p>
<p>18. Why are water companies exempt from punishment for discharging waste water when they have inadequate capacity to treat it, unlike other water course users?</p>	<p>Water companies have a legal responsibility to ensure their discharges meet the required standards and are regularly enforced and prosecuted by the Environment Agency when failures have been discovered.</p>
<p>19. How can we put buffer zones into practice without jeopardising crop production at the same time?</p>	<p>Some pre-season planning is recommended, particularly looking at the options available through Countryside Stewardship e.g. funding for buffer strips through Mid-Tier Stewardship scheme. Buffer zones are a legal requirement under the Farming Rules for Water and BPS. They are also recognised as good agricultural practice as they are required to minimise the risk of agricultural pollution.</p>
<p>20. What regulations are there for grazing cattle near a drinking water well? And what about a well only being used for cattle water?</p>	<p>Whilst livestock drinking is not specifically mentioned, Reg 10 (5) requires reasonable precautions be taken to prevent agricultural diffuse pollution. Example given includes 'moving livestock regularly'. Also, in FRfW the type (or use) of a borehole is not specified i.e. it is not limited to a borehole used for the supply of water for human consumption. Therefore, all boreholes (including those only used for cattle watering) are covered. This is because boreholes can act as a pathway for pollutants to cause agricultural diffuse pollution.</p>
<p>21. What was the justification for the Environment Agency forcing fencing of the River Avon in North Wiltshire from cattle, including tributary brooks?</p>	<p>The Environment Agency may require reasonable precautions to be taken to tackle and prevent agricultural diffuse pollution. How the pollution is addressed is usually down to the land manager. For example, while fencing may work for one land manager it may not for others, so they can choose to take other reasonable precautions, such as move their livestock, temporary fencing etc.</p>
<p>22. I would like to see an example Nutrient Management Plan that the EA are happy with, fully support and understand its contents</p>	<p>Whilst there is no nutrient management plan specifically endorsed by the Environment Agency, Farmers can use the following:</p> <ul style="list-style-type: none"> • Plans such as Tried & Tested (https://www.nutrientmanagement.org/what-we-do/tools/nutrient-management-plan-updated-2019/) • PLANET (ADAS) http://www.planet4farmers.co.uk/ , • Gatekeeper https://farmplan.co.uk/crops/gatekeeper-grower/ • Muddy Boots https://muddyboots.com/ • Agronomist records or FACTS qualified advisor advice

Question	Answer
<p>23. We have spread compost from the local land fill for years. Originally it had to have a spreading license, but since it is now PAS 100 tested do we still need to record the amount we spread?</p>	<p>Yes, regardless of its waste status, compost is an organic manure so its use is covered by the Farming Rules for Water. You should also have a record of its nutrient content.</p>
<p>24. Re water troughs, in the process of installing under CS. If the rules change in 2021 how does that affect us ongoing?</p>	<p>The FRfW do not currently include water troughs. This has been raised in stakeholder responses so it will be considered in the review. However, we cannot pre-empt the recommendation of the review at this stage. Any changes as a result of the review will be communicated with farmers in advance so that they are able to make any necessary changes.</p>
<p>25. Are sacrifice areas allowed if run off doesn't take place?</p>	<p>The Farming Rules for Water are about more than just livestock and runoff due to water running over the soil surface. Agricultural diffuse pollution can arise from both soil erosion and leaching. Soil erosion covers soil loss due to both soil runoff and degradation. Leaching covers losses by both washing or draining from soil.</p>
<p>26. Can farm yard manure (FYM) be stored on a concrete pad that has no capture pit?</p>	<p>If the heap is uncovered and in an NVZ, then no. But if effluent does not read buffer strips, water courses or land drains then this is allowed, considering the rules under FRFW. For example, you need to consider any risk factors that would cause significant pollution. This includes the slope of the land, any ground cover, proximity of land to freshwater, soil type and condition of the land, and any agricultural drains that are present.</p>
<p>27. Should farms consider more use of interception ditches by gates etc?</p>	<p>Yes, this will include buffer strips. Temporary bunding or straw bales to reduce escape risk should only be used as a temporary option and only as a last resort. Any risk of soil loss needs to be carefully managed to try and reduce this risk in relation to the farming activity.</p>
<p>28. Can farmyard manure (FYM) be applied to over winter stubble?</p>	<p>No, as there is no agronomic requirement from a growing crop. If there is a crop need, you can apply it to stubble and plough it in for a following crop. The FYM must either: have negligible nitrogen available for the crop, so the ploughing-in means the supplied nutrients are held in the soil to meet the next crop need that typically occurs in the spring or, there is a N need from the following crop (e.g. winter oilseed rape).</p>
<p>29. Question for the end, what is Ross's view of the amount of slurry storage required to comply with Rule 3 not spreading on waterlogged land. Climate change and wetter warmer winters are meaning the minimum SSAFO 4 months NVZ 5 months storage probably isn't enough particularly up north.</p>	<p>Farmers should have as much slurry and dirty water storage for the conditions they farm in. For example, if in a wetter area where for 6 months there is a risk of water logged ground, then 6 months storage should be in place. The Environment Agency strongly recommend that land managers have at least 6 months of silage, slurry and agricultural fuel oil (SSAFO) compliant storage and they take into account their local area including rainfall and soil characteristics. As a minimum, farms in an NVZ should have at least 4 to 5 months of SSAFO compliant storage. Slurry storage applies to all slurries including dirty water and lightly fouled water. Calculation of storage requirements must exclude the freeboard capacity, which must be observed.</p>

Question	Answer
<p>30. Water run-off from highways can be a significant issue causing surface run off across field which can at times cause soil erosion. Who is responsible for this under the rules?</p>	<p>Once the water has entered the farm, it is the land managers responsibility to manage it. Farming Rules for Water apply to the land manager who is in control of the agricultural land that is being used for agriculture. They will be responsible if that land is causing a breach of FRfW e.g. due to the effects of soil runoff from that land.</p>
<p>31. Can I just check - did you say no slurry or manure to land at P index 3 or above? What about if you are a livestock farm and all your fields are at P index 3?</p>	<p>FRfW do not impose a ban on the use of organic manure. The regulation require every application to be planned so it does not exceed the needs of the soil and crop. The planning can draw on recommendations found in RB209. For example, RB209 notes it is important to manage organic material applications to ensure phosphate and potash is used through the crop rotation. This can mean, at soil P Index 3 or above, a land manager should take care to ensure that total phosphate inputs do not exceed the amounts removed in crops during the rotation.</p>
<p>32. What are rules when river rises and floods your buffer?</p>	<p>As long as the flooding is natural then your buffers are not affected even if you have applied manures before flooding occurred. However, all applications need to be planned and they must take into account the weather conditions and forecasts for the land at the time of application. Planning must take into account any factors that mean there would be a significant risk of agricultural diffuse pollution and this includes the 'proximity of the land to inland freshwaters...'. It would therefore be reasonable for a farmer to take into account the risk of flooding when considering buffers.</p>
<p>33. Freeboard is not additional storage - it is there to stop your lagoon collapsing.</p>	<p>The slurry storage calculation for SSAFO/NVZ excludes the freeboard. Earth bank lagoons must not be filled above the 750mm freeboard, to safeguard the banks integrity. You can fill other stores above the 300 mm freeboard however the EA recommends farmers maintain the 300mm freeboard to prevent over-topping.</p>
<p>34. What about applications of slurry and manure pre drilling or reseeding?</p>	<p>This is fine, as long as the planned application does not exceed the needs of the soil and crop. To help with this, you can undertake soil testing.</p>
<p>35. As agents, apart from a nutrient management plan, are there any other records which need to be kept in case of inspection?</p>	<p>Examples of records include: soil test results, fertiliser and manure application records including dates, a spreading risk map, and cropping details. For more information, see answer to question 1.</p>
<p>36. Freeboard should not be used as additional capacity. It is crucial to the integrity of the store.</p>	<p>Freeboard is there to ensure the slurry doesn't over top the store and part of the required freeboard amounts are designed to be emergency storage in case conditions stop spreading. For more information, see response to question 29.</p>

Question	Answer
<p>37. The problem with sacrifice areas is the tracking to it to feed hay/silage</p>	<p>Yes tracking can be an issue. It is down to the farmer to ensure that there is no serious soil erosion being channelled by the tracks. For more information, please see response to question 25.</p>
<p>38. If you have a yard adjacent to your sacrifice field, and it's an exceptional wet time, can you allow the cattle to feed in the yard with the gate left open so that cattle can go in and out as they please. Yard is not near to the A-road. What are the rules regarding any run off, yard wouldn't be strawed, so water etc run off would run out into the field, and the first 10 metres of the field does have a lot of stone within it.</p>	<p>As long as the field does not produce serious soil erosion or flooding then this is fine subject to animal welfare considerations. For more information, please see response to question 25.</p>
<p>39. Can land be ploughed in the autumn and left in the furrow over winter for frosting? Or does a cover crop have to be sown?</p>	<p>Ploughing and left for frosting is fine. However a land manager must take reasonable precautions to prevent agricultural diffuse pollution from land management or cultivation practices. Undersowing or cover crops to stabilise soil after harvest is an example of a reasonable precaution. The land manager would need to ensure that the field does not cause diffuse pollution in this case.</p>