

# Technical Update - Farming Rules for Water RPS 252 and Catchment Sensitive Area Extension



Information correct as at 09:00am on 13.08.2021

- Potential ban on autumn spreading postponed
- Can apply to EA for an RPS 252, but need to prove all other avenues have been explored
- Must be part of a nutrient management plan
- Catchment Sensitive Farming areas expanded to cover 100% of land in England

The potential ban on spreading organic manure on some land in England this autumn has been postponed after the Environment Agency issued its recent Regulatory Position Statement. Although the Farming Rules for Water have been in place since April 2018, they have not been tightly policed up to now.

## Rule 1

Rule 1 of the FRfW requires that the application of organic manure and manufactured fertiliser to agricultural land must be planned so that the application does not exceed the needs of the soil and crop on the land or give rise to a significant risk of agricultural diffuse pollution. Farmers must also consider the weather conditions and forecasts for the land at the time of application. It applies to all organic manures and all land managers.

## What does RPS 252 allow?

You can have a planned application of organic manure to agricultural land that exceeds the crop and soil needs on that land provided it does not cause pollution and meets certain conditions shown below:

## Conditions you must comply with

You must comply with the requirements of:

- the contingency plan
- how you must spread the organic matter

## Contingency plan

You must avoid causing risk of pollution. Your contingency plan must show that using this RPS is your only option. It must include field inspections to check if organic manure is getting into surface water or groundwater.

You must show that options 1 to 4 in the following hierarchy are not feasible before you follow option 5.

1. Store the organic manure at the place of production.
2. Store the organic manure at the place of use.
3. Send the organic manure to an off-site anaerobic digestion plant or other effluent treatment plant, including at a sewage treatment works.
4. Store the organic manure off-site.
5. Spread the organic manure on land with a low risk of leaching and run-off.

For more information on the 5 steps for dealing with waste see [Guidance on applying the waste hierarchy](#).

You must make sure that all your staff and contractors are aware of your contingency plan.

## Spreading organic manure

You must only spread organic manure:

- on land with a low risk of leaching and run-off
- at an application rate that allows no more than 5kg/ha of nitrate-nitrogen to be leached (see detail below)
- when the weather and ground conditions allow, as required by the farming rules for water

You must not spread at an application rate that exceeds 5kg/ha nitrate nitrogen to be leached. This needs to be calculated on an individual basis depending on rainfall, type of material spread etc. You can use MANNER NPK to calculate nitrogen losses on a field-by-field basis. This can be downloaded free from [www.planet4farmers.co.uk/Manner.aspx](http://www.planet4farmers.co.uk/Manner.aspx)

Land with a low risk of leaching and runoff:

- is not a sandy soil or a shallow soil, within the meaning of the [Nitrate Pollution Prevention Regulations 2015](#)
- is not left bare over winter (maize stubbles without cover crops would be considered bare)
- is land with an average slope of less than 8 degrees, and the land's drainage is not impeded (this means the soil is not compacted nor has a capped soil surface - the soil must be permeable and have a good structure)
- is not a soil at field capacity above a land drainage system (other than sealed impermeable pipe) or shallow groundwater
- has not been pipe-drained, mole-drained or sub-soiled in the last 12 months
- must not be within a designated groundwater source protection zone 1
- must be at least 10 metres from surface water or a conduit leading to surface water
- must be at least 50 metres from springs, wells and boreholes

You must carry out regular checks before, during and after spreading to make sure there is no pollution taking place.

## Enforcement

A RPS means that the Environment Agency will not normally take enforcement action against you if:

- your activity meets the description set out in this RPS
- you comply with the conditions set out in this RPS
- your activity does not, and is not likely to, cause environmental pollution or harm to human health

If you operate under this RPS but think you may no longer be able to comply with its conditions, you must tell the Environment Agency immediately.

The Environment Agency will monitor how land managers use and comply with this RPS through its proportionate, risk-based inspection and monitoring activity.

## How to apply for RPS 252

You must notify the Environment Agency that you are using the RPS. You need to give the following details: name and company name using the RPS, email address and phone number, address where the material relating to the RPS will be used and the type of material that will be spread. You should email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) and put Spreading organic manures on agricultural land: RPS 252 in the subject line.

## Catchment Sensitive Farming Areas

Some better news! From March 2023 100% of the farmland in England will be covered by the scheme (currently 40%). Funding will be increased to a total of £30 million/year, up from £16.6m in 2020 / 21. Every farmer will be able to access advice and support to help them access a range of solutions to reduce pollution.

The extra funding will provide more Natural England advisers to help farmers implement practical solutions to reduce pollution, including planting new grassland buffer strips to improve drainage, establishing river side trees to reduce run off into rivers and using better slurry storage facilities to avoid accidental spillage.

Natural England teams will also help farmers apply for grants to invest in new equipment and technology, such as precision farming tools that reduce the use of fertilisers and better protect the soil.

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For further discussion or to help with any questions that you may have, please contact Consultant Support on [consultantsupport@kiteconsulting.com](mailto:consultantsupport@kiteconsulting.com) or 01902 851007 / 07542 403225