

## **Changes to the Secretary of State's Statutory Guidance to the Environment Agency on the enforcement of the Farming Rules for Water**

The Secretary of State issued revised statutory guidance to the Environment Agency on 18 June 2025 on criteria it should consider when assessing how it should enforce the Farming Rules for Water. This replaced guidance issued in March 2022. The revised guidance will be reviewed no later than September 2028.

### **The principal changes are that the new guidance:**

1. No longer asks the Agency not to enforce if land managers work within the terms of the guidance.
2. It expects land managers to comply with the requirements to plan applications of organic manures and manufactured fertilisers so that they do not exceed soil and crop need at the time of application.
3. It removes references to applying nitrogen over a crop cycle and phosphorus over a crop rotation.
4. When assessing if planned spreading would give rise to significant risk of nitrate pollution, the Environment Agency is asked to consider the readily available nitrogen (RAN) content of organic manures, soil type, and whether all appropriate reasonable precautions are being taken as well as whether farmers are compliant with Nitrate Pollution Prevention Regulations (NVZ), where they apply.

### **Guidance regarding plans and reasonable precautions has not been changed and still says:**

5. Plans must be proportionate, showing a crop nutrient requirement for each parcel of land. They should be informed by agronomic guides, tools or advice and based on the nutrient content of soils and the materials being applied.
6. Reasonable precautions around establishing green cover by 15 October have not changed.

### **How do we enforce following the changes?**

We will have regard to the Secretary of State's Guidance to us when considering our enforcement action. Our approach to enforcement will remain the same and will depend on the individual circumstances of the case. We will continue to take an advice-led approach to regulation, working with land managers to act on a voluntary basis, referring them to further sources of advice and grants. If they fail to act, then we will consider escalating our enforcement response including imposing civil or taking prosecutions.

In the meantime, there are steps that farmers can take to reduce the need to spread and demonstrate that they are minimising the risk of agricultural diffuse pollution. These include:

- Talking to us if in difficulty.
- Seeking professional help where necessary e.g. a FACTS advisor
- Ensuring they have tested soils and planned nutrient applications
- Having a contingency plan
- Having a Farm Waste Management Plan or Manure Management Plan and a risk map
- Calculating farmgate nutrient balances and comparing benchmark values with their farm type
- Carrying out maintenance such as repairing gutters to exclude water from slurry stores

- Ensuring that yards and storage are well maintained and clean water is separated from existing slurry stores to reduce volumes
- Consider roofing dirty yard areas and slurry stores to reduce the amount of slurry being produced and having to be stored and spread.
- Increasing storage in the longer-term
- Considering manure management options e.g. slurry separation and precision application equipment
- Using MANNER-NPK software which, as well as providing an estimate of crop available nitrogen, also estimates the nitrate leaching losses following land application.
- Composting materials to reduce the readily available nitrogen content
- Only accepting imported manures if they have an agronomic need for them
- Optimising or reducing stocking rates to not exceed the capacity of their land

We strongly advise farmers to have a contingency plan for events that cannot be reasonably planned for. Further advice is available here [Preventing agricultural pollution in exceptional circumstances - GOV.UK](#). Land managers must:

- contact the Environment Agency before they spread
- agree with the Environment Agency that spreading is the only option available
- only spread the amount needed to reduce the risk of pollution
- only spread on the lowest risk land available
- carry out regular checks before, during and after spreading to ensure there is no pollution taking place.

Land managers remain responsible for any pollution that they cause or any significant risk of pollution arising.