

Department for Environment, Food and Rural Affairs

28 August 2012

Short summary of the government response on revising the nitrate rules

Nitrates Rules 2013-2016

The Government has published today (28 August 2012) the full package of changes that it intends to make following the conclusion of its consultation on revising the nitrates rules. The changes are small in scale, and reflect both new scientific evidence and the views expressed in the consultation. The Government response confirms the announcements that Minister of State Jim Paice made on 11th July.

Analysis of water quality data has shown that overall about 3% less of the country exceeds the pollution threshold set by the Nitrates Directive. This clear evidence that nitrate pollution is on a reducing trend lay behind the Minister of State's announcement on 11 July that the Government would not designate all of England as a Nitrate Vulnerable Zone (NVZ). Ministers also considered it important to address the wider water pollution issues, not just from nitrates but also phosphates, sediment, faecal indicator organisms and pesticides. This is best done through catchment level action under the Water Framework Directive, rather than the single issue Nitrates Directive, because it gives us greater scope to develop the right measures in the right places.

About 9,400 farms will be removed from NVZs, and about 2,700 will come into NVZs for the first time. In the dairy sector, about 120 farms will be in NVZs for the first time, but 460 will in future fall outside them. This means that overall about 6,700 fewer farms will be affected by the nitrates rules, and about 340 fewer dairy farms.

Key elements of the package include:

- Seeking renewal of the grassland derogation, which supports dairy farmers in particular;
- Increasing the closed period for medium and heavy land by two weeks (to the end of January) in response to strong new scientific evidence. However, farmers will be able to apply manufactured fertiliser during these two weeks when conditions are suitable and a crop needs it. This will come into effect from 15 October 2013 for land already designated as NVZ, and from 15 October 2015 for land designated for the first time in 2013;
- A small increase, from 1 January 2014, in the manure nitrogen efficiency values of cattle and pig slurry to reflect what is achievable with good practice; and
- We announced on 11 July that we are not proceeding now to remove the exemption for older stores in the Silage Slurry and Agricultural Fuel Oil Regulations 2010, but we will be carrying out a review of the Regulations with stakeholders.

In response to recommendations made by the Farming Regulation Task Force, the changes also include:

- An exemption from some record-keeping requirements for low intensity farms; and
- Reflecting the principle of earned recognition by reducing the chance of inspection for farmers who have a full nutrient management plan.

Several other proposals will help free some farmers from unnecessary burdens while maintaining the appropriate level of environmental protection:

- Increased nitrogen allowances for chlorophyll production;
- Changes to allow more efficient compost use in top fruit cultivation;
- Encouraging the use of precision slurry application techniques by reducing the restrictions on them;

The changes are based on sound science and reflect views expressed in response to the consultation and the recommendations made by the Farming Regulation Task Force. Better-targeted rules are easier for farmers to implement, so they are also better for the environment. They go hand in hand with the Government's wider plans to raise water quality under the catchment-based approach.

We expect the costs of these changes to nearly all farmers in NVZs to be very small. For those already in NVZs, the rules will not require the construction of new slurry stores. However, for farmers on slurry systems newly in NVZs, there will be a transitional period to allow them as long as possible to ensure they comply with the slurry storage and closed period rules: the rules will apply from 15 October 2015, which is the start of the closed period that year. In view of the concentration of slurry storage issues in the south west, we will make sure that, where necessary, farmers there can if they wish have the independent advice that can be provided at no charge, under Catchment Sensitive Farming, on how to meet the requirements. We are also developing a further advice component for these farmers on the financial aspects of complying. We will draw lessons on what advice should be available to farmers on slurry storage across the country, and how it should be delivered.

The rule changes introducing greater flexibility are planned to come into effect on 1 January 2013. Where changes will require farmers to adopt new working practices we are proposing a longer period of adjustment, generally bringing them into effect from 1 January 2014.

We did not ask for comments on the guidance to the Regulations in our consultation. But we are aware, from a number of sources, including the Farming Regulation Task Force, that there is room for improvement. We aim to simplify the guidance where we can so that what needs to be done to comply with the rules is as clear as possible.

The full package of measures is available [here](http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/). [http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/].

Future work

Responses to the consultation made clear that there is further work to be done before we consider making the start and end dates of closed periods flexible or

significantly amending the SSAFO Regulations 2010. We intend to take these issues forward, in partnership with all stakeholders, as part of our wider programme of work to address the challenges we face on water. We will be in touch with stakeholders to get their input on how we build this partnership and shape the work.