

Farming Rules for Water Regulations Review - Terms of Reference

1. Background

The Farming Rules for Water Regulations (FRfW) came into force in 2018. The objectives were to;

- encourage better land management
- reduce and prevent water pollution caused by agricultural practices
- reduce and prevent soil erosion caused by agricultural practices
- improve resource efficiency

These regulations apply a national baseline for Agricultural Practice for Water across England. The regulations tell Farmers what they must do to manage manure, fertiliser and soil to prevent runoff, erosion and leaching.

2. Objectives

- a. To conduct a review that:
 - i. Examines the performance of England's regulatory framework for FRfW since implementation, in particular identifying the awareness and comprehension of these regulations by the agriculture sector, identifying the objectives intended to be achieved; an assessment of the extent to which those objectives are being achieved; and an assessment of whether they remain appropriate objectives;
 - ii. Assesses the effectiveness of the restrictions imposed by FRfW in reducing or preventing water pollution caused by agricultural sources, and;
 - iii. Takes into account available scientific and technical data.
- b. To publish a report on [legislation.gov.uk](https://www.legislation.gov.uk) by 2nd April 2021 on the findings of I and ii above.

3. Key Considerations

In addition to assessing the objectives above (2.a–b), the review will consider the following factors:

- a. The effectiveness of the outcome based regulatory model which FRfW is based on
- b. Areas of overlap and opportunities for harmonisation with the Nitrates, Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO); and
- c. The 25 Year Environment Plan and future opportunities for reform of the regulatory regime.

4. Process and Evidence

The review will utilise evidence from a wide range of stakeholders, academics, industry stakeholders and public body officials, as well as other interested parties.

Evidence on how the regulations are performing environmentally and an assessment of enforcement activity will be collected and used to inform the review and any outcome recommendations.

There have recently been a significant number of Defra consultations inviting stakeholder input on a number of environmental measures with many of these policy consultations and legislation including provisions for FRfW regulations. An analysis of the following publications, amongst others, will be used to inform the review on stakeholders' positions:

- Health and Harmony Consultation (February 2018)
- Agriculture Bill Written Evidence (October/November 2018)
- Environmental Audit Committee on UK Progress in Reducing Nitrate Pollution (January 2019)

Small-scale stakeholder engagement will be used to verify and supplement this information.

A formal public consultation will take place should recommendations to revise the operation of the regulations arise in light of the initial report under objectives 2. iii. above. This will provide an opportunity for the public to engage and shape the future operation of the FRfW regime.

An informal steering group will be established within Defra to ensure this work remains focussed and on track for delivery.

5. Output

A report assessing the current performance of the regulations and whether these objectives remain appropriate, is to be published on legislation.gov.uk by 2nd April 2021.

This report will contain a number of recommendations for the future. Short term recommendations will take into consideration measures relevant to and feasible for the immediate operating period, whilst long term recommendations will look at the future of the agricultural pollution regulatory system.