

**From:** [REDACTED]  
**To:** [Quine, Martin](#)  
**Subject:** RE: Our Ref: GE20095: FRfW  
**Date:** 07 September 2022 17:31:07  
**Attachments:** [jimage001.png](#)

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Martin – thanks, may be developing a sector led local protocol could be floated to the national FRfW colleagues as a potential pilot.

Looking forward to working with you on NMB

[REDACTED]

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**From:** Quine, Martin <[xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Sent:** 07 September 2022 17:25  
**To:** [REDACTED] <[REDACTED]@herefordshire.gov.uk>  
**Subject:** RE: Our Ref: GE20095: FRfW

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Hi [REDACTED]

Thank you for your email, it's helpful to have yours (and others) views/concerns outlined.

I have arranged a meeting with our National lead on FRfW next week and will aim to have an answer to the questions being raised, particularly around the reasonable precautions, which may be viewed as subjective.

Many thanks

Martin

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**From:** [REDACTED] <[REDACTED]@herefordshire.gov.uk>  
**Sent:** 07 September 2022 13:58  
**To:** Quine, Martin <[xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Subject:** RE: Our Ref: GE20095: FRfW

Martin – glad you are on the case.

The reasonableness test in FRfW seems to be anchored at the farm level. What is reasonable for the farmer in the business and immediate context of their far,.

However, along with CSF, FRfW is one of two key planks for the present Nutrient Management plan which is why it has become contentious.

I think one of the things we would like to see and perhaps broker with the catchment agricultural community is local guidance on what reasonableness might look like in the context of a SAC SSSI.

I suspect this question may come up over the next few months through my work on the Cabinet Commission and it would be great to have a farm designed and led and regulator backed local protocol of reasonableness in an SSSI / SAC context.

[REDACTED]

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**From:** Quine, Martin <[xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Sent:** 07 September 2022 13:45  
**To:** [REDACTED] <[REDACTED]@herefordshire.gov.uk>; Dinnis, Clare <[xxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Cc:** [REDACTED] (Cllr) <[REDACTED]@herefordshire.gov.uk>  
**Subject:** RE: Our Ref: GE20095: FRfW

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Good Afternoon

Yes, I will attend the NMB on 28 September.

I was also been made aware of the emails below from [REDACTED] earlier today and I have offered to speak with him in the interim. I apologise that we have taken so long to provide a response.

The FRfW are relatively new regulations and they were designed to be guidance led. I am in active dialogue with our National colleagues to understand more around the concerns raised and aim to have this by the board meeting.

Many thanks

Martin

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**From:** [REDACTED] <[REDACTED]@herefordshire.gov.uk>  
**Sent:** 07 September 2022 13:31  
**To:** Dinnis, Clare <[xxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Cc:** [REDACTED] <[REDACTED]@herefordshire.gov.uk>; Quine, Martin <[xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxxxxxxxxxxxxx.xx)>  
**Subject:** RE: Our Ref: GE20095: FRfW

[REDACTED] – thanks, I will route information to Martin who was super helpful on our RPS recently.

[REDACTED]

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Questions arising on FRFW at next Board- 29<sup>th</sup> Sept.

Thank you,

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Best wishes

**From:** Engagement Westmids  
**Sent:** 09 August 2022 09:39  
**To:** [REDACTED]  
**Subject:** RE: Our Ref: GE20095: FRfW

Dear [REDACTED] and [REDACTED]

Please accept my apology for the length of time it has taken to respond to your emails.

The reason behind the delay is that we are getting input from the relevant teams to be able to respond fully to your query.

I will be in touch as soon as possible.

Kind regards  
Nathan

**Nathan Harrison** | Customers & Engagement Specialist | West Midlands  
**Environment Agency** | Sentinel House, 9 Wellington Crescent, Lichfield, WS13 8RR

For further information please contact the Customers & Engagement Team:  
Tel: 02030 251583 | Email: [xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx)



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**From:** [REDACTED] <[REDACTED]@[REDACTED].emailcom>  
**Sent:** 20 July 2022 16:10  
**To:** Engagement Westmids <[REDACTED]@[REDACTED].xxx.xx>  
**Cc:** Wight, Grace <[REDACTED]@[REDACTED].xxx.xx>; Whitehouse, Emma <[REDACTED]@[REDACTED].xxx.xx>; [REDACTED] <[REDACTED]@[REDACTED].com>; [REDACTED] <[REDACTED]@wyeuskfoundation.org>; [REDACTED] (Cllr) <[REDACTED]@herefordshire.gov.uk>  
**Subject:** Re: Our Ref: GE20095: FRfW

Hi Grace

As [REDACTED] says, this is entirely at odds with the needs of the SAC. Bad enough for any catchment to be polluted in this way but one of England's iconic rivers, internationally protected?

I have written to [REDACTED] as the NMB Chair as I believe the Board has been misled. I have also forwarded the correspondence to [REDACTED] MP who also has deep concerns about the Wye's management.

What your colleague is telling us is that there is no way FRfW can prevent further degradation of the SAC. We need a WPZ and we need this soon. We also need DEFRA to amend the rules at least for the Wye catchment as a matter of urgency.

Can you tell me who in DEFRA is the lead official as we need them to account for these decisions?

I would be grateful for a reply from you personally and well within the 20 days target, please.

Best wishes

[REDACTED]

On Tue, 19 Jul 2022, 15:46 [REDACTED] <[REDACTED]@wyeuskfoundation.org> wrote:

Dear Grace,

I am utterly dismayed by the response below which clearly states that as long as a nutrient management plan is in place to justify the use of some of the nutrients from manure then it is permissible to still apply manure to high P index soils. This makes them completely useless for addressing the challenges we face in the Wye in terms of over application of manure and soils leaching P. Which piece of legislation will your Enforcement Officers be undertaking enforcement action to prevent this issue if not under FRFW?

I will take this back to Hfd Council so that they can in turn respond to Minister Pow who held up the FRFW as a key mechanism for addressing our issues (and avoid a WPZ) when clearly they are not.

[REDACTED]

Head of Land Use  
Wye & Usk Foundation



The Wye and Usk Foundation, The Right Bank, The Square, Talgarth LD3 0BW  
Tel: 01874 711714 (Fishing enquiries - 01874 712074) - [www.wyeuskfoundation.org](http://www.wyeuskfoundation.org) - Registered charity no: 1080319

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**From:** Engagement Westmids [mailto:[xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx)]  
**Sent:** 19 July 2022 11:03

To: [REDACTED]@gmail.com>

Cc: Whitehouse, Emma <xxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.x>; [REDACTED]@wyeuskfoundation.org>; [REDACTED]@com>

Subject: RE: Our Ref: GE20095: FRfW

Dear [REDACTED]

Thank you for your email of 16 June raising questions about phosphorus applications under the terms of the Secretary of State's Statutory Guidance to the Environment Agency. Please accept my apologies for the length of time it has taken to respond to your query. I have contacted the relevant colleagues and teams both locally and nationally to gather the following response.

The Secretary of State's Statutory Guidance advises the Environment Agency to not normally enforce if land managers plan to raise P Indices above target levels because they cannot reasonably prevent doing so and they take appropriate precautions to mitigate against the risk of diffuse agricultural pollution.

The Statutory Guidance does not change the law and all applications must still be planned and must be based on crop and soil need with the results of soil sampling and analysis taken into account.

It does, however, mean that we would not normally enforce if the P Index is already high and, in the scenario you suggest, that it would be unreasonable to expect them to strip that P out of the manure.

The reasonable precautions we expect land managers to take are all those already set out in the Farming Rules for Water as well as observing the time restrictions for high readily available nitrogen (RAN) organic manures and establishing cover crops set out in the Statutory Guidance. We would expect them to have taken into account the slope of the land, the proximity to waters, the soil type and condition of the land and the presence and condition of any land drains. They should be checking equipment for leaks and correct calibration, incorporating materials within 12 hours of, or as soon as possible after, its application, and checking the organic matter and moisture levels of the soil. We will continue to advise farmers that raising the P index beyond target values is neither good agricultural practice nor sustainable and that we will be looking for them to run down reserves of soil P.

The Secretary of State's Statutory Guidance makes no additional provision for designated protected areas

I hope you find this information useful, please do get in touch using the contact details below if you have any further questions or queries.

Kind Regards  
Nathan

**Nathan Harrison** | Customers & Engagement Specialist | West Midlands  
**Environment Agency** | Sentinel House, 9 Wellington Crescent, Lichfield, WS13 8RR

For further information please contact the Customers & Engagement Team:  
Tel: 02030 251583 | Email: [xxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.xx](mailto:xxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.xx)



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From: [REDACTED]@gmail.com>

Sent: 15 July 2022 11:17

To: Engagement Westmids <xxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.x>

Cc: Whitehouse, Emma <xxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.x>; [REDACTED]@wyeuskfoundation.org>; [REDACTED]@com>

Subject: Re: Our Ref: GE20095: FRfW

Hi Grace

Hope all is well. We had a good citizen science day with [REDACTED] and her technical colleagues which was very helpful. Good that we can work together on the science.

However, by my count it is now 20 working days since my initial email on this subject. I would be grateful if you could please arrange for a response. I am only asking what rules you are asking your staff to implement - that should be easily available to you?

Best wishes

On Tue, 28 Jun 2022, 11:54 [REDACTED], [REDACTED]@gmail.com> wrote:

Thanks Lara. I wasn't aware that your standard is 20 working days so that is useful.

I look forward to your colleague's response.

Best wishes

[REDACTED]

---

From: [Engagement Westmids](#)

Sent: 28 June 2022 11:00

To: [REDACTED]

Cc: [Engagement Westmids](#); [REDACTED]

Subject: RE: Our Ref: GE20095: FRfW

Good morning [REDACTED]

I work with Grace and have been looking into your enquiry; I've also spoken with her this morning

She did ask me to let you know she enjoyed speaking to you a couple of weeks ago and looks forward to seeing you at the NMB tomorrow.

We have sent your enquiry to our technical colleagues but they are managing a lot of correspondence at the moment and may take up to the 20 working days we have in our customer charter.

I am very sorry for this, we are trying to get the answers for you soon.

Best wishes  
Lara

Lara Williams  
Customers and Engagement Specialist - Executive Correspondence and Water Land and Biodiversity  
Environment Agency | West Midlands

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From: [REDACTED] <[REDACTED]@gmail.com>

Sent: 28 June 2022 09:40

To: Engagement Westmids <[REDACTED]@[REDACTED].xxx>

Cc: Whitehouse, Emma <[REDACTED]@[REDACTED].xxx>; [REDACTED] <[REDACTED]@weyuskfoundation.org>; [REDACTED] <[REDACTED].com>

Subject: FW: Our Ref: GE20095: FRfW

Hi Grace

I was grateful to you for your reply but hoped you might have been able to give me an answer by now. Could I ask for a reply? It would be good to understand this before the NMB tomorrow.

Best wishes

[REDACTED]

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From: Engagement Westmids

Sent: 17 June 2022 11:45

To: [REDACTED]

Subject: Our Ref: GE20095: FRfW

Message sent on behalf of Grace Wight, Area Environment Manager for Herefordshire and Worcestershire

Dear [REDACTED]

Thank you for your email regarding the Farming Rules for Water.

I have logged your enquiry under reference GE20095 and have asked the relevant technical team to draft a response.

I hope to have a response to you in due course.

Many Thanks  
Nathan

Nathan Harrison | Customers & Engagement Specialist | West Midlands  
Environment Agency | Sentinel House, 9 Wellington Crescent, Lichfield, WS13 8RR

For further information please contact the Customers & Engagement Team:

Tel: 02030 251583 | Email: [REDACTED]@[REDACTED].xxx.xx

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From: [REDACTED] <[REDACTED]@gmail.com>

Sent: 16 June 2022 15:31

To: Engagement Westmids <[REDACTED]@[REDACTED].xxx>

Cc: [REDACTED] <[REDACTED]@gmail.com>; Whitehouse, Emma <[REDACTED]@[REDACTED].xxx>; [REDACTED] <[REDACTED]@weyuskfoundation.org>

Subject: FRfW

-  
Hi Grace

-  
Good to meet you on Tuesday and thanks for the chat. Could I just ask you the slightly technical question I asked in forum but I am not sure Martin quite answered.

-  
Under the Farming Rules for Water it looked to me like there was a potential loophole about P application. Your slide said:

-  
*'Farmers can apply P as long as it does not raise the P Index above target levels UNLESS IT IS NOT REASONABLY PRACTICABLE TO DO SO AND APPROPRIATE PRECAUTIONS ARE TAKEN'*

-  
Can I ask how your staff will interpret the latter part of that rule? If a farmer can show that

1. he/she needs N and meets the rule for N application
2. they are using manure which happens also to contain P
3. it could be deemed unreasonable to expect them to strip that P out of the manure.

would this mean that it is within the rules for that manure to be used even if the P index is already high? If so what precautions against further soil

enrichment would your staff deem appropriate? I would expect there to be specific guidance for them especially within an SAC catchment.

I am concerned that this possible loophole could just add to our mountain of legacy P. On the face of it, I believe farmers should be using bag N in all cases where there is an N need but the soils are above P thresholds. This is particularly important in an SAC catchment.

I am copying Emma in to this email as I promised to ensure that, as our lead contact, she knew about all correspondence with EA. Hope that is OK.

Best wishes,



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