

Farmer bulletin

November 2023



Introduction

In our last newsletter in August, we informed you that the Environment Agency (EA) had commissioned improvements to the Nitrate Leaching Tool (NLT) (and Agricultural Compliance Tool (ACT)) based on feedback from last year. It was clear that there wasn't the budget to implement them all, but we had prioritised the most pressing improvements to be made.

Towards the end of August, the EA informed us that it had come to light that the NLT was significantly under-predicting a farm's nitrate leaching. The EA explained that the tool is a bespoke farm-specific calculator, allowing you to adjust your nitrogen application, crop yields and farm practices on a field-by-field basis. But the tool also allows you to apply mitigation/management measures to each field and it is a group of these measures that the EA have now decided are effectively double counting for the direct changes you can already input into the NLT through your nitrogen applications and yields, for example.

The EA have stated that now these inaccuracies in the tool have been identified, they must correct them rather than continue to use a tool they know is producing incorrect results. It is also clear that the EA and DEFRA feel there is another threat of a legal challenge, so the EA have specified that they must get the tool in a better shape to be used in the right way to justify its results, for the credibility of the EA and partners.

As a result, the EA recommended that the measures for which double counting was relevant should be immediately retired from the tool. This accounted to c.30% of the existing mitigation/management measures.

This put the PHAG Board in a very difficult position at such short notice to the NLT's 2023 release; but with the legal requirement for all farmers in the catchment to complete an NLT and ACT for the 2023 harvest year, we had to try and work with the EA to mitigate the impact that the original changes would have on our members.

PHAG have been in discussion with the EA to put across our perspective; we all want a tool that best reflects what is happening on the ground and inaccuracies must be ironed out, but not to the detriment of the farm businesses. The tool is already flawed in its usability and technical capacity, so to remove such a high number of the mitigation measures was un-acceptable to us.

We have repeatedly explained that 2022 was an extraordinary year with the drought and high fertiliser prices limiting nitrogen usage, combined with extraordinary yields resulting in a very low catchment nitrate leaching figure for that year. 2023 has been almost the complete opposite. We stressed that PHNMS should always be judged over three years before any changes were made, because there will inevitably be highs and lows between the farming years.

We also strongly argued that in such early days of the Scheme and with such a positive uptake from the farming community in year one, the EA needed to work with us to improve the tool, bringing in new measures that allowed you as land managers, to truly reflect what you are doing on farm, as well as amending the existing measures over a reasonable timeframe.

We have taken this argument to the highest level of the EA, DEFRA as well as politically. As the release of the NLT fast approaches, we have had some significant success with our arguments, but we have not been able to dissuade the EA to step back and give the NLT more time. We have though, negotiated some restrictions to the changes, but only a few.

Louise Stratton, Development Manager

What is the outcome on the NLT for 2023?

The EA are retiring several measures, but rather than retire all, we have got the EA to agree to reduce the value of the other measures in question. We appreciate it is not perfect, and we continue to push the EA and partners to ensure that any changes to the tool must be scientifically robust, and agreed through an independent group of specialists, which is still not the case to our full satisfaction. Indeed, this is a stipulation of the Approved Scheme - PHNMS. PHAG have pushed hard to get this specialist group in place, it has now held its first meeting, but it is too late to implement change for 2023. One of the repeated issues we have had, is such little warning to these changes.

We have looked at examples elsewhere in the world where nutrient accounting is required and where other tools are used and have been developed. But what is unique to the Poole Harbour catchment is that we have a real threat of a Water Protection Zone and increased legislation in this catchment if the EA and NE are not seen to be proactive in their approach and delivering their requirements from the Judicial Review. Unfortunately, putting a pause on the use of the NLT and investing time and finance into building a better tool, would not meet legal requirements.

Please be aware that the changes to the NLT are likely to affect many of your figures. Although the changes will impact on everyone in varying degrees, the greatest impact will be seen by those of you with cultivated land. We strongly suggest when the revised NLT is available to download, that you familiarise yourself with it, but potentially wait for our training sessions that we will be running, before completing it fully. We can then run through all the changes with you and explain how best to negotiate the tool.

PHAG are not satisfied with the NLT in its revised form and we have expressed this very clearly, we also have concerns about its ongoing development. We are therefore still working hard on your behalf to keep getting the tool reviewed and improved, which it desperately needs.

So, what next...

As the EA outlined in their letter to you back in August, the original plan was to have the revised NLT out in early October. Due to all the changes being made, that deadline has been delayed. We have been involved in the testing of two versions of the revised NLT in the last month and we are expecting the final version of the NLT to be made available in the coming week.

We will publish a basic 'how to get started' guide for you, but you will be able to import your 2022 NLT into the new NLT version, this will copy across all the field numbers, areas, and names, as well as the data entry for the Actual and Scenario (now renamed Next Year Plan) tabs.

Due to the implications of the changes being made to the tool, PHAG have agreed the following with the EA:

- The deadline for submitting your NLT and ACT to PHAG will be the 31st January 2024.
- As you have no scope to change your farming practices for the 2023 cropping year (the year you will be submitting your NLT actual data for) the EA have agreed to extend the baseline data gathering year to 2023. This means that collectively PHAG does not have to reach our original glidepath figure of 25.5kgN/ha this year.
- In conjunction with 2., the glidepath figure will be altered so that the collective PHNMS 2023 figure is the new glidepath figure. The end figure of 18.1kg N/ha for 2030 will not alter, but the path to it will now change.
- We will be running NLT training again for farmers during November funded by the EA; provisionally in the weeks commencing 20th and 27th November, but we can't confirm until we know we will have the new NLT available to demonstrate. We will circulate dates ASAP. PHAG will be here to help you over the coming months with any queries you may have whilst you complete the NLT.

PHAG membership

We now enter a new year of PHAG membership, membership is necessary for you to participate in PHNMS and once the NLT is released, we will open the membership to you all. The PHAG Board feel strongly that we should not be increasing our membership costs, given the turbulence of the NLT over the last two months and how this could impact on your business. Therefore, we are retaining membership at the same level as in 2022. We are looking to build our reserves in a sensible and practical way, but we are financially secure for this coming year.

<50 hectares £50

51 - 200 ha £150

200< ha £200

PHNMS will operate in the same way as last year, with you returning your ACT and NLT to PHAG, we will aggregate the results and submit as a catchment figure, retaining your anonymity from the EA.

PHAG have been working hard to represent you and your farm businesses over the last 12 months and particularly over the summer when the EA made their announcement of NLT changes. It is ongoing and we hugely appreciate and value your support with membership. It may feel that there remain many hurdles ahead, but by working as a group we are so much stronger.