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Ref: NVZ closed periods wet weather

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NVZs – why can't we have a 'wet weather derogation'?

Issue: There is no derogation to allow farmers to spread slurry when stores are approaching capacity.

NVZ rules require farmers to have sufficient storage for the slurry they produce in a 5 month (or 6 month for pigs and poultry) period. This is calculated based on the amount of slurry that livestock are expected to produce, plus additional water from rainfall averages expected to enter stores.

NVZ closed periods for **organic manures** with high readily available nitrogen content (e.g. slurry, poultry manures, liquid anaerobic digestate or liquid digested sewage sludge)* are as follows:

Start date	End date	Land use	Soil type	Closed period duration
1 August	31 December	Tillage land	Shallow or sandy soils	5
1 September	31 December	Grassland	Shallow or sandy soils	4
16 September	31 December	Tillage land with crops sown on or before 15 September	Shallow or sandy soils	3.5
1 October	31 January[§]	Tillage land	All other soils	4
15 October	31 January[§]	Grassland	All other soils	3.5

* For land newly in an NVZ in 2013, closed periods for organic manures apply from autumn 2015

[§] The closed period for medium and heavy soils was extended by two weeks following the 2013 NVZ revision

Therefore, legally farmers are required to have sufficient slurry storage to be able to comply with closed periods in average conditions. In 2012, the extreme wet weather caused problems for many farmers who approached the autumn closed period with full stores, having been unable to spread in the summer. With lobbying effort from the NFU, the EA issued advice that explained the legal situation and provided farmers with options for dealing with capacity issues in the extreme circumstances, which in certain cases could include spreading slurry within the closed period. However, the RPA noted that there was no mechanism available to allow a change in NVZ closed period dates for SMR1. **Therefore, anyone spreading slurry in the closed period could face a cross compliance penalty.**

The NFU explored these issues with Defra in a recent project ([Project Report](#)). Research from the project showed that changing closed periods would not be possible due to current weather forecasting abilities. Although this meant that the situation could not be changed in the short term, it will be kept under review should evidence show that flexible closed periods could work in practice.

Rainfall and flooding in the north of England during December has been severe. As yet there has been no indication from Defra that there will be a relaxation of the NVZ rules due to the severe weather encountered so far this winter. The advice is to consider temporary additional storage ([EA Flood Recovery Advice](#)).

Members who consider that they are facing genuinely extreme weather are encouraged to provide evidence that could be used to make a case for closed period flexibility in the future.