

December 2016 – e-news issue 31

Welcome to the Farming Advice Service newsletter

Thank you for subscribing to the Farming Advice Service (FAS) newsletter, this is the last edition of 2016. We would like to take this opportunity to wish you a merry Christmas and a happy New Year.

If you do not already receive the FAS newsletter straight to your inbox but would like to, please email bookings@farmingadvice.org.uk with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.

We hope you find the information in this issue helpful. If you have any comments or ideas for topics you would like us to cover, please let us know.

FAS technical advice line:

Telephone: 03000 200 301

Email: advice@farmingadvice.org.uk

Website: www.gov.uk/government/groups/farming-advice-service

**Farming
Advice Service**

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Cross compliance 2017 update

You must follow the cross compliance rules if you are claiming for the Basic Payment Scheme (BPS), a stewardship scheme or the English Woodland Grant Scheme (EWGS) in 2017.

How to obtain the updated guidance?

The Department for Environment, Food and Rural Affairs (Defra) and the Rural Payments Agency (RPA) published the 2017 cross compliance rules in December. The guidance is only available electronically and hard copies of the publication will not be sent out this year. This is because the policy has not changed since the 2016 version of the guide was issued, so those with a paper copy can continue to use it for the 2017 scheme year. To view the 2017 guidance on GOV.UK, in a

format that is easy to download and print, click [here](#) or search for 'cross compliance'.

Good Agricultural and Environmental Conditions (GAEC 1): Establishment of buffer strips along watercourses

In the 'Guide to cross compliance in England: 2016', the RPA explained that, from 1 January 2017, land parcels of 2 hectares or less that are next to a watercourse will have to comply with the need to protect the watercourse against pollution and run-off from agricultural sources by maintaining buffer strips.

The buffer strips will apply to all agricultural land:

- that is within 2 metres of the centre of a watercourse or field ditch;
- from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank.

On the buffer strips:

- you must take all reasonable steps to maintain a green cover;
- you must not cultivate or apply fertilisers or pesticides.

For full details of GAEC 1 rules that are effective from 1 January 2017, please visit [GOV.UK](#). Please note that this change does not apply to cross compliance rule [GAEC 7a: Boundaries](#).

Key dates

1 December	You need to carry out your annual inventory of sheep. (SMR 8)*
1 January	You must start following the rules in the cross compliance 2017 guide from this date. The Basic Payment Scheme (BPS) 2017 year starts.
1 January	You can apply organic manure with a high, readily-available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 1)
1 January	Beginning of the year for assessing the annual amount of livestock manure applied to your land. (SMR 1)
1 January	Start of the ecological focus area (EFA) period for hedges (which must be present all year unless newly planted) and buffer strips (which must be present all year). (Basic Payment Scheme: rules for 2016)
1 January	Start of period for EFA fallow land. (Basic Payment Scheme: rules for 2016)
15 January	EFA cover crops declared in the 2016 scheme year must be retained until at least this date. (Basic Payment Scheme: rules for 2016)
16 January	You can apply manufactured nitrogen fertilisers to grassland and tillage land from this date if conditions are suitable. (SMR 1)
1 February	You can apply organic manure with a high, readily-available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on all soil types from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 1)
28 February	End of the quantity restrictions for application of organic manures with a high, readily-available nitrogen content. (SMR 1)

* SMR = Statutory Management Requirements

How can FAS help you?



Free and confidential advice

Common Agricultural Policy (CAP) regulations require EU Member States to run an advisory system covering cross compliance, greening, water protection and aspects of pesticide use. In England, this is provided by FAS. Under these regulations, the advice given to individual farmers must be **confidential** – that is, FAS **must not** disclose any personal or individual information or data it obtains in the course of its advisory activity.

FAS updates the farming sector on relevant EU and Defra policies. It explains the requirements under and objectives of CAP, EU directives, national legislation and policies; and the actions that can be taken to help meet compliance. FAS provides **free, confidential** advice on cross compliance and the greening requirements, some aspects of the Water Framework Directive (such as silage, slurry and agricultural fuel oil (SSAFO) and waste exemptions) and the Sustainable Use (of pesticides) Directive.

Getting in contact with the advice line

Farmers requiring telephone advice from FAS can contact the **Rural Services Helpline** on **03000 200 301** Monday to Friday between **8.30am** and **5pm**.

The Rural Services Helpline provides a single number for all **Farming Advice Service, Rural Payments Agency, Animal and Plant Health Agency, Natural England and Forestry** enquiries. By providing a single point of contact, the Government aims to make it simpler for farmers to access technical guidance on a range of topics, including cross compliance, greening, CAP payments and animal health inspections.

You can also email enquiries to advice@farmingadvice.org.uk.

FAS resources

In addition to the bi-monthly [newsletter](#), FAS has produced a number of resources, including [technical articles](#) and [posters](#).

During October 2016, FAS held two webinars for farm advisers in partnership with Defra and the RPA.

Webinar 1 – Cross compliance update for 2016

This webinar provided information on:

- changes to cross compliance in 2016 – presented by Andrew Wells from FAS;
- inspections – presented by Pam Frost from the RPA;
- common cross compliance failures – presented by Andrew Wells from FAS.

There was also a question and answer session.

Webinar 2 – Protecting payments on your client's livestock farm

This webinar provided information on:

- cross compliance requirements for livestock farms, including common areas of non-compliance – presented by Ian Cairns from FAS;
- changes affecting livestock keepers from July 2016 – presented by Pat Brophy from Defra.

There was also a question and answer session.

To view recordings of the webinars, please go to the FAS [webinar page](#).

For further information, please visit our [website](#), call 03000 200 301 or email advice@farmingadvice.org.uk.



Greening requirements for 2017

Greening supports farmers to adopt and maintain practices that help meet national environment and climate goals. Greening payments account for approximately 30% of the total payment you will receive for claiming under the BPS. If you fail to comply with the greening rules, then you could lose some or all of your greening payments under BPS. Please be aware that, as of 2017, reductions in greening payments for failure to comply with the rules can also be accompanied by administrative penalties proportional to the severity and scope of the non-compliance.

There will be no changes to the greening rules in England for the 2017 scheme year. For the latest information, please visit GOV.UK.

Crop diversification

If your farm has over 10 hectares (ha) of arable land, you are required to meet the greening 'crop diversification' rules. These require you to grow a minimum of either two or three crops depending on the amount of arable land you have on your holding.

Given the arable farming cycle, farmers should begin to plan their crop diversification requirements to ensure compliance with the greening rules for 2017. A full list of the crop diversification rules is available in '[Basic Payment Scheme: rules for 2016](#)'.

Ecological focus areas

If your farm has more than 15ha of arable land, then you are likely to be required to dedicate at least 5% of the total arable land declared on your BPS application to ecological focus areas (EFA). EFAs are areas of land that are used to deliver ecological and environmental benefits.

Exceptions

Exceptions to crop diversification and EFA rules, such as farmers using organic land or having over 75% of the land as permanent grassland, can be found in '[Basic Payment Scheme: rules for 2016](#)'.

EFA fallow land in 2017

If you intend to declare EFA fallow land during the 2017 scheme year, please remember that the fallow period is from 1 January until 30 June (inclusive). This is different to the fallow land entered under the crop diversification requirements.

For more information on EFA fallow land, please refer to '[Basic Payment Scheme: rules for 2016](#)'.

Implications for 2017 if you took up the EFA cover crop option in the 2016 scheme year

If you declared cover crops on your 2016 BPS application, you must adhere to the 2016 rules on this land. The 2016 rules require cover crops to be established by **1 October 2016 and retained until at least 15 January 2017**. This does not affect the ability to claim the same land area as EFA fallow land from 1 January 2017 since the claim is for a new scheme year.

For further information on EFA cover crop options and rules for the 2016 scheme year, please refer to the '[Basic Payment Scheme: rules for 2016](#)'.

Cross compliance soil management requirements



Cross compliance rules were introduced in 2015 and established a set of national minimum standards for soil management. These are **outcome focused** and require no paperwork. This means that more emphasis is put on actually farming the land rather than keeping a paper log. The rules are:

GAEC 4: Minimum soil cover

You must take all reasonable steps to protect soil by having a minimum soil cover – except where there is an agronomic justification for not doing so or where establishing a cover would conflict with requirements under GAEC 5 (see below). Information on acceptable agronomic justifications and soil cover are set out in '[Guide to cross compliance in England: 2016](#)'. Where a suitable agronomic justification that is not listed in the guidance applies, you will need to apply for a derogation from the RPA. The derogation must be granted prior to undertaking the agronomic justification.

GAEC 5: Minimum land management reflecting site-specific conditions to limit erosion

You must put measures in place to limit soil and bankside erosion caused (for example) by:

- cropping practices and cropping structures;
- livestock management, including outdoor pigs and poultry (causing overgrazing), and poaching;
- wind;
- vehicles, trailers and machinery.

Where compaction may cause soil erosion, you must, where appropriate, cultivate post-harvest land and late harvested crops using primary cultivation methods such as ploughing. Alternative primary cultivation methods are included in the '[Guide to cross compliance in England: 2016](#)'.

A reduction in your agricultural payments could occur where erosion is over a single area greater than 1ha (this is a continuous area and can include land that crosses permanent boundary features, meaning that the erosion is not necessarily within one field) or along a continuous stretch of more than 20 metres long and 2 metres wide of a watercourse. Examples of appropriate measures to limit soil erosion are available in the '[Guide to cross compliance in England: 2016](#)'.

GAEC 6: Maintenance of soil organic matter level

You must:

- Not burn crop stubble, except for plant health reasons. Where burning is needed for plant health reasons, it must comply with the Crop Residues (Burning) Regulations (1993) (Regulations 4 (b) and 5).
- Comply with the Heather and Grass Burning Regulations (2007) (Regulations 5(2) and 6(1)(a)).
- Comply with the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations (2006) (Regulations 4, 9, 26 and 28) and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999) (Regulations 4(1) and 22). Do not plough, cultivate or intensify species-rich and semi-natural habitats so as to conserve organic matter and carbon levels in soils. An environmental impact assessment (EIA) may be required if the land has not been cultivated within 15 years or if it is semi-natural.

More information on the Environmental Impact Assessment (Agriculture) Regulations is available [here](#) and on the Heather and Grass Burning Regulations [here](#).

The rules for soils are applicable to all BPS claimants and farmers claiming Environmental Stewardship payments. Therefore, it is important that you are aware of how to comply with the requirements to safeguard your payments. FAS has produced an article that provides top tips for complying with the updated soil management requirements. Click [here](#) to read the full article. If you require further advice regarding soil management on your farm, please contact FAS on 03000 200 301 or by email (advice@farmingadvice.org.uk).

Nitrate Vulnerable Zone (NVZ) reminders



NVZ designation

NVZs are areas designated as being at risk from agricultural nitrate pollution. They account for approximately 58% of agricultural land in England. Defra undertakes a review of the designated NVZ areas every 4 years to account for changes in water pollution.

The NVZ designation was reviewed during 2016 and the new designations

for 2017 to 2020 begin on 1 January 2017. This will include areas that are newly designated as NVZs and will exclude areas that have been de-designated.

During early 2017, Defra will be sending written notice to any person who appears to own or occupy land falling completely or partly within an NVZ. This will inform farmers of the

designation and their need to comply with NVZ rules, including information on any transitional arrangements for those who are newly designated.

You can also find out if you are in a designated area by entering your postcode into the Environment Agency [‘What’s in your backyard’](#) mapping tool.

Further information regarding NVZ designation is available on [GOV.UK](#).



NVZ inspections

During 2016 there was a high number of non-compliances found by the RPA when inspecting BPS claimants on [SMR 1: Reduce water pollution in Nitrate Vulnerable Zones \(NVZs\)](#), particularly related to the record keeping requirements. As a result of the high number of failures, the RPA will have to complete more NVZ

inspections during 2017. This creates additional costs and burdens for the industry, and could result in payment reductions being applied to more claims where non-compliances are detected.

For detailed guidance on the requirements, please go to [GOV.UK](#).

NVZ grassland derogation for 2017

Grassland farmers can apply for a derogation from the 170kg nitrogen per hectare per year (N/ha/year) livestock manure limit provided they meet certain criteria. If your application is approved and you meet certain conditions, you will be able to work to the higher level of 250kg N/ha/year livestock manure from grazing livestock on your farm.

Applications should be submitted to the Environment Agency by telephone on 03708 506 506, Monday to Friday, between 8.00am and 6.00pm.

All applications must be made by **20 March 2017**.

You will need to have information about your holding to hand. If you have not applied for or been granted a derogation before, you may find a question and answer

document that has been prepared on the subject useful. Please email nitratesdirectiveteam@defra.gov.uk to obtain a copy.

Further information on the derogation can be found on [GOV.UK](#).

Closed periods for organic manures with a high, readily-available nitrogen content

The Nitrate Pollution Prevention Regulations establish 'closed periods' for the application of organic manures that contain high, readily-available nitrogen (N) (that is, where more than 30% of the total N content is in a form easily used by plants). These manures (for example, slurry, poultry manure, liquid digested sludge and anaerobic digestate) present a significant risk of polluting water if spread on the land at the wrong time of the year. If your land is located within an NVZ, you must not spread these manures during the dates shown in Table 1.

There are some exceptions to the rules for the closed periods:

- If a crop is sown on sandy or shallow tillage land on or before

Table 1 – closed periods for organic manure

	Grassland	Tillage land
Sandy or shallow soils	1 September to 31 December	1 August to 31 December
All other soils	15 October to 31 January	1 October to 31 January

15 September, you may apply organic manure between 1 August and 15 September inclusive.

- If you are an organic farmer or you are formally converting to organic status, applications up to a maximum rate (150kg N/ha) will be permitted during the closed period to:
 - Winter oilseed rape and grass. Applications are permitted between the start of the closed period and the end of October. No more than 40kg N/ha can be spread on grassland at any one time.

- Asparagus, brassicas, overwintered salad onions, parsley and bulb onions. Applications can be made between the start of the closed period and the end of February. In the case of brassicas, up to 50kg N/ha can be spread every 4 weeks until the harvest (the 150kg N/ha total limit still applies).
- Other crops on the basis of written advice from a Fertiliser Advisers Certification and Training Scheme (FACTS) qualified adviser.

Closed periods for the application of manufactured fertiliser



The NVZ rules also establish closed periods for the use of manufactured fertiliser. You may not apply manufactured fertiliser to:

- tillage land between 1 September and 15 January;
- grassland between 15 September and 15 January.

There are some exceptions. Manufactured fertiliser may be spread on the crops listed in Table 2 providing the amounts spread do not exceed those stated.

Table 2 – crops that can receive manufactured fertiliser

Crop	Maximum rate (kg N/ha)
Winter oilseed rape	30
Asparagus	50
Brassicas	100
Grass	80
Overwintered salad onions	40
Parsley	40
Bulb onions	40

In the case of:

- winter oil seed rape and grass – applications are allowed between the start of the closed period and the end of October;
- grass – a maximum of 40kg N/ha may be spread at any one time until the end of October;
- brassicas – an additional 50kg N/ha may be spread every 4 weeks during the closed period up to the date of harvest.

In the case of other crops, manufactured fertiliser may be spread on the basis of written advice from a FACTS qualified adviser.

Further guidance regarding the NVZ requirements for using nitrogen fertilisers can be found on GOV.UK.

Reduced applications following the closed periods for organic manure

From 1 January, if conditions are suitable, you can apply organic manure with a high, readily-available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils. However, from the end of the closed period (see Table 1) until the end of February, you must not spread

more than 30m³/ha of slurry or 8 tonnes/ha of poultry manure in a single application. You must also allow at least 3 weeks between each application.

For further information on the requirements, please refer to GOV.UK.

Livestock manure records

You must ensure that, in any calendar year (that is, a year beginning 1 January), the amount of nitrogen

in livestock manure that is applied to your farm (whether directly by grazing animals or by spreading) does not exceed 170kg/ha (unless you have successfully applied for a grassland derogation). This is the 'loading limit' and is averaged over the area of the farm. For further guidance on how to calculate and complete this information, please refer to GOV.UK.



New measures to protect poultry and other captive birds against bird flu

On 6 December, the Secretary of State declared an [Avian Influenza Prevention Zone](#) to introduce additional biosecurity requirements for all poultry and captive birds, helping to protect them from a strain of avian flu circulating in wild birds in mainland Europe. The zone covers the whole of England and will remain in place for 30 days (until 6 January 2017). Similar zones have been introduced by the Scottish and Welsh Governments.

The declaration requires the immediate and compulsory housing of all poultry and captive birds where it is practicable to do so. This means that domestic chickens, hens, turkeys and ducks are expected to be housed or, where this is not practicable, be completely separated from contact with wild birds. For farmed geese, gamebirds and other captive birds where housing can be less practicable, keepers must take steps to keep these birds separate from wild birds.

Defra has taken this action because of the current increased risk of avian influenza (bird flu) reaching the UK

in wild birds. Outbreaks of highly pathogenic avian influenza (of subtype H5N8) have been confirmed in poultry and wild birds in several countries [across Europe](#). The Prevention Zone is a precautionary measure to help prevent potential infection from wild birds. Defra is continuing to monitor the situation closely and has increased its surveillance activity.

Keepers of poultry and other captive birds must now take extra biosecurity steps on their premises, including:

- minimising direct and indirect contact between poultry and wild birds;
- making sure that feed and water cannot be accessed by wild birds;
- taking all reasonable precautions to avoid the transfer of contamination between premises, including cleaning and disinfecting equipment, vehicles and footwear
- reducing the movement of people, vehicles and equipment to and from areas where poultry or captive birds are kept;

- implementing effective vermin control programmes around buildings where poultry or captive birds are kept;
- thoroughly cleaning and disinfecting housing and equipment at the end of a production cycle;
- keeping fresh disinfectant at the right concentration at key points such as farm entrances and entrances to bird houses.

Further details on the requirements of the Prevention Zone, together with the latest biosecurity advice, can be found on GOV.UK.

If you find dead wild waterfowl (swans, geese or ducks) or gulls, or five or more dead wild birds of other species in the same location on your farm, you should report them to the Defra helpline on 03459 33 55 77 or by emailing defra.helpline@defra.gsi.gov.uk.

Farming Ammonia Reduction Grant scheme

Dairy and beef farmers in England can apply for the Farming Ammonia Reduction Grant (FARG) scheme from 1 December 2016 until 31 January 2017. The scheme offers funding for covers to existing slurry stores to help increase the quality of slurry as a fertiliser and reduce ammonia emissions. Eligible applicants will also receive one-to-one advice from a farm adviser on ways to reduce ammonia emissions, which could increase the efficiency and reduce costs of their farm system.

A slurry store cover can provide the benefit of:

- protecting the store from rainwater and reduce storage and field application costs;

- reducing the loss of nitrogen and increase the quality of slurry as a fertiliser;
- reducing ammonia emissions and improve air quality;
- minimising odour emissions.

Applications must be received by Natural England on or before 31 January 2017. For further details on how to apply, including an application form, please visit GOV.UK.



Annual sheep and goat inventory

At the end of November, you should have received your sheep and goat annual inventory forms, in the post (along with a pre-paid envelope), or via email from Defra. **Please ensure you submit your inventory by 31 December.** Failure to do this may increase your risk of a BPS inspection being carried out on your holding.

If you have not received a paper form, then you will have been sent an email request. Please check your spam or junk folders if you cannot find this in your inbox.

Further guidance on completing your inventory is available on GOV.UK.

In addition, you should also have included your annual inventory total as at 1 December in your [holding register](#) (section 7 if you use the Defra paper register). This is a requirement of cross compliance rule [SMR 8: Sheep and goat identification](#). The holding register document should be retained on your holding and will be reviewed at an inspection.

Top tips for livestock keepers

The RPA cross compliance inspection results indicate that livestock identification and registration are, once again, one of the most common failure areas under cross compliance. Livestock keepers must adhere to the livestock identification and registration rules. If you keep livestock and are receiving BPS payments, your payment may be at risk if you do not adhere to the livestock identification and registration rules that fall under [cross compliance](#).

Particularly high instances of non-compliance were noted under [SMR 7: Cattle identification and registration](#) and [SMR 8: Sheep and goat identification](#). The high failure rates in 2016 mean that the RPA will have to complete more livestock inspections in 2017. This is at an increased cost to the RPA and to the industry, and could result in payment reductions being applied to more claims where non-compliances are detected.

FAS has produced top tips to address the most common non-compliances identified during livestock inspections.

- 'Top tips for compliance with cattle identification and registration rules';
- 'Top tips for compliance with sheep and goat identification'.

These top tips articles can be downloaded for free from the [FAS website](#).

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