

February 2016 - e-news issue 25

# Welcome to the Farming Advice Service newsletter

*Thank you for subscribing to the FAS newsletter,  
this is the first edition of 2016.*

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Farming Advice Service (FAS) newsletter  
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**Farming  
Advice Service**

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

**FAS technical advice line:**

Telephone: 0345 345 1302

Email: [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk)

Website: [www.gov.uk/government/groups/  
farming-advice-service](http://www.gov.uk/government/groups/farming-advice-service)

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# What is FAS?



*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. Under these regulations, this advice must be **confidential** – that is, it **must not be shared with those conducting inspections.***

In England, this advice is provided by the Farming Advice Service (FAS). FAS updates the farming sector on relevant EU and Department for Environment, Food and Rural Affairs (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.

For further information, please visit our [website](#) or call 0345 345 1302.

## Key dates

<b>29 February</b>	End of the quantity restrictions for application of organic manures with a high readily available nitrogen content. ( <a href="#">SMR* 1</a> )
<b>1 March</b>	You must not cut hedgerows or trees from this date, but you can carry out hedge laying and coppicing from 1 March until 30 April. Orchards are not included in the ban. ( <a href="#">GAEC** 7A</a> and <a href="#">GAEC 7C</a> )
<b>1 March</b>	You must not cast up traditional hedgebanks from this date. ( <a href="#">GAEC 7A</a> )
<b>31 March</b>	If you hold a water abstraction licence, expect to receive your annual bill (or first part charge if you hold a two-part tariff agreement) for the forthcoming financial year from 31 March. ( <a href="#">GAEC 2</a> )
<b>1 April</b>	You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. ( <a href="#">GAEC 6</a> )
<b>1 April</b>	If you hold a winter or all-year-round water-abstraction licence (authorising abstraction outside the period April to October), the Environment Agency will make actual abstraction return forms available to you from 1 April. You then have 28 days to send your readings to the Environment Agency. ( <a href="#">GAEC 2</a> )
<b>16 April</b>	You must not burn heather, rough grass, bracken, gorse or vaccinium in upland areas from this date. ( <a href="#">GAEC 6</a> )
<b>30 April</b>	You must have recorded the number of 'specified' livestock kept on your farm during the previous calendar year and calculated the amount of nitrogen they produced. You must also record the number and type of livestock in a building or hardstanding during the previous storage period. ( <a href="#">SMR 1</a> )
<b>1 May</b>	You must not carry out hedge or tree coppicing or hedge laying from this date. ( <a href="#">GAEC 7A</a> and <a href="#">GAEC 7C</a> )
<b>1 May</b>	Start of the cropping and fallow period for greening crop diversification. ( <a href="#">Greening: crop diversification on arable land</a> )
<b>1 May</b>	If nitrogen fixing crops are being used as a greening ecological focus area (EFA) they should be in the ground by this date. ( <a href="#">Greening: ecological focus areas (EFAs) on arable land</a> )

\*SMR = Statutory Management Requirements

\*\* GAEC = Good Agricultural and Environmental Conditions



## Where to find guidance on the greening rules

If you are a BPS claimant, you are required to adhere to the greening rules. Failure to do so could result in you losing the greening payment, which accounts for approximately 30% of the total payment you will receive for being in the BPS. [‘Basic Payment Scheme \(BPS\) in England: rules for 2016’](#) fully explains the greening requirements for 2016.

If you have any queries on how the greening rules affect you, please contact FAS on 0345 345 1302 or [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk)

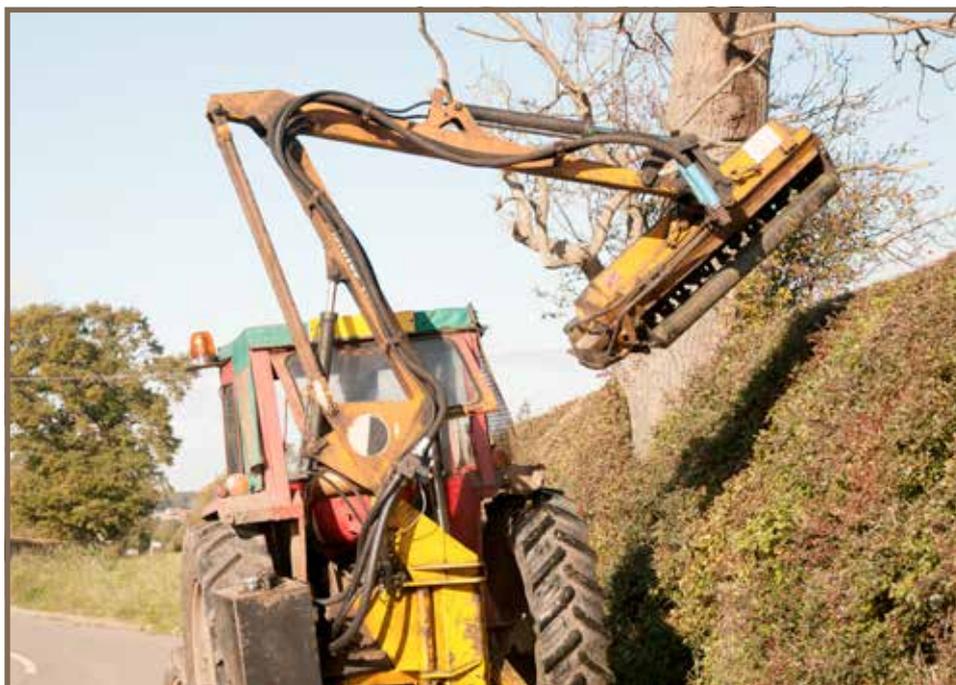


# Cross compliance 2016 – update

[‘The guide to cross compliance in England 2016’](#) details the rules that you must follow if you are claiming the Basic Payment Scheme (BPS), a stewardship scheme or the English Woodland Grant Scheme (EWGS) in 2016.

The main changes to the cross compliance rules this year are detailed below.

Rule affected	Details of the change
GAEC 1: Establishment of buffer strips along watercourses	<p>From <b>1 January 2017</b>, land parcels of 2 hectares or less will have to comply with the need to protect watercourses against pollution and run-off from agricultural sources by maintaining buffer strips. Therefore, for all land:</p> <ul style="list-style-type: none"> <li>• within 2 metres of the centre of a watercourse or field ditch</li> <li>• from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank</li> </ul> <p>both of the following apply:</p> <ul style="list-style-type: none"> <li>• you must take all reasonable steps to maintain a green cover</li> <li>• you must not cultivate or apply fertilisers or pesticides</li> </ul> <p>Please note that this change does not apply to GAEC 7a.</p>
SMR 7: Cattle identification and registration	<p>Cattle keepers must still record (in their holding register) a dam's ear tag number for animals born on their holding. However, they no longer need to record the dam's ear tag number for animals arriving on their holding. This changed on <b>6 April 2015</b> and is reflected in the 2016 cross compliance guide.</p>
GAEC 7a: Boundaries	<p>Clarification that not only fruit or nut trees in orchards, but also other trees acting as windbreaks in an orchard, vineyard, hop yard or hop garden are exempt from the 1 March to the 31 August (inclusive) cutting and trimming rules. This came into force on <b>1 January 2016</b>.</p>



## Tree and hedge-cutting rules for 2016

A closed period that places a ban on cutting and trimming hedges and trees between 1 March and 31 August (inclusive) is a cross compliance requirement under [GAEC 7a: Boundaries](#) and [GAEC 7c: Trees](#).

While a closed period has always applied under cross compliance for hedgerow management during the bird breeding season, this was extended during 2015 by one month (to cover the main chick-rearing season) and is now also applicable to trees. If you are a Basic Payment Scheme (BPS) claimant, you must adhere to these requirements or you could receive a reduction in your payment. FAS has recently produced an article to explain the rules and when they apply. Click [here](#) to read the full article.

You can apply to the Rural Payments Agency (RPA) in writing for a derogation under the following circumstances, but must not act until you have received a response to your request:

- to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production;

- to cut or trim a tree in a hedgerow during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August.

The RPA can be contacted by email ([ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk)) or by post (Rural Payments Agency, PO Box 52 Worksop, S80 9FG). Please be aware that a derogation to cut a tree within a hedgerow would need to be considered under:

- GAEC 7c with respect to the tree itself;
- GAEC 7a (Boundaries) with respect to the hedgerow the tree is a part of.

This mirrors the situation where, if a felling licence has been issued to fell trees in a hedge, permission will also be required under the Hedgerows Regulations 1997 if it is proposed to remove part of the hedgerow. It is advisable to apply early if you think that you will require a derogation from this requirement.



## Cross compliance soil management requirements

The cross-compliance rules set national minimum standards for soil management. These are **outcome focused** and require no paperwork, meaning that more emphasis is put on actually farming the land rather than keeping a paper log. Full details of the rules can be found in the following sections of [‘The guide to cross compliance in England 2016’](#):

- **GAEC 4: Minimum soil cover.**
- **GAEC 5: Minimum land management reflecting site-specific conditions to limit erosion.**
- **GAEC 6: Maintenance of soil organic matter level.**

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 compliance 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 0345 345 1302 or email [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk)

# Rules for septic tanks and small sewage treatment plants

*As part of ongoing efforts to improve water quality and reduce pollution, rules were introduced in January 2015 to simplify the way septic tanks and small sewage treatment plants are regulated in England. Households and businesses with septic tanks and small sewage treatment plants are responsible for meeting the legal requirements, which are called 'general binding rules', by ensuring their systems are maintained properly and do not cause pollution.*

The Environment Agency expects that most people will be able to follow the rules and use their septic tank or treatment plant without needing a permit. The main exception to this is in areas designated as 'environmentally sensitive' where additional measures are needed to prevent pollution. For example near springs, wells or boreholes that supply drinking water, or protected areas such as chalk streams or rare habitats.

Complying with the new rules is straightforward. The main requirements are:

- Systems must not cause pollution and should be emptied (desludged) at least once a year.
- You must check how much the system discharges by looking at the online guidance ([www.gov.uk/permits-you-need-for-septic-tanks/](http://www.gov.uk/permits-you-need-for-septic-tanks/)

[calculate-discharge](#)). The discharge limit is a maximum of 2,000 litres of treated sewage per day into the ground or 5,000 litres per day into flowing water – a permit is required for quantities greater than these.

- Faults or problems must be fixed immediately.
- You must speak to the Environment Agency before installing a new system to check if a permit is required. A new system must meet British Standards for septic tanks and sewage treatment plants that were in place at the time it was installed (currently BS EN 12566). Your local council should be consulted to check that the proposed system meets planning requirements and complies with Building Regulations.

Visit [www.gov.uk/small-sewage-rules](http://www.gov.uk/small-sewage-rules) to read the 'general binding rules' in full. Paper copies are also available on request from the Environment Agency by calling 03708 506506 or emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

You can check if your property is in a designated sensitive area or whether you require a permit by calling the Environment Agency on **03708 506 506**.

If you are concerned that a septic tank or sewage treatment plant is causing pollution, call the Environment Agency's incident hotline on **0800 80 70 60**.



## Silage Slurry and Agricultural Fuel Oil (SSAFO) Storage

*If you are thinking of building a new silage clamp, slurry tank or lagoon or substantially altering an existing store you need to tell the Environment Agency at least 2 weeks before you start construction, and provide information about the structure you are planning to build and where it will be located.*

[Guidance on gov.uk](#) sets out the information you will be asked to provide to the Agency. The Environment Agency are happy to discuss your proposals with you at an early stage of planning and can give advice about construction requirements and location if this is needed. You will also need to check if planning permission is needed from your local council.

There is a new edition of the CIRIA guidelines for building storage infrastructure [Livestock manure and silage storage infrastructure for agriculture](#), which gives practical advice on planning and building your storage. This is available free from CIRIA's website.

# Nitrate Vulnerable Zone reminders

## Non-spreading conditions and areas

If you have land that is in a Nitrate Vulnerable Zone (NVZ), you must ensure that you are adhering to the rules regarding non-spreading conditions. A brief summary is provided below:

- **You must not** spread organic manure to land that is waterlogged, flooded, snow covered or which has been frozen for more than 12 hours in the previous 24 hours.
- **You must not** spread organic manure:
  - less than 50 metres from a spring, well or borehole; or
  - within 10 metres of surface water, except on land managed for breeding wader birds or as species-rich semi-natural grassland and under certain circumstances. If you are using precision manure spreading equipment to apply slurry, sewage sludge or anaerobic digestate, you may spread manure 6 metres or more from surface water.

Please note, if you spread organic manure, **you must** prepare a risk map. Details of what should be included on the risk map can be found on the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on the GOV.UK website.

**You must** update the risk map within three months of a change in circumstances (e.g. you take on more land, or you install or remove field drains).

Please be aware that even if you are not within an NVZ, there is a requirement to follow the non-spreading rules under [GAEC 1 \(Establishment of buffer strips along watercourses\)](#) if you are spreading organic manure.

## Grassland derogation - returns

If you held an NVZ Grassland Derogation for 2015, you are required to submit field and farm information known as a 'fertilisation account' to the Environment Agency by **30 April 2016**.

You must submit records for the period 1 January to 31 December 2015 that show:

- The total agricultural area of the derogated holding and the area (in hectares) covered by each of the following crops – winter wheat, spring wheat, winter barley, spring barley, winter oilseed rape, sugar beet, potatoes, forage maize and grass – and the area covered by any other crops.
- The number and category of livestock kept on your farm, and the amount of nitrogen and phosphate in the manure they produce. These categories are given in the Department for Environment, Food & Rural Affairs' (Defra) standard values table that can be downloaded from the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on the GOV.UK website, together with standard values for manure nitrogen and phosphate.
- The amount and type of livestock manure imported to or exported from your farm, together with the total amount of nitrogen and phosphate in that manure.
- The weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser stocks kept on, imported to or exported from your farm.

You can submit your records electronically by email to [regaware@environment-agency.gov.uk](mailto:regaware@environment-agency.gov.uk) or by post to: Regulation Awareness Team, National Customer Contact Centre,

The Environment Agency, Quadrant 2, Parkway Business Park, Sheffield, S9 4WF.



## Grassland derogation – soil monitoring

If you hold a grassland derogation you must carry out soil monitoring for phosphorus (soil P) at least every four years, for at least every five hectares of your holding. Results from previous soil sampling can be used provided they are less than four years old, and cover the same cropping regime and soil characteristics. If you do not have previous results for soil P, then you must make sure you have sampled at least 75% of the agricultural area of your holding within 12 months of your first derogation being granted, and the remaining 25% within 12 months of your second derogation being granted.

Further advice on sampling for soil P can be found on page 225 of '[The Fertiliser Manual](#)' (RB209).



# Advice on the use of metaldehyde slug pellets

*It is important that growers follow the current guidelines on metaldehyde use to avoid contaminating watercourses and protect drinking water supplies.*

Metaldehyde is the pesticide that most often causes risks to drinking water sources, especially in the autumn. If metaldehyde enters a watercourse it can threaten drinking water quality as it cannot be effectively removed through treatment. This can result in disruption of water abstraction to treatment works and reservoirs.

Farmers can take steps to prevent metaldehyde entering watercourses. This includes taking into consideration:

- the slope of the field – steeper fields are a higher risk;

- how well the field is drained – heavy soils and under-draining are a high risk;
- the proximity of watercourses or ditches – fields adjacent to these are high risk;
- the current and predicted weather – saturated soils and heavy rain can cause a high risk of run-off;
- the filling and washdown area of the pellet applicator – areas that run off to drains or watercourses will have a high risk of pollution;
- consider using ferric phosphate products in place of metaldehyde in high risk areas.

You can find out whether metaldehyde use is a risk to drinking water in your area by visiting the Environment Agency's 'What's in Your Backyard'

website ([WIYBY](http://www.wiyby.org.uk)). Enter the relevant postcode, select 'Drinking Water Safeguard Zone' in the topics drop-down menu and click 'Go'. Safeguard Zones are indicated by hatching. By double clicking in the area, you can find out if metaldehyde is listed as an issue. The Metaldehyde Stewardship Group has further advice available on its [website](http://www.wiyby.org.uk) about responsible metaldehyde applications. If you have any questions on pesticide use or water quality, please contact FAS on 0345 345 1302 or email [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk)

# 'Grandfather rights' no longer exist for professional pesticide use



*Under the previous UK legislation governing pesticide use, people born before 31 December 1964 who used an agricultural product on their own or their employer's land were exempt from the requirement to hold a certificate of competence*

*(this exemption was known as 'grandfather rights'). New regulations provided for the continuation of that exemption until **25 November 2015**. After this date, everyone who uses a professional pesticide product must hold a specified certificate.*

The new regulations also require that, from 26 November 2015, **everyone**

purchasing a professional pesticide product must ensure the end user holds a specified certificate.

Existing certificates of competence (for example, PA2 and PA6) will remain valid under the new legislation. Anyone who already has one of these will need to do nothing new. A list of specified certificates is available by clicking [here](#).

It is a legal requirement to follow the rules outlined in '[The Plant Protection Products \(Sustainable Use\) Regulations 2012](#)'. You risk being prosecuted if you do not adhere to the rules.

If you do not hold a specified certificate, but require the application of professional pesticides to your land, you may employ a contractor or neighbouring farmer, but it is your responsibility to check they hold an appropriate specified certificate.

Further information on complying with the requirements has been produced by the Voluntary Initiative and can be found [here](#).

## Forthcoming FAS events

FAS will be organising events during 2016 in many areas of England. To find details of events local to you, please check the FAS [events calendar](#).





### Register for free text message updates

We use text messages to get relevant information to farmers quickly. We send reminders of approaching key dates for cross compliance.

To register for FREE text message updates, please call 0345 345 1302 or email [bookings@farmingadvice.service.org.uk](mailto:bookings@farmingadvice.service.org.uk) with '**Register for text updates**' in the subject line.

Don't forget to include your name and mobile phone number in the message. Your details will not be shared with any third parties.



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