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Welcome to the Farming Advice Service newsletter

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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.

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**Farming
Advice Service**

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A closed period that places a ban on **cutting and trimming** hedges and trees between 1 March and 31 August (inclusive) has been introduced as part of the updated 2015 cross compliance requirements. Whilst a closed period has always applied under cross compliance for hedgerow management during the bird breeding season, during 2015 this has been extended 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.

What is meant by catch crops and cover crops?

If you have more than 15 hectares of arable land, then it is likely that you are required to have 'Ecological Focus Areas' (EFAs) on your arable land. There are some exemptions from this rule, details of which can be found on page 37 of the ['The Basic Payment Scheme in England 2015'](#) guidance.

EFAs are areas and features that benefit the climate and the environment. If your farm needs EFAs, then the areas and features used must be equivalent to at least 5% of the total arable land that you have declared on your Basic Payment Scheme (BPS) application. Page 37 of the ['The Basic Payment Scheme in England 2015'](#) guidance provides a list of the areas and features that can count as an EFA.

One of the options is to establish catch crops and cover crops to protect the soil and use available nutrients between harvest and sowing.

Catch crops are planted to provide ground cover between summer harvest and the sowing of an autumn-planted crop. To count as an EFA in 2015, catch crops must be established by **31 August 2015 and retained until at least 1 October 2015**

Cover crops are planted between summer harvest and the sowing of a spring-planted crop, providing ground cover to prevent leaching or soil erosion, or to provide green manure. To count as an EFA in 2015, **cover crops** must be established by **1 October 2015 and retained until at least 15 January 2016**.

The crops that you can grow as an EFA are those that give the best chance of:

- establishing within the sowing period;
- growing quickly;
- achieving ground cover; and
- having different rooting depth types.

To count as an EFA, you must use a sown mix of at least two different cover types (one cereal and one non-cereal). The crops that can be grown in the sown mix are:

Cereal	Non-cereal
Rye	Vetch
Barley	Phacelia
Oats	Mustard
	Lucerne

However, grass can be used as a catch crop or a cover crop as long as it is undersown in the previous crop and is sufficiently established.

The above list is based on crops that have been used successfully for environmental stewardship in recent years. The Regulations do not allow farmers to include crops that are usually grazed, so kale or stubble turnips are not included.

Using crops from the list will give the soil surface the best chance of protection from erosion. It will also help to make sure that available nutrients are taken up by the plants. Once the catch/cover crop is destroyed, you should take care to ensure that all those benefits are not lost. So, ideally, you should avoid grazing and establish the next crop quickly. You can include other crops in your catch/cover crops, but these areas cannot count as an EFA.

There are no restrictions on the management of catch or cover crops outside of the periods provided above. The cover does not need to be destroyed and it can also be grazed outside of these periods.

Protecting your soils post-harvest

Under the new cross compliance rule Good Agricultural and Environmental Condition (GAEC 5) there is a requirement to have minimum land management that reflects site-specific conditions to limit erosion. It is important that you select the correct post-harvest options to ensure that land harvested by a combine harvester or mower is left in a state where erosion is unlikely. Suitable options are provided on page 8 of the '[Cross compliance in England: soil protection standards 2015](#)'.

The new rules for soils are applicable to all Basic Payment Scheme (BPS) claimants and certain Pillar II claimants. 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



New rules for septic tanks and small sewage treatment plants

As part of ongoing efforts to improve water quality and reduce pollution, new rules were introduced in January 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'. In these areas, additional measures are needed to prevent pollution and the systems may need permits.

It is easy to comply with the new rules - here are the main requirements:

- 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/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 it meets planning requirements and complies with Building Regulations.

Visit 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 506 506 or emailing 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**.

Environmental Impact Assessment Regulations

The aim of the Environmental Impact Assessment (EIA) (Agriculture) Regulations is to protect uncultivated and semi-natural areas from damage caused by agricultural works. Compliance with the Regulations is covered by the new cross-compliance rules under GAEC 6 (Maintenance of soil organic matter). Failure to adhere to the rules is a breach of Basic Payment Scheme (BPS). GAEC 6 states that "You must comply with the Environmental Impact Assessment Regulations (EIA) (2006) (Regulations 4, 9, 26 and 28) and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999) (Regulations 4(1) and 22). You can't plough, cultivate or intensify species-rich and semi-

natural habitats so as to keep organic matter and carbon levels in soils".

To comply with the Regulations, a screening decision must be obtained from Natural England prior to an 'uncultivated land project' being started or carried out on an area of land of two or more hectares. An 'uncultivated land project' is a project that increases the agricultural productivity of an uncultivated or a semi-natural area. Land is judged to be uncultivated if, for the last 15 years, it has not been physically cultivated (such as ploughing and sub-surface harrowing) or chemically cultivated (such as applying fertilisers and soil improvers). 'Semi-natural areas' include bracken; species-rich hay meadow; fen, marsh and swamp;

bog; semi-natural scrub; dwarf shrub heath; wet grassland in coastal and river flood plains; unimproved grassland; and standing water.

If your land falls within the definition above, you will need to contact the Natural England EIA team prior to undertaking work to increase the productivity of the land. The team can be contacted on **0800 028 2140** or eia.England@naturalengland.org.uk.

In some instances, Natural England may consider that a project falling below the EIA thresholds will, nonetheless, have a significant effect on the environment and an EIA will need to be carried out. In such cases, Natural England has the power to issue a screening notice that removes one or more of the thresholds and requires a screening application to be made.

Farmers are reminded that removal of trees and woodland may be a project under the EIA (Forestry) Regulations. Before considering any tree or woodland removal, please contact your local [Forestry Commission office](#).

Nitrate Vulnerable Zone reminders



Updated Nitrate Vulnerable Zone (NVZ) guidance

Defra will be releasing updated NVZ guidance this summer. The updated guidance will be published on the GOV.UK NVZ webpage in due course at www.gov.uk/nitrate-vulnerable-zones.

Consolidation of nitrates regulations

The 2008 English nitrates regulations and subsequent amendments have been formally consolidated into a single set of regulations that came into effect on 1 May 2015.

Closed periods for organic manures with a high readily available nitrogen (N) content

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

Please note – if you are in an NVZ that was designated for the first time in 2013, you **MUST** begin to comply with the closed periods from August 2015.

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

- If a crop is sown on tillage land with sandy or shallow soil on or before 15 September, then 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, then applications up to a maximum rate (150 kg 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.
 - Asparagus, brassicas, overwintered salad onions, parsley and bulb onions. Applications can be between the start of the closed period and the end of February.
 - Other crops on the basis of written advice from a Fertiliser Advisers Certification and Training Scheme (FACTS) qualified adviser.

The closed period does not apply to organic manures with a low, readily available N content, which **may** include the following:

- farmyard manure (FYM); and
- duck manure produced by birds on straw or wood shavings (but you are expected to demonstrate a low level of readily available N by sampling and analysis).

Applications of manure with a low, readily available N content must still comply with the non-spreading conditions and areas.

You must not spread organic manure:

- when the soil is waterlogged, flooded, snow-covered or frozen for more than 12 hours in the previous 24 hours;
- 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 (see page 36 and 37 of [Guidance on complying with the rules for Nitrate Vulnerable Zones in England for 2013 to 2016](#)); or
 - when you are using precision manure spreading equipment to apply slurry, sewage sludge or anaerobic digestate, in which case you may spread manure six metres or more from surface water.

For further details about the organic manure closed periods and your requirements, please refer to **chapter 8** of the [NVZ guidance document](#)

Slurry storage – prepare for winter

Slurry and poultry manure are also subject to a minimum storage capacity as set out in the Regulations.

You must have sufficient facilities to store all slurry produced on your holding and all poultry manure produced in a yard or building during the following 'storage periods':

- 1 October to 1 April (six months) in the case of pigs and poultry.
- 1 October to 1 March (five months) in the case of other livestock.

From 2015, this is a requirement for those who had an area first designated as an NVZ during 2013.

If you have any slurry on your farm, **you must** store it in a tank, lagoon or other suitable facility. These requirements are set out in the Water Resources (Control of Pollution) (Sludge, Slurry and Agricultural Fuel Oil) (SSAFO) (England) Regulations 2010. If you are building a new store or substantially altering or enlarging your slurry storage facilities, you must notify the Environment Agency at least 14 days before you start any construction work. Your local Environment Agency team will assess and advise you on your proposal. You can also email enquiries@environment-agency.gov.uk or telephone 03708 506 506. Expect to be asked to provide further details about the location, design and capacity of your proposal.

For more information see **chapter 10** of the [NVZ guidance document](#) under 'Construction standards for manure stores'.

In addition to slurry, there must be capacity in a slurry store to hold:

- Rainfall expected to enter the store during the storage period; and
- any wash water or other liquids that enter the store during that period.

If you have poultry manure or other types of solid manure, **you must** store them:

- in a vessel;
- on an impermeable base, with appropriate collection and containment of runoff;
- in a roofed building; or
- in an appropriately located temporary field heap.

For further details about the storage requirements, please refer to **chapter 10** of the [NVZ guidance document](#)

Table 1 – Closed periods

	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



Integrated Pest Management – are you complying with the requirements?

Regulation (EC) No. 1107/2009 applies in every EU country and requires pesticide users to ensure that plant protection products are applied 'properly'. Proper use includes those applying pesticides in a professional capacity to follow the principles of integrated pest management (IPM) set out in The Sustainable Use (of Pesticides) Directive 2009/128/EC.

What is Integrated Pest Management?

The Directive defines IPM as the careful consideration of all available plant protection methods and integration of appropriate measures to discourage the development of populations of harmful organisms. It aims to keep the use of all forms of control to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control.

What are the general principles of IPM?

The general principles include:

- Preventing or suppressing the development of populations of harmful organisms (for example, through: crop rotation; use of cultivation techniques, resistant varieties, balanced fertilisation, irrigation/drainage practice, hygiene measures and protecting and enhancing beneficial organisms).
- Using forecasting and monitoring systems to assess pest pressures and using thresholds (where available) to decide whether and when to apply controls.
- Giving preference to non-chemical methods if they provide a satisfactory method of control.
- Using pesticides which pose least risk to human health and the environment.
- Keeping use of all methods of control to levels that are necessary (in the case of pesticides this may involve reducing dose rates), whilst being

mindful of the need to avoid the development of resistance and adopt anti-resistance strategies.

- Assessing the effectiveness of controls.

What should you do to comply with the IPM requirements?

IPM Plans (IPMP) can help you to adopt an integrated approach. They can also help farmers to demonstrate due diligence in meeting the obligation to take all reasonable precautions to protect human health and the environment when using pesticides. An IPMP can help to demonstrate that risks have been carefully assessed and that the control regime has considered different ways of controlling pests, weeds and diseases. The plan may also be useful evidence for farm assurance schemes and cross compliance inspections.

Where can you obtain an IPMP?

The NFU and Voluntary Initiative (VI) have developed an [IPMP](#) that can be used by farmers to demonstrate compliance with the IPM requirements. This is a free tool and once completed, a copy of the plan will be emailed to you. The plan can then be printed and retained with other farm records.

It is important to review the plan regularly, with a thorough annual review. If you have a BASIS registered adviser, they may be able to assist with completing and reviewing the IPMP.

Animal welfare requirements under cross compliance

If you keep any animal for agricultural purposes, you have a legal obligation to protect their welfare by ensuring appropriate standards of care and husbandry. This is also a requirement under the Basic Payment Scheme (BPS) and failure to comply may lead to a reduction in your payments.

The requirements include:

- **Regular inspection** of the animals by staff that have the correct skills and knowledge. The frequency will depend upon the amount of human attention required by your husbandry system and there are specific minimum rules for certain livestock sectors including calves (SMR11). Sick or injured animals must be cared for appropriately without delay. They may need isolation and additional advice from a vet must be sought if their condition does not improve.
- **Maintenance of on-farm records**, detailing medicinal treatment provided to animals and any deaths. It is important that these records are retained for three years from the date of the treatment and/or inspection.
- Ensure that **appropriate accommodation** is provided for the animals, with sufficient space and the ability to move freely. The environment should be clean and free from materials that can injure or cause harm to the animal. Buildings should be correctly ventilated and lit with artificial light if there is not sufficient daylight.
- **Suitable feed and water** must be provided. The animals must be fed a wholesome diet, free from substances that can cause harm, and they must have access to a suitable water supply.
- You must not carry out any **mutilation or intervention** on your animals, unless the action is classed as a 'permitted procedure', and you must not carry out breeding procedures that are likely to cause harm.
- **Protect animals kept outdoors** by providing adequately drained lying land and protection from the weather, predators and other risks to their health

Further guidance on animal welfare requirements can be located under Statutory Management Requirements (SMRs) 11 - 13 in ['The guide to cross compliance in England 2015'](#).



Forthcoming FAS events

FAS will be organising events during summer and autumn 2015. To find details of events in your area, please check the FAS [events calendar](#).



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Key dates

1 May	You must not carry out hedge-laying or coppicing from this date. (GAEC 7A)
1 August	If you have been granted a derogation by RPA, you may be able to cut hedgerows from this date. (GAEC 7A)
1 August	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to tillage land on shallow or sandy soils except where crops will be sown on or before 15 September. (SMR 1)