

April 2017 - e-news issue 33

# Welcome to the Farming Advice Service newsletter

*Thank you for subscribing to the Farming Advice Service (FAS) newsletter.*

*If you do not already receive the FAS newsletter straight to your inbox, but would like to, please email [bookings@farmingadvice.org.uk](mailto: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](mailto:advice@farmingadvice.org.uk)

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

**Farming  
Advice Service**

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# 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 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.

## 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 **FAS, 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](mailto:advice@farmingadvice.org.uk).

## FAS resources

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

During February 2017, FAS recorded a webinar for farmers regarding the rules for Nitrate Vulnerable Zones (NVZ) – Statutory Management Requirement (SMR) 1.

The webinar provided information on:

- **SMR1** – presented by Andrew Wells from FAS.
- **NVZ designations, rules and requirements** – presented by Corinna Blackmore from the Environment Agency.

There was also a question and answer session.

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

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

## Key dates

<b>1 May</b>	You must not carry out hedge or tree coppicing, or hedge laying from this date. (GAEC7a and 7c)*
<b>1 May</b>	Crop diversification period and ecological focus area (EFA) period for nitrogen fixing crops begins (until 30 June).
<b>15 May</b>	Basic Payment Scheme (BPS) 2017 application deadline to avoid late claim penalties.
<b>31 May</b>	Deadline to make certain changes to a BPS application submitted by 15 May without receiving a penalty
<b>9 June</b>	Deadline for late BPS applications or late amendments (with penalties). Any applications or supporting evidence received after this date will not be accepted

For more detail on the information provided in the key dates table, please go to the relevant sections of [‘The guide to cross compliance in England 2017’](#) and [‘Basic Payment Scheme: rules for 2017’](#).

\* GAEC = Good Agricultural and Environmental Conditions





# 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 2017’](#):*

- 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 Basic Payment Scheme (BPS) claimants and farmers claiming Environmental Stewardship and Countryside Stewardship annual 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 email [advice@farmingadvice.service.org.uk](mailto:advice@farmingadvice.service.org.uk).

## Requirement to inspect pesticide application equipment

*On 26 November 2016, it became a requirement that all in-use pesticide application equipment over 5 years old – with the exception of knapsack and handheld sprayers – must have passed inspection by the National Sprayer Testing Scheme (NSTS) within the last 5 years.*

The NSTS is the only body designated to inspect and certify pesticide application equipment for use. Therefore, having equipment tested by an approved NSTS examiner is the only way to stay compliant. A list of approved examiners can be found on the [NSTS website](#).

After 26 November 2016, equipment must pass an inspection every 5 years and then every 3 years from 26 November 2020. Equipment that has a ‘low scale of use’, such as granular applicators and boom sprayers less than 3 metres wide, must pass inspections at an interval of no more than 6 years.

A complete list of ‘low scale of use’ equipment can be found in [Pesticides: UK national action plan](#), which will be updated regularly.

All pesticide application equipment must be calibrated on a regular basis.

Professional users of pesticides must, for at least 3 years, keep records of the products they use. At a minimum, the records must contain the name of the product, the time and the dose of application, the area and the crop where the product was used.

# Tree and hedge-cutting rules for 2017



*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 also applicable to trees. If you are a Basic Payment Scheme (BPS) claimant, you must adhere to these requirements on eligible land being used for agriculture, which may include woodland (for example, when used for grazing) or you could receive a reduction in your payment.*

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 352 Worksop, S80 9FG). Please be aware that a derogation to cut a tree

within a hedgerow would need to be considered under:

- GAEC 7c: Trees – with respect to the tree itself;
- GAEC 7a: Boundaries – with respect to the hedgerow that 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.

Full details of the requirements can be found in [‘The guide to cross compliance in England 2017’](#).

## Basic Payment Scheme update

You can now submit your Basic Payment Scheme (BPS) 2017 application and transfer land or entitlements using the Rural Payments Agency (RPA) online system. The deadline for the BPS applications is **midnight on 15 May 2017**.

To ensure that you give yourself plenty of time to submit your application, why not get started today by going to the [Rural Payments online](#) website.

You can find the scheme rules and everything you need to submit your application, including guidance about how to apply online, from the BPS 2017 page on [GOV.UK](#)

Please note – if you applied on paper last year and were not represented by an agent, the RPA should have posted you an application pack. If you have not received this or require support with your online application, please call the RPA on 03000 200 301 or email [ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk)





# Water abstraction returns

## Reporting water abstraction

Farmers who hold abstraction licences are required to record the amount of water they abstract and submit the information to the Environment Agency.

Records of abstraction are generally referred to as 'returns'. Your return can be, for example, water meter readings or actual volumes abstracted. Depending on licence conditions and the quantity of water abstracted, most farmers will need to submit an annual return (as shown in Table 1) showing a weekly or monthly record of the actual amount of water they take. Even if you have not abstracted any water, it is important that you submit a 'nil' return to the Environment Agency.

## Ways of submitting a return

### • Paper form

If you are not registered for online submission, the Environment Agency will send you a form when your return is due and guidance on how to complete it. The form is pre-populated with details about your abstraction licence. If you are a winter/all-year abstractor, you should have received a paper form for the period 1 April 2016 to 31 March 2017.

### • Generic Operator Returns (GOR).

If you have registered to submit your return using a GOR, the Environment Agency will send you an email when your return is due. The web screen and GOR spreadsheet online options are pre-populated by the Environment Agency with details about your abstraction licence. If you are interested in using the online service to submit your next set of returns, please email [WR\\_Systems\\_Team@environment-agency.gov.uk](mailto:WR_Systems_Team@environment-agency.gov.uk) quoting your abstraction licence number or contact the Environment Agency on 03708 506 506.

## How returns are used

Once submitted, the information is used for:

- charging;
- checking compliance with licence conditions;
- water resource management.

## Charging (two-part tariff)

Returns are used for two-part tariff billing. If you abstract water for irrigation, you may be able to get a reduction in your annual bill by applying for a two-part tariff agreement. For example, if your application is successful, you will get a 50% reduction in your bill per year if you do not abstract any water and submit a 'nil' return.

## Compliance

Water abstraction licence conditions are set to manage the balance between human use and environmental needs. The Environment Agency assesses compliance with the conditions and prefers to work with licence holders to resolve compliance issues. However, if licence conditions are breached, further action can be taken to protect the environment and other water users. Abstractions for spray irrigation fall under cross compliance [GAEC 2: Water Abstraction](#). The Environment Agency can use the returns you submit to report compliance issues to the Rural Payments Agency, which may result in a reduction to your Basic Payment Scheme (BPS) and/or certain Pillar II scheme payments.

## Water resource management

Information on abstracted volumes is used to assess the impact that abstraction has on river flows or wetland sites, helping to manage water resources in England.

If you have any enquiries regarding your water abstraction licence or returns, please contact the Environment Agency on 03708 506 506 (Monday to Friday, 8am to 6pm) or email ([enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)).

Table 1 – Water abstraction return dates

When can you abstract water?	This means you are referred to as a	When does the Environment Agency ask you for your return?	You need to submit returns by
Wholly between 1 April and 31 October	Summer abstractor	1 August to 31 December	30 November each year
Not wholly between 1 April and 31 October	Winter/all-year abstractor	1 October to 31 January	30 April each year



# Nitrate Vulnerable Zone reminders

## FAS Nitrate Vulnerable Zone (NVZ) webinar

During February 2017, FAS recorded a webinar for farmers regarding the rules for Nitrate Vulnerable Zones (NVZ) – Statutory Management Requirement (SMR) 1.

The webinar provided information on:

- **SMR 1** – presented by Andrew Wells from FAS;
- **NVZ designations, rules and requirements** – presented by Corinna Blackmore from the Environment Agency.

There was also a question and answer session.

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

## NVZ designation 2017

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 quality.

The NVZ designation was reviewed during 2016 and the new designations for 2017 to 2020 began on 31 December 2016. This includes areas that are newly designated as NVZs and will exclude areas that have been de-designated.

During early 2017, Defra sent written notice to any person who appears to own or occupy land falling completely or partly within an NVZ. This informed farmers of the designation and their need to comply with NVZ rules, and set out where to find information on transitional arrangements for those who are newly designated.

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

The map legend on the left-hand side of the screen can be used to see if the land is showing as a ‘Proposed 2017 Nitrate Vulnerable Zones’ (i.e. the land designated from 1 January 2017). If the land also shows under the ‘Existing Nitrate Vulnerable Zones’, then that indicates it was designated as an NVZ before 2017. If the land shows as ‘Existing’ but not ‘Proposed’, then the land is likely to have been de-designated.

If the map shows that you are in an NVZ, but you have not received a notice, you should contact the Environment Agency now. You can contact the Environment Agency by telephone on 03708 506 506 (Monday to Friday, 8am to 6pm) or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

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

## Transitional arrangements for those in a newly designated NVZ

If your land is in an NVZ, you must follow the legal requirements that apply to NVZs, as specified on the following pages of GOV.UK:

- [Using nitrogen fertilisers in nitrate vulnerable zones;](#)
- [Storing organic manures in nitrate vulnerable zones.](#)

If your holding is in an NVZ for the first time in 2017, transitional arrangements will apply to give you time to adjust your farming practice.

These arrangements mean that you do not have to comply with any of the NVZ legal requirements until 1 January 2018 and any of the following legal requirements until 31 July 2019:

- restrictions on spreading slurry;
- closed periods for organic manure;
- exemption for organic holdings;
- closed period for manufactured nitrogen fertilisers;
- separation of slurry;
- storage capacity.

You have a legal requirement to follow the NVZ rules. However, please be aware that if you are claiming under the Basic Payment Scheme (BPS) and/or certain Pillar II Schemes, failure to comply with the rules could result in a reduction in your BPS payment.



## Application of organic or manufactured fertiliser

If you use any organic manure, manufactured fertilisers or other nitrogen-containing materials (including compost, dredgings and soil from the processing of sugar beet) on your agricultural land, it is important that you read the information available on the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on GOV.UK. This page will provide guidance on planning your applications to ensure that the amount of nitrogen applied is within the limits specified in the rules, along with information on when you are not permitted to make applications of fertilisers with a high, readily-available nitrogen content.

You can download the [NVZ Guidance - Blank 'farmer completion' and 'standard values' tables](#) from GOV.UK to assist you with planning your nitrogen applications for your crops.

## Preparation of a risk map

Please note, if you spread or store organic manure, **you must** prepare a risk map. It must show:

- each field and its area in hectares;
- areas with sandy or shallow soils;
- land with a slope greater than 12 degrees;
- land drains (except if they are sealed and impermeable);
- sites suitable for temporary field heaps (if you intend to use them to store manure);
- land that has a low run-off risk (if you intend to use it for spreading during the storage period to reduce your storage capacity requirement);
- all surface waters on your holding and land within 10 metres of them;
- all springs, wells and boreholes on your holding, and within 50 metres of the boundary of your holding, and land within 50 metres of them.

Further details of what should be included on the risk map can be found on the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on GOV.UK.

**You must** update the risk map within 3 months of a change in circumstances (e.g. you take on more land, or you install or remove field drains) and it should be retained for 5 years.

## Storing organic manure

If you store organic manure on your land, it is important to read the information on the '[Storing organic manures in nitrate vulnerable zones](#)' page on GOV.UK. Here, you will find guidance on complying with the rules for storing slurry and poultry manure, solid manures (including how to find a suitable location for temporary field heaps), constructing or enlarging storage facilities and the record keeping requirements.

## Keeping livestock

You will need to keep a record of the number and type of livestock kept on your land. This is to ensure that the amount of nitrogen produced in the livestock manure deposited does not exceed 170kg of nitrogen per hectare per calendar year (N/ha/year). You can use the [NVZ Guidance - Blank 'farmer completion' and 'standard values' tables](#) to assist with the calculations. The table provides standard values for the:

- amount of nitrogen produced by different types of livestock manure;
- volume of excreta;
- the number of animals that you can keep per hectare to comply with maximum N loading of 170kg N/ha/year.

The contents page will help you to understand what tables apply to your business.

## PLANET software

Planning Land Applications of Nutrients for Efficiency and the environment (PLANET) is a free nutrient management decision support tool for use by farmers and advisers in England, Wales and Scotland for field-level nutrient planning, and for assessing and demonstrating compliance with the NVZ rules. This includes support with field-level nutrient planning and record keeping, and calculations to

ensure compliance with the livestock manure N farm limit, NMAX and storage requirements.

Further information can be found on the [PLANET website](#).

## Low-intensity farms

You are defined as a 'low-intensity farmer' if all of the following apply to you:

- at least 80% of your land is grassland;
- you apply no more than 100kg N/ha/year as organic manure (including any nitrogen in manure deposited on the field by livestock);
- you spread no more than 90kg N/ha/year as manufactured fertiliser;
- you do not bring any organic manure onto your holding.

If you meet this definition, you do not have to keep a record of your actual applications of manufactured fertiliser and organic manure in each field. However, you must have recorded information to show that you meet the criteria for low-intensity farms and still plan your nitrogen use by keeping a fertilisation plan.

When calculating your fertiliser applications, you must not include any area of your holding where you do not spread any fertiliser or work the soil (for example, on rough grazing areas).

## Fertiliser Manual (RB209)

There is a new version of the Fertiliser Manual (RB209) due for release in May 2017. Further information on this will be included in the next FAS newsletter.

## Further help

If you require any support in understanding the NVZ requirements, please contact the FAS helpline on 03000 200 301 or email [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk).



# Environmental impact assessment

The [Environmental Impact Assessment \(Agriculture\)\(England\) \(No 2\) Regulations \(2006\)](#) (EIA Regulations) will be revised as of May 2017.

The aim of the EIA Regulations is to protect the environmental importance of uncultivated and semi-natural areas from being damaged by agricultural works, such as ploughing and cultivating. Compliance with the EIA Regulations is covered by cross compliance rules under [GAEC 6: Maintenance of soil organic matter](#).

To comply with the regulations, permission must be obtained from Natural England prior to an 'uncultivated land project' being started or carried out that affects an area 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

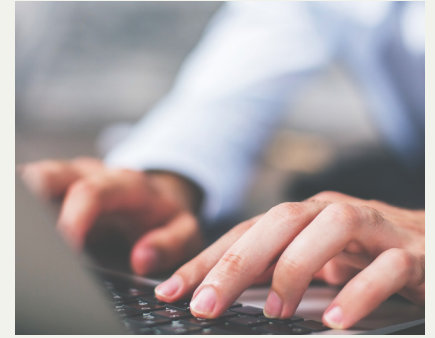
soil improvers). 'Semi-natural areas' include bracken; species-rich hay meadow; fen, marsh and swamp; bog; semi-natural scrub; dwarf shrub heath; wet grassland in coastal and river flood plains; unimproved grassland; and standing water.

If you are considering undertaking a project that will increase the agricultural productivity of uncultivated or semi-natural land, or to restructure a rural land holding, you will need to submit a screening application to Natural England before beginning work.

The main change resulting from the revised EIA Regulations will be that more information will be required at the screening stage. New guidance will be released from May. Further guidance that will be produced in conjunction with stakeholders will be available later in the year. An update on the changes will follow in the next issue of the FAS Newsletter.

If you would like to discuss this further, please contact the EIA team at Natural England on 0800 028 2140 or [eia.England@naturalengland.org.uk](mailto:eia.England@naturalengland.org.uk).

## Countryside Stewardship claims



Customers can now claim Countryside Stewardship payments online. This [online service](#) should be used to submit Countryside Stewardship annual revenue claims and any capital claims.

The online system is simple and convenient to use. It guides customers through the steps and provides instant confirmation that submitted claims have been received. The online validation means less worry about errors. It prevents field sizes being overstated and blocks claims on ineligible land parcels. Claiming online will feel familiar for the 80% of customers who claimed Basic Payment Scheme (BPS) online in 2016, as this all sits within the same online service.

Guidance on how to use the online service is available on GOV.UK – [How to submit CS revenue claim online](#) and [How to submit CS capital claim online](#).

Customers are being sent letters inviting them to submit a claim. While applicants are encouraged to use the online service, some may still require paper claim forms and these can be requested from Natural England. Anyone who has further questions can call the Rural Services Helpline on 03000 200 301 for support from a Natural England adviser.



## Countryside Stewardship Mid Tier events for applicants

Natural England will be running a series of workshops across England for potential applicants for Countryside Stewardship Mid Tier element. You can find details of the events on [GOV.UK](http://GOV.UK)

Natural England will be following up the events with one-to-one sessions for all applicants. Registration for the one-to-one sessions will be taken at the workshops or by booking using the contact details for your area as set out on [GOV.UK](http://GOV.UK)

For further information on all elements of Countryside Stewardship and to request a Mid Tier application pack, please visit [GOV.UK](http://GOV.UK)



*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 Basic Payment Scheme (BPS). If you fail to comply with the greening rules, then you could lose some or all of your greening payments under the BPS. Please be aware that, from 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 see pages 35 to 87 of '[Basic Payment Scheme: rules for 2017](#)' or visit [GOV.UK](http://GOV.UK)

### Crop diversification

If your farm has over 10ha 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.

The full crop diversification rules are available on pages 38 to 40 in '[Basic Payment Scheme: rules for 2017](#)'

### 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.

Detailed guidance on the EFA rules begin on page 41 of '[Basic Payment Scheme: rules for 2017](#)'.

### Exemptions

Exemptions 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 on page 42 of '[Basic Payment Scheme: rules for 2017](#)'.

### 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 page 51 of '[Basic Payment Scheme: rules for 2017](#)'.

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