

April 2016 - e-news issue 26

# Welcome to the Farming Advice Service newsletter

*Thank you for subscribing to the FAS newsletter.*

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*[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: 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)

**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 to individual farmers must be **confidential** – that is, the Farming Advice Service (FAS) must not disclose any personal or individual information or data it obtains in the course of its advisory activity to persons other than the beneficiary who is managing the holding concerned.*

In England, this advice is provided by the 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, legislative requirements to meet water quality standards (such as silage, slurry and agricultural fuel oil (SSAFO) and land spreading of waste) and the Sustainable Use (Pesticides) Directive.

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

## Key dates

<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="#">Basic Payment Scheme: rules for 2016</a> )
<b>1 May</b>	If nitrogen fixing crops are being used as an Ecological Focus Area (EFA) they should be in the ground by this date. ( <a href="#">Basic Payment Scheme: rules for 2016</a> )
<b>Midnight on 16 May</b>	Deadline for submitting Basic Payment Scheme application ( <a href="#">Basic Payment Scheme: rules for 2016</a> ) Deadline for making Environmental Stewardship payment claim Deadline for making Countryside Stewardship payment claim

\* GAEC = Good Agricultural and Environmental Conditions

\*\* SMR = Statutory Management Requirements

# Basic Payment Scheme – update

If you wish to claim the Basic Payment Scheme (BPS) for the 2016 scheme year, you will need to submit your application to the Rural Payments Agency (RPA) by **midnight on Monday 16 May 2016**. All registered customers will receive an online application pack. However, paper forms will be available for those that need them.

The BPS scheme rules for 2016 are now available to download from the [GOV.UK website](#). It is advisable to read the guidance prior to starting your application. You will also be required to register for rural payments in advance of submitting your BPS application. Details on how to register can be found on the [GOV.UK website](#).

The [Rural Payments service](#) is now open for claimants to start completing BPS applications online.

You are currently able to:

- check your contact details, your entitlements and land information;
- give someone else, such as an agent, permission to act for you; and
- change information that needs updating, such as transferring entitlements and land parcels.

You will be able to complete further stages of your application when the functionality is made available in April.

In addition to providing a facility to submit BPS applications online, the Rural Payments service has the following features, which may be beneficial to your business:

- see your entitlements on screen;
- transfer entitlements to someone else;

- see digital maps and aerial photography of your land;
- transfer land to another registered business;
- print paper maps of your land parcels; and
- get an automatic receipt after you have applied.

There is support available through the Rural Payments helpline if you have any questions regarding submitting your BPS 2016 application. You can get help with the online system or you can request a paper form. You can contact the helpline on **03000 200 301** or send an email to [ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk) (Monday to Friday, 8.30am to 5.00pm).

## Changes relating to bovine TB (bTB)

Following last year's [consultation](#), tighter cattle measures are coming into effect from April 2016. These measures will help support Defra's objective of achieving official bTB-free status for the low risk area (LRA) of England by 2019, and introduce a strengthened approach to dealing with TB breakdowns in the high risk area (HRA) of England.

### Introducing post-movement testing in the LRA

From 6 April 2016, farmers in the LRA of England must arrange for post-movement tests to be carried out on animals coming from annual (or more frequent) surveillance testing areas of England and Wales. Some exemptions apply. For further information on post-movement tests, please [click here](#).

### Handling bTB breakdowns in the high risk area (HRA)

In all cases, breakdown herds will need two consecutive and clear short interval tests before restrictions are lifted. This mirrors the policy already in place in the bTB edge area of England. For more information on breakdown herds, please [click here](#).

### Pre-sale bTB check test will be available to farmers in the LRA: a pilot scheme started on 6 April

Farmers looking to sell a proportion of their herd, where the herd is on 4-year surveillance testing but has not had a bTB test in the previous 12 months and other eligibility criteria have not been met, will be able to have a Defra-funded



pre-sale bTB check test carried out. This will provide assurance for prospective buyers on the disease status of the cattle and mitigate the risk of cattle with undetected infection moving to new herds. Please click [here](#) for more information on pre-sale checks and [here](#) for bTB information notes.

For further information, please visit the [TB hub](#) or the [ibTB \(interactive mapping tool\)](#).



# Water quality



## Flood defence consents replaced by flood risk activity permits

The flood defence consenting regime has been incorporated into the Environmental Permitting (England and Wales) Regulations (EPR). The new regime will require that people apply for “flood risk activity permits” when undertaking certain activities in or near main rivers. Under the new regime, applicants will not need to apply for a permit to undertake activities defined as exclusions. For activities defined as exclusions, applicants will need to register with the Environment Agency.

The new regime came into effect on 6 April 2016. You can access information about the new regulations, application process and guidance on [GOV.UK](http://GOV.UK). A short note outlining the key aspects of the change can be requested by emailing [floodriskpermits@environment-agency.gov.uk](mailto:floodriskpermits@environment-agency.gov.uk)

## River basin management plans

River basin management plans (RBMPs) set out how organisations, stakeholders and communities will work together to improve the water environment. Revised RBMPs were published on 18 February and can be viewed on [GOV.UK](http://GOV.UK).

A river basin district (RBD) covers an entire river system, including river, lake, groundwater, estuarine and coastal water bodies. The RBD RBMPs are designed to protect and improve

the quality of our water environment. Good quality water is essential for wildlife, agriculture and business to thrive, and is one of the means for boosting regeneration (structural and economic), recreation and tourism.

The revised RBMPs build on the work already done to protect and improve over 9,320 miles of our rivers over the last 5 years. They set out how a minimum of 680 (14%) waters will improve over the next 6 years as a result of a £3 billion investment.

The RBMPs support the Government’s framework for the 25-year environment plan and will allow local communities to find more cost-effective ways to take action to further improve our water environment.

Use RBMPs if you need:

- information on the plan for the protection and improvement of the water environment;
- to know how future plans may affect an industry sector and its obligations;
- to ensure a development proposal considers the requirements of the RBMP;
- to apply for an environmental permit; and
- to contribute to the delivery of the plan or maximise potential funding for a project.

Use the maps on [GOV.UK](http://GOV.UK) to find your RBD.

## Storing silage slurry and agricultural fuel oil (SSAFO)

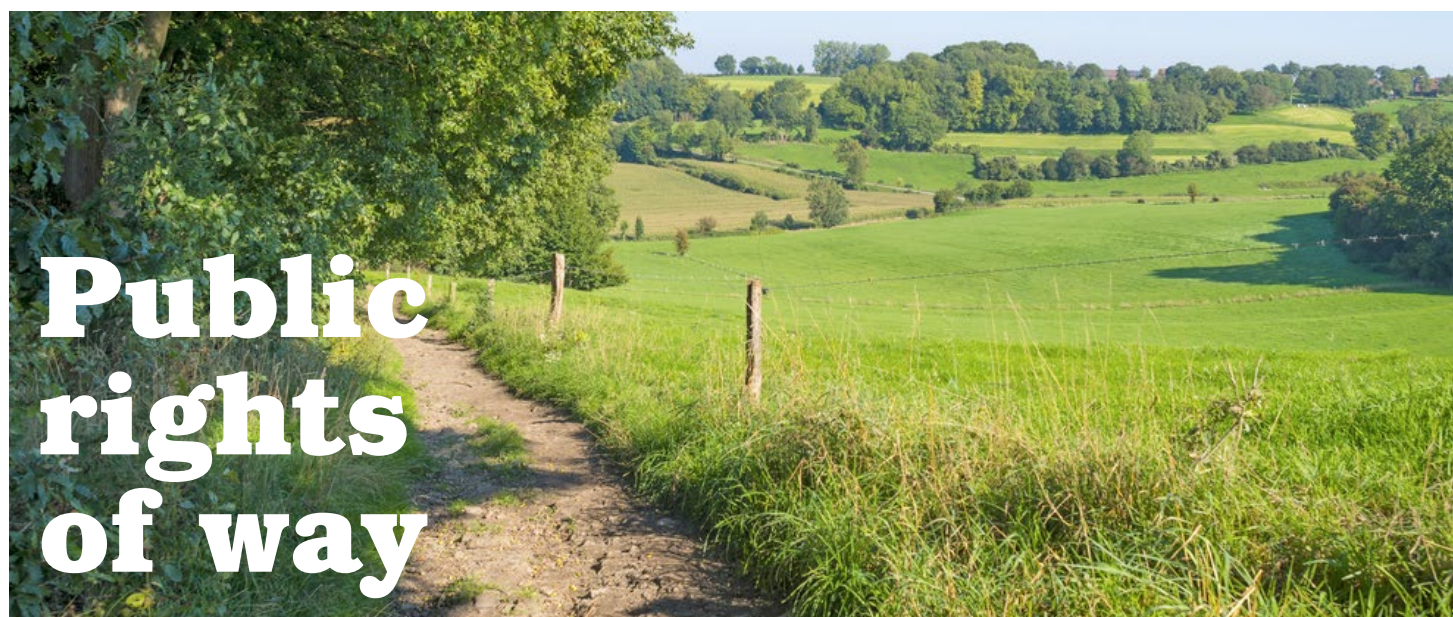
*If you are thinking of building a new silage clamp, slurry tank or lagoon, substantially altering an existing store, or installing new oil storage, you need to tell the Environment Agency at least 2 weeks before you start construction, and provide information about the structure you are planning to build and where it will be located. Guidance on [GOV.UK](http://GOV.UK) sets out the information you will be asked to provide to the Environment Agency. The Environment Agency is 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 titled ‘[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.

## Countryside Stewardship

*If you are thinking of applying for a Countryside Stewardship Mid Tier agreement, Natural England is running a series of events to help. Full details of the events can be found on the [GOV.UK](http://GOV.UK) website.*

Please note that the closing date for applying for a Countryside Stewardship Mid Tier agreement is 30 September. If you would like more information on the Countryside Stewardship scheme, please click [here](#).



# Public rights of way

*If you have a public right of way (PROW) on your land, there are several rules that you need to be aware of. There is full guidance available on [GOV.UK](http://GOV.UK) and below are a few of the key rules.*

## Do not obstruct PROW on your land

You must not disturb the surface of a PROW so that it becomes inconvenient to use or wilfully obstruct free passage along a PROW (for example, by locking gates, allowing overhanging vegetation, or blocking the route with electric or barbed-wire fences). In most cases, this rule also applies to growing crops but, if absolutely necessary, cross field paths can be ploughed so long as the reinstatement procedures are followed. For further information on the reinstatement procedures, please click [here](#).

## Follow guidance when maintaining and replacing structures on PROW

Where a stile or gate on a PROW is your responsibility, you must maintain it so it is safe and reasonably easy to use. You can claim 25% or sometimes more of the cost of any replacement works from the local highway authority. Some authorities provide materials or others may carry out the work themselves.

Where a stile needs replacing, always consider with the local highway

authority whether this should be with a gate or, preferably, by leaving a gap, so that it will be less of an impediment to people with impaired mobility such as the elderly, pregnant women and young children. Gaps and gates also require less maintenance than stiles so they can save costs.

If you are considering erecting any new stiles or gates across a PROW, you will need authorisation from your local highway authority. Any new structures that do not have authorisation are, by law, obstructions.

If you add new ditches or widen existing ones (having secured any necessary permissions, including from the highway authority), then you must provide adequate bridges for PROW users.

Further guidance is available [here](#).

## Reinstating ploughed cross-field PROWs

Byways, restricted byways and unsurfaced public roads must not be cultivated (ploughed). The same applies to footpaths or bridleways that follow a field edge. The minimum width for a field edge footpath is 1.5 metres and for a field edge bridleway, 3 metres. If you need to cultivate a cross-field footpath or bridleway, you must make sure that the path:

- remains apparent on the ground, to at least the minimum width, and is not obstructed by crops;

- is made good to at least the minimum width, so that it is reasonably convenient to use, within 14 days of first being cultivated for that crop or within 24 hours of any subsequent cultivation (unless a longer period has been agreed in advance in writing by the highway authority); and
- when reinstating a cross-field path, the following minimum widths must be observed:
  - 1 metre for any cross-field footpath; and
  - 2 metres for any cross-field bridleway.

## How to prevent a new PROW being recorded on your land

In some circumstances, landowners can prevent a new PROW being recorded on their land by completing a landowner statement and declaration.

Forms and guidance are available [here](#).

Another way of managing access on your land is to dedicate PROW. This will create permanent routes, but can help to manage public access on farmland by creating alternative paths. You can also create access to areas of land by dedicating open access areas. More information is available [here](#).



# Field margin management

## Cross compliance field margin management

Cross compliance field margins are established to protect hedgerows and watercourses against pollution and run-off from agricultural sources by taking all reasonable steps to maintain a green cover. The field margins (green cover) should measure 2 metres from the centre of the hedgerow or from the centre of a watercourse or field ditch, or 1 metre from the edge of the watercourse or field ditch to the landward side of the top of the bank. You must not cultivate, or apply fertilisers or pesticides to cross compliance field margins, but you are permitted to 'top' the green cover or use pesticides for spot application, if they are deemed reasonable steps, to control the spread of any weeds. If the work is to be undertaken during the bird nesting and rearing season, you must not intentionally or recklessly destroy or damage the bird, eggs or nest. Further information can be found in ['The guide to cross compliance in England 2016'](#).



## Public access on field margins and buffer strips

As a general rule, cross compliance and agri-environment schemes such as Countryside Stewardship do not prohibit public access to grass margins or areas covered by other options. Access should be considered on a case-by-case basis by the landowner and a number of factors may be taken into account including safety (for example, when considering access to reedbeds), and the impact of access on the aims of the scheme to improve the natural environment. For

example, many strips around fields are primarily in place to buffer nearby habitat and to provide dense tussocky cover for nesting birds and small mammals: access along these strips could be damaging and impractical. In another option however, the six metre wide buffers, there is a requirement for a strip to be mown short which could readily accommodate public access, and is allowable within the scheme rules.

## Fallow land/Ecological Focus Area (EFA) strips

To count as an EFA, a buffer strip must be all of the following:

- next to a watercourse (or parallel with and on a slope leading to a watercourse);
- on or within 5 metres of arable land on the arable side of the watercourse;
- have a minimum width of 1 metre (edge to edge); and
- not be used for any crop production (although if it is temporary grass it can be grazed and/or cut).

Farmers can use the same buffer strips to meet the greening and cross compliance rules.

Some strips of temporary grassland are wider than 1 metre and meet the definition of an EFA buffer strip and EFA fallow land. In these cases, farmers can count the first metre as an EFA buffer strip. They could then count the extra width as EFA fallow land (as long as it is at least 2 metres wide). If this is done, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the fallow period (1 January to 30 June). This means at least one of the following must apply:

- they have different vegetation;
- the vegetation is of different heights; or
- there is different land management (for example, the fallow land has been cultivated).

The difference must be visible at an inspection.

During the EFA fallow period (1 January 2015 to 30 June), farmers can do the following on their fallow land:

- Use herbicides and cultivation to control weeds (for example, black-grass, ragwort and hemlock).
- Carry out drainage work.
- Sow wild bird seed mixes and/or nectar sources.
- Top green cover or previous crop residue.
- Sow grass, if they can show that it is being sown for reasons other than agricultural production, such as where it is sown under an agri-environment scheme. This will apply to fallow land counted for the crop diversification rules and EFA rules.

They must not:

- harvest or graze it;
- plant or sow any crop on it (except wild bird seed mixes, pollen sources or nectar sources); or
- apply fertiliser or farmyard manure (except where a wild bird seed mix, a pollen source or a nectar source has also been sown).

Further information on the management of buffer strips under EFA can be found in ['The Basic Payment Scheme: rules for 2016'](#).

## Entry Level Stewardship (ELS)/Higher Level Stewardship (HLS) field margins

If you have a field margin that is entered into an ELS or HLS agreement, you must check the terms of your agreement to ensure that you are permitted to undertake work on the field margins. Please contact [Natural England](#) if you have any questions regarding your ELS/HLS requirements.



## 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; and

- 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; and
- 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 hedgerow, 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; and**
- **GAEC 6: Maintenance of soil organic matter level.**

The rules for soils are applicable to all 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 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)



# Important information for those using pesticides

*The Plant Protection Products (Sustainable Use) Regulation 2012, help to implement the Sustainable Use (Pesticides) Directive (SUPD). The Regulations include requirements for those purchasing and using professional plant protection products (pesticides), and sets minimum standards for the safe use of these substances. The article below provides some key points that you should be aware of.*

## Requirement to get spray equipment tested – less than one year to go

By 26 November 2016, and at regular intervals thereafter, owners of pesticide application equipment in use (except knapsack and handheld sprayers) must ensure it is inspected to certain timetables. **Equipment that is not in use or is not used for applying pesticides is not affected.**

All application equipment in use (except knapsack and handheld sprayers) must pass inspection once by 26 November 2016, unless it is less than 5 years old on that date. The equipment must pass inspection once before the 5th anniversary of its original purchase.

The National Sprayer Testing Scheme (NSTS) is the only body designated to conduct tests. So, having equipment inspected under the NSTS will ensure compliance. A list of approved examiners can be found on the [NSTS website](#).

Sprayers with a boom longer than 3 metres, equipment attached to trains and aircraft and air assisted broadcast sprayers must then be tested every 5 years from 26 November 2016 and every 3 years from 26 November 2020.

Equipment that is used infrequently, such as granular (including slug pellet) applicators and sprayers with a boom of less than 3 metres, must then be tested every 6 years.

A complete list of such equipment can be found in the [Pesticides National Action Plan](#) and will be updated regularly.

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

## '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**. However, after this date, anyone 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 these 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](#).

## Applying pesticides on fields that have a PROW

If you are applying pesticides to a PROW, you must ensure that people are not put at risk. If you are unsure about the public access provision on or near the areas that you are treating, you should find out in advance of starting the work. You should stop the work if there is a risk to health and people are using the PROW while you are applying pesticides.

Where a PROW crosses or runs alongside a field, you can provide warning notices to members of the public at the main access points of your grounds, but this does not close the PROW. In the notice you may wish to provide details of alternative routes, but if members of the public still use the PROW, despite the warning notices, then you must stop spraying temporarily. While you can put up notices on your grounds, please note that the notice should not be placed directly on the PROW unless you have obtained permission from the local highway authority to do so.

The pesticides must be used in accordance with the instructions provided on the label and you should only use products that do not require an access restriction on animals or people.

Detailed guidance is available in the '[Code of Practice for Using Plant Protection Products](#)'.

If you have any queries regarding the requirements for sustainable pesticide use, you can obtain free, independent advice from FAS on 0345 345 1302 or email ([advice@farmingadviceservice.org.uk](mailto:advice@farmingadviceservice.org.uk)).



# Water abstraction returns – reminder

## 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 the form. 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 2015 to 31 March 2016.

**Generic Operator Returns (GOR).** If you have registered to submit your return using 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; and
- 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 RPA.

## 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)).

## AHDB water survey

The Agriculture and Horticulture Development Board (AHDB) is conducting a water survey for growers in the potato and horticultural sectors, including field vegetable and ornamental crops. For further information or to participate in the survey, please click [here](#).

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?	When do you need to submit returns by?
Wholly between 1 April and 31 October	Summer abstractor	End of October each year	30 November each year
Not wholly between 1 April and 31 October	Winter/all-year abstractor	End of March each year	30 April each year

# Nitrate Vulnerable Zone reminders

## Record-keeping requirements

By 30 April you are required to have a record of the:

- Number and type of livestock kept on your farm in the previous calendar year, a calculation showing the amount of nitrogen (N) they produced and details of any imports or exports of livestock manure, including the nitrogen content.
- Area of your farm and copy of any sampling and analysis and/or ENCASH\* results if standard figures have not been used.
- Number and type of livestock kept on your farm during the previous storage period and details of any imports or exports of slurry or poultry manure during this time.
- Dates and location of any sites used for storing solid manure.

You will need these records to demonstrate compliance with:

- The farm limit to ensure the amount of total nitrogen in livestock manure that is spread or directly deposited by grazing animals on your farm does not exceed 170 kgN/hectare (ha) or 250 kgN/ha from grazing livestock for farms with a grassland derogation. Further guidance can be found on the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' pages on the GOV.UK website.
- The requirement to provide adequate and suitable storage during the previous storage period. Further guidance can be found on the '[Storing organic manures in nitrate vulnerable zones](#)' pages on the GOV.UK website.

## Non-spreading conditions and areas

You must adhere to the rules regarding non-spreading conditions. A summary is provided below.

- **You must not spread organic manure** to land that is waterlogged, flooded, snow covered or 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 – deadline for fertiliser returns

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

You are required to 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 Defra standard values table that can be downloaded from the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on the GOV.UK website.

- 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).

\* A software tool that allows farmers and advisers to calculate the nitrogen production in manure produced by different types of permanently housed pigs and poultry.





# Greening rules in 2016

*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: rules for 2016’](#) fully explains the greening requirements for 2016.*

If you have more than 15 hectares of arable land, then it is likely that you are required to have EFAs on your arable land. There are some exemptions from this rule, details of which can be found in [‘Basic Payment Scheme: rules for 2016’](#).

Organic land can also be exempted from the requirements. Further information can be found in [‘Basic Payment Scheme: rules for 2016’](#).

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 BPS application. Your greening calculations should be done every year. The [‘Basic Payment Scheme: rules for 2016’](#) provides a full list of the areas and features that count as an EFA.

There is now the possibility for farmers to nominate alternative EFAs where the original is not present or was incorrectly calculated. These alternative EFAs must be present (or for crop areas at least already declared) at the time of any check or inspection. They must also be situated on or, where appropriate, adjacent to land already declared on the application.

Therefore, it is not possible to ask on inspection, for a cover crop that will be planted in the future to be allowed as an alternative to a claimed catch crop that has not been established.

The greening rules for 2016 will remain largely the same as those for 2015, but there are two changes to be aware of:

- oilseed radish is added to the list of crop types that can count (as part of a mix) as an EFA catch and/or cover crop; and
- some EFA features (see below for details) can now be up to 5 metres away from arable land rather than immediately next to it and still qualify as being ‘adjacent to’.

## EFA features in 2016

### *EFA buffer strips up to 5 metres from arable land*

From 2016, a buffer strip can count as an EFA even if it is separated from arable land by:

- a man-made feature (for example, a fence);
- a landscape feature (for example, a hedge or a line of trees); or
- a feature that is not eligible for BPS (for example, a track).

However, the distance between the buffer strip and the arable land must not be more than 5 metres and, in all cases, the buffer strip must be on the arable land side of the watercourse it protects. Further guidance can be found in [‘Basic Payment Scheme: rules for 2016’](#).

### *‘In-field’ EFA buffer strips*

To count as an EFA in 2016, an ‘in-field’ buffer strip must be all of the following:

- have arable land or be within 5 metres of arable land on both sides;
- parallel to a watercourse;
- on a slope that leads down to a watercourse; and
- within an arable land parcel that is alongside a watercourse.

Where a man-made/landscape feature is situated on the arable land between the buffer and the watercourse, then the buffer strip is classed as an in-field buffer strip.

Further guidance can be found in [‘Basic Payment Scheme: rules for 2016’](#).

### *EFA hedges*

A hedge can only count as an EFA if it is growing on or within 5 metres of arable land along its longest edge and is at the BPS claimant’s disposal. In accordance with cross compliance rules, it must have either:

- a continuous length of at least 20 metres or be part of any such length; or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end.

Further guidance can be found in [‘Basic Payment Scheme: rules for 2016’](#).

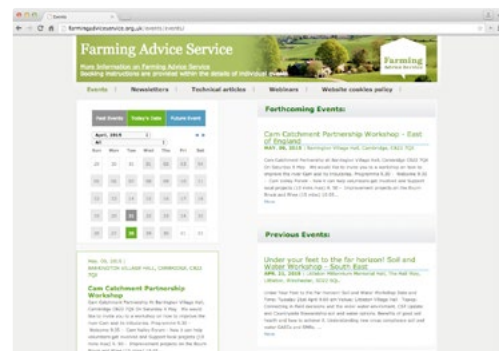
## EFA fallow land in 2016

If you intend to declare EFA fallow land during the 2016 scheme year, please remember that the fallow period is from 1 January until 30 June (inclusive). This is a longer time period than the rule for retaining fallow land entered under the crop diversification requirements. For more information on EFA fallow land, please refer to [‘Basic Payment Scheme: rules for 2016’](#).

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

# 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.org.uk](mailto:bookings@farmingadvice.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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