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# 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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## Key dates

<b>1 August</b>	If you have been granted a derogation by the Rural Payments Agency (RPA), you may be able to cut or trim hedges throughout August, to sow oilseed rape or temporary grassland. ( <a href="#">GAEC* 7a</a> )
<b>1 August</b>	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. ( <a href="#">SMR** 1</a> )
<b>31 August</b>	Ecological Focus Areas (EFA) catch crops must be established by this date (and retained until at least 1 October 2017). ( <a href="#">Basic Payment Scheme: rules for 2017</a> )
<b>1 September</b>	You can cut or trim hedges and trees from this date. ( <a href="#">GAEC 7a and 7c</a> )
<b>1 September</b>	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 grassland on shallow or sandy soils. ( <a href="#">SMR 1</a> )
<b>1 September</b>	Start of closed period for applying manufactured nitrogen fertilisers to tillage land. ( <a href="#">SMR 1</a> )
<b>15 September</b>	Start of closed period for applying manufactured nitrogen fertilisers to grassland. ( <a href="#">SMR 1</a> )
<b>16 September</b>	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 that have been sown with crops on or before 15 September. ( <a href="#">SMR 1</a> )
<b>1 October</b>	You can burn heather, rough grass, bracken, gorse or vaccinium on land in upland areas from this date. ( <a href="#">GAEC 6</a> )
<b>1 October</b>	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 soils that are not shallow or sandy. ( <a href="#">SMR 1</a> )
<b>1 October</b>	EFA catch crops must be retained until at least this date. ( <a href="#">Basic Payment Scheme: rules for 2017</a> )
<b>1 October</b>	EFA cover crops must be established by this date (and retained until at least 15 January 2018). ( <a href="#">Basic Payment Scheme: rules for 2017</a> )
<b>15 October</b>	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 grassland on soils that are not shallow or sandy. ( <a href="#">SMR 1</a> )
<b>31 October</b>	If you hold a summer water abstraction licence (authorising abstraction wholly within the months of April to October), the Environment Agency will make actual abstraction return forms available to you from 31 October. You then have 28 days to send your readings to the Environment Agency. ( <a href="#">GAEC 2</a> )

\* GAEC = Good Agricultural and Environmental Condition

\*\* SMR = Statutory Management Requirements

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

# How can FAS help you?



## Free and confidential advice

Common Agricultural Policy (CAP) regulations require European Union (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).



# Greening 2018

On 30 June 2017, the European Commission published changes to the regulations that set out the greening requirements. These changes will be introduced for the 2018 Basic Payment Scheme (BPS) year, starting from 1 January 2018.

The most significant change will be the prohibition on the use of plant protection products (PPPs) on the

following land types if declared as an Ecological Focus Area (EFA):

- land lying fallow;
- catch or cover crops;
- nitrogen-fixing crops.

This is a compulsory change to the rules and the Department for Environment, Food and Rural Affairs (Defra) will be

working with stakeholders to prepare full guidance on the new requirements.

Member States have some discretion in how some of the revised rules are applied. Full details can be viewed on [GOV.UK](http://GOV.UK). A summary of the changes are provided in Table 1.

FAS will continue to provide updates in the newsletter as more information is made available by Defra and the RPA.

**Table 1 – Summary of revised greening requirements for 2018**

Affected article	European Commission's changes to the greening requirements	Implementation in England
Article 40 (b)	New wording in this Article allows Member States to permit land parcels on which small areas of different crops are grown next to each other to be declared as 'mixed crops'.	In England, Defra and the Rural Payments Agency (RPA) will allow areas on which small areas of different crops (individually less than 0.01ha) are grown next to each other to be declared as 'mixed crops', providing they collectively meet the minimum area of 0.01ha.
Article 45 (b) paragraph 4(a)	This change combines two EFA options – hedges and trees in a line – into one.	The extended EFA option of hedges and trees in a line will be available to claimants in England. The EFA value of hedges and trees in a line will remain the same – each metre in length equals 10 square metres for EFA purposes (assuming the farmer has control of both sides of the hedge/line of trees).
Article 45 (b) new paragraph 5	This Article has the effect of merging two EFA options – buffer strips and field margins.	The EFA option of buffer strips has been extended to include field margins. The EFA value of field margins will be the same as that for EFA buffer strips – each metre in length equals 9 square metres for EFA purposes.
Article 45 (b) new paragraph 9	This Article sets a new requirement that EFA areas under catch or cover crops must be maintained for a minimum period of 8 weeks.	EFA catch crops will have a new 8-week minimum period starting on 20 August and must be retained until 14 October. The EFA cover crop period will remain as 1 October to 15 January in the following year.
Article 45 (b) new paragraph 10	This Article has the effect of allowing mixtures of nitrogen-fixing crops, and mixtures of nitrogen-fixing and other crops to meet the EFA land-growing nitrogen-fixing crops option.	This new flexibility will be open to claimants in England from 2018. If you sow your 2018 EFA nitrogen-fixing crop in autumn 2017, then this more beneficial rule applies.
Article 45 (b) new paragraph 10b	This Article introduces a ban on the use of PPPs on EFA fallow land, catch and cover crops, and nitrogen-fixing crops.	This ban applies from the time of sowing the crop, even if this is before 1 January 2018, to harvesting. The ban also applies to seed dressings.



# Nitrate Vulnerable Zone (NVZ) reminders

## NVZ: Back to basics

FAS has produced a technical article called '[NVZ: Back to basics](#)', which provides a simple guide to the NVZ requirements. This can be downloaded for free from the FAS website.

## Nutrient Management Guide (RB209) has been updated

In May 2017, The Agriculture & Horticulture Development Board (AHDB) launched a revised edition of 'The Nutrient Management Guide (RB209)'. The latest version of RB209 provides recommendations for a broad range of crops. All changes from previous versions are based on a comprehensive review of trials data conducted by a consortium of research scientists.

All recommendations were reviewed by a partnership of organisations including farmers and growers.

The most obvious change is that the guide is now published as seven separate sections rather than one combined document:

1. Principles of nutrient management and fertiliser use;
2. Organic materials;
3. Grass and forage crops;
4. Arable crops (including sugar beet, peas and beans);
5. Potatoes;
6. Vegetables and bulbs;
7. Fruit, vines and hops.

Each section has undergone a significant revision with information and recommendations updated to reflect changes in farming practices and crop varieties.

You can obtain this essential guide to crop nutrient management free of charge from AHDB by:

- downloading navigable PDFs at [www.ahdb.org.uk/rb209](http://www.ahdb.org.uk/rb209);
- downloading an app Apple® devices from the App Store® (search for AHDB);
- ordering copies from AHDB by emailing [cereals.publications@ahdb.org.uk](mailto:cereals.publications@ahdb.org.uk);
- picking up free copies at selected AHDB events.



# Keeping updated on public rights of way requirements



Many farmers have land with a public right of way (PROW). These fall into the following categories:

- footpaths;
- bridleways;
- restricted byways;
- byways open to all traffic (BOATs).

If you own agricultural land with a PROW, there are several rules you need to be aware of. Below are a few of the key rules you need to comply with. Full guidance is available on [GOV.UK](http://GOV.UK)

## Keep PROWs on your land clear free of obstructions

As the owner or occupier of land with a PROW, you have an obligation to keep the route visible and clear of obstructions. Obstructing a PROW intentionally is a criminal offence and the highway authority has the right to demand that you remove any obstructions.

In practice, this means removing and preventing obstructions on or across the PROW route, such as permanent or temporary fences, animal feeders, hedgerows growing over the path, padlocked gates, encroaching crops (other than grass) and barbed wire. Make sure that vegetation does not encroach onto the route from the sides or above while considering the height clearance required for different users, such as horse riders.

## Maintain or replace structures in accordance with guidance

Where stiles and gates on a PROW are your responsibility, you must maintain them in a condition that makes them safe and reasonably easy to use. You can claim 25% or sometimes more of the cost of any replacement work from the highway authority. Some authorities provide materials; others may carry out the work themselves.

Where a stile needs replacing, always consider with the highway authority whether this should be replaced with a gap or a gate. In most cases, a gap will be preferred as it will provide easier access for people with mobility problems, such as the elderly, pregnant women and young children. Gaps and gates also require less maintenance than stiles so you can save costs.

If you are considering adding a new structure on a PROW, then you must seek authorisation from the local highway authority. Unauthorised structures will be classed as obstructions and may be removed by the highway authority at your expense.

Similarly, if you add new ditches or widen existing ones, you must secure the necessary permissions (including from the highway authority) and provide adequate bridges for PROW users.



## Stay up to date with restrictions on livestock and agriculture

Bulls of recognised dairy breeds (Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) over the age of 10 months are banned by law from fields containing any type of public access, including a PROW. Bulls over 10 months old of any other breed must be accompanied by cows or heifers when in fields with a PROW. Horses that are not known to be dangerous may be kept loose in fields crossed by a PROW. You can be prosecuted if you keep any potentially dangerous animal on land crossed by a PROW. Further information is available on the [HSE website](#).

If you need to spray land crossed by a PROW, use pesticides approved for such use and follow the product instructions. Where a PROW crosses or runs alongside a field, you can provide an informal alternative route while signposting users of any dangers. However, this does not close the PROW. If members of the public are still using the route, then you must temporarily stop spraying.

## Reinstate ploughed cross-field PROWs

You must not cultivate (such as plough, apply pesticides or fertiliser) BOATs or restricted byways. The same applies to footpaths or bridleways that follow a field edge. The minimum width you need to keep undisturbed is:

- 1.5 metres for a field-edge footpath;
- 3 metres for a field-edge bridleway, BOAT or restricted byway.

You should avoid cultivating a cross-field footpath or bridleway. If you have to cultivate, make sure the footpath or bridleway remains apparent on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway

and is not obstructed by crops. The surface of cross-field footpaths and bridleways must be made good to not less than the minimum width within 14 days of the first disturbance or within 24 hours of any other subsequent disturbances relating to that cultivation after the initial 14-day period has ended.

At the discretion of the highway authority, either period can be extended by up to 28 days. However, any application for an extension must be made before the period of compliance has expired and, if you know from the outset you might have trouble completing work in time, you should obtain an extension before you start.

If you need to abandon a cycle of cultivation (e.g. by ploughing in an autumn-sown crop and starting again in spring) then a new 14-day period is available to you.

You must indicate the route of a reinstated cross-field footpath or bridleway. If official waymarking leaves it unclear where a PROW goes, you may add informal waymarks to remedy this so long as these are not misleading.

## Find out how to create, close, upgrade, downgrade or re-route a PROW

Highway authorities have certain powers to make changes to the PROW network in their areas.

You can agree to create a new PROW or apply to your local authority to make an order extinguishing, diverting, upgrading or downgrading a footpath, bridleway or restricted byway in some circumstances. You can get more information from the rights of way section of the highway authority.

See more details about making changes [to the legal status of a PROW](#).



## Water abstraction licence reminders

Under [Good Agricultural and Environmental Condition \(GAEC\) 2: Water Abstraction](#), you must have a licence from the Environment Agency to take (abstract) more than 20 cubic metres (4,400 gallons) of water from an inland surface water (such as rivers, streams, lakes or springs) or underground source for spray irrigation in a 24-hour period.

Once you have an abstraction licence, you must comply with its conditions when abstracting water for irrigation purposes.

You do not need a licence if you abstract 20 cubic metres or less in a 24-hour period, provided your abstraction is part of a single operation. If you abstract from the same source at multiple points, the exemption only applies if the combined total of all abstractions is 20 cubic metres or less a day.

For more information on the requirements, please see the detailed article on page 14 of the [June 2017 FAS Newsletter](#).



# 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 – apart from 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. As 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.





# Protecting your soils post-harvest

The cross compliance Good Agricultural and Environmental Condition (GAEC) requirements for soils focus on the condition of the land and this is what the Rural Payments Agency (RPA) will consider during an inspection.

One of the methods to reduce compaction and soil erosion, as detailed in [GAEC 5: Minimising soil erosion](#), is to select the correct post-harvest options. This is to ensure that land harvested by a combine harvester or mower is left in a state where erosion is unlikely.

Choosing the correct post-harvest management technique involves taking into account the weather, soil type and topography; and considering the crop that has been harvested and the next

crop to be sown. Hot, dry conditions can cause soils to cap during harvest and cultivations. This can exacerbate runoff, especially if rainfall is heavy. Care must be taken when choosing to plant to minimise the risk of significant runoff.

Before cultivating and drilling, make sure that any topsoil and subsoil compaction is removed. Do this by first checking the depth of compaction by digging several soil pits across a field. Then, set up the appropriate machinery (such as a subsoiler) to just below the pan so as to remove the layer of compaction. Please ensure that soil is sufficiently dry to enable effective subsoiling. By identifying the correct depth of compaction, savings can be made on fuel use, machinery parts, labour costs and time by not

cultivating deeper than necessary.

Where a spring crop will be sown, consider planting a winter cover crop to help enhance soil organic matter levels. Not only will this ensure compliance with [GAEC 4: Providing minimum soil cover](#), but will also improve workability, and can help to retain moisture and nutrient levels for further crop development needs. It can also help to provide valuable soil protection from winter rains and prevent soil loss if sown by early October.

For more information on the cross compliance soil management requirements, please refer to '[The guide to cross compliance in England 2017](#)'.

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

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) (Silage, Slurry and Agricultural Fuel Oil) (SSAFO) (England) Regulations 2010. If you are thinking of building a new silage clamp, slurry tank or lagoon, or substantially altering an existing store, you need to tell the Environment Agency at least 2 weeks before you start construction. You also need to provide information about the structure you are planning

to build and where it will be located. Guidance on [GOV.UK](#) sets out the information you will be asked to provide to the Environment Agency. The Environment Agency is happy to discuss your proposals with you at an early stage of planning. It can give advice about construction requirements and location if this is needed. You will also need to check if local authority planning permission is needed.

There is a new edition of the Construction Industry Research

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

In addition to ensuring that your storage infrastructure is legally compliant, meeting the SSAFO regulations reduces the risk of pollution incidents occurring on your farm.

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