

December 2015 - e-news issue 24

Welcome to the Farming Advice Service newsletter

Thank you for subscribing to the FAS newsletter, this is the last edition of 2015. We would like to take this opportunity to wish you a merry Christmas and a happy New Year.

If you would like to sign-up to receive the Farming Advice Service (FAS) newsletter straight to your inbox, please email bookings@farmingadvice.org.uk with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.



**Farming
Advice Service**

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

FAS technical advice line:

Telephone: 0345 345 1302

Email: advice@farmingadvice.org.uk

Website: www.gov.uk/government/groups/farming-advice-service

In this issue

Cross
compliance
2016 – update

Cross
compliance soil
management
requirements

Important
information on
the greening
rules

Don't forget
to complete
your annual
sheep and goat
inventory

Nitrate
Vulnerable Zone
reminders

'Grandfather
rights' ceased
in November
2015

What is FAS?



Common Agricultural Policy (CAP) regulations require EU Member States to run an advisory system covering cross compliance, greening, water protection and aspects of pesticide use. Under these regulations, this advice must be **confidential** – that is, it **must not** be shared with those conducting inspections.

In England, this advice is provided by the Farming Advice Service (FAS). FAS updates the farming sector on relevant EU and Department for Environment, Food and Rural Affairs (Defra) policies. It explains the requirements under and objectives of CAP, EU directives, national legislation and policies; and the actions that can be taken to help meet compliance. FAS provides **free, confidential** advice on cross compliance and the greening requirements, some aspects of the Water Framework Directive (such as silage, slurry and agricultural fuel oil (SSAFO) and waste exemptions) and the Sustainable Use (of pesticides) Directive.

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



Cross compliance 2016 – update

'The guide to cross compliance in England 2016' will be published on the GOV.UK website at the end of December. At that time you will be able to locate the guidance by visiting www.gov.uk and searching for 'cross compliance 2016', or by visiting www.gov.uk/rpa and selecting the 'cross compliance' link.

You must follow the cross compliance rules if you are claiming for the Basic Payment Scheme (BPS), a stewardship scheme or the English Woodland Grant Scheme (EWGS) in 2016.

The main changes to the cross compliance rules are provided below:

GAEC 1: Establishment of buffer strips along watercourses

From **1 January 2017**, land parcels of 2 hectares or less will have to comply with the need to protect watercourses against pollution and run-off from agricultural sources by maintaining buffer strips. Therefore, for all land:

- within 2 metres of the centre of a watercourse or field ditch
- from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank

both of the following apply:

- you must take all reasonable steps to maintain a green cover
- you must not cultivate or apply fertilisers or pesticides

Please note that this change does not apply to GAEC 7a.

SMR 7: Cattle identification and registration

Cattle keepers must still record (in their holding register) the dam's ear tag number for animals born on their holding. However, they no longer need to record the dam's ear tag number for animals arriving on their holding. This changed on **6 April 2015** and will be updated in the 2016 cross compliance guide.

GAEC 7a: Boundaries

Clarification that not only fruit or nut trees in orchards, but also other trees acting as windbreaks in an orchard, vineyard, hop yard or hop garden are exempt from the 1 March to the 31 August (inclusive) cutting and trimming rules. This applies from **1 January 2016**.



Cross compliance soil management requirements

*New cross compliance rules were introduced in 2015 that established a set of national minimum standards for soil management. These are **outcome focused** and require no paperwork. This means that more emphasis is put on actually farming the land rather than keeping a paper log. The rules are:*

GAEC 4 – Minimum soil cover

Good Agricultural and Environmental Condition 4 (GAEC 4) requires that **you must** take all reasonable steps to protect soil by having a minimum soil cover – except where there is an agronomic justification for not doing so or where establishing a cover would conflict with requirements under GAEC 5. Information on acceptable agronomic justifications and soil cover are set out in [‘The guide to cross compliance in England 2015’](#) and the [‘Cross compliance in England: soil protection standards 2015’](#) guidance. Where a suitable agronomic justification that is not listed in the guidance applies, you will need to apply for a derogation from the Rural Payments Agency (RPA). The derogation must be granted prior to undertaking the agronomic justification.

GAEC 5 – Minimum land management reflecting site-specific conditions to limit erosion

You must put measures in place to limit soil and bankside erosion caused (for example) by:

- cropping practices and cropping structures;

- livestock management, including outdoor pigs and poultry (causing overgrazing), and poaching;
- wind; and
- vehicles, trailers and machinery.

Where compaction may cause soil erosion, you must, where appropriate, cultivate post-harvest land and late harvested crops using primary cultivation methods such as ploughing. Alternative primary cultivation methods are included in [‘Cross compliance in England: soil protection standards 2015’](#).

A reduction in your agricultural payments could occur where erosion is over a single area greater than 1 hectare (this is a continuous area and can include land that crosses permanent boundary features, meaning that the erosion is not necessarily within one field) or along a continuous stretch of more than 20 metres long and 2 metres wide of a watercourse. Examples of appropriate measures to limit soil erosion are available in the [‘Cross compliance: soil protection standards guidance’](#).

GAEC 6 – Maintenance of soil organic matter level

You must:

- Not burn crop stubble, except for plant health reasons. Where burning is needed for plant health reasons, it must comply with the Crop Residues (Burning) Regulations (1993) (Regulations 4 (b) and 5).

- Comply with the Heather and Grass Burning Regulations (2007) (Regulations 5(2) and 6(1)(a)).
- Comply with the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations (2006) (Regulations 4, 9, 26 and 28) and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999) (Regulations 4(1) and 22). Do not plough, cultivate or intensify species-rich and semi-natural habitats so as to conserve organic matter and carbon levels in soils. An environmental impact assessment (EIA) may be required if the land has not been cultivated within 15 years or if it is semi-natural.

More information on the EIA (Agriculture) Regulations is available [here](#) and on the Heather & Grass Burning Regulations [here](#).

The rules for soils are applicable to all BPS claimants and farmers claiming Environmental Stewardship payments. Therefore, it is important that you are aware of how to comply with the requirements to safeguard your payments. FAS has produced an article that provides top tips for compliance with the updated soil management requirements. Click [here](#) to read the full article. If you require further advice regarding soil management on your farm, please contact FAS on 0345 345 1302 or email advice@farmingadvice.service.org.uk



Don't forget to complete your annual sheep and goat inventory

You should have received your sheep and goat annual inventory forms from Defra during November. **Please ensure you complete the form and return it by 31 December.** Failure to do this may increase your risk of a Basic Payment Scheme (BPS) inspection. You should also have included your annual inventory total as at 1 December in your holding register (section 7 if you use the Defra paper register).

Important information on the greening rules

Changes to 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 \(BPS\) in England: rules for 2016](#)' was released in September 2015 to fully explain the greening requirements for 2016.

If you have more than 15ha of arable land, then it is likely that you are required to have Ecological Focus Areas (EFAs) on your arable land. There are some exemptions from this rule, details of which can be found on the GOV.UK website [here](#).

Organic land can also be exempted from the requirements. Further information can be found on 'The greening rules' page [here](#).

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 'Greening: ecological focus areas (EFAs) on arable land' page on [GOV.UK](#) provides a full list of the areas and features that count as an EFA.

It is now possible for farmers to nominate alternative EFAs where the original is not present or was incorrectly calculated. 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 can now count (as part of a mix) as an EFA catch and/or cover crop; and
- some EFA features (see page 5 for details) can now be up to 5 metres away from arable land, rather than immediately next to it.



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 located on the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.

'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;
- be parallel to a watercourse;
- be on a slope that leads down to a watercourse; and
- be in an arable land parcel that is alongside a watercourse.

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

Further guidance can be located on the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.

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:

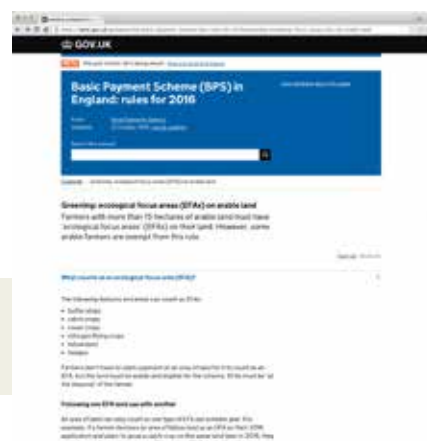
- a continuous length of at least 20 metres or is part of any such length; or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end.

Further guidance can be located on the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.

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 different to the fallow land entered under the crop diversification requirements. For more information on EFA fallow land, please refer to the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.

For more information on all the EFA features above, please refer to the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.



Following one EFA land use with another

An area of land can only count as one type of EFA per scheme year. For example, if an area of fallow land is declared as an EFA on the 2016 application and it is planned to grow a catch crop on the same land later in 2016, farmers can't declare the catch crop as an EFA on their 2016 application (because they've already declared that area as EFA fallow land).

However, if a cover crop is declared as an EFA on the 2016 application, and this is followed with fallow land, farmers can declare it as EFA fallow land in their following scheme year's application (even though the management requirements overlap for 15 days because crops sown in 2016 must be retained until at least 15 January 2017 and the rules for fallow land must be followed from 1 January 2017).

The cover crop must not be destroyed before 15 January. Any activities that would destroy the cover crop, such as the use of herbicides and cultivation to control weeds (for example, blackgrass, ragwort and hemlock) may only take place after 15 January 2017. Similarly, carrying out drainage work, sowing wild bird seed mixes and/or nectar sources, and topping green cover or previous crop residue may only take place after 15 January 2017.

Cover crop requirements in 2015 scheme year

One of the EFA options is to establish cover crops to protect the soil and use available nutrients between harvest and sowing. If you have declared cover crops on your 2015 BPS application, you must adhere to these rules.

Cover crops are planted between summer harvest and the sowing of a spring-planted crop, providing ground cover to prevent leaching or soil erosion or to provide green manure. To count as an EFA in 2015, **cover crops** must have been established by **1 October 2015 and retained until at least 15 January 2016**. This does not affect the ability to claim the same land area as EFA fallow land from 1 January 2016 since the claim is for a new scheme year.



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

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

To count as an EFA in 2015, you must use a sown mix of at least two different cover types (one cereal and one non-cereal). The crops that can be grown in the sown mix are:

Cereal	Non-cereal
Rye	Vetch
Barley	Phacelia
Oats	Mustard
	Lucerne

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

The above list is based on crops that have been used successfully for environmental stewardship in recent years. The Regulations do not allow farmers to include crops that are intended to be grazed. Therefore, kale or stubble turnips are not included. Please note, while oilseed radish has been added to the list for 2016, it is not eligible if it was sown during the 2015 scheme year.

Using crops from the list above will give the soil surface the best chance of protection from erosion, which will aid compliance with cross compliance GAEC 5: 'Minimum land management reflecting site specific conditions to limit erosion requirements'.

Using cover crops will also help you to adhere to the cross compliance soil management rules for minimum soil cover (GAEC 4). Further guidance on the cross compliance soil management requirements can be found in ['The guide to cross compliance in England 2015'](#).

You can include other crops in your cover crops, but these areas cannot count as an EFA.

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

For further information on EFA cover crop options and rules for the 2015 scheme year, please go to the ['Basic Payment Scheme: guidance for 2015'](#).

Technical advice line: 0945 345 1302

Farming Advice Section

Buffer strips for ecological focus areas (EFA) under Greening requirements

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

Your EFA buffer must:

- Be next to a watercourse or parallel with land on a slope leading to a watercourse
- Be a minimum 1 metre wide
- Not be used for crop production
- Be sown in arable land or within 5 metres of it and on the arable side of the watercourse
- Can be grass, or sown with wild land seed or pollen and nectar mix
- 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.

EFA in field buffer strips must:

- Be parallel to a watercourse
- Be on a slope that leads to a watercourse
- Within a land parcel that is arable in watercourse
- Have arable land on either side for within 5 metres

If there is a buffer strip and an in-field buffer strip in the land parcel adjacent to the watercourse then both of these can count as an EFA.

Combining EFA buffer strips and fallow land

If an area of temporary grassland is 3 metres or more wide it can be counted as both a EFA buffer strip and fallow land preceding the arable land during the following period (1st Jan - 30th June)

The difference can be achieved by either of the following:

- **Arable types of grassland**
- **Arable types of watercourse**
- **Arable land management**

Cross compliance field margin requirements

Cross compliance field margins protect hedgerows (GAEC 7d) and watercourses (GAEC 1) from pollution and run off from agricultural sources. Cross compliance margins can meet towards EFA.

Watercourse buffered by protection zone

The margin must:

- Measure 2 metres from the centre of the watercourse, ditch or hedge being counted as a field margin (feature 1 and 2)
- Be 1 metre from the edge of the watercourse or field ditch to the landward side of the top of the bank (feature 3)
- Not be cultivated, sprayed or fertilised
- But it is possible to top the grass cover or spot spray weeds if deemed necessary and done in compliance with any other environmental requirements (for example not destroying birds' nests).

Hedgerow buffered by protection zone

2 metres from the edge of the hedgerow to the top of the bank

To download a printable version of the FAS EFA buffer strip poster click [here](#).

Nitrate Vulnerable Zone reminders

Grassland derogation

Grassland farmers can apply for a derogation from the 170kg nitrogen per hectare per year (ha/year) livestock manure limit if they meet certain criteria. If your application is approved and you meet certain conditions, you will be able to work to the higher level of 250kg nitrogen/ha/year livestock manure from grazing livestock on your farm. Applications can be submitted using Defra's Farming Online system via the [GOV.UK](http://gov.uk) website. If you are unable to apply online, telephone applications are handled by the Environment Agency's helpline on 03708 506 506. You should apply by telephone if your farm is partly in an NVZ.

All applications must be made between **1 October and 31 December 2015**.

Whether you apply online or by telephone, you will need to have information about your holding to hand. If you have not applied for or been granted a derogation before, you may find a question and answer document that has been prepared on the subject useful. Please email nitratesdirectiveteam@defra.gov.uk to obtain a copy.

Further information on the derogation can be found on the [GOV.UK](http://gov.uk) website.

Land first included in an NVZ in 2013

If your land was first included in a nitrate vulnerable zone (NVZ) during 2013, there are certain requirements you must start meeting.

You must:

- not spread organic manure during closed periods from autumn 2015 (see Table 1);
- follow the rules on the separation of slurry and provision of storage capacity from the autumn closed period of 2015;
- follow the rules for reduced application of slurry and poultry manure from January/February 2016, depending on your soil type; and
- follow controls on what equipment you can use to spread slurry from 1 Jan 2016

For further information on the requirements, please refer to the [Using nitrogen fertilisers in nitrate vulnerable zones](http://gov.uk) and [Storing organic manures in nitrate vulnerable zones](http://gov.uk) information pages on GOV.UK.

Reduced applications following the closed periods for organic manure

From 1 January, if conditions are suitable, you can apply organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils. However, from the end of the closed period (see Table 1) until the end of February, **you must not** spread more than 30m³/ha of slurry or 8 tonnes/ha of poultry manure in a single application. **You must** also allow at least 3 weeks between each application.

For further information on the requirements, please refer to the [Using nitrogen fertilisers in nitrate vulnerable zones](http://gov.uk) information page on GOV.UK.

Livestock manure records

You must ensure that, in any calendar year (that is, a year beginning 1 January), the amount of nitrogen in livestock manure that is applied to your farm (whether directly by grazing animals or by spreading) does not exceed 170kg/ha (unless you have successfully applied for a grassland derogation). This is the 'loading limit' and is averaged over the area of the farm. For further guidance on how to calculate and complete this information, please refer to the [Using nitrogen fertilisers in nitrate vulnerable zones](http://gov.uk) information page on GOV.UK.

Table 1: NVZ closed periods for organic manure with a high readily available N content

	Grassland	Tillage land
Sandy or shallow soils	1 September to 31 December	1 August to 31 December
All other soils	15 October to 31 January	1 October to 31 January

'Grandfather Rights' ceased in November 2015

Under the previous UK legislation governing pesticide use, people born before 31 December 1964 who used an agricultural product on their own or their employer's land were exempt from the requirement to hold a certificate of competence (this exemption was known as 'grandfather rights'). New Regulations provided for the continuation of that exemption until **25 November 2015**, after which everyone who uses a professional pesticide product must hold a specified certificate.

The new regulations also require that from 26 November 2015, **everyone** purchasing a professional pesticide product must ensure that the end user holds a specified certificate.

Existing certificates of competence (for example, PA2 and PA6) will remain valid under the new legislation. Anyone who already has one of these will need to do nothing new.

A list of specified certificates is available by clicking [here](#).



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

If you do not hold a specified certificate, but require the application of professional pesticides to your

land, you may employ a contractor or neighbouring farmer. It would be your responsibility to check that they hold an appropriate specified certificate.

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

Forthcoming FAS events

FAS will be organising further events during the winter 2015/16. To find details of events in your area, please check the FAS [events calendar](#).



**Register for free text message updates**

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

To register for FREE text message updates, please call 0345 345 1302 or email bookings@farmingadvice.service.org.uk 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.

**Get the latest updates by following FAS on Twitter**

FAS has joined Twitter. Follow us on [@DefraFAS](https://twitter.com/DefraFAS) for up-to-the-minute updates on publications, events and industry information.

**Subscribe to the free FAS Newsletter**

To receive further copies of the FREE bimonthly FAS newsletter, please call 0345 345 1302 or email bookings@farmingadvice.service.org.uk with 'Register for newsletter' in the subject line

Key dates

1 December	You need to carry out your annual inventory of sheep. (SMR 8)
1 January	Start of 2016 Basic Payment Scheme (BPS) year. If you are intending to claim BPS in 2016, you must adhere to the rules from this date.
1 January	You can apply organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 1)
1 January	Beginning of the year for assessing the annual amount of livestock manure applied to your land. (SMR 1)
1 January	Start of Ecological Focus Area (EFA) fallow period for the greening requirements of BPS
15 January	If you have declared an EFA cover crop on the 2015 BPS application, it must be retained until this date
16 January	You can apply manufactured nitrogen fertilisers to grassland and tillage land from this date if conditions are suitable. (SMR 1)
1 February	You can apply organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on all soil types from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 1)
28 February	End of the quantity restrictions for application of organic manures with a high readily available nitrogen content. (SMR 1)
1 March	You must not cut hedgerows or trees from this date, but you can carry out hedge laying and coppicing from 1 March until 30 April. Orchards are not included in the ban. (GAEC 7A and 7C)
1 March	You must not cast up traditional hedgebanks from this date. (GAEC 7A)
31 March	If you hold a water abstraction licence, expect to receive your annual bill (or first part charge if you hold a two-part tariff agreement) for the forthcoming financial year from 31 March. (GAEC 2)