




December 2017 – e-news issue 37

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 with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.



This will be the final newsletter of 2017. We would like to take this opportunity to wish you all a merry Christmas and a very happy 2018.

FAS technical advice line:

Telephone: 03000 200 301

Email: advice@farmingadvice.org.uk

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

**Farming
Advice Service**

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How can FAS help you?

Free and confidential advice

Common Agricultural Policy (CAP) regulations require 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.

Please note that the FAS helpline will be closed on Friday 22 December for the Christmas break, but will reopen at 8.30am on Tuesday 2 January 2018.

Key dates

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- 31 December** Closing date of the annual sheep and goat inventory. ([SMR* 8](#))
-
- 1 January** You must start following the rules in the cross compliance 2018 guide from this date. The Basic Payment Scheme (BPS) 2018 year starts and land used to claim BPS must be eligible all year. ([Basic Payment Scheme 2018](#))
-
- 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 when applying 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** The 2-year statutory window opens to apply for a water resources abstraction licence from the Environment Agency if you abstract (take) more than 20 cubic metres a day for a previously exempt activity. ([GOV.UK](#))
-
- 1 January** Start of the 2018 Ecological Focus Area (EFA) period for EFA fallow land. ([Basic Payment Scheme 2018](#))
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- 1 January** EFA period for hedges (which must be present all year unless newly planted) and buffer strips (which must be present all year). ([Basic Payment Scheme 2018](#))
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- 15 January** EFA cover crops for the 2017 scheme year must be retained until at least this date. ([Basic Payment Scheme 2018](#))
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- 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 when applying these manures. ([SMR 1](#))

For more detail on the information provided in the key dates table, please go to the latest information on the '[Cross compliance 2018](#)' and '[Basic Payment Scheme 2018](#)' pages of GOV.UK.

* SMR = Statutory Management Requirements

Cross compliance 2018



(Defra) has published an updated 'Guide to cross compliance in England 2018'. This is available to download from GOV.UK.

Changes to RPA inspections

While the following rules are not new for 2018, the way in which the RPA conducts inspections will be changing in 2018.

Please remember that for:

- Good Agricultural and Environmental Condition 5 (GAEC 5): Minimising soil erosion – you must make sure you have put in place suitable practical measures to limit soil and bankside erosion, and can show this during any inspection.

The Rural Payments Agency (RPA) and the Department for Environment, Food and Rural Affairs

- Statutory Management Requirement 7 (SMR 7): Cattle identification and registration, and SMR 8: Sheep and goat identification – you must make sure that all your cattle and sheep are correctly identified, and that lost and damaged ear tags are replaced within the deadlines. You must also make sure that any cattle notifications you make to the British Cattle Movement Service (BCMS) are made within the deadlines.

You can read the current rules about suitable practical measures or animal identification and registration and deadlines in '[The guide to cross compliance in England 2018](#)'.

What's new in 2018

If any of your land was designated as a Nitrate Vulnerable Zone (NVZ) for the first time in 2017, then transactional arrangements were applied so that you did not have to comply with any of the legal requirements during the first year. However, from 1 January 2018, you will need to start adhering to some of the legal requirements.

Details of the NVZ requirements can be found on the following pages on GOV.UK:

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

It should be noted that those who were newly designated in 2017 are not required to adhere to any of the following legal requirements until 31 July 2019:

- restrictions on spreading slurry (regulation 18);
- closed periods for organic manure (regulation 20);
- exemption for organic holdings (regulation 21);
- closed period for manufactured nitrogen fertilisers (regulation 22);
- separation of slurry (regulation 24);
- storage capacity (regulation 25).

For more information, please see the information on transitional arrangements on GOV.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 on 1 January 2018.

The Rural Payments Agency (RPA) will publish detailed 2018 guidance in due course. However, in the meantime, you should consider these updates in any cropping decisions you are making for 2018.

The main changes to the 2018 greening rules are:

- Introducing a complete ban on the use of plant protection products (PPPs) on the following land types if declared as an Ecological Focus Area (EFA):
 - fallow land - the ban applies to EFA land lying fallow in the period 1 January to 30 June only and does not apply to this land before and after these dates;
 - catch and cover crops - the ban applies during the relevant periods set for Catch Crops and for Cover

Crops only and not before or after the periods;

- nitrogen-fixing crops - the 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.

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- As part of crop diversification, you can declare an area as 'mixed crops' that contains small areas of different crops grown next to each other. Individually, these would otherwise be too small to claim (these are areas less than 0.01ha), but can be claimed as one 'mixed-crop' area.
- The EFA option for hedges is extended in definition to include trees in a line. The EFA value will remain the same – each linear metre equals 10 square metres of area for EFA (as long as you claim this option, you have management responsibility for both sides of the hedge and/or line of trees).
- The EFA buffer strips option is extended in definition to include field margins and buffer strips. In addition to buffer strips adjacent or parallel with a water course, you can also claim field margins towards your EFA.

The minimum width of 1 metre remains. The EFA value of field margins will be the same as EFA buffer strips – each linear metre equals 9 square metres of area for EFA.

- EFA catch crops must be maintained for a minimum of 8 weeks starting on 20 August 2018 and must be retained until at least 14 October 2018. The period for EFA cover crops remains at 1 October to 15 January of the following year.
- If you claim EFA nitrogen-fixing crops, in addition to pure stands of a nitrogen-fixing crop, you will be allowed to use:
 - mixtures of different nitrogen-fixing crop species;
 - mixtures of nitrogen fixing crops and other crops, if over 50% is nitrogen-fixing crops.

If you sowed your 2018 EFA nitrogen-fixing crops in autumn 2017, this more flexible rule applies.

Further details can be viewed on GOV.UK.

FAS will continue to provide updates in the newsletter as more information is made available by the Department for Environment, Food and Rural Affairs (Defra) and the RPA.



New farming rules announced that aim to protect water quality

From 2 April 2018, new rules for all farmers in England will be introduced to help protect water quality. This will be achieved by standardising good farm practices that many farmers are already practising and offering a new approach to regulation.

The farming rules introduce a new way of regulating farmers. They put the emphasis on the farmer to assess the resource efficiency opportunities and pollution risks from their farm, and then to decide on the right actions to avoid water pollution.

The rules require farmers to:

- keep soil on the land;
- match nutrients to crop and soil needs;
- keep livestock fertilisers and manures out of the water.

Many of the farming rules for water are in the [Code of Good Agricultural Practice](#). Farmers in a Nitrate Vulnerable Zone (NVZ) or in the Basic Payment Scheme (BPS) should already meet many of them. However, all farmers should check the [farming rules for water](#) to satisfy themselves that they are complying with them in full.

There are eight rules, five about managing fertilisers and manures, and three on managing soils.

The fertiliser rules require farmers to test their soils at least every 5 years, then plan and apply their fertiliser or manure to improve soil nutrient levels and meet crop needs. The rules include details of minimum storage and spreading distances from water bodies.

They also require the farmer to assess weather and soil conditions to reduce the risk of runoff and soil erosion.

The remaining rules require farmers to manage livestock by protecting land within 5 metres of water and reducing livestock poaching.

In addition to these rules, farmers are encouraged to incorporate organic fertilisers into the soil within 12 hours of spreading to significantly reduce ammonia pollution.

The rules will be introduced by the Environment Agency through an advice-led approach. This will give farmers the information to meet the rules, while securing potential cost savings through better resource efficiency. Farming rules for water are part of a whole package of measures to help farmers and land managers look after the environment. The Government is also investing £400 million through Countryside Stewardship to support farmers in creating or restoring precious habitats and a £12 million farm ammonia reduction grant has incentivised farmers to tackle agricultural emissions.

A summary of the new rules is available on [GOV.UK](#). More details will be published on this site and highlighted to you in the FAS newsletter before the rules come into force.

You can also contact the Environment Agency's National Customer Contact Centre, Monday to Friday, 8am to 6pm:

Email: enquiries@environment-agency.gov.uk

Telephone: 03708 506 506

Annual sheep and goat inventory



You should have received your sheep and goat annual inventory forms in the post along with a pre-paid envelope or via email from the Department for Environment, Food and Rural Affairs (Defra) at the end of November. **You must complete and return your inventory to Defra by 31 December.** Failure to do this may increase your risk of a Basic Payment Scheme (BPS) inspection.

If you have not received an inventory then please call the Defra Farm Surveys helpline on 03000 600 140 or email surveys@defra.gsi.gov.uk. The onus is on you to request a form.

Further guidance on completing your inventory is available on [GOV.UK](#) here - <https://www.gov.uk/guidance/sheep-and-goat-keepers-how-to-keep-a-holding-register#record-and-submit-your-annual-inventory>

In addition, 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). This is a requirement of cross compliance rule [Statutory Management Requirement 8 \(SMR 8\): Sheep and goat identification](#). The holding register document should be retained on your holding and will be reviewed at an inspection.



Water abstraction licence reminder

The East and South East of England are experiencing a period of prolonged dry weather. This follows unusually dry conditions last winter and spring (October 2016 to April 2017).

The relatively wet and cool summer helped to maintain water levels in some rivers, but still left groundwaters and some reservoirs low and in need of replenishment from autumn and winter rain.

This winter, we need above-average rainfall to recharge groundwater and refill reservoir supplies, especially as the last two months (October and November) were both drier than normal. As a result, 'hands-off flow' conditions have been active on rivers in parts of the East and South East, meaning that there are constraints on abstraction, including for winter storage reservoirs. More information on the water resources position across the country is available at GOV.UK.

The developing dry weather situation could affect your water resource availability – now and into the spray irrigation period. The Environment Agency is advising farmers and growers who rely on directly abstracted water to check the conditions of their licences, and the flexibility and resilience of their water supplies now. This includes considering the effect that a dry winter could have on the ability to refill winter storage reservoirs.

If water resilience and flexibility falls short of that required, abstractors should talk to the Environment Agency about the options to improve this – for example, extending the licensed abstraction season through a formal variation and/or a new licence. Processing a licence application (variation or a new licence) can take up to 4 months to determine, so prompt action is recommended.

Paul Hammett, National Specialist on Water Resources at the NFU, similarly states 'We are urging farmers and

growers in the south and east to think about how their businesses would cope with the impact of a second dry winter. This feels like the perfect time in the farming calendar to take stock of any strategies that could be implemented on farm to combat future water shortages.

'There will normally be a combination of strategies for farmers to consider. Firstly, think about how much water is available from different sources and how the best use can be made of it. Secondly, consider discussing abstraction licences with the Environment Agency to find ways of making them as flexible to use as possible. Finally, and depending on the severity of the risk, review opportunities for additional coping strategies like trading water and renegotiating existing contracts.'

Changes to water abstraction exemptions

On the 31 October, the Department for Environment, Food and Rural Affairs (Defra) laid regulations in Parliament and published the Government's [consultation response on removing exemptions for around 5,000 significant abstractions known as New Authorisations](#).

From the 1 January 2018, it will be a requirement to apply for a water resources abstraction licence from the Environment Agency if you abstract (take) more than 20 cubic metres a day for a previously exempt activity. This includes abstraction for trickle (drip) irrigation and other forms of horticultural irrigation, such as hydroponics and flood irrigation of cultivated land.



It also applies to supporting sites of special scientific interest (SSSI), Water Level Management Plans, Environmental Stewardship sites, water meadows and managed wetlands where abstraction is taking place under an exemption and is unlicensed.

Transitional arrangements are in place that require abstractors to act before specific dates. There is a 2-year window to apply for a licence – from 1 January 2018 until 31 December 2019 (see <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction>). The Environment Agency will then consider and determine the outcome of your new licence application before 31 December 2022.

The Environment Agency strongly recommends that you submit your application in good time before the transitional application period closes as there will be no extensions to the deadline of 31 December 2019. Given the relatively quiet period in farming over the winter period, it is suggested that applications are made early and, ideally, before the end of June 2018 for trickle/horticultural irrigation and the end of October 2018 for managed wetlands. The Environment Agency cannot guarantee to check all applications that are received near to the application window closing (in the last 3 months). Any applications that are found to be incorrect or invalid will be rejected. Therefore, applicants will risk missing the opportunity to take advantage of the transitional arrangements if submitted in the last 3 months of the application window.



The UK Government expects the Regulator (the Environment Agency) to take a light-touch, risk-based approach to licensing these existing abstractions. This approach means that the majority of licences will be granted based on existing abstraction requirements. You will need to demonstrate, to the reasonable satisfaction of the Environment Agency, your abstraction requirements and that abstraction has taken place within the previous 7 years.

If you already have a licence to abstract water for spray irrigation, you may be able to vary it to include your exempt activity on it (if the water is from the same source of supply).

Licences may be subject to conditions once issued. Further details can be found in the Government's [consultation response](#).

You can continue to abstract water at the same quantities until a decision is made on your application. However, when the current exemptions are removed, the changes will also affect various activities where abstraction has yet to commence. If you are planning a new abstraction or planning to increase your current abstraction volumes, then, after 1 January 2018, you will need to have an abstraction licence in place before the abstraction can commence. For example, this would apply where a new trickle irrigation operation was planned. These new or planned changes are not covered by the transitional arrangements that apply to existing abstractions. In these cases, you will need to allow sufficient time to make the necessary applications. Decisions normally take up to 4 months from the date a valid application is received. Please go to <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence> for more information.

There are charges associated with submitting these applications. Details on abstraction charges, along with the cost of making the application, can be found <https://www.gov.uk/government/publications/abstraction-charges-scheme>.

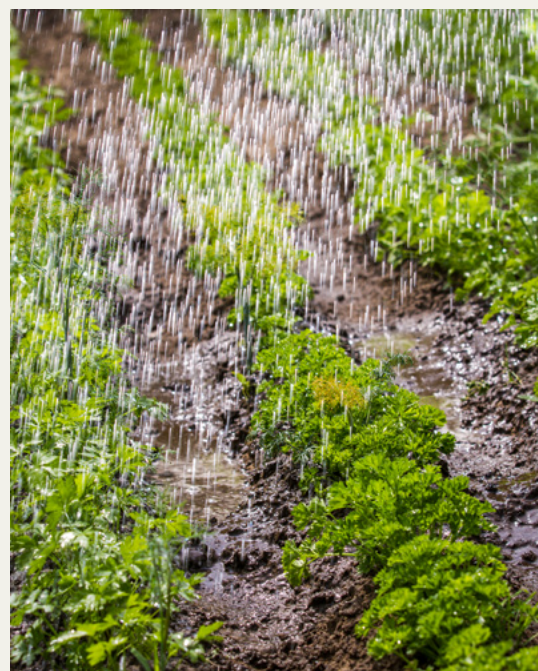
If, after having read the GOV.UK guidance, you are still unsure about whether or not you require a licence or have any questions about it, please contact the Environment Agency on 03708 506506 or email enquiries@environment-agency.gov.uk

The Government's Water Abstraction Plan

The government has published a plan that sets out how the Environment Agency will improve the management of water abstraction. The plan explains how the Environment Agency will develop a stronger catchment focus which will lead to local solutions to:

- protect the environment by changing licences to better reflect water availability in catchments and reduce the impact of abstraction ([including through New Authorisations](#));
- improve access to water by introducing more flexible conditions that support water storage, water trading and efficient use.

The Environment Agency will support these improvements by modernising the abstraction service and bringing regulations in line with other environmental permitting regimes. The Water Abstraction Plan was published on 15 December and is available at <https://www.gov.uk/government/publications/water-abstraction-plan-2017>





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](#).

NVZ derogation 2018

Farmers can apply up to 170kg of nitrogen per hectare (kgN/ha) in livestock manure on their holding in a designated NVZ in each calendar year. This includes manure deposited directly by grazing livestock and what is spread. This is the loading limit and applies as an average across a holding. The grassland derogation is a specific approval farmers can seek to enable them to apply additional N from livestock manure on their land if they are in an NVZ. The derogation increases the 170kgN/ha/year limit to 250kgN/ha/year for grazing livestock manure only.

The application period for the 2018 grassland derogation is from Monday 2 October to Friday 29 December 2017 inclusive.

To apply for a grassland derogation, you will need to phone the Environment Agency National Customer Contact Centre on 03708 506 506 between 8:00am and 6:00pm, Monday to Friday (excluding bank holidays).

If you were granted a derogation for 2017, you must reapply if you want a derogation for 2018.

To make your application, you will need to provide the following information for the 2018 calendar year:

- your farm name, address and County Parish Holding (CPH) number;
- the expected agricultural area and grassland area of your farm in hectares on 1 January 2018;
- the expected amount of manure N produced by grazing livestock kept on your farm during the year (kgN);
- the amount of manure N produced by grazing livestock you intend to bring onto or send off your farm during the year (kgN);

- the total amount of manure N from grazing livestock on your farm during the year (kgN);
- the amount of manure N produced by non-grazing livestock on your farm during the year (kgN);
- the amount of manure N produced by non-grazing livestock you intend to bring to or send from your farm during the year (kgN);
- the total amount of manure N from non-grazing livestock on your farm during the year (kgN).

It is anticipated that a derogation, if granted, will last until the end of 2018. It is possible the European Commission, which has control over the use of derogations, may require it to end earlier. If so, the Department for Environment, Food and Rural Affairs (Defra) will endeavour to give you as much notice as possible.

For further information, please see the [Grassland derogations for livestock manure in nitrate vulnerable zones](#) section on GOV.UK.

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