




December 2018 - e-news issue 42

Welcome to the Farming Advice Service newsletter

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

This will be the final newsletter of 2018. We would like to take this opportunity to wish you all a merry Christmas and a very happy 2019.

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.



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

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 during 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.

The cross compliance rules apply to you if you are a claimant of the Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship.

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 8:30 and 17:00.

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

Latest FAS resources

In October, FAS released a special edition of the newsletter, signposting to the latest technical articles, webinars and posters. You can view this on our website [here](#).

Key dates

Below are details of recent and forthcoming key dates that you should be aware of.

30 November	If you have a two-part tariff agreement for your water abstraction licence, expect to receive your second part charge after 30 November. (GAEC* 2)
1 December	You need to carry out your annual inventory of sheep and goats and document this within your holding register. (SMR** 8)
31 December	Deadline for returning the sheep and goat annual inventory forms that you should receive 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. (SMR 8)
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	Start of the 2019 Ecological Focus Area (EFA) period for EFA fallow land. (Basic Payment Scheme 2018)
1 January	EFA period for hedges and trees in a line (which must be present all year unless newly planted) and buffer strips and field margins (which must be present all year). (Basic Payment Scheme 2018)
15 January	EFA cover crops for the 2018 scheme year must be retained until at least this date. (Basic Payment Scheme 2018)
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)
28 February	Nitrate Vulnerable Zones (NVZs): End of the additional quantity restrictions related to the closed period for applying organic manures with a high, readily available nitrogen content in NVZs. The usual restrictions on application rates will continue to apply. (SMR 1)

For more details about the information provided in the key dates table, please visit the '[Cross compliance 2018](#)', '[Cross compliance 2019](#)' and '[Basic Payment Scheme 2018](#)' pages of GOV.UK.

You can also download a poster with all cross compliance and greening key dates for 2018 from the [FAS website](#).



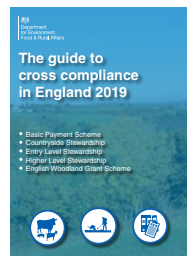
Accessing Basic Payment Scheme and cross compliance guidance

Every year, the Rural Payments Agency (RPA) and Department for Environment, Food and Rural Affairs (Defra) publish updated Basic Payment Scheme (BPS) and cross compliance booklets. These provide detailed guidance on what is expected from claimants during that particular year.

If you are a claiming BPS, Countryside Stewardship or Environmental Stewardship, it is important that you have read and understood the requirements of the BPS and cross compliance booklets because they outline what you can (or cannot) do with your land. Failure to comply with the rules may lead to a reduction in your payments.

There is a BPS collection page on [GOV.UK](https://www.gov.uk) where you can access the guidance for the current and previous years. Each year, new guidance will be linked from this page.

There is also a cross compliance collection page on [GOV.UK](https://www.gov.uk) that works in the same way – each year, when the latest guidance is released, it will be linked from this page.



It is worthwhile bookmarking the links above on your internet browser so that you can access the latest guidance with ease.

Cross compliance and greening 2019 update

As with previous years, the Basic Payment Scheme (BPS) will run for the full calendar year (1 January to 31 December 2019). Those who are intending to claim BPS for 2019 will be required to comply with the BPS requirements for the entire year, despite the UK's decision to leave the European Union (EU) in March 2019. This includes cross compliance and greening requirements.

There are no confirmed policy changes to the cross compliance rules in 2019. However, you should be aware of the following information.

Land that was designated in a Nitrate Vulnerable Zone (NVZ) for the first time in 2017 is excluded from meeting some of the NVZ rules under 'transitional arrangements'. However, these arrangements will come to an end on 31 July 2019. From this date, all land in an NVZ will have to meet all the NVZ rules. For more information about transitional arrangements, please read the Statutory Management Requirement (SMR) 1 Nitrate Vulnerable Zones pages in ['The guide to cross compliance 2019'](#) or the Nitrate Vulnerable Zones sections on [GOV.UK](https://www.gov.uk).

For the latest guidance, please go to the cross compliance collection page on [GOV.UK](https://www.gov.uk).

There are no changes to the greening requirements during 2019. Updated 2019 BPS guidance will be issued in early spring to coincide with the start of the BPS application period. However, in the meantime, you can refer to the ['Basic Payment Scheme: rules for 2018'](#) for details of the greening requirements.

For the latest guidance on greening, please go to the BPS collection page and view the BPS scheme guidance on [GOV.UK](https://www.gov.uk).

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 form, 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.

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 \(SMR\) 8: Sheep and goat identification](#). The holding register document should be retained on your holding and will be reviewed during an inspection.



Water abstraction update

The summer's dry weather has continued into the autumn in parts of England, especially in the East and Central regions, where the long-term average rainfall in November was only 81% and 86% respectively. While groundwater levels are recovering in parts of the country, recharge to aquifers and recovery of rivers and streams, especially in the East of England, is being delayed.

December has started wet in many areas. However, if below-average rainfall should predominate over the remaining winter period, this will affect water resource availability for next year's irrigation season.

It is important that abstraction licence holders ensure they know how to comply with their licence conditions and check that their licences meet their needs. Licence holders should change their licence conditions if they don't meet their needs – including considering the effect that a dry winter could have on the ability to refill storage reservoirs. Licence holders can now view and manage water abstraction licences online at [manage water abstraction impoundment licence service](#). Processing a licence application (variation or a new licence) can take up to 4 months to determine, so prompt action is recommended. More information is available at [GOV.UK](#).

The Environment Agency has updated its position on flexible abstraction. Farmers should talk to the Environment Agency at the earliest opportunity about any flexible abstraction options they would like to pursue over the winter.

Abstractors should also talk to the Environment Agency about the options to improve their long-term drought and dry-weather resilience. For example, extending the licensed abstraction season through a formal variation and/or a new licence.

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, unless the Environment Agency has agreed that those conditions can be flexible.

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.



New Authorisations (previously exempt abstraction activities)

This summer has highlighted the importance of water for many businesses.

If you abstract water for activities that were exempt, such as trickle irrigation and environmental stewardship, you need to apply for a licence at GOV.UK. You will still need to apply for an abstraction licence for trickle irrigation if you have an existing licence for spray irrigation or you may be able to vary your current licence to include trickle irrigation.

The 'clock is ticking' on bringing these types of abstraction (New Authorisations) into regulation and it is the responsibility of operators to make a timely application to the Environment Agency for their activities. The application period closes on 31 December 2019 and is followed by a 3-year determination period.

The Environment Agency strongly recommends that applications are submitted in good time before the application period closes. Applications not validated before the 31 December 2019 risk a more restrictive determination process.

Once an application has been received and validated by the Environment Agency, applicants will be able to continue to use their water until a licence has been granted, if deemed acceptable. Should you wish to discuss the process or your proposed application in any more detail, then please contact the Environment Agency on 03708 506506 or email enquiries@environment-agency.gov.uk as soon as possible.



Certification requirements for pesticide users and testing of application equipment

On 26 November 2016, it became a requirement that all in-use pesticide application equipment over 5 years old – except for knapsack and handheld sprayers – must have passed an 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.

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, and 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 method of reducing 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 consideration the weather, soil type and topography; the crop that has been harvested; and the next crop to be sown. Hot, dry conditions can cause soils to cap during harvest and when being cultivated. This can

exacerbate runoff, especially if rainfall is heavy. To minimise the risk of significant runoff, care must be taken when deciding what and where to sow.

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 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.

Planting a winter crop where a spring crop has been grown will help to:

- enhance soil organic matter levels;
- comply with [GAEC 4: Providing minimum soil cover](#) and the [farming rules for water](#);
- improve workability;
- retain moisture and nutrient levels for further crop development needs;
- provide valuable soil protection from winter rains;
- 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 2018’](#).

Nitrate Vulnerable Zones updates

Nitrate Vulnerable Zones (NVZ) are used to help protect the environment from inappropriate use of nitrates. If you are within a designated NVZ, you will need to comply with the requirements. You can find detailed guidance on GOV.UK.

If you are claiming Basic Payment Scheme (BPS) payments, Environmental Stewardship or Countryside Stewardship and your land is in an NVZ, you must comply with the requirements or your payments could be reduced.

FAS has produced a technical article called 'NVZ: Back to basics'. This provides a simple guide to the NVZ requirements, including the rules for applying organic and manufactured fertiliser during the current closed periods and storage of organic manure. The article can be downloaded for free from the FAS website.

Final 2017-2020 NVZ designations now confirmed

The final [2017-2020 Nitrate Vulnerable Zone \(NVZ\) designations](#) were published at the beginning of August.

Please check on the [maps](#) to see whether the land you are working is within an NVZ. Even if you did not appeal or were not part of a group appeal, results of neighbouring appeals may have altered the NVZ boundaries affecting your land.

For information on how to comply with NVZ, please read our updated guidance pages on GOV.UK.

Transitional arrangements

Land that was designated in a NVZ for the first time in 2017 is excluded from meeting some of the NVZ rules under transitional arrangements. However, these arrangements will come to an end on 31 July 2019. From this date, all land in an NVZ will have to meet all the NVZ rules. For more information about transitional arrangements, please read the Statutory Management Requirement (SMR) 1 Nitrate Vulnerable Zones pages in '[The guide to cross compliance 2019](#)' or the Nitrate Vulnerable Zones sections on GOV.UK.



NVZ grassland derogation 2019

Farmers can apply up to 170kg of nitrogen per hectare (kgN/ha) in livestock manure averaged across their holding in a designated NVZ in each calendar year. This includes manure deposited directly by grazing livestock and what is spread. This is a loading limit – it is separate to the field limit of 250kg total nitrogen in organic manures that can be spread over any given hectare. The grassland derogation is specific approval farmers can seek annually to enable them to apply additional N from livestock manure on their land. The derogation increases the 170kgN/ha/year limit to 250kgN/ha/year for grazing livestock manure only.

To apply for a grassland derogation, you will need to phone the Environment Agency National Customer Contact Centre on 03708 506 506 between 8:00 and 18:00, Monday to Friday (excluding bank holidays).

Applications for the 2019 grassland derogation must be submitted by 31 December 2018. If you have any questions, it is recommended you get in contact in good time to ensure they are answered well before the deadline.

If you were granted a derogation for 2018, this will finish on 31 December 2018. You must reapply if you want a derogation for 2019.

To make your application, you will need to provide the following information for the 2019 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 2019;
- 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 from 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 onto 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 2019. It is possible the European Commission, which has ultimate control over the use of derogations, may require them to end earlier. If so, we will endeavour to give those farmers affected as much notice as possible.

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

You can also view a question and answer document [here](#).



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