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Welcome to the Farming Advice Service newsletter

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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**

In this issue

Cross compliance
2017 update

Key dates

Cross
compliance
inspections

The latest
measures to
protect poultry
and other captive
birds against
avian influenza
(bird flu)

Tree and hedge-
cutting rules for
2017

Anticoagulant
rodenticides
and biocides
legislation

Nitrate
Vulnerable Zone
reminders

Greening
requirements for
2017

Silage, slurry
and agricultural
fuel oil storage

Cross compliance 2017 update

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 2017.

How to obtain the updated guidance?

The Department for Environment, Food and Rural Affairs (Defra) and the Rural Payments Agency (RPA) published the 2017 cross compliance rules in December 2016. The guidance is only available electronically and hard copies of the publication will not be sent out this year. This is because the policy has not changed since the 2016 version of the guide was issued, so those with a paper copy can continue to use it for the 2017 scheme year. You can view the 2017 guidance in a format that is easy to download and print at GOV.UK.

Good Agricultural and Environmental Conditions (GAEC 1): Establishment of buffer strips along watercourses

In the 'Guide to cross compliance in England: 2016', the RPA explained that, from 1 January 2017, land parcels of 2 hectares (ha) or less that are next to a watercourse will have to comply with the need to protect the watercourse against pollution and run-off from agricultural sources by maintaining buffer strips.

The buffer strips will apply to all agricultural land:

- that is 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.

On the buffer strips:

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

For full details of GAEC 1 rules that are effective from 1 January 2017, please visit GOV.UK. Please note that this change does not apply to cross compliance rule GAEC 7a: Boundaries.

It is also important to remember that waste from dredging the watercourse should not be placed on the buffer strips. This is not permitted under cross compliance.

Key dates

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 the application of these manures. (SMR* 1)
28 February	End of the additional restrictions for the application of organic manures with a high, readily-available nitrogen content following the closed period. (SMR 1)
1 March	You must not cut or trim hedges or trees from this date, but you can carry out hedge and tree coppicing and hedge laying from 1 March until 30 April. Fruit and nut trees in orchards, or trees acting as windbreaks in orchards, vineyards, hop yards or hop gardens are not included in the ban. (GAEC** 7a and 7c)
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. (GAEC 2)

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'](#).

* SMR = Statutory Management Requirements

** GAEC = Good Agricultural and Environmental Conditions



Cross compliance inspections

The inspection process

If you are claiming the BPS payment, you should be aware that you may be subject to a cross compliance inspection. The RPA is obligated to undertake inspections on a proportion of claimants to ensure that the cross compliance rules are being adhered to.

Please note that you will not always receive advance warning of these visits and it could happen more than once in a year. If the RPA does give you advance warning, it is likely to be less than 48 hours before the inspection. Therefore, preparation is key.

When an inspector arrives, you will be advised about what is involved and what you need to do. Claimants are required to co-operate with the inspector, giving help and equipment to allow checks to be made safely. The inspector will check all GAECs and SMRs that the business has to comply with on all of the agricultural land. This may involve checks of the farmyard, livestock, livestock housing and storage areas, in addition to examining the relevant records and calculations. If an inspection is refused, you could

risk losing all of your payment(s) and BPS entitlements. At the end of the inspection, the inspector will explain what has been found. If non-compliances are found, the RPA will send more information to you to explain how it affects your claim(s). This will be in writing and will be sent within 3 months from the conclusion of the inspection.

If non-compliances are noted during the inspection, this may lead to a reduction in your BPS payment or payments under certain Pillar II schemes. The reduction is based on a number of factors, including the severity of the breach and whether it was an intentional non-compliance. Those claimants who have failed an inspection previously are at a higher risk of receiving a repeat inspection. The reduction in payments is also higher for those where there have been recurrences in breaching the same rules.

Depending on which GAECs and SMRs apply to the holding(s), claimants may be inspected by one or more Competent Control Authority inspector(s) from the RPA or the Animal and Plant Health Agency (APHA).

The inspectors will use any necessary information from the Environment Agency, the Forestry Commission, Natural England and Veterinary Medicines Directorate.

Improving compliance

The inspection results consistently show the same picture – cross compliance rules that have a record-keeping element are where the highest rates of failures are usually found. Typically, the highest failures tend to be in the following areas:

- SMR 1: Reduce water pollution in Nitrate Vulnerable Zones (NVZ) – specifically in relation to the record-keeping requirements;
- SMR 4: Food and feed law – specifically the bovine tuberculosis (bTB) testing element of the rule;
- SMR 7: Cattle identification and registration;
- SMR 8: Sheep and goat identification and registration;
- SMR 13: Animal welfare.

Continues on page 4

In previous years, the RPA has been obligated to undertake additional SMR 1, SMR 7 and SMR 8 inspections due to the high number of failures. This creates additional costs and burdens for the industry, and increases the chance that farmers may be selected for inspections and have a payment reduction applied to claims if non-compliances are found.

To reduce your risk of failing a cross compliance inspection, you should ensure that you are fully conversant with the cross compliance guidance and aware of the rules that are applicable to your holding.

[‘The guide to cross compliance in England 2017’](#) details the specific requirements for each rule, in addition to providing signposting to further information.

Articles

FAS has produced articles to address the most common non-compliances identified during livestock inspections.

- ‘Top tips for compliance with cattle identification and registration rules’;
- ‘Top tips for compliance with sheep and goat identification and registration rules’;
- ‘Simplification of livestock movements’.

These can be downloaded for free from the [FAS website](#).

Webinar

During October 2016, FAS held a webinar for farm advisers in partnership with Defra. It provided information on:

- cross compliance requirements for livestock farms, including common areas of non-compliance – presented by Ian Cairns from FAS;
- changes affecting livestock keepers from July 2016 – presented by Pat Brophy from Defra.

You can watch the presentation on the [FAS website](#).

FAS can help

FAS can provide free, confidential advice to those looking for further assistance in understanding the requirements of specific GAECs and SMRs. Please call 03000 200 301 or email advice@farmingadvice.org.uk

Please be aware that advice provided by FAS is completely confidential and will not be shared with any other organisation, including the organisations mentioned above.

The latest measures to protect poultry and other captive birds against avian influenza (bird flu)

The Secretary of State declared an [Avian Influenza Prevention Zone](#) on 6 December 2016 to introduce additional biosecurity requirements for all poultry and captive birds. Since then, a strain of avian flu (of subtype H5N8) circulating in wild birds in mainland Europe has been identified in several areas of the UK. The zone covers the whole of England and will remain in place until 28 February 2017. Similar zones have been implemented by the Scottish and Welsh Governments. Northern Ireland implemented a 30-day zone on 23 December 2016.

The declaration requires the immediate and compulsory housing of all poultry and captive birds where it is practicable to do so. This means that domestic chickens, hens, turkeys and ducks are expected to be housed or, where this is not practicable, be completely separated from contact with wild birds. For farmed geese, gamebirds and other captive birds where housing can be less practicable, keepers must take steps to keep these birds separate from wild birds.

Continues on page 5



Keepers of poultry and other captive birds must now take extra biosecurity steps on their premises, including:

- minimising direct and indirect contact between poultry and wild birds;
- making sure that feed and water cannot be accessed by wild birds;
- taking all reasonable precautions to avoid the transfer of contamination between premises, including cleaning and disinfecting equipment, vehicles and footwear;

- reducing the movement of people, vehicles and equipment to and from areas where poultry or captive birds are kept;
- implementing effective vermin control programmes around buildings where poultry or captive birds are kept;
- thoroughly cleaning and disinfecting housing and equipment at the end of a production cycle;
- keeping [Defra-approved disinfectant](#) at the right concentration at key points such as farm entrances and entrances to bird houses.

Further details on the requirements of the Avian Influenza Prevention Zone, together with the latest biosecurity advice and planned controls for after 28 February, can be found on [GOV.UK](#).

If you find dead wild waterfowl (swans, geese or ducks) or gulls, or five or more dead wild birds of other species in the same location on your farm, you should report them to the Defra helpline on 03459 33 55 77 or by emailing defra.helpline@defra.gsi.gov.uk.

Tree and hedge-cutting rules for 2017



A closed period that places a ban on cutting and trimming hedges and trees between 1 March and 31 August (inclusive) is a cross compliance requirement under GAEC 7a: Boundaries and GAEC 7c: Trees. While a closed period has always applied under cross compliance for hedgerow management during the bird-breeding season, this was extended during 2015 by one month (to cover the main chick-rearing season) and is also applicable to trees. If you are a Basic Payment Scheme (BPS) claimant, you must adhere to these requirements on eligible land being used for agriculture, which may include woodland (for example, when used for grazing) or you could receive a reduction in your payment.

You can apply to the Rural Payments Agency (RPA) in writing for a derogation under the following circumstances, but must not act until you have received a response to your request:

- to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production;
- to cut or trim a tree in a hedgerow during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August.

The RPA can be contacted by email (ruralpayments@defra.gsi.gov.uk) or by post (Rural Payments Agency, PO Box 52 Worksop, S80 9FG). Please be aware that a derogation to cut a tree

within a hedgerow would need to be considered under:

- GAEC 7c: Trees – with respect to the tree itself;
- GAEC 7a: Boundaries – with respect to the hedgerow that the tree is a part of.

This mirrors the situation where, if a felling licence has been issued to fell trees in a hedge, permission will also be required under the Hedgerows Regulations 1997 if it is proposed to remove part of the hedgerow. It is advisable to apply early if you think that you will require a derogation from this requirement.

Full details of the requirements can be found in [‘The guide to cross compliance in England 2017’](#).

Anticoagulant rodenticides and biocides legislation

The most well-used rodenticides (chemicals used to control rodents such as rats and mice) are affected by biocides legislation. If you use them on your farm, you will need to ensure that you read and understand the information below.

Due to the potential risks to people and the environment from the use of anticoagulant rodenticide products, the Health and Safety Executive (HSE) is seeking to establish a transparent and consistent approach for applying risk mitigation measures when first and second generation anticoagulant rodenticides (FGARs and SGARs) are authorised for use in the UK. This should take into account the need to control rat and mouse infestations, and protect buildings and infrastructure, while protecting humans and non-target wildlife from exposure to FGARs and SGARs.

Regulatory environmental risk assessments have concluded that the use of FGARs and SGARs outdoors presents a higher level of risk to non-target animals (such as predatory birds and mammals) than would normally be considered acceptable. However, the HSE recognises that, despite carrying these risks, outdoor use of FGARs and SGARs is sometimes necessary as part of properly managed rodent control strategies.

To be able to authorise these rodenticides for use outdoors, the HSE must be assured that the risks arising from such use will be properly managed. The UK Government Oversight Group has set out a number of high-level principles to help industry develop stewardship schemes to ensure that rodenticides are being kept and used in a safe and sustainable way. Manufacturers placing rodenticide products on the UK market for professional outdoor use will now be required to demonstrate that they adhere to these principles.

You can find information about the principles for rodenticide use in the UK, including a timeline for the requirement to show a certificate of competence at the time of purchase, on the HSE website (www.hse.gov.uk/biocides/eu-bpr/rodenticides.htm).

The manufacturers of professional use products should have applied for professional outdoor use stewardship authorisation. If they have done this, the following apply:

- Remaining stocks of products with pre-stewardship labels should have been sold before 30 September 2016 and must be used by 31 March 2017. A certificate of professional competence is not required to use these products.

- If a stewardship authorisation has been issued for the product from 31 March 2016, a certificate of professional competence is required to buy and use these products.

The [Campaign for Responsible Rodenticide Use](#) (CRRU) has developed a stewardship scheme that adheres to the high-level principles. The scheme will assist businesses to provide robust assurance that the continued use of their FGAR and SGAR products will be based on a hierarchy of risk controls for rodents, promoting responsible use and good practice by all suppliers and professional users.

Details of the CRRU Training and Certification Work Group approved certifications, which are acceptable at the point of sale for purchase of professional use rodenticides under the terms of the UK rodenticide stewardship regime, can be found [here](#). Alternatively, the presentation of documents showing current membership of an [approved farm assurance scheme](#) will also prove competence and permit farmers to purchase professional rodenticides carrying stewardship conditions labels.

Please note that the requirement for either a certificate of competence or document showing membership of an approved farm assurance scheme, does not apply to the purchase of amateur-sized packs of rodenticides (i.e. a smaller bag/box) and to those for indoor use only.





Nitrate Vulnerable Zone reminders

Nitrate Vulnerable Zone designation

Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution, which account for approximately 58% of agricultural land in England. Defra undertakes a review of the designated NVZ areas every 4 years to account for changes in water quality.

The NVZ designation was reviewed during 2016 and the new designations for 2017 to 2020 began on 31 December 2016. This includes areas that are newly designated as NVZs and will exclude areas that have been de-designated.

During early 2017, Defra is sending written notice to any person who appears to own or occupy land falling completely or partly within an NVZ. This is to inform farmers of the designation and their need to comply with NVZ rules, including information on any transitional arrangements for those who are newly designated.

You should check whether you are in a designated area. You can do this by entering your postcode into the Environment Agency's '[What's in your backyard](#)' mapping tool. If you are in an NVZ, but have not received a notice, you should contact the Environment Agency by telephone on 03708 506 506 (Monday to Friday, 8am to 6pm) or email enquiries@environment-agency.gov.uk.

Further information regarding NVZ designation is available on [GOV.UK](#).

Transitional arrangements for those in a newly designated NVZ

If your land is in an NVZ, you must follow the legal requirements that apply to NVZs, as specified on the following pages of GOV.UK:

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

If your holding is in an NVZ for the first time in 2017, transitional arrangements will apply to give you time to adjust your farming practice.

These arrangements mean that you don't have to comply with any of the legal requirements until 1 January 2018 and any of the following legal requirements until 31 July 2019:

- restrictions on spreading slurry;
- closed periods for organic manure;
- exemption for organic holdings;
- closed period for manufactured nitrogen fertilisers;
- separation of slurry;
- storage capacity.

You have a legal requirement to follow the NVZ rules. However, please be aware that if you are claiming under the Basic Payment Scheme (BPS), failure to comply with the rules could result in a reduction in your BPS payment.

Non-spreading conditions and areas

If you have land that is in an NVZ, you must ensure that you are adhering to the rules regarding non-spreading conditions. A brief summary is provided below:

- **You must not spread organic manure** to land that is waterlogged, flooded, snow covered or which has been frozen for more than 12 hours in the previous 24 hours.
- **You must not spread organic manure:**
 - Less than 50 metres from a spring, well or borehole.
 - Within 10 metres of surface water, except on land managed for breeding wader birds or as species-rich semi-natural grassland and under certain circumstances. If you are using precision manure-spreading equipment to apply slurry, sewage sludge or anaerobic digestate, you may spread manure 6 metres or more from surface water.

Please note, if you spread organic manure, you must prepare a risk map. Details of what should be included on the risk map can be found on the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on GOV.UK.

You must update the risk map within 3 months of a change in circumstances (e.g. you take on more land, or you install or remove field drains).

Please be aware that even if you are not within an NVZ, there is a requirement to follow the non-spreading rules under GAEC 1 (Establishment of buffer strips along watercourses) if you are spreading organic manure. See [The guide to cross compliance in England 2017](#) for further information.



NVZ grassland derogation for 2017

Grassland farmers can apply for a derogation from the 170kg nitrogen per ha per year (N/ha/year) livestock manure limit during 2017 provided 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 N/ha/year livestock manure from grazing livestock on your farm.

Applications should be submitted to the Environment Agency by telephone on 03708 506 506, Monday to Friday, between 8.00am and 6.00pm.

All applications must be made by **20 March 2017**.

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 [GOV.UK](#).

If your holding is in an NVZ for the first time in 2017, transitional arrangements will give you time to adjust your farming practice. This means you don't need to apply for a grassland derogation for 2017.

Returns required if you were granted a NVZ grassland derogation in 2016

If you held an NVZ grassland derogation for 2016, you are required to submit field and farm information known as a 'fertilisation account' to the Environment Agency by **30 April 2017**.

You must submit records for the period 1 January 2016 to 31 December 2016 that show:

- The total agricultural area of the derogated holding and the area (in hectares) covered by each of the following crops – winter wheat, spring wheat, winter barley, spring barley, winter oilseed rape, sugar beet, potatoes, forage maize and grass – and the area covered by any other crops.
- The number and category of livestock kept on your farm, and the amount of nitrogen and phosphate in the manure they produce. These categories are given in Defra's standard values table that can be downloaded from the '[Using nitrogen](#)

[fertilisers in nitrate vulnerable zones](#)' page on GOV.UK, together with standard values for manure nitrogen and phosphate.

Table 16: Manufactured nitrogen fertilizer stocks on farm on 1 January

Fertiliser type (eg 25:5:5)	Quantity (tonnes or m3)
N content (%; include % on w/v basis)	

Table 17: Manufactured nitrogen fertilisers (purchased/imported and sold/exported)

Date	Fertiliser type (eg 25:5:5)	Amount purchased or imported onto farm (tonnes)	Amount sold or exported off farm (tonnes)

- The amount and type of livestock manure imported to or exported from your farm, together with the total amount of nitrogen and phosphate in that manure.
- The weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser stocks kept on, imported to or exported from your farm.

You can submit your records electronically by email to regaware@environment-agency.gov.uk or by post to: Regulation Awareness Team, National Customer Contact Centre, The Environment Agency, Quadrant 2, Parkway Business Park, Sheffield, S9 4WF.

Grassland derogation – soil monitoring

If you hold a grassland derogation, you must carry out soil monitoring for phosphorus (soil P) at least every 4 years, for at least every 5ha of your holding. Results from previous soil sampling can be used provided they are less than 4 years old, and cover the same cropping regime and soil characteristics. If you do not have previous results for soil P, then you must make sure you have sampled at least 75% of the agricultural area of your holding within 12 months of your first derogation being granted, and the remaining 25% within 12 months of your second derogation being granted.

Further advice on sampling for soil P can be found on page 225 of '[The Fertiliser Manual](#)' (RB209).





Greening requirements for 2017

Greening supports farmers to adopt and maintain practices that help meet national environment and climate goals. Greening payments account for approximately 30% of the total payment you will receive for claiming under the BPS. If you fail to comply with the greening rules, then you could lose some or all of your greening payments under BPS. Please be aware that, from 2017, reductions in greening payments for failure to comply with the rules can also be accompanied by administrative penalties proportional to the severity and scope of the non-compliance.

Although there will be no changes to the greening rules in England for the 2017 scheme year, it is important to review the rules to ensure that you understand and are compliant with them. For the latest information, please visit GOV.UK.

Crop diversification

If your farm has over 10ha of arable land, you are required to meet the greening 'crop diversification' rules. These require you to grow a minimum of either two or three crops depending on the amount of arable land you have on your holding.

A full list of the crop diversification rules is available in ['Basic Payment Scheme: rules for 2016'](#).

Ecological focus areas

If your farm has more than 15ha of arable land, then you are likely to be required to dedicate at least 5% of the total arable land declared on your BPS application to ecological focus areas (EFA). EFAs are areas of land that are used to deliver ecological and environmental benefits.

Exceptions

Exceptions to crop diversification and EFA rules, such as farmers using organic land or having over 75% of the land as permanent grassland, can be found in ['Basic Payment Scheme: rules for 2016'](#).

EFA fallow land in 2017

If you intend to declare EFA fallow land during the 2017 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 ['Basic Payment Scheme: rules for 2016'](#).

Silage Slurry and Agricultural Fuel Oil (SSAFO) Storage

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 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.



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