

February 2019 – e-news issue 43

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.

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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Key dates

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

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)
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)
April	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)
1 April	You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas from this date. (GAEC 6)
1 April	If you hold a winter or all year-round water abstraction licence (authorising abstraction outside the period April to October), the Environment Agency will ask you to submit your record of actual abstraction for the previous April to March. You then have 28 days to submit your return to the Environment Agency. (GAEC 2)
16 April	You must not burn heather, rough grass, bracken, gorse or vaccinium in upland areas from this date. (GAEC 6)
30 April	You must have recorded the number of 'specified' livestock kept on your farm during the previous calendar year and calculated the amount of nitrogen they produced. You must also record the number and type of livestock in a building or hardstanding during the previous storage period. (SMR 1)

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

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 Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant.

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 08:30 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, which provided signposting to the latest technical articles, webinars and posters. You can view this on our website [here](#).

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 and supersede earlier versions of the guidance.

If you are receiving payments under the 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](#) 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](#) 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 you can easily access the latest guidance.



Cross compliance 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 payments under BPS for 2019 will be required to comply with the BPS requirements for the entire year, despite the UK's intention 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 information below.

Land that was designated to be 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'](#) (published in December 2018) or the NVZ sections on GOV.UK.



FAS cross compliance webinar: avoiding common issues in 2019

Thursday 28 February 2019 from 16.00 to 17.00 (GMT).

The Farming Advice Service (FAS) invites you to attend a free webinar (an on-line event you can join via the internet) on 'Avoiding common issues in Cross Compliance 2019', presented by Andrew Wells from FAS.

Farmers should expect little change to the cross compliance rules in 2019. However, there are still high levels of inspection failure in certain areas such as livestock identification and movements, and Nitrate Vulnerable

Zones (NVZ). The webinar will focus on providing practical advice on how to avoid common issues.

You can submit questions via the helpline advice@farmingadvice.org.uk at any time or throughout the webinar. We will try to address these during the question and answer session at the end.

[Register here for your free place](#). Once registered, you should receive email confirmation of your unique login link. Please use this on 28 February to join the webinar.

If you're having trouble registering or would like more information on the session, please call 0300 020 0301 or email bookings@farmingadvice.org.uk with 'Cross compliance webinar' in the subject line.

Please note, places are limited to 500, so register early to avoid disappointment. Should the webinar become fully booked, a recording of the event will be made available at www.farmingadvice.org.uk/events/webinars/.

Understanding who is liable for cross compliance



Every year, the Farming Advice Service (FAS) helpline receives enquiries from farmers and land managers regarding liability for following the cross compliance rules. Below are some of the key questions that have been raised.

When do the cross compliance rules apply?

If you are a Basic Payments Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant, the cross compliance rules apply for the whole calendar year, across the whole area of your holding and to all agricultural activities.

Who is responsible for making sure that the rules are followed?

As a claimant, you are responsible for making sure the cross compliance rules are met.

You will be held liable for the actions of employees, workers and family members. You may also be held liable for the actions of third parties (e.g. agents, contractors and agronomists). This will depend on your actions, such as your choice of third party, the instructions you give to them and your monitoring of them.

However, for those Statutory Management Requirements (SMRs) concerned with identifying and tracing animals, it is the person with day-to-day responsibility for the animals (the keeper) who is responsible for meeting

the rules (even if they do not own the animals, the land that they graze on or the buildings they are kept in).

Responsibility for the welfare of all farmed animals lies jointly with:

- the person who has day-to-day responsibility for the animals (the keeper);
- the owner of the animals.

Who is responsible for meeting the rules if land is transferred?

If you declare land on your BPS application and then transfer that land to another business in the same year, and the business you've transferred the land to is:

- also a BPS claimant that year, then, after the transfer, the new business is responsible for making sure the cross compliance rules are met on the land for the rest of the year (even though the business did not declare it on its BPS application);
- not a BPS claimant that year, then, after the transfer, you are still responsible for making sure the cross compliance rules are met on the land.

If land has been transferred to you and you declare it on your BPS application in the same year, and the business you've received the land from is:

- Also a BPS claimant that year, then that business is responsible for making sure the cross compliance

rules are met on the land before the transfer takes place (even if the business did not declare it on its BPS application). You are responsible for making sure the cross compliance rules are met on the land after the transfer takes place.

- Not a BPS claimant that year, then you are responsible for making sure the cross compliance rules are met on the land for the whole year.

Who is responsible for cross compliance on common land?

You must meet the relevant rules across the whole of your holding, regardless of the amount of land you entered into the BPS, Countryside Stewardship or Environmental Stewardship applications. This includes common land that you exercise or hold rights of common over (including rights in gross).

This also applies to all land including forestry for which payments are claimed under rural development schemes.

A utility company wants to undertake work on my land that would breach a cross compliance rule, what should I do?

Exemptions can be granted if work carried out under a statutory authority stops you from meeting one of the rules (e.g. if a pipeline or railway is being built on your land). However, once the work that is being carried out under a statutory authority is finished, you must return the land to a state which meets the cross compliance rules.

The Rural Payments Agency would not expect statutory bodies to have to use their statutory powers to get permission for access, or to carry out work, where voluntary consent already exists.

Further information

If you would like more information on liability for adhering to the cross compliance rules, exemptions or derogations (written permission to temporarily allow you not to meet a rule) please go to page 7 in the ['Guide to cross compliance 2019'](#).

Greening 2019 – reminder of requirements

There will be no changes to the greening requirements during 2019. Updated 2019 Basic Payment Scheme (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.

During February, the Rural Payments Agency (RPA) published a key date diagram for the 2019 BPS, Environmental Stewardship and Countryside Stewardship Scheme years, which can be accessed from [GOV.UK](#).

For the latest guidance on greening, please go to the BPS collection page and view the BPS scheme guidance on [GOV.UK](#).

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.

Detailed guidance on the EFA rules begin on page 39 of '[Basic Payment Scheme: rules for 2018](#)'.

Management of EFA fallow land

During the EFA fallow period (1 January 2019 to 30 June 2019), you can do the following on your fallow land:

- carry out drainage work;
- sow wild bird seed mixes, nectar sources and/or pollen sources;
- top green cover or previous crop residues.

You must not:

- sow grass, unless you are required to do so for a rural development agri-environment scheme (such as Environmental Stewardship or Countryside Stewardship);
- plough or cultivate the ground;
- use cultivation to control weeds (e.g. black-grass, ragwort and hemlock);
- carry out any form of production including sowing, harvesting or grazing except where you are sowing grass specifically for a rural development agri-environment agreement, or wild bird seed mixes, pollen sources and/or nectar sources (see above);
- apply any fertiliser or farmyard manure;
- apply any plant protection products (PPPs) including herbicides, fungicides or insecticides.

The restrictions against cultivation and use of PPPs on fallow land (where that land is being used to meet the holding's EFA requirement) are absolute and no exceptions exist, even for the control of injurious weeds. If you need to cultivate or use such PPPs to control weeds during the 'fallow period', you are required to withdraw that parcel of land from your claim as an EFA feature for this year.

Catch and cover crops

One of the EFA options is to establish catch and cover crops. These are designed to protect the soil and use available nutrients between harvest and sowing.

Catch crops are quick-growing crops that are planted between two regular crops grown in consecutive seasons or between two rows of regular crops in the same season.

Cover crops are planted between main crops to prevent leaching or soil erosion, or to provide green manure.

For land to count as an EFA, farmers 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
	Oilseed radish



Using crops from this list will give the soil surface the best chance of protection from erosion. It will also help to make sure that available nutrients are taken up by the plants. Once the catch/cover crop is destroyed, you should take care to ensure that all those benefits are not lost. So, ideally, you should avoid grazing and establish the next crop quickly. You can include other crops in your catch/cover crops, but these areas cannot count as an EFA.

The list is based on the crops that have been used successfully for the Environmental Stewardship scheme in recent years. The greening rules do not allow farmers to include crops that are usually grazed – kale and stubble turnips are not included.

However, grass or leguminous crops (or a mix of both) can be used as a catch or cover crop as long as they are undersown in the previous crop, and are visible and dense enough to cover the ground by the start of the catch or cover crop period.

To count as an EFA in 2019, catch crops must be established by **20 August 2019 and retained until at least 14 October 2019**.

To count as an EFA in 2019, cover crops must be established by **1 October 2019 and retained until at least 15 January 2020**.

Where a catch or cover crop is established through undersowing, the period starts from the time of harvest of the main crop and remains until the next main crop is sown, even if this is before the retain date stated above.

There are no restrictions on the management of catch or cover crops outside of these periods. However, EFAs

should not be sown with the intention of being used for harvesting or grazing. Catch and cover crops do not need to be destroyed after these periods and can be grazed outside of them.

The catch or cover crop cannot be destroyed before the end of the relevant period. Any activities that would destroy the catch or cover crop may only take place after the end of the relevant period. Similarly, carrying out drainage work, sowing wild bird seed mixes and/or nectar sources, and topping the cover or previous crop residue may only take place after 14 October 2018 for catch crops or 15 January 2019 for cover crops.

The ban on the use of PPPs applies for the whole of the periods shown above. Alternatively, if the cover has been established by undersowing, it will apply from the time the main crop is harvested until the end of the catch and cover crop period or until the next main crop is sown if this is sooner. The PPP ban applies only where land is declared as an EFA.

For more information on the EFA requirements, please refer to '[Basic Payment Scheme: rules for 2018](#)', contact FAS on 03000 200 301 or email advice@farmingadvice.org.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 two or three crops depending on the amount of arable land you have on your holding.

The full crop diversification rules are available on page 36 in '[Basic Payment Scheme: rules for 2018](#)'.

Are you complying with the farming rules for water?

Do you know that the [new rules for all farmers in England](#) to help improve water quality are now in place and will be enforceable from 2 April 2019? The rules standardise good farming practices that many farmers are already demonstrating following on from the Codes of Good Agricultural Practice. The rules are separate from cross-compliance. Full details of the new rules are available on [GOV.UK](#).

Additional help and support

FAS produced an article on the requirements, which can be downloaded [here](#).

FAS also ran a webinar on the new rules in conjunction with Department for Environment, Food and Rural Affairs (Defra) and the Environment Agency – the recording of which can be viewed on our website [here](#).

In addition, Defra and the Environment Agency have produced a Q&A document to answer the most frequently asked questions. This can be viewed on our website [here](#).

If you want to check your compliance with the requirements, the Environment Agency's National Customer Contact Centre is open Monday to Friday, 8am to 6pm.

Email: enquiries@environment-agency.gov.uk

Telephone: 03708 506 506





Legal requirements that pesticide users should be aware of

'Grandfather rights' no longer exist for professional pesticide use

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 now require that everyone who uses a professional pesticide product must hold a specified certificate.

The regulations also require that everyone purchasing a professional pesticide product must ensure the end user holds a specified certificate.

Existing certificates of competence (e.g. 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 professional pesticides to be applied to your land,

you may employ a contractor or neighbouring farmer, but it is your responsibility to check they hold an appropriate specified certificate.

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

Requirement to test 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).

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.

Pesticide record keeping

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, date and the dose of application, and the area and the crop where the product was used.



Integrated pest management

Regulation (EC) No. 1107/2009 concerning the placing of plant protection products on the market applies in every EU country and requires plant protection products to be applied 'properly'. Proper use includes those applying pesticides in a professional capacity to follow the principles of integrated pest management (IPM) set out in Directive 2009/128/EC, which establishes a framework for community action to achieve the sustainable use of pesticides. The Government's publication '[A Green Future: Our 25 Year Plan to Improve the Environment](#)' aims to put IPM at the heart of an in-the-round approach, using pesticides more judiciously, and supplementing them with improved crop husbandry and the use of natural predators.

What is IPM?

Directive 2009/128/EC defines IPM as the careful consideration of all available plant protection methods and integration of appropriate measures to discourage the development of populations of harmful organisms. It aims to keep the use of all forms of control to levels that are economically and ecologically justified, and reduce or minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control.

What are the general principles of IPM?

The general principles include:

- preventing or suppressing the development of populations of harmful organisms (e.g. through crop rotation; and use of cultivation techniques, resistant varieties, balanced fertilisation, irrigation/drainage practice and hygiene measures; and protecting and enhancing beneficial organisms);

- using forecasting and monitoring systems to assess pest pressures and using thresholds (where available) to decide whether and when to apply controls;
- giving preference to non-chemical methods if they provide a satisfactory method of control;
- using pesticides that pose least risk to human health and the environment;
- keeping use of all methods of control to levels that are necessary (in the case of pesticides this may involve reducing dose rates), while being mindful of the need to avoid the development of resistance and adopt anti-resistance strategies;
- assessing the effectiveness of controls.

What should you do to demonstrate that you have adopted an integrated approach?

IPM Plans (IPMP) can help you to adopt an integrated approach. They can also help you to demonstrate due

diligence in meeting the obligation to take all reasonable precautions to protect human health and the environment when using pesticides. An IPMP can help to demonstrate that risks have been carefully assessed and that the control regime has considered different ways of controlling pests, weeds and diseases. The IPMP may also be useful evidence for farm assurance schemes and cross compliance inspections.

Where can you obtain an IPMP?

The NFU and Voluntary Initiative have developed an [IPMP](#) that can be used by farmers to demonstrate the use of IPM. This is a free tool and, once you have completed it online, a copy will be emailed to you. The IPMP can then be printed and retained with other farm records.

It is important to thoroughly review the IPMP annually. If you have a BASIS registered adviser, they may be able to assist with completing and reviewing the IPMP.

Nitrate Vulnerable Zones - reminders

Nitrate Vulnerable Zones (NVZ) are used to help protect the environment from inappropriate use of nitrates. If any of your land is in a designated NVZ, you will need to comply with the NVZ rules. You can find detailed guidance on [GOV.UK](#).

If you are a Basic Payment Scheme (BPS), Environmental Stewardship or Countryside Stewardship claimant and your land is in an NVZ, you must comply with the NVZ rules or your payments could be reduced. There is further information available under Statutory Management Requirement (SMR) 1 Nitrate Vulnerable Zones in [‘The guide to cross compliance 2019’](#).

Final 2017-2020 NVZ designations – does this affect your land?

The final [2017-2020 Nitrate Vulnerable Zone \(NVZ\) designations](#) were published in August 2018.

Please check 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](#).

July 2019 marks the end of the transitional arrangements

Land that was designated to be in an 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’](#) (published in December 2018) or the NVZ sections on [GOV.UK](#).

Do you have your records in place?

Missing or incomplete records account for a high proportion of non-compliances found during NVZ inspections. Following is a reminder of the records that are required for land that is designated to be within an NVZ:

- the size of your holding;
- a risk map if you store or spread organic manure;

- field records for various activities, including sowing a crop (if you intend to use nitrogen fertiliser), spreading organic and manufactured fertilisers and the yield of arable crops to which you have applied fertilisers;
- between 1 January and 30 April, you should record how any grassland was managed in the previous calendar year;
- evidence of the soil nitrogen supply and method of assessment, the crop nitrogen requirement and the source of information you used to calculate it, and any written advice from a FACTS-qualified adviser;
- between 1 January and 30 April, you should record the number of livestock kept on your holding, and the category and number of days each animal spent on your holding in the previous calendar year;
- imports and exports of manure.

Detailed guidance on each of these records can be found on the SMR 1 Nitrate Vulnerable Zones pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](#).



Non-spreading areas and conditions

Before spreading organic manures, manufactured fertilisers or other nitrogen-containing materials, you must inspect conditions in the field to assess the risk of run-off to surface water. If you spread organic manure, you must produce a risk map of your holding.

To decide if there is a significant risk of nitrogen getting into surface water, you should account for:

- the slope of the land, especially if over 12°;
- ground cover;
- proximity to surface water;
- weather conditions;
- soil type and condition;
- the presence of land drains.

You must not spread:

- if you identify a significant risk of run-off getting into surface water;
- manufactured fertiliser within 2 metres of surface water;
- organic manure within 50 metres from a spring, well or borehole;
- organic manure within 10 metres of surface water;
- if a field is waterlogged, flooded, snow covered or has been frozen for more than 12 hours in the previous 24 hours;
- in closed periods.

If you use precision manure-spreading equipment such as band spreaders, shallow injectors or dribble bar applicators, you may spread manure up to 6 metres from surface water.

On sites of special scientific interest (SSSI) and agri-environment scheme land that is used for breeding wader birds or as species-rich semi-natural grassland, you can spread solid manure within 10 metres of a surface water if:

- it is spread between 1 June and 31 October inclusive;
- it is not spread directly onto surface water;
- the total annual amount does not exceed 12.5 tonnes per hectare (t/ha).

Detailed guidance on each of these records can be found on the SMR 1 Nitrate Vulnerable Zones pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](#).

Don't forget that there are quantity restrictions on the amount of organic and manufactured fertilisers you can use

It is important that you are aware of the amount of nitrogen fertilisers that you are applying to your land and the quantity restrictions that apply.

- **Kilograms of nitrogen per hectare (N-max) limit.** There is a limit on the amount of crop-available nitrogen from organic manure and

manufactured fertiliser that you can apply per hectare to most crops in any 12-month period. You must make sure the average nitrogen application rate in kilograms per hectare (kg/ha) does not exceed the N-max limit for that crop type (further details on the N-max limits can be found on the SMR 1 Nitrate Vulnerable Zones pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](#)).

- **Livestock manure.** The limit on the amount of nitrogen in livestock manure that can be applied (directly by grazing livestock or by spreading) on your holding per calendar year is 170kg/ha. This limit applies as an average across your holding. It is separate from the field limit of 250kg/ha of total nitrogen load from organic fertilisers.
- **Field limit for organic manure.** The most nitrogen (total N) from organic manures you can spread on any given hectare in any 12-month period is 250kg. This does not include nitrogen contained in livestock manures deposited by grazing animals.

Detailed guidance on each of these restrictions can be found on the SMR 1 Nitrate Vulnerable Zones pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](#).



Returns required if you were granted an NVZ grassland derogation in 2018

If you held an NVZ grassland derogation for 2018, you are required to submit field and farm information known as a 'fertilisation account' to the Environment Agency between **1 January and 30 April 2019**.

You must submit records to the Environment Agency for the period 1 January 2018 to 31 December 2018 that show:

- The total agricultural area in hectares of the derogated holding; the area covered by 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 produced. These categories

are given in the Department for Environment, Food and Rural Affairs' (Defra) 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.

- 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 (regaware@environment-agency.gov.uk) or by post (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 in '[The Nutrient Management Guide](#)' (RB209).

Additional information

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](#).





Forthcoming hedge and tree-cutting closed period – are you prepared?

The 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 Good Agricultural and Environmental Condition (GAEC) 7a: Boundaries and GAEC 7c: Trees. If you are a Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant then you must adhere to these requirements on eligible land being used for agriculture, which may include woodland (e.g. when used for grazing), or you could receive a reduction in your payment.

Please note, 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.

You can apply to the Rural Payments Agency (RPA) in writing for a derogation under the following circumstances:

- 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.

You should wait for written permission before carrying out any work.

The RPA can be contacted by email (ruralpayments@defra.gsi.gov.uk) or by post (Rural Payments Agency, PO Box 52 Worksop, S80 9FG). All correspondence should be marked with 'cross compliance derogation' to ensure it is directed to the correct team. 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 from your local planning authority under the Hedgerows Regulations 1997 if it is proposed to remove part of the hedgerow. It is advisable to apply early if you think you will require a derogation from this requirement.

Full details of the requirements can be found in '[The guide to cross compliance in England 2019](#)'.

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. You can contact the Environment Agency on 03708 506 506 or enquiries@environment-agency.gov.uk.

CIRIA has published '[Livestock manure and silage storage infrastructure for agriculture](#)'. This gives practical advice on planning and building storage infrastructure and is available free of charge from CIRIA's website.



Keep up to date on public rights of way requirements



Many farmers will have land with public rights of way (PROW). PROW fall into the following categories:

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

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

If you are a Basic Payment Scheme (BPS) claimant, you must comply with the requirements or you could receive a reduction to your payments.

Keep PROWs on your land clear of obstructions

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

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

Maintain or replace structures in accordance with guidance

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

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

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

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

Stay up to date with restrictions on livestock and agriculture

You can be prosecuted if you keep any potentially dangerous animal on land crossed by a PROW. Further information is available on the Health and Safety Executive's (HSE) [website](#).

Pesticide use

When applying pesticides, please ensure that you refer to HSE [Code of Practice for Using Plant Protection Products](#) before undertaking any work.

If you need to spray land crossed by a PROW, then use pesticides approved for such use and follow the product instructions.

You must avoid spraying or allowing spray to drift onto the PROW when treating a crop that is adjacent to it. There is a legal requirement that the application of pesticides is confined to the area that is intended to be treated.

If you are treating a PROW itself, you must check that the pesticide can legally be used, in particular that there are no restrictions on people or animals entering the treated area for a period of time. If such restrictions exist and there is no way of preventing access to the land, then the product must not be applied.

Where a PROW crosses or runs alongside a field, an informal alternative route can be provided with appropriate signposting to advise users of any dangers. However, this does not close the PROW. If members of the public are using the PROW, then spraying must be stopped.

Reinstate ploughed cross-field PROWs

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

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

Cultivating a cross-field footpath or bridleway should be avoided. If cultivation is necessary, you must make sure the footpath or bridleway remains visible on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway and is not obstructed by crops. The surface of cross-field footpaths and bridleways must be made good to not less than the minimum width within 14 days of the first disturbance or within 24 hours of any other subsequent disturbances relating to that cultivation after the initial 14-day period has ended.

At the discretion of the highway authority, either period can be extended by up to 28 days. However, any application for an extension must be made before the period of compliance has expired. Furthermore, if you know from the outset that you might not be able to complete the work in time, you should obtain an extension before starting the work.

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

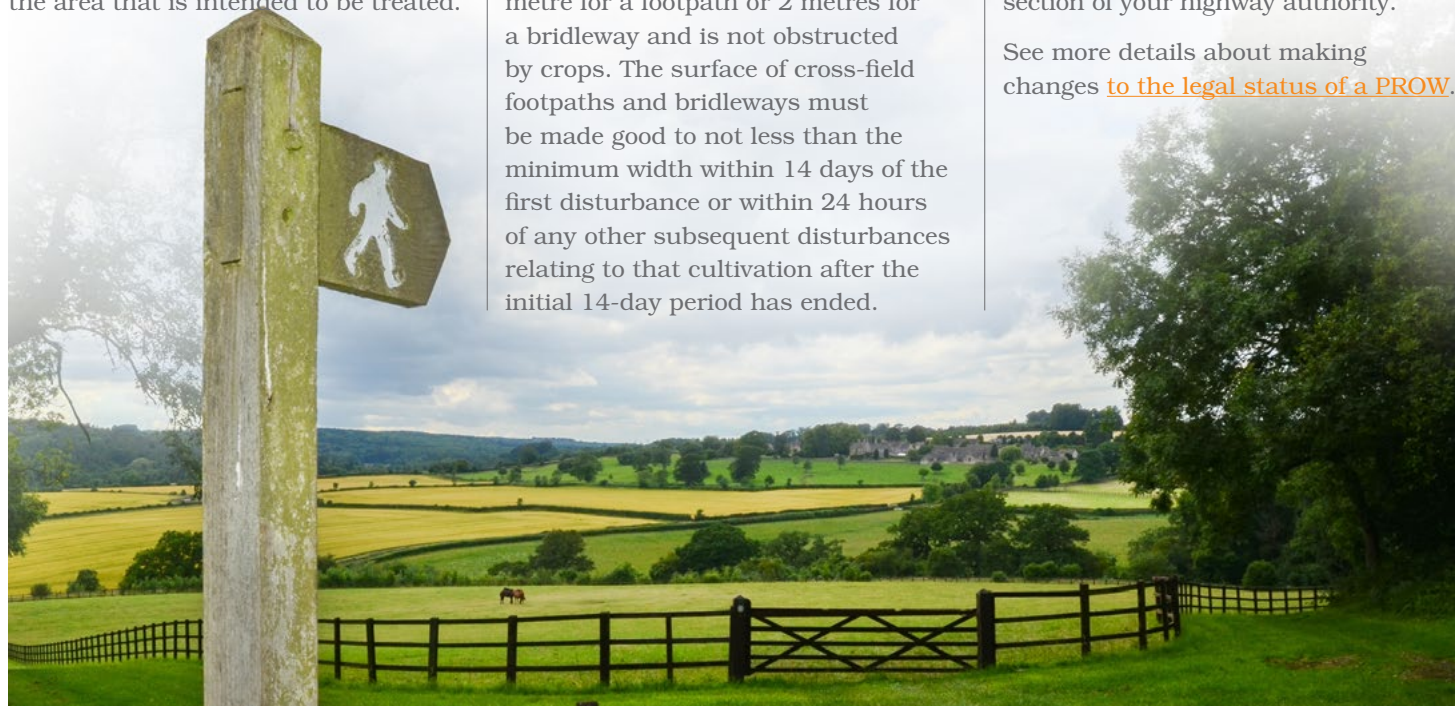
You must indicate the route of a reinstated cross-field footpath or bridleway. If official waymarking leaves it unclear where a PROW goes, you may add informal waymarks to remedy this so long as these are not misleading.

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

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

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

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





Water abstraction information

Water abstraction

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.

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.

Reporting water abstraction

Farmers who hold abstraction licences are required to record the amount of water they abstract and submit the information to the Environment Agency.

Records of abstraction are generally referred to as 'returns'. Most farmers will need to submit an annual return

(as shown in Table 1) showing a weekly or monthly record of the actual amount of water they take. Even if you have not abstracted any water, it is important that you submit a 'nil' return to the Environment Agency.

You can submit your return online via the WR Licensing Service. To submit your return you will need to register with the service on [GOV.UK](#). To register you will need your email address and licence number(s). A paper return can be provided if you do not wish to submit your return online.

Two-part tariff agreements

Returns are used for two-part tariff billing. If your abstraction licence schedule authorises specific quantities of water to be abstracted for irrigation, you may be able to get a reduction in your annual bill by applying for a two-part tariff agreement. For example, if your application is successful, you will get a 50% reduction in your bill per year if you do not abstract any water and submit a 'nil' return.

Table 1: Water abstraction return dates

When can you abstract water?	This means you are referred to as a...	When does the Environment Agency ask you for your return?	You need to submit returns by
Wholly between 1 April and 31 October	Summer abstractor	End of October each year	28 November each year
Not wholly between 1 April and 31 October	Winter/all-year abstractor	End of March each year	28 April each year



Compliance and flexible abstraction

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 apply to change their licence conditions if they don't meet their needs – including for long-term drought and dry-weather resilience. 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.

Although February has started wet, water resources in parts of the country have yet to recover from earlier dry weather. For example, the previous nine months for East Anglia as a whole (May 2018 to January 2019) was the fourth driest since records began in 1910. In January, East Anglia received only 51% of the Long-Term Average (LTA) rainfall for that month.

The Environment Agency has updated its [position](#) on flexible abstraction for managing water during periods

of dry weather. Farmers should talk to the Environment Agency at the earliest opportunity about any flexible abstraction options they would like to pursue. This includes extending their licensed period for refilling winter storage reservoirs. The Environment Agency's initial irrigation prospects will be available at the [Irrigex](#) event in Peterborough held on the 27 and 28 February. Environment Agency staff will be there to provide advice on abstraction licensing.

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.

Reform to water abstraction

The Government's water abstraction plan sets out reform to water abstraction management over the coming years and how this will protect the environment and improve access to water. You can view the plan in detail on GOV.UK.

New Authorisations (previously exempt abstraction activities)

Last summer 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.

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. We are now over half-way through the application period, which 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 31 December 2019 risk a more restrictive determination process being applied.

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.

Improving our management of water in the environment – open consultation

The Government is seeking views on proposals to modernise water regulation and allow better long-term planning of water resources and drainage. You can respond to the consultation by visiting GOV.UK. Responses have to be received by 23:45 on Tuesday 12 March 2019.

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