

June 2018 - e-news issue 39

# 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](mailto: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](mailto:advice@farmingadvice.org.uk)

Website: [www.gov.uk/government/groups/farming-advice-service](http://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.

## Getting in contact with the advice line

Farmers requiring telephone advice from FAS can contact the **Rural Services Helpline** on **03000 200 301** Monday to Friday between **8.30am** and **5pm**.

The Rural Services Helpline provides a single number for all **FAS, Rural Payments Agency, Animal and Plant Health Agency, Natural England and Forestry** enquiries. By providing a single point of contact, the Government aims to make it simpler for farmers to access technical guidance on a range of topics, including cross compliance, greening, CAP payments and animal health inspections.

You can also email enquiries to [advice@farmingadvice.service.org.uk](mailto:advice@farmingadvice.service.org.uk).

## Key dates

<b>30 June</b>	End of crop diversification 'cropping' period and end of Ecological Focus Area (EFA) fallow period. ( <a href="#">Basic Payment Scheme 2018</a> )
<b>1 August</b>	If you have been granted a derogation by the Rural Payments Agency, you may be able to cut or trim hedges throughout August and to sow oilseed rape or temporary grassland. ( <a href="#">GAEC* 7a</a> )
<b>1 August</b>	Start of closed period for applying organic manure with a high, readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to tillage land on shallow or sandy soils except where crops will be sown on or before 15 September. ( <a href="#">SMR** 1</a> )
<b>20 August</b>	EFA catch crops must be established by this date (and retained until at least 14 October). ( <a href="#">Basic Payment Scheme 2018</a> )
<b>1 September</b>	You can cut or trim hedges and trees from this date. ( <a href="#">GAEC 7a</a> and <a href="#">7c</a> )
<b>1 September</b>	Start of closed period for applying organic manure with a high, readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland on shallow or sandy soils. ( <a href="#">SMR 1</a> )
<b>1 September</b>	Start of closed period for applying manufactured nitrogen fertilisers to tillage land. ( <a href="#">SMR 1</a> )

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





# 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 force? The rules standardise good farming practices that many farmers are already demonstrating. The rules are separate from cross-compliance.

The rules require farmers to:

- minimise soil erosion;
- match nutrients to crop and soil needs;
- keep livestock fertilisers and manures out of waterbodies.

All farmers should check the [new farming rules for water](#) to satisfy themselves that they are complying

with them in full. The Environment Agency is responsible for enforcing these rules and will conduct on-farm inspections to check compliance.

If the Environment Agency finds that you are not yet complying with the rules, they will help by:

- identifying the changes that need to be made;
- agreeing a timescale to make the changes.

To check that the changes have been made, the Environment Agency may:

- provide a follow-up visit;
- ask for evidence that a change has been made (such as a photograph).

Full details of the new rules are available on [GOV.UK](#). FAS also ran a webinar on this topic in conjunction with the Department for Environment, Food and Rural Affairs (Defra) and the Environment Agency – the recording can be viewed on our website [here](#). In addition, Defra and the Environment Agency have also produced a Q&A document which provides answers to the most frequently asked questions – this can be viewed on our website [here](#).

The Environment Agency's National Customer Contact Centre is open Monday to Friday, 8am to 6pm:

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Telephone: 03708 506 506



# Greening 2018

*Greening supports farmers to adopt and maintain practices that help meet national environmental and climate goals. Greening payments account for approximately 30% of the total payment farmers receive when claiming under the Basic Payment Scheme (BPS). Failure to comply with the greening rules could result in the loss of some or all greening payments under the BPS. Please be aware that 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.*

On 30 June 2017, the European Commission published changes to the regulations that set out the greening requirements. These changes have been introduced for the 2018 BPS year, which started on 1 January 2018.

The Rural Payments Agency (RPA) has published detailed guidance for 2018 and this can be viewed on [GOV.UK](http://GOV.UK). A summary of the main changes can be found on page 1 of the guidance. It is important that farmers understand these if they are claiming BPS payments.

## Crop diversification derogation

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. Full details of the requirements can be found on pages 36 to 38 of the '[Basic Payment Scheme: rules for 2018](#)'.

Due to the wet weather experienced during the first half of the year, the Department for Environment, Food and Rural Affairs (Defra) and the RPA have announced a derogation of the crop diversification rules.

This means that all farmers in England who would normally have to meet the three-crop rule for 2018, can apply to the RPA to reduce this to two crops. To apply for this derogation, the following steps must be taken by 30 June 2018:

Email the RPA at [ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk) using the subject title 'Wet weather derogation request'. In the body of the email, please include:

- Single Business Identifier (SBI) and name of the business making the request;
- a list of the affected land parcels;
- details of the crops that you intend to plant.

If you are unable to email, you can call the RPA on 03000 200 301 and give the above details over the telephone. Your request must be received by 30 June 2018.

## 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 2018 to 30 June 2018), 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 (for example, 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 products to control weeds during the 'fallow period', you are required to withdraw that parcel from your claim as an EFA feature for this year.

## What is meant by 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.

This list is based on the crops that have been used successfully for the Environmental Stewardship scheme in recent years. The regulations 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 crop or a 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 crop or cover crop period.

To count as an EFA in 2018, catch crops must be established by **20 August 2018 and retained until at least 14 October 2018**.

To count as an EFA in 2018, cover crops must be established by **1 October 2018 and retained until at least 15 January 2019**.

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 less than the retain date 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 it 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 or, 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.service.org.uk](mailto:advice@farmingadvice.service.org.uk)







## Don't forget, the restrictions on tree and hedge-cutting rules are in place until September

*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) 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.*

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](mailto: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 2018](#)'.





# Environmental Impact Assessment

*The aim of the [Environmental Impact Assessment \(Agriculture\)\(England\) \(No 2\) \(Amendment\) Regulations 2017 \(EIA Regulations\)](#) is to protect the environmental importance of uncultivated and semi-natural areas from being damaged by agricultural works, such as ploughing and cultivating. Compliance with the EIA Regulations is covered by cross compliance rules under [GAEC 6: Maintenance of soil organic matter](#).*

To comply with the regulations, permission must be obtained from Natural England prior to an 'uncultivated land project' being started or carried out that affects an area of more than 2ha. An 'uncultivated land project' is a project that increases the agricultural productivity of an uncultivated or a semi-natural area. 'Semi-natural areas' include bracken; species-rich hay meadow; fen, marsh and swamp; bog; semi-natural scrub; dwarf shrub heath; wet grassland in coastal and river flood plains; unimproved grassland; and standing water. They also include historic environmental features of regional significance, including sub-surface archaeology and landscape features, such as historic parkland and designed landscapes.

Land is judged to be uncultivated if, for the last 15 years, it has not been physically cultivated (such as ploughing and sub-surface harrowing) or chemically cultivated (such as applying fertilisers and soil improvers).

If you are considering undertaking a project that will increase the agricultural productivity of uncultivated or semi-natural land, or to restructure a rural land holding, you will need to submit a screening application to Natural England before beginning work.

When the EIA Regulations were amended in 2017, the main change was that more information is required at the screening stage. Details of the requirements can be viewed on [GOV.UK](#).

To assist land managers and agents to submit applications for a screening decision under the EIA Regulations, Natural England has developed training materials that can be accessed [here](#). The training consists of a handbook and a webinar explaining the information that should be provided and costs £54.45 + VAT for one week's access to the materials. If you pay the training fee before 3pm on Friday, you will have access to the

materials between Monday to Sunday of the following week. Access to the training materials will be removed after that week so when you sign up for the training you must ensure that you are available the following week. You will be able to download the handbook to keep as a reference, but the webinar is not downloadable after the access week that you have paid for.

When you pay for the training, you also get access to an Environmental Screening Report Template compiled by Natural England to guide you through your applications and ensure that you have included the appropriate information. There is also a standardised consultation letter to issue to relevant consultees for your application. This has been developed in conjunction with the relevant archaeological consultees and Local Environmental Record Centre. Finally, Natural England also provides a checklist that can be used to ensure that all the required information has been provided.

If you would like to discuss this further, please contact the EIA team at Natural England on 0800 028 2140 or [eia.England@naturalengland.org.uk](mailto:eia.England@naturalengland.org.uk).



# 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 cultivation. 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](#);
- improve workability;
- retain moisture and nutrient levels for further crop development needs;
- provide valuable soil protection from winter rain;
- 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’](#).

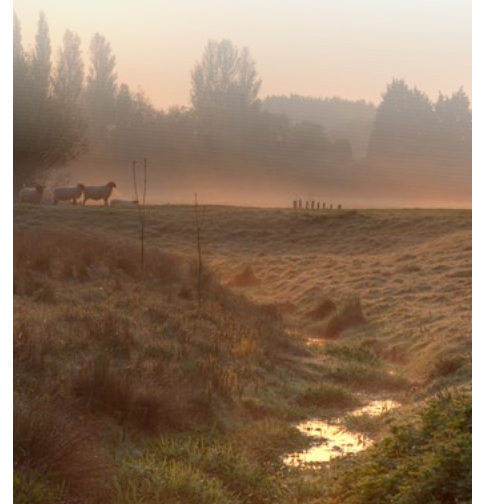
## Water abstraction licence reminders

*If you are claiming the Basic Payment Scheme (BPS), you must adhere to the rules under [GAEC 2: Water abstraction](#). The purpose of the rules is to protect inland and underground water sources.*

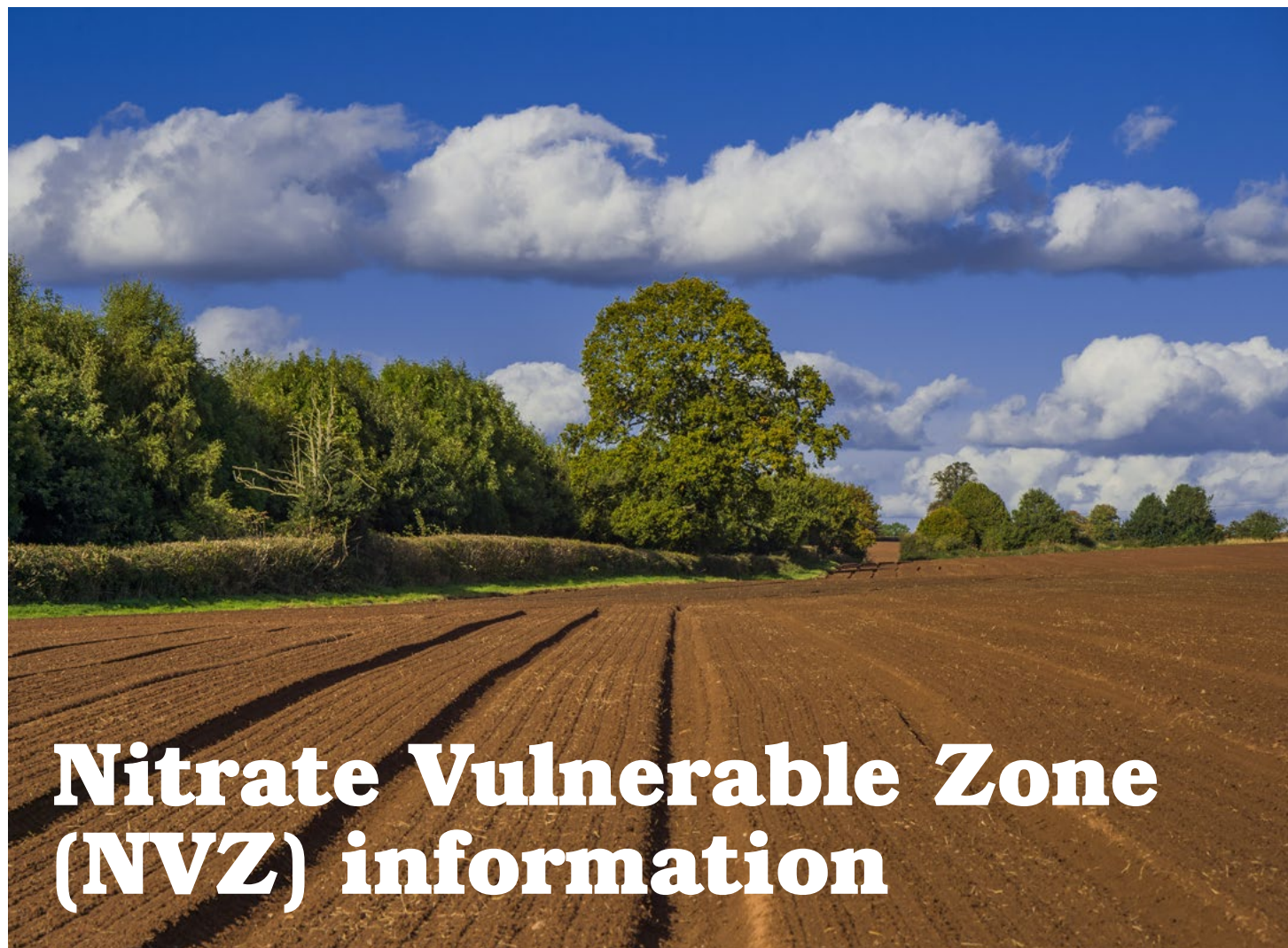
The requirements are:

- 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 or underground source for irrigation, in a single day.
- Once you have an abstraction licence, you must comply with its conditions when abstracting water for irrigation purposes.
- You do not need a licence if you abstract 20 cubic metres (4,400 gallons) or less in a 24 hour period, provided your abstraction is part of a single operation. If you abstract from the same source at several points, the exemption only applies if the combined total of all abstractions is less than 20 cubic metres a day.

Detailed guidance on how to comply with this requirement can be found on pages 11 to 14 of the [FAS March newsletter](#).







# Nitrate Vulnerable Zone (NVZ) information

## NVZ: Back to basics

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, the forthcoming closed periods and storage of organic manure. The article can be downloaded for free from the FAS website.

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

You can also find detailed guidance on [GOV.UK](http://GOV.UK).

## Nutrient Management Guide (RB209) has been updated

In May 2017, The Agriculture & Horticulture Development Board (AHDB) launched a revised edition of 'The Nutrient Management

Guide (RB209)', which provides recommendations for a broad range of crops. All changes from previous versions are based on a comprehensive review of trials data collected by a consortium of research scientists. All recommendations were reviewed by a partnership of organisations including farmers and growers.

The most obvious change is that the guide is now published as seven separate sections rather than one combined document:

1. Principles of nutrient management and fertiliser use;
2. Organic materials;
3. Grass and forage crops;
4. Arable crops (including sugar beet, peas and beans);
5. Potatoes;
6. Vegetables and bulbs;
7. Fruit, vines and hops.

Each section has undergone a significant revision with information and recommendations updated to reflect changes in farming practices and crop varieties.

You can obtain this essential guide to crop nutrient management free of charge from AHDB by:

- downloading navigable PDFs at [www.ahdb.org.uk/rb209](http://www.ahdb.org.uk/rb209);
- downloading an app for Apple® devices from the App Store® (search for AHDB);
- ordering copies from AHDB by emailing [cereals.publications@ahdb.org.uk](mailto:cereals.publications@ahdb.org.uk);
- picking up free copies at selected AHDB events.

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In line with the new General Data Protection Regulations (GDPR), FAS has updated its privacy policy to explain how your data is kept safe. To view the policy, please visit [www.farmingadvice.service.org.uk/events/privacy/](http://www.farmingadvice.service.org.uk/events/privacy/)