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Welcome to the Farming Advice Service newsletter

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

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**Farming
Advice Service**

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

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How can FAS help you?

Free and confidential advice

Common Agricultural Policy (CAP) regulations require EU Member States to run an advisory system covering cross compliance, greening, water protection and aspects of pesticide use. In England, this is provided by FAS. Under these regulations, the advice given to individual farmers must be **confidential** – that is, FAS **must not** disclose any personal or individual information or data it obtains in the course of its advisory activity.

FAS updates the farming sector on relevant EU and Department for Environment, Food and Rural

Affairs (Defra) policies. It explains the requirements under and objectives of CAP, EU directives, national legislation and policies; and the actions that can be taken to help meet compliance. FAS provides **free, confidential** advice on cross compliance and the greening requirements, some aspects of the Water Framework Directive (such as silage, slurry and agricultural fuel oil (SSAFO) and waste exemptions) and the Sustainable Use (of pesticides) Directive.

Getting in contact with the advice line

Farmers requiring telephone advice from FAS can contact the Rural

Services Helpline on 03000 200 301 Monday to Friday between 8.30am and 5pm.

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

You can also email enquiries to advice@farmingadvice.service.org.uk.

Key dates

30 June	End of Ecological Focus Area (EFA) period for EFA fallow land and nitrogen fixing crops. (Basic Payment Scheme: rules for 2017)
30 June	End of cropping and fallow period for crop diversification. (Basic Payment Scheme: rules for 2017)
1 August	If you have been granted a derogation by the Rural Payments Agency (RPA), you may be able to cut or trim hedges throughout August, or to sow oilseed rape or temporary grassland. (GAEC* 7a)
1 August	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. (SMR** 1)
31 August	EFA catch crops must be established by this date (and retained until at least 1 October 2017). (Basic Payment Scheme: rules for 2017)
1 September	You can cut or trim hedges and trees from this date. (GAEC 7a and 7c)
1 September	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. (SMR 1)
1 September	Start of closed period for applying manufactured nitrogen fertilisers to tillage land. (SMR 1)
1 October	EFA cover crops must be established by this date (and retained until at least 15 January 2018). (Basic Payment Scheme: rules for 2017)

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’](#) and [‘Basic Payment Scheme: rules for 2017’](#).

* GAEC = Good Agricultural and Environmental Condition

** SMR = Statutory Management Requirements



Cross compliance inspections

The inspection process

If you are claiming the Basic Payment Scheme (BPS) payments, or have an Environmental Stewardship (ES) or Countryside Stewardship (CS) agreement, you should be aware that you may be subject to a cross compliance inspection. The Rural Payments Agency (RPA) is required under EU regulations to undertake inspections on 1% of claimants to ensure that the cross compliance rules are being adhered to.

Please note, 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. If an inspection is refused, you could risk losing all of your payment(s) (including ES and CS) 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 of the date of the inspection.

If non-compliances are noted during the inspection, this may lead to a reduction in your BPS payment or payments under Pillar II schemes, such as ES and CS. The reduction is based on a number of factors, including the severity, extent and duration of the breach. 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 if there has been a recurrence of the same breach of the rules.

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

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

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

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 areas shown in the table below.

Cross compliance GAEC/SMR	Common breaches
SMR 1: Nitrate Vulnerable Zones (NVZs)	<ul style="list-style-type: none"> • None of the required records available on request. • Records incomplete. • Temporary field heaps have been sited in a high-risk location.
SMR 4: Food and feed law	<ul style="list-style-type: none"> • Failure to ensure that all eligible animals conform to national herd/flock health surveillance and testing intervals for tuberculosis (TB). Further aspects of these control measures are covered by specific standards for raw milk. • No records kept or records incomplete and/or not produced at inspection. • Key pieces of information are missing or information is not kept at all.
SMR 7: Cattle identification and registration	<ul style="list-style-type: none"> • Movement details not recorded or incorrectly recorded on farm register/database. • Dead animal with no passport returned. • Failure to report a movement.
SMR 8: Sheep and goat identification	<ul style="list-style-type: none"> • Failure to complete records of: <ul style="list-style-type: none"> - movements; - replacement tags; - births; - deaths; - annual inventory. • Sheep and/or goats have never been tagged or are incorrectly tagged.
SMR 13: Animal welfare	<ul style="list-style-type: none"> • Failure to keep medicine records. • Animal has not been cared for appropriately or there has been an inappropriate delay in the care of a sick animal. • Number of staff available is insufficient to prevent welfare problems from occurring or evidence that the stockperson demonstrates a lack of professional competence and/or ability in livestock care.
GAEC 1: Establishment of buffer strips along watercourses	<ul style="list-style-type: none"> • Failure to produce and/or keep a map of the holding showing all surface waters and land within 10 metres of them; all springs, wells and boreholes on the holding or within 50 metres of the boundary, and land within 50 metres of them. • Application of pesticide or fertiliser, or cultivated within a 1 or 2-metre protection zone. Not considered a breach if land has been cultivated for one of the following reasons: <ul style="list-style-type: none"> - you have used pesticides for spot applications to control specified weeds; - to establish a green cover where one does not exist and the land is part of a field that is being newly created (whether by merger or division); - to establish a green cover where one does not exist and the land was previously outside the scope of cross compliance. • Not taken all reasonable steps to maintain the green cover on the 1 or 2-metre protection zone throughout the year. For example, storing material (such as bales and dredgings) or excess trafficking on the protection zones. GAEC 1 now applies to land forming part of a parcel of 2 hectares or less.

Cross compliance GAEC/SMR	Common breaches
GAEC 7a: Boundaries	<ul style="list-style-type: none"> • Application of pesticide or fertiliser, or cultivated within a 2-metre protection zone for a hedgerow. • Not taken all reasonable steps to maintain the green cover on the 2-metre protection zone for a hedgerow throughout the year. For example, storing material (such as bales and dredgings) or excess trafficking on the protection zones. • Illegally cut or trimmed a hedgerow between 1 March and 31 August.

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 and provides signposting to further information.

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 Monday to Friday between 8.30am and 5pm, or email advice@farmingadvice.org.uk.

How to meet the tree and hedge-cutting rules, and applying for a derogation



*Do not forget that there is a closed period that places a ban on **cutting and trimming** hedges and trees between 1 March and 31 August (inclusive). This is a cross compliance requirement under [Good Agricultural and Environmental Condition \(GAEC\) 7a: Boundaries](#) and [GAEC 7c: Trees](#). Therefore, you must adhere to these requirements on all eligible land being used for agriculture (this may include woodland – for example, when used for grazing) or you could receive a reduction in your payments from the Basic Payment Scheme (BPS) or Pillar II schemes, such as Environmental Stewardship or Countryside Stewardship. Please note that 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, 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 352 Worksop, S80 9FG). Please be aware that a derogation to cut a tree within a hedgerow would need to be considered under:

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

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 more than 20m of the hedgerow, or part of a 20m stretch of 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’](#).



What is meant by catch and cover crops?

If you have more than 15ha of arable land, it is likely that you are required to have an Ecological Focus Area (EFA). There are some exemptions to rules and details of these can be found on page 42 of the [‘Basic Payment Scheme: rules for 2017’](#) guidance.

EFA's are areas and features that are beneficial for the climate and the environment. If your farm does need an EFA, the areas and features used must be equivalent to at least 5% of the total arable land that you have declared on your Basic Payment Scheme (BPS) application. Page 41 of the [‘Basic Payment Scheme: rules for 2017’](#) guidance provides a list of the areas and features that can count as an EFA.

One of the options is to establish catch crops and/or 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.

To count as an EFA, you 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 shown in the table below.

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 can be used as a catch crop or a cover crop as long as it was undersown in the previous crop and is 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 2017, catch crops must be established by **31 August 2017 and retained until at least 1 October 2017.**

To count as an EFA in 2017, cover crops must be established by **1 October 2017 and retained until at least 15 January 2018.**

There are no restrictions on the management of catch or cover crops outside of these periods. However, EFA's should not be sown with the intention of being used for harvesting or grazing. The cover does not need to be destroyed after these periods and it can be grazed outside of them.

For more information on the EFA requirements, please refer to [‘Basic Payment Scheme: rules for 2017’](#), or contact FAS on **03000 200 301** or email advice@farmingadvice.service.org.uk

Buffer strip management



Cross compliance buffer strip management

Cross compliance buffer strips (green cover) are established to protect hedgerows and watercourses against pollution and runoff from agricultural sources. The buffer strips (green cover) should measure 2 metres from the centre of the hedgerow or from the centre of a watercourse or field ditch, and 1 metre from the edge of the watercourse or field ditch to the landward side of the top of the bank. You must not cultivate or apply fertilisers or pesticides to cross compliance buffer strips, but you are permitted to 'top' the green cover or use pesticides for spot application if they are deemed reasonable steps to control the spread of any weeds. If the work is to be undertaken during the bird nesting and rearing season, you must not intentionally or recklessly destroy or damage birds, eggs or nests. Further information can be found in ['The guide to cross compliance in England 2017'](#).

Public access on buffer strips

As a general rule, cross compliance does not prohibit public access to public rights of way (PROW) that are on cross compliance buffer strips. However, agri-environment schemes such as Environmental Stewardship or Countryside Stewardship generally prohibit public access to margins or buffer strips since these have been put there to protect important habitats, species or prevent run-off from agricultural operations. Public access can often result in damage which reduces the intended environmental benefits being funded.

Ecological Focus Area fallow land and buffer strips

To count as an Ecological Focus Area (EFA), a buffer strip must be all of the following:

- next to a watercourse (or parallel with and on a slope leading to a watercourse);
- on or within 5 metres of arable land on the arable side of the watercourse;
- have a minimum width of 1 metre (edge to edge);
- not be used for any crop production (although if it is temporary grass it can be grazed and/or cut).

Farmers can use the same buffer strips to meet the greening and cross compliance rules.

Some strips of temporary grassland are wider than 1 metre and meet the definition of an EFA buffer strip and EFA fallow land. In these cases, farmers can count the first metre as an EFA buffer strip. They could then count the extra width as EFA fallow land (as long as it is at least 2 metres wide). If this is done, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the fallow period (1 January to 30 June). This means at least one of the following must apply:

- they have different vegetation;
- the vegetation is of different heights;
- there is different land management (for example, the fallow land has been cultivated).

The difference must be visible at an inspection.

During the EFA fallow period (1 January to 30 June), farmers can do the following on their fallow land:

- Use cultivation to control weeds (for example, blackgrass, ragwort and hemlock).
- Carry out drainage work.
- Sow wild bird seed mixes and/or nectar sources.
- Top green cover or previous crop residue.
- Sow grass, if they can show that it is being sown for reasons other than agricultural production, such as where it is sown under an agri-environment scheme. This will apply to fallow land counted for the crop diversification and EFA rules.

They must not:

- harvest or graze it;
- plant or sow any crop on it (except wild bird seed mixes, pollen sources or nectar sources);
- apply fertiliser or farmyard manure (except where a wild bird seed mix, a pollen source or a nectar source has also been sown).

Further information on the management of buffer strips under EFA can be found in ['Basic Payment Scheme: rules for 2017'](#).

Environmental Impact Assessment (EIA)

[The Environmental Impact Assessment \(Agriculture\) \(England\) \(No 2\) \(Amendment\) Regulations \(2017\) \(EIA Regulations\)](#) aim 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 [Good Agricultural and Environmental Condition \(GAEC\) 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 2ha or more. An 'uncultivated land project' is a project that increases the agricultural productivity of an uncultivated or a semi-natural area. 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). '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.

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. From 16 May 2017, you must include a report when you apply for a screening decision. You need to carefully consider who has sufficient expertise to ensure the completeness and quality of the report, as reports that do not provide the relevant information, as set out below, are likely to be rejected and will need to be resubmitted. A list of consultants who have attended a training programme on the process can be obtained from Natural England. You can contact Natural England to discuss this new process and further information can be viewed [here](#).

Your report must include a description of the:

- overall project;
- physical features of the site and where demolition will take place, if relevant;
- location and likely environmental effect of proposed changes;
- effects of residues or emissions expected from waste production;
- use of natural resources particularly soil, land, water biodiversity (plants and wildlife) on site.

Further guidance that will be produced in conjunction with stakeholders will be available later in the year.

If Natural England decides that your project is likely to have a significant impact on the environment, you will need to apply for consent to undertake this work. Following are examples of land changes that may need consent.

Projects to increase agricultural production of uncultivated land or semi-natural areas by physical or chemical means

Examples of this work include:

- increased use of fertiliser or soil improvers;
- sowing seed;
- ploughing, some forms of tine harrowing and rotovating the land;
- draining land;
- clearing existing vegetation – physically or by using herbicides.

Restructure features on the land

Examples of this work include:

- adding or removing field boundaries that are over 4km long;
- adding or removing field boundaries that are over 2km long for land in protected areas, such as a national park, area of outstanding natural beauty or site of a scheduled monument;

- adding new fencing on common land that meets the same criteria as above (these were previously exempt from the Regulations).

Once an application for a screening decision has been submitted, Natural England has 35 days to consider whether the proposal can proceed or if it requires consent. Consent is only necessary where the project is likely to have a significant effect on

the environment. You may contact Natural England for informal advice prior to submitting a screening application. Please go to GOV.UK for more information on screening applications and consent decisions.

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.

Landowners are reminded that removal of trees and woodland may be a project under the EIA (Forestry) Regulations. Before considering any tree or woodland removal, please contact your local [Forestry Commission office](#).



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 of the methods to reduce 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 account the weather, soil type and topography; and considering the crop that has been harvested and the next crop to be sown. Hot, dry conditions can cause

soils to cap during harvest and cultivations. This can exacerbate runoff, especially if rainfall is heavy. Care must be taken when choosing to plant so as to minimise the risk of significant runoff.

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 so as 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.

Where a spring crop will be sown, consider planting a winter cover crop to help enhance soil organic matter levels. Not only will this ensure compliance with [GAEC 4: Providing minimum soil cover](#), but will also improve workability, and can help to retain moisture and nutrient levels for further crop development needs. It can also help to provide valuable soil protection from winter rains and 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 2017’](#).



Nitrate Vulnerable Zone reminders

FAS Nitrate Vulnerable Zone (NVZ) webinar

During February 2017, FAS recorded an online presentation for farmers regarding the rules for NVZs – [Statutory Management Requirement \(SMR\) 1: Reduce water pollution in Nitrate Vulnerable Zones \(NVZs\)](#).

The webinar provided information on:

- **SMR 1** – presented by Andrew Wells from FAS;
- **NVZ designations, rules and requirements** – presented by Corinna Blackmore from the Environment Agency.

There was also a question and answer session.

To view the recording, please go to the FAS [webinar page](#).

NVZ designation 2017

NVZs are areas designated as being at risk from agricultural nitrate pollution. They 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 excludes areas that have been de-designated.

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

You can check if you are in a designated area by entering your postcode into the Environment Agency's ['What's in your backyard'](#) mapping tool.

The map legend on the left-hand side of the screen can be used to see if the land is showing as a 'Proposed 2017 Nitrate Vulnerable Zones' (i.e. the land designated from 1 January 2017). If the land also shows under the 'Existing Nitrate Vulnerable Zones', then that indicates it was designated as an NVZ before 2017. If the land shows as 'Existing' but not 'Proposed', then the land is likely to have been de-designated.

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 do not have to comply with any of the NVZ 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) or certain Pillar II Schemes, failure to comply with the rules could result in a reduction in your BPS payment.

Slurry spreading

If you are in an NVZ, you must only spread slurry and dirty water using equipment that has a low spreading trajectory (that is, less than 4 metres from the ground). There is an exception if you use equipment that spreads slurry at a maximum rate of not more than 1 millimetre/hour when operating continuously.

If you are spreading on bare soil or stubble (except if it has been sown with seed), then you must:

- incorporate poultry manure, slurry and liquid digested sludge as soon as practicable and within 24 hours;
- incorporate any other organic manure (unless it has been spread as a mulch on sandy soil) as soon as practicable and within 24 hours if the land is sloping, and within 50 metres of surface water that could receive its run-off.

You do not have to incorporate slurry and liquid digested sludge if it has been applied using a trailing hose, trailing shoe, dribble bar band spreader or an injector.

The closed period does not apply to organic manures with a low readily-available nitrogen content, which may include:

- farmyard manure (FYM);
- duck manure produced by birds on straw or wood shavings (but you are expected to demonstrate a low level of readily-available nitrogen by sampling and analysis).

Applications of manure with a low readily-available nitrogen content must still comply with the non-spreading conditions and areas.

You must not spread organic manure:

- when the soil is waterlogged, flooded, snow-covered or frozen for more than 12 hours in the previous 24 hours;

- 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 (see the guidance on GOV.UK);
 - when you are using precision manure spreading equipment to apply slurry, sewage sludge or anaerobic digestate, in which case you may spread manure 6 metres or more from surface water.

For further details about the organic manure closed periods and your requirements, please refer to guidance on the [Using nitrogen fertilisers in nitrate vulnerable zones](http://GOV.UK) page on GOV.UK.

Closed periods for organic manures with a high readily-available nitrogen content

The Nitrate Pollution Prevention Regulations establish 'closed periods' for the application of organic manures that contain high readily available nitrogen (N) (that is, where more than 30% of the total N content is in a form easily used by plants). These manures (for example, slurry, poultry manure, liquid digested sludge and anaerobic digestate) present a significant risk of polluting water if spread on the land at the wrong time of the year. If your land is located within an NVZ, you must not spread these manures during the dates shown in Table 1.

There are some exceptions to the rules for the closed periods:

- If a crop is sown on sandy or shallow tillage land on or before 15 September, you may apply organic manure between 1 August and 15 September inclusive.
- If you are an organic farmer or you are formally converting to organic status, applications up to a maximum rate (150kg N/ha) will be permitted during the closed period to:
 - Winter oilseed rape and grass – applications are permitted between the start of the closed period and the end of October. No more than 40kg N/ha can be spread on grassland at any one time.

- Asparagus, brassicas, overwintered salad onions, parsley and bulb onions – applications can be between the start of the closed period and the end of February. In the case of brassicas, up to 50kg N/ha can be spread every 4 weeks until the harvest (the 150kg N/ha total limit still applies).
- Other crops – on the basis of written advice from a Fertiliser Advisers Certification and Training Scheme (FACTS) qualified adviser.

Table 1 – Closed periods for organic manure

	Grassland	Tillage land
Sandy or shallow soils	1 September to 31 December	1 August to 31 December
All other soils	15 October to 31 January	1 October to 31 January



Closed periods for the application of manufactured fertiliser

The NVZ rules also establish closed periods for the use of manufactured fertiliser. You may not apply manufactured fertiliser to:

- tillage land between 1 September to 15 January;
- grassland between 15 September and 15 January.

There are some exceptions. Manufactured fertiliser may be spread on the crops listed in Table 2 providing the amounts spread do not exceed those stated.

In the case of:

- winter oil seed rape and grass – applications are allowed between the start of the closed period and the end of October;

- grass – a maximum of 40kg N/ha may be spread at any one time;
- brassicas – an additional 50kg N/ha may be spread every 4 weeks during the closed period up to the date of harvest.

In the case of other crops, manufactured fertiliser may be spread

on the basis of written advice from a FACTS qualified adviser.

Guidance regarding NVZ requirements for using nitrogen fertilisers can be found on the [Using nitrogen fertilisers in nitrate vulnerable zones](#) page on GOV.UK.

Table 2 – Crops that can receive manufactured fertiliser

Crop	Maximum rate (kg N/ha)
Winter oilseed rape	30
Asparagus	50
Brassicas	100
Grass	80
Overwintered salad onions	40
Parsley	40
Bulb onions	40

Slurry storage – prepare for winter

Slurry and poultry manure are also subject to a minimum storage capacity as set out in the regulations.

You must have sufficient facilities to store all slurry produced on the holding and all poultry manure produced in a yard or building during the following 'storage periods':

- 1 October to 1 April (6 months) in the case of pigs and poultry;

- 1 October to 1 March (5 months) in the case of other livestock (cattle, sheep, goats, deer and horses).

If you have any slurry on your farm, **you must** store it in a tank, lagoon or other suitable facility. These requirements are set out in the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (SSAFO) (England) Regulations 2010. If you are building a new store or substantially altering or enlarging your

slurry storage facilities, you must notify the Environment Agency at least 14 days before you start any construction work.

You can contact your local Environment Agency team who will assess and advise you on your proposal by email enquiries@environment-agency.gov.uk or telephone 03708 506 506. Expect to be asked to provide further details about the location, design and capacity of your proposal.

For further details, please refer to guidance on the [Storing organic manures in nitrate vulnerable zones](#) page of the GOV.UK website.

Slurry stores **must** have the capacity to store, in addition to the slurry:

- rainfall expected to enter the store during the storage period (rain falling directly into the store and washings from elsewhere, including contaminated yards);
- any washwater or other liquids that enter the store during that period.

If you have poultry manure or other types of solid manure, you **must** store them:

- in a vessel;
- on an impermeable base, with appropriate collection and containment of runoff;
- in a roofed building;
- in an appropriately located temporary field heap

You may need a greater storage volume if, in some years, you can't empty the store before the start of the closed period.

For further details about the storage requirements, please refer to guidance on the [GOV.UK](#) website.

Separation of slurry

Slurry is a liquid organic manure that is produced by livestock (other than poultry) while in a yard or building. It includes animal bedding and water that drains from areas where animals are kept.

If you separate slurry into solid and liquid parts, you must do so either using a purpose-built machine or on a waterproof surface where you can collect the liquid that drains from it. If the solid that remains can be stacked in a heap without leaking liquid, it can be treated as FYM. If not, it is still slurry. If there is leakage from a stack, you must collect this and treat it as slurry.



Rules for manure heaps

You may store some types of solid manure in temporary field heaps. This option applies to poultry manures and other organic manures if:

- they are solid enough to be stacked in a free-standing heap,
- they do not give rise to free drainage from within the stacked material.

If you choose to store manure in temporary field heaps, you need to comply with the following rules.

You must:

- cover any poultry manure without bedding/litter that is stored in a field heap with an impermeable sheet;

- move any field heap at least every 12 months;
- leave a 2-year gap before returning to the same site;
- keep a record of the sites used for field heaps and the dates of use.

You must ensure that you do not build or maintain a field heap:

- within 10m of surface water (including ditches) or of a land drain;
- within 30m of surface water (including ditches) if the land slopes steeply (12 degrees (1 in 5 or 20%) or greater);
- within 50m of a spring, well or borehole;

- on land likely to become waterlogged;
- on land likely to flood.

The field heap site must occupy as small a surface area as possible, but be sufficient to support the mass of the heap and prevent it from collapsing.

For further details about the rules for manure heaps, please refer to guidance on the [Storing organic manures in nitrate vulnerable zones](#) page on the GOV.UK website.

Further information on complying with the NVZ requirements can be found in [FAS April 2017 newsletter](#). You can contact the FAS advice line for free support on 03000 200 301 or email advice@farmingadvice.org.uk.

Water abstraction licence reminders



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 (river, stream, lake or spring) or underground source for spray irrigation in a 24-hour period.

Once you have an abstraction licence, you must comply with its conditions when abstracting water for irrigation purposes.

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.

Water abstraction and irrigation

It is a condition under GAEC 2 to hold and comply with a water abstraction licence for spray irrigation purposes.

You should regularly review your water needs and apply to vary your licence well in advance if your

demand is likely to change. For more information on applying for an abstraction licence, please refer to the [GOV.UK](#) website.

You must check what activity your licence permits and apply to vary your licence if activities are not covered. This could include:

- extending the abstraction period following a dry summer or taking more water;
- taking advantage of high river flows in summer to top up a reservoir.

To take high flows in summer to fill a reservoir, as part of your abstraction licence conditions, you may have to install your own calibrated measuring device so that you know when high flows are available. Calculating the stop and start level may take some time and need extra flow measurement, so apply to the Environment Agency as early as possible.

Time limitations will/may apply. These will be based on and taken from your local [abstraction licensing strategy](#). These documents set out our water resources strategy and are published on the GOV.UK website. To contact the Environment Agency

about the feasibility and details of varying your licence to take high flows in summer, please email enquiries@environment-agency.gov.uk or telephone 03708 506 506.

In times of water scarcity, the Environment Agency will produce water availability reports (called 'prospects') for some parts of England. These provide advance warning of potential seasonal restrictions on water abstraction.

Please refer to [GOV.UK](#) for more information regarding water abstraction for irrigation.

Restrictions on irrigators

We have recently experienced the driest April since 2011. This, coupled with the fact that winter rainfall from October 2016 to April 2017 was lower than average across Southern and South East England has resulted in soils being much drier than average going into the spray irrigation period. This prolonged period of dry weather has led to groundwater and river flows in these areas typically being lower than average. However, rainfall in the South East of England was above average in May, with weather conditions generally unsettled for the first half of June.

Many spray irrigation licences contain a so called hands off flow condition which means that abstraction isn't permitted below a certain river level or flow. The Environment Agency liaises with farmers when these conditions are likely to be triggered. The Environment Agency can restrict water being taken for spray irrigation (where no hands off flow condition exists) within a water catchment at times of exceptional shortage of rain or other emergency to protect the environment. This is known as a Section 57 (S57) restriction and allows the Environment Agency to suspend or vary the conditions of abstraction licences.

If your licence allows you to spray irrigate and use water for another purpose, such as vegetable washing, any S57 restriction would only apply to your spray irrigation abstraction.

The restrictions would not apply to:

- trickle irrigators;
- irrigation using water collected in winter storage reservoirs;
- water used to supply pot grown plants that are unable to take moisture from the soil;
- irrigation of covered crops (in glasshouses or polytunnels).

The Environment Agency uses surface water or groundwater thresholds in its drought plans to decide when to consider S57 restrictions. As dry weather develops the Environment Agency will have

early and frequent dialogue with abstractors before any restrictions are implemented. The Environment Agency has a duty to take costs and benefits into account and to have regard to the needs of rural communities before applying restrictions. This includes balancing costs of the restrictions on the licence holder with the benefits of protecting the environment when deciding on using the legislation. The Environment Agency will not impose a full ban straight away but should bring in levels of restrictions, such as allowing abstraction only at night or on alternate days.

As an irrigator, you may be eligible for a charge reduction of up to 50% because of the uncertainty of potential restrictions. This reduction is known as a 2-part tariff. If you do not already have a 2-part tariff agreement, contact the Environment Agency at enquiries@environment-agency.gov.uk or telephone 03708 506 506.

Please refer to GOV.UK for more information regarding water abstraction restrictions.

Duration of licences

Abstraction licences may have a time limit linked to a common end date. You can find this in the [Abstraction licensing strategy](#) for the area you are in. When the Environment Agency grants a licence for the first time, it is likely to be valid for between 6 years and 18 years. Renewal of a licence will normally cover another 12 years. In certain

circumstances, licences may be granted for up to 24 years. It is best to check your individual licence. For more information, please go to GOV.UK. The Government has consulted on reforms that may affect the duration, quantities and management of licences. You may wish to take account of this in your business decisions.

Licence renewal

If your current abstraction licence is due to expire, and you want to continue to abstract, you need to apply for a new licence at least 3 months before the existing licence expires. The Environment Agency will only renew your licence if:

- your abstraction continues to be environmentally sustainable;
- you can demonstrate that you have a continuing need for the water;
- that you will use water efficiently.

For more information on applying for a water abstraction licence, please go to GOV.UK.

Regulating trickle irrigation

Trickle irrigation does not require an abstraction licence. However, Defra consulted last year on plans to remove this exemption. You can view the consultation and summary of consultation responses on GOV.UK. We expect Defra to publish the final Government response following the consultation in due course.

Livestock registration and identification



FAS has produced two technical articles to provide top tips for compliance with cattle and sheep registration and identification.

Please click on the following links to view the articles:

- [Top tips for compliance with sheep identification and registration;](#)
- [Top tips for compliance with cattle identification and registration.](#)

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