

July 2019 – e-news issue 45

Welcome to the Farming Advice Service newsletter

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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.

31 July	If your land was in a nitrate vulnerable zone (NVZ) for the first time in 2017, you must meet all the NVZ rules from this date. (SMR 1*)
1 August	If you have been granted a derogation by RPA, you may be able to cut or trim hedges throughout August, to sow oilseed rape or temporary grassland. (GAEC 7a**)
1 August	For those within an NVZ: 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)
20 August	Ecological Focus Area (EFA) catch crops must be established by this date. (Basic Payment Scheme 2019)
1 September	You can cut or trim hedges and trees from this date. (GAEC 7a and 7c)
1 September	For those within an NVZ: 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	For those within an NVZ: Start of closed period for applying manufactured nitrogen fertilisers to tillage land. (SMR 1)
15 September	For those within an NVZ: Start of closed period for applying manufactured nitrogen fertilisers to grassland. (SMR 1)
16 September	For those within an NVZ: 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 which have been sown with crops on or before 15 September. (SMR 1)

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

* SMR = Statutory Management Requirements

** GAEC = Good Agricultural and Environmental Conditions

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 the Farming Advice Service (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

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.



Complying with the cross compliance rules

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. It is important that all employees, workers, family members and contractors who work on your land are aware of the cross compliance requirements if you are receiving payments under the BPS, Countryside Stewardship or Environmental Stewardship schemes.

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'](#).

Protecting your soil post-harvest

The cross compliance Good Agricultural and Environmental Condition (GAEC) requirements for soils focus on the condition of the land and this is what the Rural Payments Agency (RPA) will consider during an inspection.

One method of reducing compaction and soil erosion, as detailed in [GAEC 5: Minimising soil erosion](#), is to select the correct post-harvest options. This is to ensure that land harvested by a combine harvester or mower is left in a state where erosion is unlikely.

Choosing the correct post-harvest management technique involves taking into consideration the weather, soil type and topography; the crop that has been harvested; and the next crop to be sown. Hot, dry conditions can cause soils to cap during harvest and when being cultivated. This can exacerbate runoff,

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

Before cultivating and drilling, make sure that any topsoil and subsoil compaction is removed. Do this by first checking the depth of compaction by digging several soil pits across a field.

Then, set up the appropriate machinery (such as a subsoiler) to just below the pan to remove the layer of compaction. Please ensure that soil is sufficiently dry to enable effective subsoiling. By identifying the correct depth of compaction, savings can be made on fuel use, machinery parts, labour costs and time by not cultivating deeper than necessary.

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

- Enhance soil organic matter levels;
- Comply with [GAEC 4: Providing minimum soil cover](#) and the [farming rules for water](#);
- Improve workability;
- Retain moisture and nutrient levels for further crop development needs;
- Provide valuable soil protection from winter rains;
- Prevent soil loss if sown by early October.

For more information on the cross-compliance soil management requirements, please refer to '[The guide to cross compliance in England 2019](#)'.

Important greening reminders

There will be no changes to the greening requirements during 2019. Updated 2019 Basic Payment Scheme (BPS) guidance is available in the '[Basic Payment Scheme: rules for 2019](#)'.

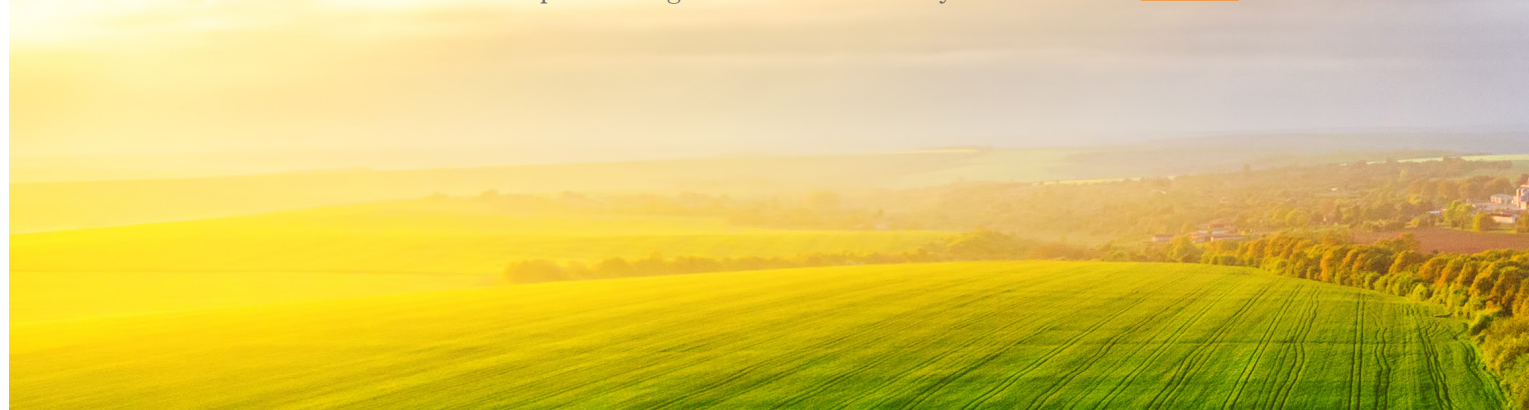
Check mapped 'land cover'

Greening supports farmers to adopt and maintain practices that help to 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 proportionate to the severity and scope of the non-compliance.

Each land parcel shown on your online digital maps has a mapped 'land cover' – arable, permanent grassland, permanent crops or non-agricultural area. Carefully

check the 'land cover' as it needs to match the land use code you declared on your BPS 2019 application. A land cover/land use mis-match, for example, if the 'land cover' is mapped as arable, but the land use code given is PG01 (permanent grassland), can lead to the RPA's IT system ignoring that land parcel with the potential consequence of over-declaration penalties and/or greening payment reductions/penalties. If the land cover needs to be updated, submit an RLE1 form and sketch map to the RPA. The RLE1 form and guidance are available 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 begins on page 41 of '[Basic Payment Scheme: rules for 2019](#)'.

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 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 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 2019 for catch crops or 15 January 2020 for cover crops.

The ban on the use of plant protection products (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 2019](#)', contact FAS on 03000 200 301 or email advice@farmingadvice.service.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 38 in '[Basic Payment Scheme: rules for 2019](#)'.



Don't forget, 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), 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.

Notwithstanding the fact that you may need an approved felling licence from the Forestry Commission, 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'](#).



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. Complying 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 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 environment 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. It costs £54.45 (plus 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. Therefore, 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. This will 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 that 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.

Farming rules for water

Do you know that the [rules for all farmers and land managers to prevent water pollution](#) are in place? These rules came into force in April 2018, but the Environment Agency's approach has been to raise awareness of the new rules with land managers for the first year with a view to taking an advice-led approach to enforcement after the initial settling in period. The Environment Agency will now be taking appropriate enforcement action to ensure compliance with the rules.





The rules standardise good farming practices that many farmers are already demonstrating and offer a new approach to regulation to help protect against water pollution. The rules are separate from cross-compliance. Full details of the new rules are available on [GOV.UK](https://www.gov.uk).

You are required to use soil tests to plan and apply fertiliser or manure to match nutrients to crop and soil needs. This is to prevent excess nutrients entering nearby sources of water. You can decide what approach

is best for your land, such as deciding when it is safe to spread fertilisers.

This is not just beneficial for the environment. By taking the time to check soil quality and planning fertiliser use efficiently, you may save money by using only what you need.

In addition to the nutrient planning requirements, the rules also cover storage of organic manures, conditions and locations where organic manures and manufactured fertilisers can be applied as well as preventing soil erosion.

Additional help and support

FAS produced an article on the farming rules for water 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

When did you last check to see if your land is within a Nitrate Vulnerable Zone?

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), Countryside Stewardship or Environmental 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](#)' or the NVZ sections on [GOV.UK](#).

Forthcoming closed periods – are you prepared for winter?

Some organic fertilisers have more than 30% of their total nitrogen content immediately available to crops. These are called 'high readily available nitrogen manures'.

They include:

- Poultry manure (layer manure and litter);

- Liquid organic manures (such as sludge, cattle and pig slurries and anaerobic digestate)

You must not spread high readily available nitrogen manures on or between the dates shown in **table 1**.

Your soil is sandy if it lies over sandstone or it has all the characteristics shown in **table 2**.

Your soil is classified as shallow if it is less than 40cm deep.

Table 1: Closed periods for spreading manure with a high readily available nitrogen content

	On grassland	On 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

Table 2: Characteristics of sandy soil

Layer of Soil	Up to 40cm	From 40cm to 80cm
Content of the soil	More than 50% by weight of particles from 0.06mm to 2mm in diameter	More than 70% by weight of particles from 0.06mm to 2mm in diameter
	Less than 18% by weight of particles less than 0.02mm in diameter	Less than 15% by weight of particles less than 0.02mm in diameter
	Less than 5% by weight of organic carbon	Less than 5% by weight of organic carbon

Exceptions for crops on sandy or shallow soils

If you sow a crop on sandy or shallow tillage land on or before 15 September, you can apply manures with high readily available nitrogen between 1 August and 15 September inclusive.

Exceptions for organic farms

If you're an organic farmer, or you're formally converting to organic status, you can spread manures with high readily available nitrogen in the periods shown in **table 3**. You must not spread more than 150kg of total nitrogen per hectare.

Crop	When you can spread nitrogen	Additional limits on spreading
Asparagus, overwintered salad onions, parsley, bulb onions	From the start of the closed period to the end of February	
Brassica	From the start of the closed period until harvest	No more than 50kg of nitrogen per hectare every 4 weeks
Winter oilseed rape	From the start of the closed period to the end of October	
Grass	From the start of the closed period to the end of October	No more than 40kg at any one time

Table 3: Exceptions for organic farms

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 some 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 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;
- Storage records and calculations;
- Locations of temporary field heaps;
- Between 1 January and 30 April, you should record how any grassland was managed in the previous calendar year;
- Imports and exports of manure;
- 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;
- livestock manure nitrogen (N) farm limit (whole farm limit) calculations.

Detailed guidance on each of the records required 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](#).



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. To submit your return you will first need to register with the service on [GOV.UK](#). To register, you will need your email address and licence number(s). For those managing returns on a licence holder's behalf, you will need the licence holder to register, then grant you permissions by adding you as a user on their account. A paper return can be requested if you are unable to access the service and submit your return online. For help with the service or returns, please contact the [Environment Agency general enquiries](#) on 03708 506506 or email enquiries@environment-agency.gov.uk who will be able to direct you to the relevant team.

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. If you have a two-part tariff agreement and do not submit a return, then you will be billed on the basis of having abstracted the full quantity your licence authorises you to abstract for irrigation.

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
1 April to 31 October	Summer abstractor	End of October each year	28 November each year
1 November to 31 March	Winter abstractor	End of March each year	28 April each year
Anytime	All year abstractor	End of March each year	28 April each year



Compliance, irrigation prospects 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.

From the middle of July predominantly dry conditions have returned across England, especially in the East, following a wet June. Groundwater levels have typically continued to recede despite June's rainfall and nearly two-thirds of the sites are currently classed as below normal or lower. River flows across England are lower than normal at over half the sites monitored by the Environment Agency whilst a further quarter of sites are either notably low or exceptionally low. More information on the current water resources situation can be found at GOV.UK.

The Environment Agency updated its [initial irrigation prospects](#) at the end of April. There was a decline in the East of England (including Lincolnshire and Northamptonshire) prospects to poor reflecting continued low rainfall and limited groundwater recharge. The Environment Agency have recently written to spray irrigation abstractors in catchments from mid Norfolk southwards into Suffolk and Essex, notifying them that it may be necessary to impose formal [Section 57 spray irrigation restrictions](#) on direct river abstractions.

Waterwise in conjunction with the Environment Agency have recently produced some [Irrigation guidance](#) for farmers. 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.

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.

Deadline approaching on Trickle and other previously exempt abstraction activities

The 'clock is ticking' on bringing Trickle and other previously exempt types of abstraction into regulation and it is the responsibility of operators to make a timely application to the Environment Agency for their activities before the beneficial Transitional Regulations close with the 31 December 2019 deadline. By applying, applicants secure future rights to water based on their abstraction in the preceding 7 years. The application period began on 1 January 2018 and

closes on 31 December 2019, leaving less than 5 months to submit a valid application. The Environment Agency is strongly recommending that applications are submitted by 1 October 2019 to ensure any revisions can be made with operators before the application period closes. Applications not validated before 31 December 2019 risk a more restrictive determination process, with no guarantee of an abstraction licence.

Last summer highlighted the importance of water for many businesses. If you abstract water for activities that were previously exempt, such as trickle irrigation, wetlands and environmental stewardship, you need to apply for an abstraction licence. The application forms needed to complete this process and supporting guidance notes and example application forms can be found on the Environment Agency's [citizen space site](#).

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. You should act now as there is no retrospective route in under the light touch Transitional provisions. Apply now or lose it is the message. A free, confidential hotline is available to discuss the process and help you complete your application. Contact the Environment Agency New Authorisations hotline on 03708 506506, where you can speak to an expert and even arrange a call back at a more convenient time to complete your application. You can also email enquiries@environment-agency.gov.uk.



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