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

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

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## Key dates

Below are details of key dates from the start of the year that you might have missed.

<b>1 January</b>	You must start following the rules in the cross compliance 2018 guide from this date. The Basic Payment Scheme (BPS) 2018 year starts and land used to claim BPS must be eligible all year. ( <a href="#">Basic Payment Scheme 2018</a> )
<b>1 January</b>	Nitrate Vulnerable Zone (NVZ): You can apply organic manure with a high, readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils from this date if conditions are suitable and you adhere to the quantity restrictions when applying these manures. ( <a href="#">SMR* 1</a> )
<b>1 January</b>	NVZ: Beginning of the year for assessing the annual amount of livestock manure applied to your land. ( <a href="#">SMR 1</a> )
<b>1 January</b>	The 2-year statutory window opens to apply for a water resources abstraction licence from the Environment Agency if you abstract (take) more than 20 cubic metres a day for a previously exempt activity. ( <a href="#">GOV.UK</a> )
<b>1 January</b>	Start of the 2018 Ecological Focus Area (EFA) period for EFA fallow land. ( <a href="#">Basic Payment Scheme 2018</a> )
<b>1 January</b>	EFA period for hedges and trees in a line (which must be present all year unless newly planted) and buffer strips and field margins (which must be present all year). ( <a href="#">Basic Payment Scheme 2018</a> )
<b>15 January</b>	EFA cover crops for the 2017 scheme year must be retained until at least this date. ( <a href="#">Basic Payment Scheme 2018</a> )
<b>16 January</b>	NVZ: You can apply manufactured nitrogen fertilisers to grassland and tillage land from this date if conditions are suitable. ( <a href="#">SMR 1</a> )
<b>1 February</b>	NVZ: You can apply organic manure with a high, readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on all soil types from this date if conditions are suitable and you adhere to the quantity restrictions when applying these manures. ( <a href="#">SMR 1</a> )
<b>28 February</b>	NVZ: End of the additional quantity restrictions related to the closed period for applying organic manures with a high, readily available nitrogen content in NVZ. The usual restrictions on application rates will continue to apply. ( <a href="#">SMR 1</a> )
<b>1 March</b>	You must not cut or trim hedges or trees from this date. However, you can carry out hedge and tree coppicing, and hedge laying from 1 March until 30 April. Fruit and nut trees in orchards or trees acting as windbreaks in orchards, vineyards, hop yards or hop gardens are not included in the ban. ( <a href="#">GAEC** 7a and 7c</a> )

Below are details of forthcoming key dates.

<b>31 March</b>	If you hold a water abstraction licence, expect to receive your annual bill (or first part charge if you hold a two-part tariff agreement) for the forthcoming financial year. ( <a href="#">GAEC 2</a> )
<b>1 April</b>	You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. ( <a href="#">GAEC 6</a> )
<b>1 April</b>	If you hold a winter or all-year-round water abstraction licence (authorising abstraction outside the period April to October), the Environment Agency will make actual abstraction return forms available to you from 1 April. You then have 28 days to send your readings to the Environment Agency. ( <a href="#">GAEC 2</a> )
<b>2 April</b>	The Farming Rules for Water requirements come into effect on this date. (See page 4)
<b>16 April</b>	You must not burn heather, rough grass, bracken, gorse or vaccinium in upland areas from this date. ( <a href="#">GAEC 6</a> )

<b>30 April</b>	NVZ: You must have recorded the number of 'specified' livestock kept on your farm during the previous calendar year and calculated the amount of nitrogen they produced. You must also record the number and type of livestock in a building or hardstanding during the previous storage period. ( <a href="#">SMR 1</a> )
<b>30 April</b>	If you held an NVZ grassland derogation for 2017, you must submit your 'fertilisation account' to the Environment Agency by this date. (See page 10)
<b>1 May</b>	You must not carry out hedge or tree coppicing, or hedge laying from this date. ( <a href="#">GAEC 7a and 7c</a> )
<b>1 May</b>	Crop diversification period and EFA period for nitrogen fixing crops begins (until 30 June). ( <a href="#">Basic Payment Scheme 2018</a> )
<b>15 May</b>	BPS 2018 application deadline to avoid late application penalties. ( <a href="#">Basic Payment Scheme 2018</a> )

\* SMR = Statutory Management Requirements

\*\* GAEC = Good Agricultural and Environmental Conditions

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.

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



## New farming rules announced that aim to improve water quality

From 2 April 2018, [new rules for all farmers in England](#) will be introduced to help improve water quality. This will be achieved by standardising good farming practices (that many farmers are already demonstrating) and offering a new approach to regulation. The rules are separate from cross-compliance.

These rules introduce a new way of regulating farmers. They put onus on the farmers to assess the resource efficiency opportunities and pollution risks on their farm, and then to decide on the right actions to take to avoid water pollution.

The rules require farmers to:

- keep soil on the land;
- match nutrients to crop and soil needs;
- keep livestock fertilisers and manures out of the water.

All farmers should check the [new farming rules for water](#) to satisfy themselves that they are complying with them in full. Many of the

farming rules for water are in the [Code of Good Agricultural Practice](#). Farmers in a [Nitrate Vulnerable Zone \(NVZ\)](#) or in the [Basic Payment Scheme \(BPS\)](#) should already meet many of them.

There are eight rules – five about managing fertilisers and manures, and three about managing soils.

The [fertiliser](#) rules require farmers to test their soils at least every 5 years, then plan and apply their fertiliser or manure to improve soil nutrient levels and meet crop needs. The rules include details of minimum storage and spreading distances from waterbodies. They also require the farmer to assess weather and soil conditions to reduce the risk of runoff and soil erosion.

The [soil](#) rules require farmers to manage livestock by protecting land within 5 metres of water and reducing livestock poaching.

In addition to these rules, farmers are encouraged to incorporate organic fertilisers into the soil

within 12 hours of spreading to significantly reduce ammonia pollution.

The rules will be introduced by the Environment Agency through an advice-led approach. This will give farmers the information they need to meet the rules, while securing potential cost savings through better resource efficiency.

A summary of the new rules is available on [GOV.UK](#). More details will be published on this site and highlighted in future editions of the FAS Newsletter.

You can also contact the Environment Agency's National Customer Contact Centre, Monday to Friday, 8am to 6pm.

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

Telephone: 03708 506 506

# Cross compliance update – what is new for 2018?

The Rural Payments Agency (RPA) and the Department for Environment, Food and Rural Affairs (Defra) have published an updated 'Guide to cross compliance in England 2018'. This can be downloaded from [GOV.UK](http://GOV.UK).

## Changes to RPA inspections

While the following rules are not new for 2018, the way in which the RPA conducts inspections will be changing in 2018.

Please remember that for:

- Good Agricultural and Environmental Condition 5 (GAEC 5): Minimising soil erosion – you must make sure you have put in place suitable practical measures to limit soil and bankside erosion, and can show this during any inspection.
- Statutory Management Requirement 7 (SMR 7): Cattle identification and registration, and SMR 8: Sheep and goat identification – you must make sure that all your cattle and sheep are correctly identified, and

that lost and damaged ear tags are replaced within the deadlines. You must also make sure that any cattle notifications you make to the British Cattle Movement Service (BCMS) are made within the deadlines.

You can read the current rules about suitable practical measures, animal identification and registration, and deadlines in '[The guide to cross compliance 2018](#)'. These will remain unchanged from the information provided in the 2017 guidance.

## New for 2018

If any of your land was designated as a Nitrate Vulnerable Zone (NVZ) for the first time in 2017, then transitional arrangements were applied so that you did not have to comply with any of the legal requirements during the first year. However, from 1 January 2018, you will need to start adhering to some of the legal requirements.

Details of the NVZ requirements can be found on the following pages on [GOV.UK](http://GOV.UK):

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

It should be noted that those who were newly designated in 2017 are not required to adhere to any of the following legal requirements until 31 July 2019:

- restrictions on spreading slurry (regulation 18);
- closed periods for organic manure (regulation 20);
- exemption for organic holdings (regulation 21);
- closed period for manufactured nitrogen fertilisers (regulation 22);
- separation of slurry (regulation 24);
- storage capacity (regulation 25).

To find out more, please see the information on transitional arrangements on [GOV.UK](http://GOV.UK).

# Avian influenza (bird flu) update

On 18 January 2018, the Department for Environment, Food and Rural Affairs (Defra) introduced an [Avian Influenza Prevention Zone in England](#). This means it is a legal requirement for all bird keepers to follow strict biosecurity measures in this zone. This was introduced after H5N6 bird flu was identified in wild birds in two locations – South Dorset (confirmed on 12 January) and Warwickshire (confirmed on 18 January). A further 16 locations have since been identified with H5N6 found in wild birds. These are reported on a weekly basis on [GOV.UK](http://GOV.UK).

The new [Avian Influenza Prevention Zone](#) applies to everyone who keeps poultry or captive birds in England. All keepers must follow Defra's detailed legal requirements on strict biosecurity, whether they have commercial flocks or just a few birds in a small flock. Defra's best practice biosecurity advice is available on [GOV.UK](http://GOV.UK).

The latest veterinary outbreak assessment on Avian Influenza in the UK and Europe, which includes the current level of risk to poultry in the UK, is available [here](#).



Please ensure that you regularly check [GOV.UK](http://GOV.UK) for the latest information and guidance. You can also sign up to the free Animal and Plant Health Agency's Alerts Subscription Service [here](#). You should [register your poultry](#) and keep this up to date. This is a legal requirement if you have 50 or more birds.



## Tree and hedge-cutting rules for 2018

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

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:

- 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). 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 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 2018’](#).



## Requirement to inspect pesticide application equipment

On 26 November 2016, it became a requirement that all in-use pesticide application equipment over 5 years old – except for knapsack and handheld sprayers – must have passed inspection by the National Sprayer Testing Scheme (NSTS) within the last 5 years.

The NSTS is the only body designated to inspect and certify pesticide-application equipment for use. Therefore, having equipment tested by an approved NSTS examiner is the only way to stay compliant. A list of approved examiners can be found on the [NSTS website](#).

After 26 November 2016, equipment must pass an inspection every 5 years and then every 3 years from 26 November 2020. Equipment that has a 'low scale of use', such as granular applicators and boom sprayers less than 3 metres wide, must pass inspections at an interval of no more than 6 years.

A complete list of 'low scale of use' equipment can be found in [Pesticides: UK national action plan](#), which will be updated regularly.

All pesticide application equipment must be calibrated on a regular basis.

Professional users of pesticides must, for at least 3 years, keep records of the products they use. As a minimum, the records must contain the name of the product, the time and the dose of application, the area and the crop where the product was used.

# Greening 2018

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 Basic Payment Scheme (BPS) year, which started on 1 January 2018.

The Rural Payments Agency (RPA) published detailed 2018 guidance on 12 March and this can be viewed on [GOV.UK](#). A summary of the main changes can be found on page 1 of the guidance. It is important that you understand these if you are a BPS claimant.

## 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 residue.

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 scheme or wild bird seed mixes, pollen sources and/or nectar sources;
- apply any fertiliser or farmyard manure;
- apply any plant protection products (PPPs) including herbicides, fungicides or insecticides.



# Keeping updated on public rights of way requirements

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

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

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

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

## Keep PROWs on your land clear of obstructions

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

In practice, this means removing and preventing obstructions on or across a PROW, such as permanent

or temporary fences, animal feeders, hedgerows growing over the path, padlocked gates, encroaching crops (other than grass) and barbed wire. It also means making sure that vegetation does not encroach onto the route from the sides or above and giving consideration to the height clearance required for different users, such as horse riders.

## Maintain or replace structures in accordance with guidance

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

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

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

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

## Stay up to date with restrictions on livestock and agriculture

You can be prosecuted if you keep any potentially dangerous animal on land crossed by a PROW. Further information is available on the [HSE website](http://HSE.website).

If you need to spray land crossed by a PROW, then use pesticides approved for such use and follow the product instructions. Where a PROW crosses or runs alongside a field, an informal alternative route can be provided with appropriate signposting to advise users of any dangers. However, this does not close the PROW. If members of the public are using the PROW, then spraying must be stopped.



## Reinstate ploughed cross-field PROWs

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

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

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

relating to that cultivation after the initial 14-day period has ended.

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

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

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

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

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

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

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



# Silage, slurry and agricultural fuel oil (SSAFO) storage

If you are thinking of building a new silage clamp, slurry tank or lagoon, or substantially altering an existing store, you need to tell the Environment Agency at least 2 weeks before you start construction. You also need to provide information about the structure you are planning to build and where it will be located. Guidance on [GOV.UK](http://GOV.UK) sets out the information you will be asked to provide to the Environment Agency. The Environment Agency is happy to discuss your proposals with you at an early stage

of planning. It can give advice about construction requirements and location if this is needed. You will also need to check if local authority planning permission is needed. You can contact the Environment Agency on 03708 506 506 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

CIRIA has published a new edition of 'Livestock manure and silage storage infrastructure for agriculture'. This gives practical advice on planning and building storage infrastructure and is available free of charge from CIRIA's website.



## Nitrate Vulnerable Zone (NVZ) reminders

### NVZ: Back to basics

FAS has produced a technical article called 'NVZ: Back to basics', which provides a simple guide to the NVZ requirements. This can be downloaded for free from the [FAS website](#).

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

### Returns required if you were granted an NVZ grassland derogation in 2017

If you held an NVZ grassland derogation for 2017, you are required to submit field and farm information known as a 'fertilisation account' to the Environment Agency by 30 April 2018.

You must submit records for the period 1 January 2017 to 31 December 2017 that show:

- The total agricultural area (in hectares (ha)) of the derogated holding; the area covered by each of the following crops – winter wheat, spring wheat, winter barley, spring barley, winter oilseed rape, sugar beet, potatoes, forage maize and grass; and the area covered by any other crops.
- The number and category of livestock kept on your farm, and the amount of nitrogen and phosphate in the manure they produce. These categories are given in the Department for Environment, Food and Rural Affairs' (Defra) standard values table that can be downloaded from the '[Using nitrogen fertilisers in nitrate vulnerable zones](#)' page on GOV.UK, together with standard values for manure nitrogen and phosphate.

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

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

### Grassland derogation – soil monitoring

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

Further advice on sampling for soil P can be found in '[The Nutrient Management Guide](#)' (RB209).

### The Nutrient Management Guide (RB209) has been updated

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

(RB209)'. The latest version of RB209 provides recommendations for a broad range of crops. All changes from previous versions are based on a comprehensive review of trials data conducted 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.



# Water abstraction licence reminders

## 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'. Your return can be, for example, water meter readings or actual volumes abstracted. Depending on licence conditions and the quantity of water abstracted, 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.

Table 1 – Water abstraction return dates

Affected article	This means you are referred to as a...	When does the Environment Agency ask you for your return?	You need to submit returns by
Wholly between 1 April and 31 October	Summer abstractor	End of October each year	30 November each year
Not wholly between 1 April and 31 October	Winter/all-year abstractor	End of March each year	30 April each year

## Ways of submitting a return

### Paper form

If you are not registered for online submission, the Environment Agency will send you a form when your return is due and guidance on how to complete it. The form is pre-populated with details about your abstraction licence. If you are a winter/all-year abstractor, you should receive a paper form for the period 1 April 2017 to 31 March 2018.

### Generic Operator Returns (GOR).

If you have registered to submit your return using a GOR, the Environment Agency will send you an email when your return is due. The web screen and GOR spreadsheet online options are pre-populated by the Environment Agency with details about your abstraction licence. If you are interested in using the online service to submit your next set of returns, please email [WR\\_Systems\\_Team@environment-agency.gov.uk](mailto:WR_Systems_Team@environment-agency.gov.uk) quoting your abstraction licence number or contact the Environment Agency on 03708 506 506.

## How returns are used

Once submitted, the information is used for:

- charging;
- checking compliance with licence conditions;
- water resource management.

## Charging (two-part tariff)

Returns are used for two-part tariff billing. If you abstract water 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.

## Compliance

Water abstraction licence conditions are set to manage the balance between human use and environmental needs. The Environment Agency assesses compliance with the conditions and prefers to work with licence holders to resolve compliance issues. However, if licence conditions are breached, further action can be taken to protect the environment and other water users. Abstractions for spray irrigation fall under cross compliance [GAEC 2: Water Abstraction](#). The Environment Agency can use the returns you submit to report compliance issues to the Rural Payments Agency, which may result in a reduction in your Basic Payment Scheme (BPS) and/or certain Pillar II scheme payments.

## Water resource management

Information on abstracted volumes is used to assess the impact that abstraction has on river flows or wetland sites, helping to manage water resources in England.

If you have any enquiries regarding your water abstraction licence or returns, please contact the Environment Agency on 03708 506 506 (Monday to Friday, 8am to 6pm) or email ([enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)).

## Changes to water abstraction exemptions

The FAS December newsletter reported that, on the 31 October 2017, the Department for Environment, Food and Rural Affairs (Defra) laid regulations in Parliament and published the Government's [consultation response](#) on removing exemptions for around 5,000 significant abstractions known as New Authorisations. Given the importance of this regulatory change, we are rerunning this article with some updates.

Since 1 January 2018, it has been a requirement to apply for a water resources abstraction licence from the Environment Agency if you abstract (take) more than 20 cubic metres a day for a previously exempt activity. This includes abstraction for trickle (drip) irrigation and other forms of horticultural irrigation, such as hydroponics and flood irrigation of cultivated land. It also applies to supporting sites of special scientific interest (SSSI), Water Level Management Plans, Environmental Stewardship sites, water meadows and managed wetlands where abstraction is taking place under an exemption and currently unlicensed.

Transitional arrangements are in place that require abstractors to act before specific dates. There is a 2-year window to apply for a licence – starting from 1 January 2018 until 31 December 2019 (see <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction>). The Environment Agency will then consider and determine the outcome of your new licence application before 31 December 2022.

The Environment Agency strongly recommends that you submit your application in good time before the transitional application period closes as there will be no extensions to the deadline of 31 December 2019. Given the relatively quiet period in farming over the winter period, it is suggested that applications are made early and, ideally, before the end of June 2018 for trickle/horticultural irrigation

and the end of October 2018 for managed wetlands. The Environment Agency cannot guarantee to check all applications that are received near to the application window closing (in the last 3 months). Any applications that are found to be incorrect or invalid will be rejected. Therefore, applicants will therefore risk missing the opportunity to take advantage of the transitional arrangements if submitted in the last 3 months of the application window.

The UK Government expects the Regulator (the Environment Agency) to take a light-touch, risk-based approach to licensing these existing abstractions. This approach means that the majority of licences will be granted based on existing abstraction requirements. You will need to demonstrate, to the reasonable satisfaction of the Environment Agency, your abstraction requirements and that abstraction has taken place within the previous 7 years. Paul Hammett, NFU water specialist, recommends that farmers and growers start early in understanding the new licensing process, and what they need to do to secure their long-term access to water. 'Growers should not lose sight of the statutory deadlines. Don't rush, but don't leave it too late either' he said. In February, the NFU arranged a series of workshops across the West Midlands and South East England in partnership with the Environment Agency to help farmers and growers with their 'New Authorisations'.

The Environment Agency has produced additional information for farmers and growers on applying for a New Authorisation that is available at <https://www.nfuonline.com/assets/103742> and <https://www.nfuonline.com/assets/103744>

If you already have a licence to abstract water for spray irrigation, you may be able to vary it to include your exempt activity on it (if the water is from the same source of supply).

Licences may be subject to conditions once issued. Further details can be found in the Government's [consultation response](#).

You can continue to abstract water at the same quantities until a decision is made on your application. However, when the current exemptions are removed, the changes will also affect various activities where abstraction has yet to commence. If you are planning a new abstraction or planning to increase your current abstraction volumes, then, after 1 January 2018, you will need to have an abstraction licence in place before the abstraction can commence. For example, this would

apply where a new trickle irrigation operation was planned. These new or planned changes are not covered by the transitional arrangements that apply to existing abstractions. In these cases, you will need to allow sufficient time to make the necessary applications. Decisions normally take up to 4 months from the date a valid application is received. Please go to <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence> for more information.

There are charges associated with submitting these applications. Details on abstraction charges can be found at <https://www.gov.uk/government/publications/abstraction-charges-scheme>.

If, after having read the GOV.UK guidance, you are still unsure about whether or not you require a licence or have any questions about it, please contact the Environment Agency on 03708 506506 or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

## The Government's Water Abstraction Plan



The Government has published a plan that sets out how the Environment Agency will improve the management of water abstraction. The plan explains how the Environment Agency will develop a stronger catchment focus that will lead to local solutions to:

- protect the environment by changing licences to better reflect water availability in catchments and reduce the impact of abstraction ([including through New Authorisations](#));

- improve access to water by introducing more flexible conditions that support water storage, water trading and efficient use.

The Environment Agency will support these improvements by modernising the abstraction service and bringing regulations in line with other environmental permitting regimes. The Water Abstraction Plan was published on 15 December 2017 and is available at <https://www.gov.uk/government/publications/water-abstraction-plan-2017>

# Initial prospects for spray irrigation

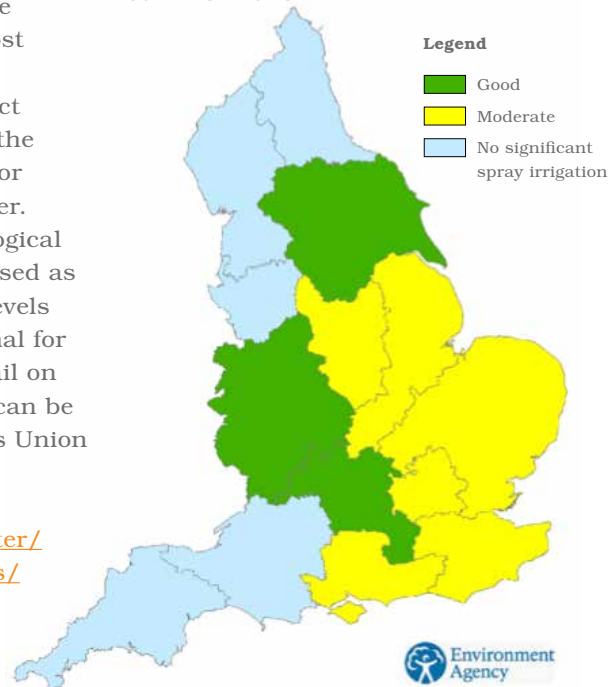
## Overview

At the end of February, the Environment Agency produced its initial prospects for spray irrigation (SI) across England (for those areas where irrigation is most significant). We will be updating these prospects into the spring. Figure 1 shows a map of SI prospects for parts of England where SI abstraction is significant. There has generally been an improving hydrological position since December 2017 across the country generated from 2 months of above average rainfall resulting in river flows and groundwater levels rising. March started wet

and, hopefully, there should be at least average rainfall for most parts by the end of the month. The mapped SI prospects reflect the improving conditions and the most likely rainfall scenarios for the remaining part of the winter. Despite this improving hydrological situation, many areas are classed as moderate, with groundwater levels in some areas still below normal for the time of the year. More detail on the individual area prospects can be found on the National Farmers Union (NFU) website:

<https://www.nfonline.com/cross-sector/environment/water/irrigation-and-water-resources/>

Figure1 – Initial prospects for spray irrigation for relevant areas, spring – summer 2018



## Definitions

Prospects for spray irrigation are defined as 'Good', 'Moderate' or 'Poor'.

Good	Water levels are average or above average and supplies are expected to be safe. There is a possibility of minor local controls on abstraction from surface water in late summer if the weather is exceptionally hot and dry.
Moderate	Water levels are low. Some controls on surface water abstraction are possible by mid-summer if the weather is hot and dry. Controls on abstraction from groundwater are possible in small, sensitive groundwater areas.
Poor	Water levels are well below average. Soil moisture deficit is developing early and significant restrictions on abstraction from surface and groundwater are probable.

Paul Hammett, NFU's water specialist, has urged growers to monitor irrigation prospect announcements from the Environment Agency as they are updated in the months ahead. He said 'Recent rainfall has allayed many concerns, but dry conditions in the second half of 2017 again reminded growers in the south and east about the importance of building resilience to face future droughts.' The NFU recommends that farmers and growers review their abstraction licences before the next irrigation season starts to ensure that they meet current business needs.

(In the past the Environment Agency has provided SI prospects. Trickle irrigation was brought into regulation from the 1 January 2018. To date, there are no trickle irrigation abstraction licences in the system).

### What can irrigators do?

For their part, irrigators are encouraged to take such actions as they can to minimise the impacts on the environment and their businesses. Please talk to the Environment Agency now about actions you can take. If you don't know your local Environment Agency contact, please call the customer service line on 03708 506506 and ask to speak to your local water resources member of staff dealing with SI prospects.

### Abstraction licences

- Check your licence details and, at all times, adhere to licence conditions.

### Voluntary restrictions

- Comply with voluntary restrictions where they are requested. This will delay, and may avoid the need for more formal restrictions.

### Storage reservoirs

- Take every possible opportunity to ensure that high-flow storage reservoirs are as full as possible by the start of the irrigation season.
- Continue to plan for the future. Is there an opportunity to convert from direct summer abstraction to high-flow storage? The Rural Development Programme for England (RDPE) may be able to help with funding.
- Ensure your reservoir is regularly maintained, checking for cracks and leaks.
- The Environment Agency has a range of literature available to help support your business including Rain Water Harvesting, Think about Installing an Irrigation Reservoir and Adopting Best Metering Practice. [Guidance on the planning and design of irrigation reservoirs in Kent](#), jointly produced by Environment Agency, Kent County Council and EMR.
- If you are having trouble filling your irrigation reservoirs, please contact us as early as possible to enable maximising any potential that may exist to fill your reservoir.

### Irrigation management

- Make sure that meters are in good working order and properly fitted.
- Check irrigation systems and replace worn or broken items before the start of the season.
- Make sure that irrigation systems are properly set up and operated in accordance with an accurate and reliable irrigation scheduling system.
- Ensure you are prepared to change your irrigation plans if necessary.
- Prioritise crops and fields in terms of water need.
- Choose irrigation times carefully, e.g. avoid the heat of the day and irrigate at night, if possible.
- Undertake a water audit. Know the cost of your water, calculate crop per drop.

### Abstractor groups and guidance

- Where appropriate, discuss issues, share ideas etc. with neighbouring farmers. A number of local liaison groups already exist for this purpose. Consider setting up a group.
- Maintain an awareness of developing guidance from academic institutions and farming organisations (e.g. NFU, UK Irrigation Association and Cranfield University).
- The Environment Agency has a range of literature available to help support your business including Rain Water Harvesting; Think about Installing an Irrigation Reservoir and adopting Best Metering Practice.

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