

October 2015 - e-news issue 23

Welcome to the Farming Advice Service newsletter

If you would like to sign-up to receive the Farming Advice Service (FAS) newsletter straight to your inbox, please email bookings@farmingadvice.org.uk with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.

We hope you find the information in this issue helpful. If you have any comments or ideas for topics you'd like us to cover, please let us know.

FAS technical advice line:

Telephone: 0345 345 1302

Email: advice@farmingadvice.org.uk

Website: www.gov.uk/government/groups/farming-advice-service

**Farming
Advice Service**

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What is FAS?



CAP Regulations require EU Member States to run an advisory system covering cross compliance, greening, water protection and aspects of pesticide use. Under the Regulations, this advice must be **confidential** – that is, it **must not** be shared with those conducting inspections.

In England, this advice is provided by the Farming Advice Service (FAS). FAS updates the farming sector on relevant EU and Department for Environment, Food and Rural Affairs (Defra) policies. It explains the requirements under the Common Agricultural Policy (CAP) and other EU directives, national legislation and policies; and their objectives and the actions that 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.

For further information, please visit our [website](#) or call 0345 345 1302.

Important information on the greening rules

Changes to greening rules in 2016

If you are a Basic Payment Scheme (BPS) claimant, you are required to adhere to the greening rules. Failure to do so could result in you losing the greening payment, which is paid on top of the BPS payment and accounts for approximately 30% of the total payment you will receive for being in BPS. An updated greening guidance document was released in September 2015 to fully explain the greening requirements for 2016. 'Basic Payment Scheme (BPS) in England: rules for 2016' can be found on [GOV.UK](#).

If you have more than 15 hectares of arable land, then it is likely that you are required to have Ecological Focus Areas (EFAs) on your arable land. There are some exemptions from this rule, details of which can be found [here](#).

Organic land can also be exempted from the requirements. Further information can be found on 'The greening rules' page [here](#).

EFAs are areas and features that benefit the climate and the environment. If your farm needs EFAs, then the areas and features used must

be equivalent to at least 5% of the total arable land that you have declared on your BPS application. Your greening calculations should be done every year. The 'Greening: ecological focus areas (EFAs) on arable land' page on [GOV.UK](#) provides a full list of the areas and features that count as an EFA.

There is now the possibility for farmers to nominate alternative EFAs where the original is not present or was incorrectly calculated. These alternative EFAs must be present (or for crop areas at least already declared) at the time of any check or inspection. They must also be situated on or where appropriate, adjacent to land already declared on the application. Therefore it is not possible to ask on inspection for a cover crop that will be planted in the future to be allowed as an alternative to a claimed catch crop that has not been established.

The greening rules for 2016 will remain largely the same as those for 2015, but there are two changes to be aware of:

- oilseed radish can now count (as part of a mix) as an EFA catch and/or cover crop; and
- some EFA features (see page 3 for details) can now be up to 5 metres away from arable land, rather than immediately next to it.



EFA features in 2016

EFA buffer strips up to 5 metres from arable land

From 2016, a buffer strip can count as an EFA even if it is separated from arable land by:

- a man-made feature (for example, a fence);
- a landscape feature (for example, a hedge or a line of trees); or
- a feature which is not eligible for BPS (for example, a track).

However, the distance between the buffer strip and the arable land must not be more than 5 metres and, in all cases, the buffer strip must be on the arable land side of the watercourse it protects.

'In-field' EFA buffer strips

To count as an EFA in 2016, an 'in-field' buffer strip must be all of the following:

- have arable land or be within 5 metres of arable land, on both sides;
- parallel to a watercourse;
- on a slope that leads down to a watercourse; and
- within an arable land parcel that is alongside a watercourse.

Where a man-made/landscape feature is situated on the arable land between the buffer and the watercourse then the buffer strip is classed as an in-field buffer strip.

EFA hedges

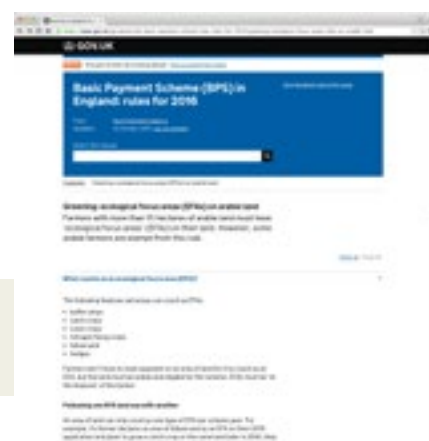
A hedge can only count as an EFA if it is growing on or within 5 metres of arable land along its longest edge and is at the BPS claimant's disposal. In accordance with cross compliance rules, it must have either:

- a continuous length of at least 20 metres or is part of any such length; or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end.

EFA fallow land in 2016

If you intend to declare EFA fallow land during the 2016 scheme year, please remember that the fallow period is from 1 January until 30 June (inclusive). This is different to the fallow land entered under the crop diversification requirements.

For more information on all the EFA features above, please refer to the 'Greening: ecological focus areas (EFAs) on arable land' page on GOV.UK.



Cover crop requirements in 2015 scheme year

One of the EFA options is to establish cover crops to protect the soil and use available nutrients between harvest and sowing. If you have declared cover crops on your 2015 BPS application, you must adhere to these rules.

Cover crops are planted between summer harvest and the sowing of a spring-planted crop, providing ground cover to prevent leaching or soil erosion or to provide green manure. To count as an EFA in 2015, cover crops must be established by **1 October 2015 and retained until at least 15 January 2016**. This does not affect the ability to claim the same land area as EFA fallow land from 01 January 2016 since the claim is for a new scheme year.

The crops that you can grow as an EFA are those that give the best chance of:

- establishing within the sowing period;
- growing quickly;
- achieving ground cover; and
- having different rooting depth types.

To count as an EFA in 2015, 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:

Cereal	Non-cereal
Rye	Vetch
Barley	Phacelia
Oats	Mustard
	Lucerne

However, grass can be used as a cover crop as long as it is undersown in the previous crop and is sufficiently established.

The above list is based on crops that have been used successfully for environmental stewardship in recent years. The Regulations do not allow farmers to include crops that are intended to be grazed. Therefore, kale or stubble turnips are not included. Please note, while oilseed radish has

been added to the list for 2016, it is not eligible if it was sown during the 2015 scheme year.

Using crops from the list above will give the soil surface the best chance of protection from erosion, which will aid compliance with cross compliance wGood Agricultural and Environmental Condition (GAEC) 5: 'Minimum land management reflecting site specific conditions to limit erosion requirements'. It will also help to make sure that available nutrients are taken up by the plants. Once the cover crop is destroyed, you should take care to ensure that those benefits are not lost (e.g. that soil and nutrients do not leach into nearby watercourses). So, ideally, you should avoid grazing and establish the next crop quickly to reduce the risk of soil erosion. Using cover crops will also help you

to adhere to the cross compliance soil management rules for minimum soil cover (GAEC 4). Further guidance on the cross compliance soil management requirements can be found in ['The guide to cross compliance in England 2015'](#).

You can include other crops in your cover crops, but these areas cannot count as an EFA.

There are no restrictions on the management of cover crops outside of the periods provided above. The cover does not need to be destroyed and it can also be grazed outside of these periods.

For further information on EFA cover crop options and rules for the 2015 scheme year, please go to the ['Basic Payment Scheme: guidance for 2015'](#).

Technical advice line:
0345 345 1302

Farming Advice Service

Buffer strips for ecological focus areas (EFA) under Greening requirements

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

Your EFA buffer must:

- Be next to a watercourse or parallel with land on a slope leading to a watercourse
- Be a minimum 1 metre wide
- Not be used for crop production
- Be next to arable land (or within 5 metres of it) and on the arable side of the watercourse
- Can be grass, or sown with wild bird seed or a pollen and nectar mix
- Where a man-made/landscape feature is situated on the arable land between the buffer and the watercourse then the buffer strip is classed as an in-field buffer strip.

EFA in field buffer strips must:

- Be parallel to a watercourse
- Be on a slope that leads to a watercourse
- Within a land parcel that is alongside a watercourse
- Have arable land on either side (or within 5 metres).

If there is a buffer strip in the land parcel adjacent to the watercourse then both of these can count as an EFA.

Combining EFA buffer strips and fallow land

If an area of temporary grassland is 3 metres or more wide it can be counted as both a EFA buffer strip and fallow land providing: There is a distinguishable difference between the buffer and the fallow land during the fallow period (1st Jan -30th June)
The difference can be achieved by either of the following:

- Different types of vegetation
- Different heights of vegetation
- Different land management e.g. cultivation

Cross compliance field margin requirements

Cross compliance field margins protect hedgerows (GAEC 7a) and watercourses (GAEC 1) from pollution and run off from agricultural sources. Cross compliance margins can count towards EFA.

Hedgerow buffered by protection zone

Watercourse buffered by protection zone

The margin must: measure 2 metres from the centre of the watercourse, ditch or hedge being counted as a field margin (picture 1 and 2)

- Or 1 metre from the edge of the watercourse or field ditch to the landward side of the top of the bank (picture 3)
- Not be cultivated, sprayed or fertilised
- But it is possible to top the green cover or spot spray weeds if deemed necessary and done in compliance with any other environmental requirements for example not destroying bird's nests.

To download a printable version of the FAS EFA buffer strip poster click [here](#).

Nitrate Vulnerable Zone reminders

Grassland derogation

Grassland farmers can apply for a derogation from the 170kg nitrogen per hectare per year (ha/year) livestock manure limit provided they meet certain criteria. If your application is approved and you meet certain conditions, you will be able to work to the higher level of 250kg nitrogen/ha/year livestock manure from grazing livestock on your farm. Applications can be submitted using Defra's Farming Online system via the GOV.UK website.

Please note that the online system will be unavailable on Saturday 24 October due to scheduled maintenance but will be available once again from Sunday 25 October until the end of the application window on 31 December 2015.

If you are unable to apply online, telephone applications are being handled by the Environment Agency's helpline on 03708 506 506.

All applications must be made between 1 October and 31 December 2015.

Whether you are applying online or by telephone, you will need to have information about your holding to hand. If you have not applied for or been granted a derogation before, you may find a question and answer document that has been prepared on the subject useful. Please email nitratesdirectiveteam@defra.gov.uk to obtain a copy.

Further information on the derogation can be found on the GOV.UK website.

Separation of slurry

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 farmyard manure. If not, it is still slurry. If there is leakage from a stack, you must collect this and treat it as slurry.

If you intend to separate slurry on your farm and your land is in a Nitrate Vulnerable Zone (NVZ), you must comply with this rule. From the 2015 closed period (see Table 1), this also applies if your land was designated in an NVZ for the first time in 2013 (previously exempt).

Further information can be located on GOV.UK.

	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

Table 1:
NVZ closed periods for organic manure with a high readily available N content



Abstraction licence expiry

*Abstractors who hold a time-limited licence that expires on **31 March 2016** must submit an application to replace it (if they still wish to abstract) before **31 December 2015**. The Environment Agency is accepting applications now and encourages abstractors to apply early.*

For further information about applying or renewing a water abstraction licence, please visit the [GOV.UK website](http://www.gov.uk) or call the Customer Contact Centre on 03708 506 506.



'Grandfather Rights' will no longer exist from November 2015

*Under the previous UK legislation governing pesticide use, people born before 31 December 1964 who used an agricultural product on their own or their employer's land were exempt from the requirement to hold a certificate of competence (this exemption was known as 'grandfather rights'). New Regulations provide for the continuation of that exemption until **25 November 2015**, after which everyone who buys a professional pesticide product must ensure that the intended end user holds a specified certificate.*

This means that after 26 November 2015, **everyone** using a professional pesticide product, including those who previously relied on grandfather rights, must hold a specified certificate. Existing certificates of competence (for example, PA2 and PA6) will remain valid under the new legislation. Anyone who already has one of these will need to do nothing new.

A list of specified certificates is available by clicking [here](#).



It is a legal requirement to follow the rules outlined in '[The Plant Protection Products \(Sustainable Use\) Regulations 2012](#)'. If you do not adhere to the rules, you will also risk prosecution and a reduction in your BPS and certain Pillar II payments.

If you do not hold a certificate of competence or specified certificate, but require the application of professional pesticides to your land, you may employ a contractor or neighbouring farmer. It would be your responsibility to check that they hold an appropriate specified certificate.



Requirement to get spray equipment tested – one year to go

By 26 November 2016, and at regular intervals thereafter, owners of pesticide application equipment in use (except knapsack and handheld sprayers) must ensure it is inspected to certain timetables. Equipment that is not in use or is not used for applying pesticides is not affected.

All application equipment in use (except knapsack and handheld sprayers) must pass inspection once by 26 November 2016, unless it is less than 5 years old on that date. The equipment must pass inspection once before the 5th anniversary of its original purchase.

The National Sprayer Testing Scheme (NSTS) is currently the only body designated to conduct tests. So having equipment inspected under the NSTS will ensure compliance. A list of approved examiners can be found on the [NSTS website](#).

The following types of equipment must be inspected at least once by 26 November 2016. Subsequent testing will be required every 5 years from 26 November 2016 and every 3 years from 26 November 2020:

- boom sprayers greater than 3 metres;
- sprayers attached to trains or aircraft; and
- air-assisted broadcast sprayers.

Equipment that represents a low scale of use, such as granular applicators and boom sprayers less than 3 metres wide, will be subject to an inspection interval of no more than 6 years.

A complete list of 'low scale use' equipment can be found in the [Pesticides National Action Plan](#) and will be regularly updated.





Forthcoming FAS events

NVZ and Slurry Storage workshop – *South West*

High numbers of breaches of NVZ regulations have been identified in this area. Non-compliant farms on average incur a 4-5% deduction of their combined Basic (BPS) & Environmental Stewardship payments.

The workshops will be confidential and delivered by an independent farm adviser. The purpose of the workshop is to ensure farmers have the information they need to comply with the NVZ and Slurry Storage regulations.

Topics covered include:

- Storage requirements
- Spreading and the closed periods
- Record keeping
- SSAFO Regulations

Workshops will take place on the 3 November from 10.30am to 12.30pm and 2.00pm to 4.00pm at the **Umberleigh Village Hall, Umberleigh, Barnstable EX37 9AS.**

Please state when booking which session you would like to attend.

BASIS CPD points are available for attendees.



**Places are limited
so please book
now to avoid
disappointment**

If you would like to book a place at any of the events listed below Please call **0345 345 1302** or email bookings@farmingadvice.org.uk.

Please remember to include the event name, date, session that you wish to attend, your name, company name and contact details.

CAP implementation 2015 – South East

You are invited to attend a FREE workshop on CAP implementation 2015.

The workshop will be run by independent advisors to provide the latest information on:

- Basic Payment Scheme update.
- Cross compliance changes for 2015, with a focus on the new soil management requirements and top tips for passing an inspection.
- Old stewardship, new stewardship, what to keep and why.

The events are offered as two sessions; **10.00am to 12.30pm** and repeated at **1.30pm to 4.00pm**. Please state when bookings which session you would like to attend.

BASIS CPD points are available for attendees.

Date	Venue	Time
3 November	Sussex Enterprise Centre, Plumpton College, Ditchling Road, Plumpton, East Sussex BN7 3AE	10.00am to 12.30pm 1.30pm to 4.00pm
17 November	Preston Candover Village Hall, Northington Road, Totford, Alresford SO24 9TT	10.00am to 12.30pm 1.30pm to 4.00pm
27 November	Steeple Aston Village Hall, Fir Lane, Steeple Aston, OX25 4SF	10.00am to 12.30pm 1.30pm to 4.00pm

Forthcoming FAS events

Making the most of your assets – East of England

You are invited to a farm walk focusing on the following topics:

- Getting the most out of your soil - use of cover crops, optimal soil management for maize and other crops, protecting water.

- Don't lose sleep over cross compliance and NVZ regulations - latest information.
- Using your assets to greatest effect - Countryside Stewardship and ELS options and management, voluntary measures and EFAs.

Events run from 10.00am to 1.00pm, except 4 November which is 12.30pm to 3.30pm, all including FREE lunch.

Please bring suitable footwear & clothing.

Discounted packs of wild bird and wildflower seed mixes available.

BASIS and NRoSO CPD points are available for attendees.

Date	Venue	Time
4 November	Helmingham Estate, Hill Farm, Framsdon, Suffolk, IP14 6HA	12.30pm to 3.30pm
5 November	Darnalls Hall Farm, Weston, Hitchin, Herts SG4 7AL	10.00am to 1.00pm
9 November	Rookery Farm, Stow Longa, Kimbolton, Cambs PE28 0TR	10.00am to 1.00pm
23 November	Walnut Tree Farm, Ling, Norwich, Norfolk, NR9 5LN	10.00am to 1.00pm
26 November	Dairyley Farm, Spains Hall Rd, Finchingfield, Essex CM7 4NL	10.00am to 1.00pm

Farm walk covering Cross Compliance and the Basic Payment Scheme (BPS) – East Midlands

Please state which venue you want to attend when booking.

The walk will provide the latest information on:

- Cross Compliance in 2015; covering the new soil management rules, other rule changes and how to avoid common inspection failures for both crops and livestock.

- Greening: including Crop Diversification, Permanent Grassland and Ecological Focus Areas (EFAs)

BASIS CPD points are available for attendees.

Date	Venue	Time
10 November	Hall Farm, Cooks Lane, Scremby, Spilsby, Lincs PE23 5RP	10.00am to 12.30pm
17 November	Thonock Lane Farm, Thonock, Gainsborough, Lincs DN21 3HP	10.00am to 12.30pm
1 December	Nottingham Trent University, Brackenhurst Campus, Southwell, Notts NG25 0QF	10.00am to 12.30pm
9 December	Foston Mill Farm, Mill Lane, Derby DE65 5AX	10.30am to 1.00pm

FAS will be organising further events during the winter 2015. To find details of events in your area, please check the FAS [events calendar](#).



Nitrate Vulnerable Zone (NVZ) and soil management workshops – Yorkshire & Humber

The workshop will remind farmers of the rules and recording requirements when farming in an NVZ. We will also cover the new soil management requirements under **Cross Compliance in 2015**.

Brendan O'Connor and Pat Lane from the Farming Advice Service will run the workshops.

Workshops will take place from **10.00am to 12.30pm** and be repeated between **1.30pm to 4.00pm**.

Please state when booking which workshop you would like to attend.

BASIS CPD points are available for attendees.

Date	Venue	Time
10 November	Driffield Rugby Club, The Clubhouse, Kellythorpe, Driffield, East Yorkshire YO25 9DW	10.00am to 12.30pm 1.30pm to 4.00pm
12 November	The Galtres Centre, Market Place, Easingwold, York, North Yorkshire YO61 3AD	10.00am to 12.30pm 1.30pm to 4.00pm
17 November	Malton Rugby Club, Old Malton Road, Malton, North Yorkshire YO17 7EY	10.00am to 12.30pm 1.30pm to 4.00pm

An opportunity to find out what is new in cross compliance for 2015, making use of habitats and protecting water – North East

Wednesday 25 November at Alnwick Rugby Club, Greensfield Avenue, Alnwick, NE66 1BE

Thursday 26 November at Sedgefield Racecourse, Sedgefield, Stockton-on-Tees, TS21 2HW

The morning session is for livestock farmers, the afternoon session is for those with primarily arable enterprises. Please specify when booking which session you wish to attend, or sign up for both if you wish.

10.30am - 12.30pm: *Livestock Focus*

- Livestock Cross Compliance 2015 - key issues, inspections and preventing non-compliance (FAS)
- Managing habitats and features on the livestock farm (CFE)
- Water quality issues on livestock farms (EA)

1.30pm - 3.30pm: *Arable Focus*

- Arable Cross Compliance 2015 - key issues, inspections and preventing non-compliance (FAS)
- Managing habitats and features on the mainly arable farm (CFE)
- Water quality issues on arable farms (EA)

Tea/coffee will be available. BASIS CPD points are available for attendees.

**Register for free text message updates**

We use text messages to get relevant information to farmers quickly. We send reminders of approaching key dates for cross compliance.

To register for FREE text message updates, please call 0345 345 1302 or email bookings@farmingadvice.service.org.uk with 'Register for text updates' in the subject line.

Don't forget to include your name and mobile phone number in the message. Your details will not be shared with any third parties.

**Get the latest updates by following FAS on Twitter**

FAS has joined Twitter. Follow us on [@DefraFAS](https://twitter.com/DefraFAS) for up-to-the-minute updates on publications, events and industry information.

**Subscribe to the free FAS Newsletter**

To receive further copies of the FREE bimonthly FAS newsletter, please call 0345 345 1302 or email bookings@farmingadvice.service.org.uk with 'Register for newsletter' in the subject line

Key dates

1 October	You can burn heather, rough grass, bracken, gorse or vaccinium on land in upland areas from this date. (GAEC 6)
1 October	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 soils which are not shallow or sandy. (SMR 1)
1 October	You must have established your EFA cover crops by this date and keep them until 15 January 2016.
15 October	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 soils which are not shallow or sandy. (SMR 1)
31 October	If you hold a summer water abstraction licence (authorising abstraction wholly within the months of April to October), the Environment Agency will make actual abstraction return forms available to you from 31 October. You then have 28 days to send your readings to the Environment Agency. (GAEC 2)
1 November	You can burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 6)
30 November	If you have a two-part tariff agreement for your water abstraction licence, expect to receive your second part charge after 30 November. (GAEC 2)
1 December	You need to carry out your annual inventory of sheep. (SMR 8)