

September 2019 – e-news issue 46

Welcome to the Farming Advice Service newsletter

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

If you do not already receive the FAS newsletter straight to your inbox, but would like to, please email bookings@farmingadvice.org.uk with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.

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

FAS technical advice line:

Telephone: 03000 200 301

Email: advice@farmingadvice.org.uk

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

**Farming
Advice Service**

In this issue

Key dates

How can FAS help you?

Farming is changing: guidance published

Protecting soils post-harvest

Water primrose alert

Legal requirements that pesticide users should be aware of

Integrated pest management

Environmental Impact Assessment (EIA)

Farming rules for water – getting full value from fertilisers and soil

Have you checked your Nitrate Vulnerable Zone designation recently?

Greening – catch and cover crop requirements

Water abstraction information

Sign up to FAS

Key dates

Below are details of recent and forthcoming key dates that you should be aware of.

1 September	You can cut or trim hedges and trees from this date. (GAEC*7a and 7c)
1 September	For those within a Nitrate Vulnerable Zone (NVZ), this date is the start of the 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, this date is the start of the closed period for applying manufactured nitrogen fertilisers to tillage land. (SMR 1)
15 September	For those within an NVZ, this date is the start of the closed period for applying manufactured nitrogen fertilisers to grassland. (SMR 1)
16 September	For those within an NVZ, this date is the start of the 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 that have been sown with crops on or before 15 September. (SMR 1)
1 October	You can burn heather, rough grass, bracken, gorse or vaccinium on land in upland areas from this date. (GAEC 6)
1 October	For those within an NVZ, this date is the start of the 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 that are not shallow or sandy. (SMR 1)
1 October	Ecological Focus Area (EFA) cover crops must be established by this date. (BPS*** 2019)
14 October	EFA catch crops must be retained until at least this date. (BPS 2019)
15 October	For those within an NVZ, this is the start of the 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 that 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), you will need to submit your abstraction return. If you haven't already, please register with the Environment Agency's online service – Manage your water abstraction or impoundment licence – so you can submit your return online. The Environment Agency will notify you at the end of October if your return is due. You then have 28 days to submit your return. (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 and goats. (SMR 8)
1 December	BPS 2019 payment window opens. (BPS 2019)

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

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, Common Agricultural Policy payments and animal health inspections.

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

Farming is changing: guidance published

The Department for Environment, Food and Rural Affairs (Defra), the Rural Payments Agency (RPA) and Natural England have published a leaflet giving information about changes to farming policy in England after the UK leaves the EU.

It will be updated as needed and aims to remove some uncertainty. It gives information that farmers and those in the farming industry might need when preparing for the forthcoming changes, such as:

- phasing out direct payments;
- changing how we work together;
- changing rules and regulations;
- grant programmes.

The leaflet can be found on [GOV.UK](https://www.gov.uk).





Protecting soils post-harvest

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

One method of reducing compaction and soil erosion, as detailed in [GAEC 5: Minimising soil erosion](#), is to select the correct post-harvest options. This is to ensure that land 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:

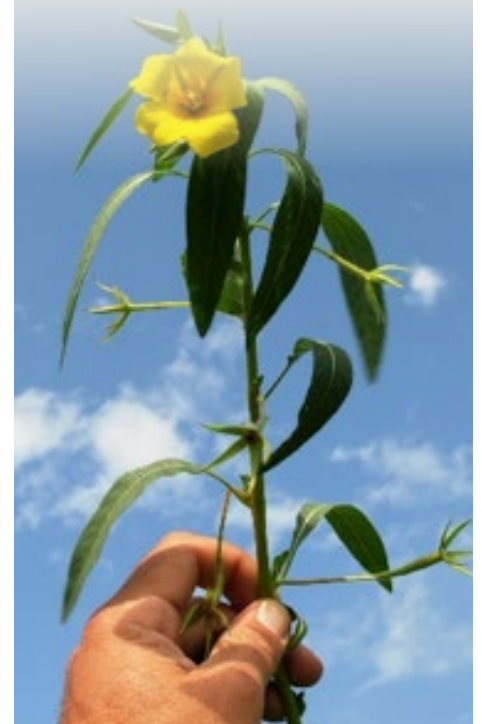
- enhance soil organic matter levels;
- comply with [GAEC 4: Providing minimum soil cover](#) and the [farming rules for water](#);
- improve workability;
- retain moisture and nutrient levels for further crop development needs;
- provide valuable soil protection from winter rains;
- prevent soil loss 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](#)'.

Water primrose alert

*Water primrose, **Ludwigia grandiflora**, which was introduced into the UK as an ornamental aquatic plant, is invading ponds, lakes, wetlands and waterbodies. It is already causing serious damage to waterbodies and wetlands elsewhere in Europe and in Japan.*

Water primrose forms dense mats which exclude native species, degrade amenity use and may increase flood risk. It is now banned from sale in the UK, but it has been found in a variety of waterbodies, especially ponds, fisheries and wetlands. Many of the ponds have been on farms. The Environment Agency is coordinating the eradication of existing infestations. To date, 39 sites have been found, 14 of which are believed to have been eradicated. If you find water primrose, report it at alertnonnative@ceh.ac.uk. More information on identifying water primrose is available on the [Non-native Species Secretariat website](#).



Legal requirements that pesticide users should be aware of



'Grandfather rights' no longer exist for professional pesticide use

Under the previous UK legislation concerning 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 now require that everyone who uses a professional pesticide product must hold a specified certificate.

The regulations also require that everyone purchasing a professional pesticide product must ensure the end user holds a specified certificate.

Existing certificates of competence (e.g. PA2 and PA6) will remain valid under the new legislation. Anyone who already has one of these will not need to do anything 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'](#). You risk being prosecuted if you do not adhere to these rules.

If you do not hold a specified certificate, but require professional pesticides to be applied to your land, you may employ a contractor or neighbouring farmer. However, it is your responsibility to check they hold an appropriate specified certificate.

Further information on complying with the requirements has been produced by the Voluntary Initiative and can be found [here](#).

Requirement to test 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 an inspection by the National Sprayer Testing Scheme (NSTS).

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.

Pesticide record keeping

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, date and dose of application; the area covered; and the crop where the product was used.



Integrated pest management

Regulation (EC) No. 1107/2009 concerning the placing of plant protection products on the market applies in every EU country and requires plant protection products to be applied 'properly'. Proper use includes those applying pesticides in a professional capacity to follow the principles of integrated pest management (IPM) set out in Directive 2009/128/EC, which establishes a framework for Community action to achieve the sustainable use of pesticides. The Government's publication '[A Green Future: Our 25 Year Plan to Improve the Environment](#)' aims to put IPM at the heart of an in-the-round approach, using pesticides more judiciously, and supplementing them with improved crop husbandry and the use of natural predators.

What is IPM?

Directive 2009/128/EC defines IPM as the careful consideration of all available plant protection methods and integration of appropriate measures to discourage the development of populations of harmful organisms. It aims to keep the use of all forms of control to levels that are economically and ecologically justified, and reduce or minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control.

What are the general principles of IPM?

The general principles include:

- preventing or suppressing the development of populations of harmful organisms (e.g. through crop rotation; use of cultivation techniques, resistant varieties, balanced fertilisation, irrigation/drainage practice and hygiene measures; and protecting and enhancing beneficial organisms);
- using forecasting and monitoring systems to assess pest pressures and using thresholds (where available) to decide whether and when to apply controls;
- giving preference to non-chemical methods if they provide a satisfactory method of control;
- using pesticides that pose least risk to human health and the environment;
- keeping use of all methods of control to levels that are necessary (in the case of pesticides, this may involve reducing dose rates), while being mindful of the need to avoid the development of resistance and adopt anti-resistance strategies;
- assessing the effectiveness of controls.

What should you do to demonstrate that you have adopted an integrated approach to pest management?

IPM Plans (IPMP) can help you to adopt an integrated approach to pest management. They can also help you to demonstrate due diligence in meeting the obligation to take all reasonable precautions to protect human health and the environment when using pesticides. An IPMP can help to demonstrate that risks have been carefully assessed and that during the development of the control regime, different ways of controlling pests, weeds and diseases have been considered. The IPMP may also be useful evidence for farm assurance schemes and cross compliance inspections.

Where can you obtain an IPMP?

The NFU and Voluntary Initiative have developed an [IPMP](#) that can be used by farmers to demonstrate the use of IPM. This is a free tool and, once you have completed it online, a copy will be emailed to you. The IPMP can then be printed and retained with other farm records.

It is important to thoroughly review the IPMP annually. If you have a BASIS registered adviser, they may be able to assist with completing and reviewing the IPMP.

Environmental Impact Assessment (EIA)

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 £20 (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. This has been developed in conjunction with the relevant archaeological consultees and Local Environmental Record Centre. Finally, Natural England also provides a checklist that can be used to ensure that all the required information has been provided.

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





Farming rules for water – getting full value from fertilisers and soil requirements

*From 2 April 2018, all farmers in England have had to meet rules to protect water quality. Farmers and land managers need to use their knowledge of what is best for their land (e.g. by deciding when it is safe to spread fertilisers and organic manures). The rules introduce an **approach to regulating farm practices** that, in time, might be rolled out to reduce other environmental impacts.*

The rules require farmers to keep soil on the land, match nutrients to crop and soil needs, and keep livestock fertilisers and manures out of the water. They are being rolled out by the Environment Agency through an **advice-led approach** (i.e. working with farmers to meet the requirements before enforcement action is taken).

The farming rules for water were drawn up with farming and environment stakeholders to build on the good progress that a great many farmers have made in tackling pollution. The rules have the potential to benefit the water environment and farmers as they will **establish a regulatory level playing field for all farmers** by helping protect the water environment, and save farm businesses money through better resource efficiency and improved resilience.

All farmers should check the **farming rules for water** to satisfy themselves that they are complying with them in full.

What are the farming rules for water?

There are eight rules – five about managing fertilisers and manures and three on managing soils. The rules require farmers to:

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

The rules require farmers to use soil tests to plan each application of manure or fertiliser to cultivated land, and to match and not exceed soil and crop needs. This is to avoid the excessive use of nutrients, which

could pollute water. Please note that nitrogen levels can be determined by assessing soil nitrogen supply instead of soil testing.

The rules include the following requirements:

- minimum storage and spreading distances for manure or fertiliser from water bodies;
- assessing soil conditions to reduce the risk of nutrient losses;
- assessing the current weather and that forecast for the land at the time of application;
- managing livestock to protect land within 5 metres of water and reduce livestock poaching.

In addition to these rules, farmers are encouraged to incorporate organic fertilisers into the soil within 12 hours of spreading.

Why are the rules in place?

- Clean water is essential for life.
- **Farmers** managing the land have a **key role to play in protecting our water quality.**
- A particular **challenge for farming is diffuse water pollution**, numerous small-scale losses that together adversely affect the quality of our groundwater, lakes, rivers and seas.
- **Clean water benefits tourism**, helps **fishing and shellfish businesses to thrive**, reduces the cost of drinking water and enables biodiversity to thrive.

What are the benefits to your business?

- **Money** – the new rules could help farm businesses save money from better resource efficiency and improved resilience.
- **Business resilience** – keeping soil and nutrients on the fields improves productivity, reduces costs and makes a business more resilient.
- **Protecting the farm environment** – protecting biodiversity and the essential resources of soil, water and air.
- **Knowing what's best for your land** – you will be able to use the knowledge of what is best for your land to reduce agricultural diffuse pollution.
- **Check that you are complying with legislation** – many of the farming rules for water are in 'Protecting our Water, Soil and Air' a Code of Good Agricultural Practice for farmers, growers and land managers. Those with land in a Nitrate Vulnerable Zone (NVZ) or entered into the Basic Payment Scheme (BPS) should already meet many of the farming rules for water. **However, you should still check to see that you also comply with all of the farming rules for water.**



What are the benefits for the environment?

The new rules will:

- help to protect the water environment;
- reduce soil erosion and runoff means fewer nutrients and other pollutants entering the water environment;
- reduce the amount of sediment and nutrients from farmland that enter the water environment and have a detrimental impact on water quality and ecology (e.g. smothering fish spawning areas or causing excessive algal growth).

How will the rules be enforced?

The farming rules for water introduce a new collaborative approach to ensure that all farmers in England meet a basic standard of good practice, underpinned by new legal requirements. The emphasis is on advising farmers what they must do to meet the standard before any enforcement action is considered.

The Environment Agency can use civil and criminal sanctions in a manner that is appropriate to any offences under the farming rules,

as described in its Enforcement and Sanctions Guidance. A broad range of enforcement and sanctions are available to address non-compliance and the following could be applied:

- civil sanctions such as compliance notices, restoration notices, stop notices, fixed and variable financial penalties, enforcement undertakings, warning letters and formal cautions;
- the Environment Agency may also pursue a criminal prosecution, but this is only likely for more persistent cases of non-compliance with the rules;

Further information can be found at <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-statement>.

Where can you get further advice and support?

You can contact the Environment Agency's National Customer Contact Centre, Monday to Friday, 8.00am to 6.00pm by email enquiries@environment-agency.gov.uk or telephone 03708 506 506.

Have you checked your Nitrate Vulnerable Zone designation recently?

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 the NVZ rules, please read our updated guidance pages on GOV.UK.

NVZ 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.

Soil is sandy if it lies over sandstone or it has all the characteristics shown in Table 2 and is classified as shallow if it is less than 40cm deep.

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 are an organic farmer or you are 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.

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

	Soil up to 40cm deep	Soil between 40cm and 80cm
Characteristics of sandy soil	<ul style="list-style-type: none"> • more than 50% 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 5% by weight of organic carbon. 	<ul style="list-style-type: none"> • more than 70% by weight of particles from 0.06mm to 2mm in diameter; • less than 15% by weight of particles less than 0.02mm in diameter; • less than 5% by weight of organic carbon.

Table 3: Exceptions for organic farms

Crop	When you can spread nitrogen	Additional limits on spreading
Asparagus, overwintered salad onions, parsley and bulb onions	From the start of the closed period to the end of February	
Brassicas	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 of nitrogen at any one time

Do you have enough winter storage?

If you store organic manure on your land, it is important to read the '[Storing organic manures in nitrate vulnerable zones](#)' page on GOV.UK. Here, you will find guidance on complying with the rules for storing slurry, poultry manure and solid manures (including how to find a suitable location for temporary field heaps); constructing or enlarging storage facilities; and recordkeeping requirements.

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

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

- 1 October to 1 April (6 months) in the case of pigs and poultry;
- 1 October to 1 March (5 months) in the case of other livestock (cattle, sheep, goats, deer and horses).

If you have any slurry on your farm, **you must** store it in a tank, lagoon or other suitable facility. These requirements are set out in the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (SSAFO) (England) Regulations 2010. If you are building a new store or substantially altering or enlarging your slurry storage facilities, you must notify the Environment Agency at least 14 days before you start any construction work.

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

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

In addition to slurry, storage facilities must have the capacity to store:

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

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

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

Minimum storage

You may need a greater storage volume if, in some years, you cannot empty the store before the start of the closed period. Using average rainfall data may, in some years, underestimate the amount of storage required. Therefore, a longer average rainfall period may need to be used when calculating requirements.

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

Separation of slurry

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

If you separate slurry into solid and liquid parts, you must do so either using a purpose-built machine or on an impermeable 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 (FYM). If not, it is still slurry. Any leakage from a stack must be collected and treated as slurry.

Rules for manure heaps

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

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

If you choose to store manure in temporary field heaps, you must:

- cover any poultry manure without bedding/litter that is stored in a field heap with an impermeable sheet;
- move any field heap at least every 12 months;
- leave a 2-year gap before returning to the same site;
- keep a record of the sites used for field heaps and the dates of use.

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

- within 10m of surface water (including ditches) or land drains;
- within 30m of surface water (including ditches) if the land slopes steeply (12 degrees (1 in 5 or 20%) or greater);
- within 50m of a spring, well or borehole;
- on land likely to become waterlogged;
- on land likely to flood.

The field heap site must occupy as small a surface area as possible, but be sufficient to support the mass of the heap and prevent it from collapsing. For further details about the rules for manure heaps, please refer to guidance on the [Storing organic manures in nitrate vulnerable zones](#) page on the GOV.UK website.

Closed periods for the application of manufactured fertiliser

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

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

There are some exceptions. Manufactured fertiliser may be spread on the crops listed in Table 4 providing the amounts spread do not exceed those stated.

Table 4: Crops that can receive manufactured fertiliser

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

In the case of:

- winter oilseed rape and grass – applications are allowed between the start of the closed period and the end of October;
- grass – a maximum of 40kg of nitrogen per hectare may be spread at any one time;
- brassicas – an additional 50kg of nitrogen per hectare may be spread every 4 weeks during the closed period up to the date of harvest.

In the case of other crops, manufactured fertiliser may be spread on the basis of written advice from a Fertiliser Advisers Certification and Training Scheme (FACTS) qualified adviser.

Spreading rules for manufactured fertiliser and organic manures that must be followed

You must not spread any manufactured fertilisers or organic manures if a field is either:

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

You must not spread:

- manufactured nitrogen fertiliser within 2 metres of surface water;
- manufactured nitrogen fertilisers within a 2 metre zone from the centre of an established hedge (this only applies if you need to meet cross compliance requirements);
- organic manure within 50 metres of a spring, well or borehole, or 10 metres of surface water.

You must only spread manufactured nitrogen fertilisers and manures on agricultural land that you're using to grow crops (including grass).

You must spread manufactured nitrogen fertilisers and organic manures as accurately as possible.

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

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 the holding;
- a risk map if organic manure is spread;
- 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 fertilisers have been applied;
- storage records and calculations;
- locations of temporary field heaps;
- livestock manure nitrogen farm limit (whole farm limit) calculations;
- between 1 January and 30 April, you should record how any grassland was managed in the previous calendar year;
- evidence of the soil nitrogen supply and method of assessment, the crop nitrogen requirement and the source of information 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;
- imports and exports of manure.

Detailed guidance on each of the records required can be found on the SMR 1 pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](#).

Greening – catch and cover crop requirements

It is very likely that 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’](#).

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.org.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 5) 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 do this, you will first need to register with the 'Manage your water abstraction or impoundment licence' 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. For help with the service or returns, please contact the

Table 5: 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

[Environment Agency general enquiries](#) team 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, you will be billed on the basis of having abstracted the full quantity your licence authorises you to abstract for irrigation.

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 on [GOV.UK](#).

Dry conditions have continued to predominate in the East and South East of England as we move into the autumn. As a result, aquifer levels have typically continued to recede in these areas and many chalk groundwater sites are classed as below normal or lower while several rivers have flows which are also now below normal or lower. More information on the current water resources situation can be found on [GOV.UK](#).

The Environment Agency has had to impose [Section 57 spray irrigation restrictions](#) in some catchments in East Anglia, restricting direct river abstractions.

Although, it is still very early to provide irrigation prospects for 2020, we know that above average rainfall over the winter is required in some catchments for the water resources position to return to normal. A dry winter will mean that significant restrictions on abstraction from surface and groundwater are probable next year.

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 refilling winter storage reservoirs earlier than the periods stated in their licence, should environmental conditions allow.

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 abstraction season stated in their licence 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 irrigation and other previously exempt abstraction activities

The 'clock is ticking' on bringing trickle irrigation and other previously exempt types of abstraction into regulation. It is the responsibility of operators to make a timely application to the Environment Agency for their activities before the application period under the Transitional Regulations closes on 31 December 2019. By applying, applicants secure their existing rights to water that are based on their historical abstraction in the preceding 7 years. The application period began on 1 January 2018 and closes on 31 December 2019, leaving just a few months to submit a valid application. All applications should now be in their final stages as it can take up to 3 months to validate them. The Environment Agency strongly advises submission of applications before 1 October 2019, allowing enough time for any gaps in applications to be resolved and still be submitted safely by the deadline. Valid applications submitted before 31 December 2019 will be determined under the

transitional arrangements. This means they will be considered under a 'light touch' compared to the usual day-job approach. 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 (e.g. trickle irrigation, wetlands and environmental stewardship), you need to apply for an abstraction licence. The application forms needed to complete this process, supporting guidance notes and example application forms can be found on the [Environment Agency's citizen space site](#). This website provides easy access to up-to-date information on New Authorisations including useful documents to help you complete your application.

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.

Failing to make an application on time means that you may miss the more favourable transitional arrangements provided by the Regulations. These benefits allow you to have a licence based on evidence of recent past use (based on a time period of 2011-2017), as well as the inclusion of lighter touch restrictions on any licence issued, compared to usual restrictions. This is a one-off opportunity and a highly valuable provision that cannot be retrospectively applied after the 31 December deadline. After then, all applications will be on the basis of water availability, which in many parts of the country rules out abstracting water in the summer months.

Apply now or lose it is the message. A confidential hotline providing free advice is available to potential applicants allowing you to discuss the process and helping 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 assist you in the completion of your application. You can also email enquiries@environment-agency.gov.uk.

Key messages:

- You may lose your rights to continue with a previously exempt water abstraction activity unless you apply for an abstraction licence now.
- It's the final countdown for previously exempt water abstractions. If you abstract more than 20 cubic metres per day and the activity for which you abstract was previously exempt, you may lose your rights to abstract if you do not apply for a licence now; you will need to submit a valid application by the 31 December 2019. Without a valid application, continuing the water abstraction after the 1 January 2020 becomes unlawful and it will have to cease.
- Submitting an invalid application close to this deadline risks a more restrictive licence being obtained. This is a one-off opportunity and a highly valuable provision that cannot be retrospectively applied after the application deadline.
- You cannot miss the transitional arrangements in place to get into regulation. They will enable you to continue the abstraction you depend on. If you miss it, you are likely not to be able to get the water in the summer months when you most need it. Apply now.



Sign up to FAS services



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

If you don't already receive the FREE bimonthly FAS newsletter, please email bookings@farmingadvice.service.org.uk with **'Register for newsletter'** in the subject line.

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