

November 2019 – e-news issue 47

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**

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Key dates

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

1 November	You can burn heather, rough grass, bracken, gorse or vaccinium on land – other than in upland areas – from this date. (GAEC* 6)
28 November	If you hold a summer water abstraction licence (authorising abstraction wholly within the months of April to October) the Environment Agency will have asked you to submit your abstraction return by the end of November. 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. If you have a two-part tariff agreement for your water abstraction licence, expect to receive your supplementary bill after 28 November. If you have a two-part tariff agreement and do not submit your return, you will be billed on the basis of having abstracted the full quantity your licence authorises you to abstract for irrigation. (GAEC 2)
1 December	You need to carry out your annual inventory of sheep and goats. (SMR** 8)
1 December	Basic Payment Scheme (BPS) 2019 payment window opens. (BPS 2019)
31 December	Official end of the BPS 2019 scheme year. (BPS 2019) Annual Sheep and Goat Inventory closes. (SMR 8)

* GAEC = Good Agricultural and Environmental Conditions

** SMR = Statutory Management Requirements

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

Annual sheep and goat inventory

You should receive your annual sheep and goat inventory forms in the post (along with a pre-paid envelope) or via email from the Department for Environment, Food and Rural Affairs (Defra) by the end of November. You must complete and return your inventory to Defra by 31 December. Failure to do this may increase your risk of a Basic Payment Scheme (BPS) inspection.

If you have not received an inventory form by the beginning of December, please call the Defra Farm Surveys helpline on 03000 600 140 or email surveys@defra.gov.uk. The onus is on you to request a form.

Further guidance on completing your inventory is available on GOV.UK.

In addition, you should include your annual inventory total as of 1 December in your [holding register](#) (section 7 if you use the Defra paper register). This is a requirement of cross compliance rule [Statutory Management Requirement \(SMR\) 8: Sheep and goat identification](#). The holding register document should be retained on your holding and will be reviewed at an inspection.



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

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).

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

Rule 1 requires soil testing to be carried out on cultivated agricultural land every 5 years. Soil pH and levels of nitrogen (N), phosphorus (P), potassium (K) and magnesium (Mg) should be determined.

Fairly simple soil testing will give pH and levels of P, K and Mg. Nitrogen levels may be determined by assessing

the Soil Nitrogen Supply (SNS) using, for example, the [Agriculture and Horticulture Development Board \(AHDB\) Nutrient Management Guide \(RB209\)](#). Actual testing is recommended for fields that have had several years of significant applications of organic nitrogen, as this may result in highly variable levels.

The results of soil testing should be used to plan fertiliser and manure applications so that these, plus the nutrients already in the soil, deliver economically optimum nutrition for your crops. If you are in an [nitrate vulnerable zone \(NVZ\)](#), you must also comply with the restrictions on applying nitrogen to your fields. If you have not sampled your soil within the last 5 years, the Environment Agency may request that you carry out this task as part of a farm improvement plan.

What is cultivated land?

Cultivated land is land that is regularly cultivated by physical means (including ploughing or sowing) or by chemical means (including applying organic manure or manufactured fertiliser) within the last 3 years. Grassland, even if only ever grazed, that has bagged fertiliser or manures applied to it, would be classed as cultivated.





Soil sampling

How do I test my soil?

Use an auger or small trowel and excavate to a depth of 7.5cm (3 inches) for grass and 15cm (6 inches) for arable land. Avoid sampling near headlands, gateways, hedges and unusual features. Place all the sample in a bucket. For each field, take approximately 15 to 20 samples in a W shape and place in the same bucket. Mix the soil well before taking a final sample of approximately 1kg and place in a labelled bag or container.

When is the best time of year to sample?

The best time to sample is between autumn and early spring. Aim to sample 2 to 3 months after nitrogen organic manure applications and not within 6 months of lime and fertiliser applications.

Where can I have my soil tested?

There are numerous commercial laboratories that can provide a soil sampling service. [Tried & Tested - Professional Nutrient Management](#) and the Soil Association list a number of providers.

Where do I record the results?

Nutrient management plans (NMP) with 'field record sheets' are the ideal location for recording your soil analysis results. You can also record what you plan to do and when, in terms of nutrient applications via manures, slurries and inorganic fertilisers. An example of a good NMP is available on page 10 of the [Tried & Tested - Nutrient Management Plan guidance](#).

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

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 rules, as described in its Enforcement and Sanctions Guidance. A broad range of enforcement and sanctions are available to address non-compliances 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-policy>.

Where can you get further advice and support?

You can contact your local [Environment Agency office](#) or 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 (NVZs) 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](https://www.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](https://www.gov.uk).

July 2019 marked the end of the transitional arrangements

Land that was designated to be in an NVZ for the first time in 2017 was excluded from meeting some of the NVZ rules under ‘transitional arrangements’. However, these arrangements came to an end on 31 July 2019. From this date, all land in an NVZ will have to meet all the NVZ rules. For more information about transitional arrangements, please read the SMR 1 pages in [‘The guide to cross compliance 2019’](#) or the NVZ sections on [GOV.UK](https://www.gov.uk).

NVZ grassland derogations for 2020

The application period for the 2020 NVZ grassland derogations began on Tuesday 1 October 2019 and ends on Tuesday 31 December 2019.

Farmers in NVZs are permitted to apply an annual amount of manure containing no more than 170kg of nitrogen (kgN) per hectare. Farmers with at least 80% grassland in NVZs can apply for a derogation from this loading limit. If granted, the derogation allows farmers to spread manure containing up to 250kgN per hectare each year. This is on the provision that they meet the conditions of the derogation.

To apply for a grassland derogation, farmers need to phone the Environment Agency National Customer Contact Centre on 03708 506 506 between 8:00am and 6:00pm, Monday to Friday (excluding bank holidays). Those granted a derogation for 2019 must reapply if they want a derogation for 2020.

To make an application, the following information will be needed for the 2020 calendar year:

1. your farm name, address and County Parish Holding (CPH) number;
2. the expected agricultural area and grassland area of your farm in hectares on 1 January 2019;
3. the expected amount of manure nitrogen produced by grazing livestock kept on your farm during the year (kgN);
4. the expected amount of manure nitrogen produced by grazing livestock you intend to bring onto or send off your farm during the year (kgN);
5. the expected amount of manure nitrogen from grazing livestock on your farm during the year (kgN);

6. the expected amount of manure nitrogen produced by non-grazing livestock kept on your farm during the year (kgN);
7. the amount of manure nitrogen produced by non-grazing livestock you intend to bring onto or send off your farm during the year (kgN);
8. the expected total amount of manure nitrogen from non-grazing livestock on your farm during the year (kgN).

It is anticipated that a derogation, if granted, will last until the end of 2020. However, please note that the European Commission, which has ultimate control over the use of derogations, may require it to end earlier. If so, the Department for Environment, Food and Rural Affairs (Defra) will endeavour to give you as much notice as possible.

For further information on how to apply for a derogation, please see the [Grassland derogations for livestock manure in nitrate vulnerable zones](#) section 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' and include:

- poultry manure (layer manure and litter);
- liquid organic manures (such as sludge, cattle and pig slurries, and digestate produced during anaerobic digestion).

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.

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 NVZ 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 NVZ rules.

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;

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 50kgN 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 40kgN per hectare at any one time

- 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 – email enquiries@environment-agency.gov.uk or telephone 03708 506 506 – who will assess and advise you on your proposal. 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. You can use the [Agriculture and Horticulture Development Board \(AHDB\) slurry wizard](#), which converts your average rainfall into wetter than average for you.

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

It has been an exceptionally wet autumn. September and October were among the wettest on record, and were followed by further heavy rain in early November. The Environment Agency and Defra are aware that this situation is impacting on slurry storage capacity and safe spreading conditions. The Environment Agency focus is on avoiding soil damage and/or water pollution that can occur if slurry stores overflow or if slurry is in unfavourable soil and/or weather conditions.

If a slurry store is at risk of causing pollution and slurry spreading can't be avoided, farmers are urged to contact the Environment Agency's national customer contact centre (NCCC) on 03708 506 506 as soon as possible to discuss options. NCCC will discuss and advise on potential actions, and make a referral to the local agriculture officer where necessary. In an emergency or out of hours call the incident hotline on 0800 80 70 60.

The Environment Agency may come to an agreement to allow emergency measures for slurry spreading or for temporary storage if slurry lagoons or tanks are likely to be compromised, or are at risk of overflowing. This may require a discussion with your local agriculture officer, who will also discuss and agree an action plan with the farmer, if necessary, to help avoid future problems.

Guidance can also be found at:

Exceptional circumstances – <https://www.gov.uk/guidance/preventing-agricultural-pollution-in-exceptional-weather>

Nitrate Vulnerable Zones - <https://www.gov.uk/government/collections/nitrate-vulnerable-zones>

Farming rules for water - <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

SSAFO - <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

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, with an impermeable sheet, any poultry manure without bedding/litter that is stored;
- 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 5/20%) 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 applying 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.

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 40kgN per hectare may be spread at any one time;

- brassicas – an additional 50kgN 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 on a field if it is:

- 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 are 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;
- calculations used to determine the farm limits for the nitrogen content of livestock manure (whole farm limit);
- how any grassland was managed between 1 January and 30 April 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;
- the number of livestock kept on your holding, and the category and number of days each animal spent on your holding between 1 January and 30 April of 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](#).

Table 4: Maximum rates that manufactured fertiliser can be applied to certain crops

Crop	Maximum rate (kgN per hectare)
Winter oilseed rape	30
Asparagus	50
Brassicas	100
Grass	80
Overwintered salad onions	40
Parsley	40
Bulb onions	40

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