



Farming
Advice Service

Welcome to the Farming Advice Service newsletter

Thank you for subscribing to the monthly 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.

Please contact us with any feedback or suggestions on topics you would like to see in future editions.

Contact us

FAS technical advice line: 03000 200 301

advice@farmingadvice.org.uk

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

September 2020 – Issue 55

Key dates

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How can FAS help you?

Free and confidential advice

England's domestic farming legislation and EU Common Agricultural Policy (CAP) regulations require an advisory system that covers 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 activities.

FAS updates the farming sector on relevant EU policies, and policies for England from the Department for Environment, Food and Rural Affairs (Defra). It explains the requirements and objectives of domestic national legislation and policy, CAP and EU directives, 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**. In light of the current situation, please be assured that our helpline will be operating as normal and we will continue to support farmers.

The Rural Services Helpline provides a single number for all **FAS, Rural Payments Agency, Animal and Plant Health Agency, Natural England and forestry** enquiries. By providing a single point of contact, the Government aims to make it simpler for farmers to access technical guidance on a range of topics, including cross compliance, greening, CAP payments and animal health inspections.

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





Greening simplification from 2021

*At the end of July 2020, the Government **announced** that from the 2021 Basic Payment Scheme (BPS) year, EU-delivered greening requirements will be removed. This includes all three of the greening requirements – crop diversification, Ecological Focus Areas (EFA) and permanent grassland rules.*

Please remember that this means the greening requirements remain in place for the 2020 BPS scheme year. For example, where a farmer has committed to using catch and cover crops for BPS 2020, these will have to be established

and maintained for the required periods this autumn and over the winter. The cross compliance rules will still apply for 2021 for many of the elements covered by EFA at this time. For more information on EFA, please read from page 42 of the [Basic Payment Scheme: rules for 2020](#).

In regard to the permanent grassland rule, irrespective of whether being claimed under BPS or not, if the land is in a Natura 2000 site, it should not be ploughed or converted. For other permanent grassland being claimed under BPS, you must get a [screening decision](#) from Natural England before

ploughing (this also applies to semi-natural land and land that has not been cultivated in the last 15 years). For grassland in a Countryside Stewardship or Environmental Stewardship agreement, you must continue to meet any rules on permanent grassland in these schemes.

Although the greening requirements will be removed for the BPS 2021 scheme year, farmers will still have to meet the minimum standards on the environment, animal and plant health, and animal welfare. This includes meeting the rules on hedges and buffer strips. The land used to claim BPS

payments will need to meet the rules that apply in the part of the UK where the land is located. Removing the greening rules in England from the 2021 scheme year means there is no need for farmers to meet the greening rules in relation to land in England. More information will be provided on what this means for cross-border holdings at a later date.

For a reminder of the greening requirements, please read the [May FAS newsletter](#).

Soil management requirements

If you are a Basic Payment Scheme (BPS) claimant, there are soil management rules that you must comply with or you may receive a reduction in your payments. If you have a BPS or Environmental Stewardship inspection, a full land inspection will be conducted taking into account all parcels on the holding. Payment reductions may be applied if you are not complying with the rules. A summary of the rules is provided below.

Good Agricultural and Environmental Condition (GAEC) 4: Providing minimum soil cover

You must take all reasonable steps to protect soil by maintaining minimum soil cover, which can be provided in the following ways:

- vegetative cover from all types of crop, grass and herbaceous forage;
- cover crops, and leguminous and nitrogen-fixing crops (green manures);
- game cover and crops planted for biodiversity;
- trees, coppice, fruit crops, hops, nursery crops and vines;

- overwintered stubble from combinable crops;
- other stubbles and crop residues such as vegetable, maize and sugar beet.

There are exemptions to this rule if there is agronomic justification for not establishing cover or if establishing a cover would conflict with the requirement to minimise soil erosion (GAEC 5). Details of acceptable agronomic justifications and soil cover are set out in the [Guide to cross compliance in England 2020](#).

GAEC 5: Minimising soil erosion

You must put measures in place to limit soil and bankside erosion on your holding. Some examples of practices that may cause erosion if not managed correctly are:

- cropping practices and cropping structures;
- livestock management, including outdoor pigs and poultry that cause overgrazing and poaching;
- wind;
- vehicles, trailers and machinery.

You could lose some of your scheme payments if you have not taken all reasonable steps to prevent erosion over a single area of 1 hectare or more, or if it is caused by livestock trampling along a continuous stretch of a watercourse that is 20 metres or more long and 2 metres or more wide.

Detailed information on measures to limit soil erosion is set out in the [Guide to cross compliance in England 2020](#).

This includes details on how to minimise soil erosion from cropping practices, livestock and vehicles.

GAEC 6: Maintaining the level of organic matter in soil

You must maintain good levels of soil organic matter by demonstrating compliance with the following rules.

You must:

- Not burn crop stubble, except for plant health reasons. Where burning is needed for plant health reasons, it must comply with the Crop Residues (Burning) Regulations (1993) (Regulations 4(b) and 5).
- Not burn bales and stacks where it will burn stubble.
- Not burn for education and research purposes.
- Comply with the Heather and Grass Burning Regulations (2007) (Regulations 5(2) and 6(1)(a)).
- Comply with the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations (2006) (Regulations 4, 9, 26 and 28) and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999) (Regulations 4(1) and 22). Do not plough, cultivate or intensify species-rich and semi-natural habitats so as to conserve organic matter and carbon levels in soils. An Environmental Impact Assessment (EIA) may be required if the land has not been cultivated within 15 years or if it is semi-natural.

For more information on these rules, please visit [GOV.UK](#).

Animal welfare reminders: SMR 12 welfare of pigs

If you keep animals for agricultural purposes, you have a legal obligation to protect their welfare by ensuring a minimum standard of care and husbandry. It is against the law to neglect farm animals and fail to provide for their basic needs. This article provides an overview of some of the requirements under [Statutory Management Requirement \(SMR\) 12: Welfare of pigs](#). For information on [SMR 13: Animal welfare](#), please read the [March FAS newsletter](#).

In addition to the requirements under SMR 13: Animal welfare, some of the requirements for keeping and caring for pigs included in SMR 12 are detailed here. The full list can be found on [GOV.UK](#).



You must:

- At all times, ensure each pig can turn round without difficulty, including while tethered (where this is allowed).
- Ensure accommodation for pigs allows them to:
 - stand up, lie down and rest without difficulty;
 - have a clean, comfortable and adequately drained place to rest;
 - see other pigs (unless the pig is isolated for veterinary reasons or farrowing);
 - keep a comfortable temperature;
 - have enough space for all of them to lie down, comfortably, at the same time.
- Make sure that individual stalls or pens meet the minimum size rules (the rules and exceptions to the rules can be found on [GOV.UK](#)).
- Properly and frequently clean and disinfect housing, pens, equipment and utensils used for pigs to prevent cross-infection and build-up of disease-carrying organisms.
- Make sure that openings meet set widths when using concrete-slatted floors for pigs kept in groups. A table of measurements can be found on [GOV.UK](#).
- Give pigs permanent access to enough manipulable material (for example, straw, hay and sawdust) to allow proper investigation and manipulation.
- Take measures to stop fighting that goes beyond normal behaviour - separate pigs that show persistent aggression or are the victims of aggression.

- Give all pigs over 2 weeks old a permanent supply of drinking water.

You must not:

- Tether pigs at any time (unless for veterinary purposes).
- Keep pigs in a high temperature/high humidity environment (known as the 'sweat box system').
- Expose pigs to sudden noise or levels at, or above, 85 decibels in any building where they are kept.

There are additional requirements for the following types of pig that you should read on [GOV.UK](#) if they are in your care:

- Piglets (from birth to weaning).
- Sows (females after the first farrowing) and gilts (females intended for breeding, after puberty and before farrowing).
- Boars (males after puberty) that are intended for breeding.
- Weaners (from weaning to the age of 10 weeks) and rearing pigs (from the age of 10 weeks until slaughter or service).

For more information on the legal requirements for keepers of pigs, please read the [Statutory code of practice for the welfare of pigs](#), available to view and download from [GOV.UK](#).

Hot topics through the FAS helpline

This article provides a summary of the common queries that have been received through the FAS helpline.

Tree cutting – when is a felling licence required?

If an exception to the need for a felling licence does not apply, then it is an offence to fell (cut down or destroy) trees without the authorisation of a tree felling licence. Everyone involved in tree felling must ensure that, where a felling licence is required, one has been issued before the felling is carried out.

There are several exceptions to the need for a felling licence. These can be based on location, type of work, volume/diameter of the tree or other permissions already in place. For more information on exceptions, please read the Forestry Commission's '[Tree felling – Getting permission](#)'. If you are still not sure whether the exceptions apply to you, you should contact your local [Forestry Commission area office](#).

What record keeping is required if you have land located in a Nitrate Vulnerable Zone (NVZ)?

If you have land in an NVZ, you must record the following information (all records must be kept for 5 years):

- **The size of your holding.** This must be kept up to date. If the size changes, then it should be recorded within a month.
- **Risk map.** This must be produced if you spread organic manure. The things a risk map must show include: each field and its area (in ha), areas with sandy or shallow soils, land with a slope greater than 12° and sites suitable for temporary field heaps. The full list can be found on [GOV.UK](#).
- **Field records.** You must record information about crops at various stages of their life cycle within 1 week of the event taking place. For example, the type of crop, sowing date and details of the organic manure/fertiliser spread. For more information, please visit [GOV.UK](#).
- **Livestock calculations.** If you use livestock manure on your holding, then by 30 April you must record the number of livestock, type of animal and the number of days each animal spent on your holding. To help you with your calculations, you can download '[blank field records and standard values tables](#)' from GOV.UK.

- **Imports and exports of manure.** You must record the details of imports or exports of livestock manure within 1 week of the event taking place. Full details on the requirements can be found on [GOV.UK](#).
- **Manure storage.** You must record the capacity of the storage facilities on your farm. There are also calculations you must do that you can find on [GOV.UK](#). The [standard value tables](#) are also available to download to help you with your calculations.

What are temporary land associations (TLA) and temporary county parish holding numbers (tCPH)?

A TLA associates your permanent County Parish Holding (CPH) with land or a building that you use temporarily that is **within** 10 miles of that CPH's main livestock handling area, the land is treated as being part of your CPH for the duration of the TLA. This significantly reduces your recording requirements as movements within one CPH number do not have to be recorded and reported, and do not require a [standstill period to be served](#). Please visit [GOV.UK](#) to check if you can apply.

For livestock movements, a tCPH is treated as a separate CPH to any other CPH you hold. Therefore, it requires the same record keeping and movement reporting requirements (please click [here](#) for the full list). A tCPH will share a flock or herd mark with your permanent CPH. This means you do not need separate ID tags for animals kept on a tCPH, but you must use your permanent CPH number when ordering replacement tags or tags for animals born on the tCPH.

A TLA and tCPH last for up to 1 year, but can be renewed before they expire. The form used to apply to register temporary use of land to keep livestock is available from [GOV.UK](#). Please note, where possible, you should send applications via email due to staff working from home during the coronavirus (COVID-19) pandemic.

Silage, slurry and agricultural fuel oil (SSAFO) storage

If you are thinking of building a new silage clamp, slurry tank or lagoon, or substantially altering an existing store, you need to tell the Environment Agency at least 2 weeks before you start construction. You also need to provide information about the structure you are planning to build and where it will be located. Guidance on [GOV.UK](https://www.gov.uk) sets out the information you will be asked to provide. Environment Agency staff will be happy to discuss your proposals with you at an early stage of planning, and can give you advice about construction requirements and location if this is needed. Please also consult the Environment Agency if you are unsure how much storage you'll need.

You will also need to check if local authority planning permission is needed. You can contact the Environment Agency on 03708 506 506 or send an email to enquiries@environment-agency.gov.uk.

CIRIA has published 'Livestock manure and silage storage infrastructure for agriculture'. This gives practical advice on planning and building storage infrastructure and is available free of charge from [CIRIA's website](https://www.ciria.org.uk).



Water abstraction – dry weather management advice

Help for abstraction licence holders

This is the third consecutive year of dry weather that has impacted on farming businesses in several areas, including the heatwave in August. As we move into the end of the main irrigation season, this is the ideal time to start thinking about what changes you need to make to your abstraction licence to be better prepared for next summer. This could include varying the time of year you take water – earlier this year, many farmers were struggling to establish crops before their abstraction licence season started. For more information on how to make longer term changes to your licence, including for drought and dry weather resilience, please visit [GOV.UK](https://www.gov.uk).

More information on the current water resources situation can be found at [GOV.UK](https://www.gov.uk)

Water abstraction compliance, charges and coronavirus

For information on water abstraction including coronavirus (COVID-19) and new authorisations, please read the [April FAS newsletter](#), [May FAS newsletter](#) and [June FAS newsletter](#).



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In line with the General Data Protection Regulation (GDPR), FAS has updated its privacy policy to explain how your data is kept safe.

To view the policy, please visit

www.farmingadvice.org.uk/events/privacy/