



## **Changes To Environmental Stewardship**

### **Important Information for Applicants**

Environmental Stewardship (ES) forms part of the Rural Development Programme for England (RDPE) 2007-2013. The RDPE was agreed by the EU Commission and the EU Member States on 6 December 2007. As a condition of EU approval for our Programme some changes have been made to ES which affect all agreements entered into after 1 January 2007.

The changes are:

- Withdrawal of 4 Management Plan options
- Inclusion of 4 proposed revisions to the Nitrate Vulnerable Zones (NVZ) Action Programme to agreements in existing NVZs
- Insertion of a Review Clause in ES agreements

To date, it has not been possible to incorporate these changes into the ES handbook, therefore the details of each are set out below. Moreover, and because it was not possible to issue a new version of the handbook in advance of RDPE approval, there is an additional section that clarifies the position of cross compliance, which applies to all agreements issued since 1 January 2007.

### **Withdrawal of 4 Management Plan Options**

The manure, nutrient, soil and crop protection management plan options in ELS/OELS/HLS/OHLS have been withdrawn. The Commission was concerned about the need for a clear separation of an effective legislative baseline (including Cross compliance and Statutory Management Requirements) for which no payments are made, and the additional ES options, for which payments are made.

As a result of this change the options described on pages 83-86 of the ELS Handbook; pages 117-121 of the OELS Handbook and HM1-4 and OHM1-3 on page 110 of the HLS Handbook cannot be used to contribute to your points target.

### **Additional Requirements if your holding is in an Existing Nitrate Vulnerable Zone (NVZ)**

As a condition of Commission approval of the RDPE, certain measures from the proposed revised NVZ Action Programme must apply to ES agreements as entry conditions for the scheme, for those farmers in existing NVZs.

***A separate note on the four measures is attached.***

## **Review Clause**

The Commission do not have legal authority to make payment commitments beyond 2015. Decisions on the next Rural Development Programme are not likely to be made before 2012. While there is clear precedent in the current programme for continuing to make payments on agreements carried over from the previous programming period all agreements that run beyond 2015 will be reviewed in 2012.

## **Application of Cross Compliance to Environmental Stewardship**

Cross compliance, which already applies to those claiming under the Single Payment Scheme (SPS), also applies to all Environmental Stewardship agreements entered into after 1 January 2007 because of EU Regulation 1698/2005 (The Rural Development Regulation). This means that you will have to be able to demonstrate that you are keeping your land in Good Agricultural and Environmental Condition (GAEC) and complying with a number of specified legal requirements known as Statutory Management Requirements (SMRs). If you are found to be in breach of these standards or requirements then appropriate and proportionate penalties will be applied to your Environmental Stewardship payment and your SPS payment (if you claim it).

Full details of cross compliance can be found in the 'Single Payment Scheme Cross Compliance Handbook for England' and the 'Supplement for 2007' or via the Defra cross compliance advice programme. This has a dedicated helpline (0845 345 1302), email address [info@crosscompliance.org.uk](mailto:info@crosscompliance.org.uk) and website [www.crosscompliance.org.uk](http://www.crosscompliance.org.uk).

## **Additional Requirements for Agreements Entered into After 1 January 2007**

In addition to the above, the following changes come into force on 1 January 2007 and will affect all ES agreements entered into after this date:

- From 2007 the statutory basis for all new agreements is section 7 of the Natural Environment and Rural Communities Act 2006. However, Section 7(3) of that Act does not apply to Environmental Stewardship agreements. Furthermore it should be explained that Environmental Stewardship agreements are not "nature reserve agreements" under section 15A of the National Parks and Access to the Countryside Act 1949 or "SSSI agreements" under section 15A of the Countryside Act 1968.
- New enforcement regulations for the Rural Development Programme for England are also in place. These Regulations (*The Rural Development (Enforcement) (England) Regulations 2007*) provide the Secretary of State and delivery bodies with the powers to make inspections and - in the event of breaches of the conditions of grant - recover payments from recipients of awards made under the RDPE.

Further details about all elements of the RDPE can be found at [http://www.defra.gov.uk/erdp/rdp07\\_13/qa.htm](http://www.defra.gov.uk/erdp/rdp07_13/qa.htm).

## **Additional Requirements For Applicants in Existing Nitrate Vulnerable Zones (NVZs)**

The four measures set out below, based on proposals in the Defra consultation on the revised NVZ Action Programme, are to be applied to ES agreements in existing NVZs after 1 January 2007.

### **1. Whole farm limit for Nitrogen from livestock manures**

**Livestock manure loadings must not exceed 170 kg/ha of total nitrogen each calendar year averaged over the farmed area.**

This limit applies only to **livestock manures** and includes manures spread to land and that deposited by animals while grazing. The limit is based on the agricultural area of land on the farm within the Nitrate Vulnerable Zone. Areas of woodland, roads and hardstanding are excluded.

Revised figures for the amount of nitrogen in livestock manure will be given in the Guidance on revised Action Programme Regulations to be published in early 2008. Once the Guidance is published, you will need to use these figures for calculating that you are within the defined 170 kg/ha limit. Until the Guidance is published you should use the standard figures contained in "Guidelines for Farmers in NVZs - England". You must keep a record of your calculations for production on inspection. Records for the calendar year 2008 will need to be available for inspection from January 2009.

**IMPORTANT:** When the new NVZ Action Programme is implemented, Defra intends to apply to the Commission for a formal derogation (from the 170 limit) for grassland systems. There is no guarantee that such a derogation will be granted, or what conditions will apply. However, exceptionally, and in order to provide for a smooth transition to the new arrangements, grass land farmers in Environmental Stewardship who already rely on an upper limit of 250 kg/ha may continue to do so until the position is clarified under the new NVZ Action Programme.

*Note: The amount of nitrogen in organic manure spread on any one field must not exceed 250 kg total N/ha. This limit does not include livestock manures deposited by grazing animals but it does include all organic manures applied to land.*

### **2. Planning your nitrogen applications**

**You must keep records to show you have carried out the following 4 steps for each crop in each field, each year:**

**Step 1. Assess the supply of soil nitrogen that is available for crop uptake.**

**Step 2. Assess the crop nitrogen requirement (after making an allowance for soil nitrogen).**

**Step 3. Assess the crop available nitrogen from all applications of organic manures.**

**Step 4. Calculate the amount of manufactured nitrogen fertiliser required by deducting the crop available nitrogen supplied from all applications of organic manure from the crop nitrogen requirement.**

To meet this requirement, you will need to draw up a written plan for your nitrogen applications over the coming year. Providing you cover the four steps above, this can be either a nutrient management plan as set out at pages 84 of the ELS Handbook or a plan using your preferred format. Defra's 'Fertiliser Recommendations (RB209)' or PLANET (the interactive software version of RB209) is one authoritative source but not the only information source that you can use to help with the required assessments for planning nitrogen use to crops.

**IMPORTANT:** Guidance on revised NVZ Action Programme Regulations to be published in early 2008 will provide further information on planning nitrogen applications which may require you to adjust your plan.

### **3. Spreading techniques**

Splash plates can be used for slurry provided they are adjusted to provide a low spread pattern. Improved techniques for applying slurry, such as band spreaders and injectors, will improve the uniformity of spread and reduce ammonia and odour emissions while increasing the amount of nitrogen taken up by crops. The use of rain guns and jetters is not allowed.

### **4. Record-keeping**

In addition to the current NVZ requirements to keep records, you must include the following further information:

- Results of assessment of soil nitrogen supply
- Results of assessment of crop nitrogen requirement
- For any livestock manure imported onto the farm - type (animal origin and whether slurry or solid manure), quantity and total nitrogen content, and name and address of supplier.