

# News story: Derogation from some Ecological Focus Areas

**Hot and dry weather conditions in England – BPS 2018 – A derogation (relaxation) from some of the Ecological Focus Areas (EFA) rules to increase the availability of fodder**

This derogation is in addition to the Hot and dry weather conditions in England guidance published on 31 July 2018 and the temporary prescription adjustments to some Countryside Stewardship and Environmental Stewardship options this year.

Due to the effects of this summer's very dry weather on forage stocks across the country, England has agreed to a derogation from certain greening rules with the European Commission. We are making regulations which we plan to bring into force by 30 September 2018. These regulations will allow farmers in England to relax the EFA rules for catch crops and green cover for the Basic Payment Scheme (BPS) 2018 scheme year.

These are one-off changes to the EFA rules set out in the BPS rules for 2018. They will apply to the winter green cover option in EFA only. All other EFA 2018 requirements are unchanged.

The regulations will mean that in England:

(a) areas under green cover may be established without sowing the mixture of crop species as detailed in the guidance, if the crops sown instead are grasses or other herbaceous forage

(b) areas under green cover may include areas under winter crops which are sown in autumn normally for harvesting for forage or for grazing (including fodder crops that do not meet the 'herbaceous forage' definition)

(c) where a cover crop has been established to meet the requirements set out in the guidance (unharvestable mixture of at least 2 crops chosen from the permitted list), the minimum mandatory period for which the cover must be maintained is reduced to 4 weeks from the date of sowing, as long as a winter crop is sown afterwards and this period will end on 29 October 2018. Otherwise the cover crop must remain until 15 January, as set out in the guidance.

Where you have declared a cover crop to meet your 2018 EFA requirement, you will be able to sow grasses or other herbaceous forage crops either as a mixture or as a single crop, or winter crops which are sown in autumn normally for harvesting for forage or for grazing, which can be grazed or harvested. These are in addition to the crop mixtures detailed in the BPS rules for 2018.

## **How to apply for a derogation**

Email RPA at [ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk) using the subject title 'EFA Derogation'. Please include:

- the SBI and name of the business making the request
- a list of the affected land parcels indicating which of the 3 options above have been applied.

We should receive your request by 19 October 2018.