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**Questions Answered This Month** – These answers have all been generated by Natural England. These are all questions that have been raised by FWAG Staff.

### **1. Inspection of ELS ditch options**

The original exchange around the new “ditch management options had the following Q & A  
*The original question was -*

*With the change in the ditch management prescription will there be a guide for the plants which the RPA inspectors will be looking for? Knowing this will help with confidence in adopting the option.*

*The answer was -*

*We don't intend to supply any additional guidance to the RPA inspectors as the text in the ELS handbook is the only legal document which the agreement holder is obliged to follow. The change was brought in because the eligibility text used in the 2<sup>nd</sup> edition was not popular; namely that the ditch had to have a minimum of 15cm of water throughout the year. This was thought to be too restrictive and could exclude some ditches which would benefit from the option, but equally we want to avoid the option being used on ditches which are dry. So the text has been included to give greater flexibility and allow EB6 to be used on ditches which may be dry at the time of an inspection, but which are sufficiently wet at other times of the year to influence the vegetation they contain. We cite examples of plants typical of wet ditches rather than an exhaustive list to avoid becoming too prescriptive. The onus is on the applicant to decide whether they meet the eligibility criteria for an ELS option and by using “typical” and only giving examples in EB6 we expect this gives them a greater scope than if it was narrowed down to a specific list.*

For clarification FWAG asked the following question –

FWAG believe a more complete answer is needed and this issue is raising real concern in the field especially against a background of more stringent RPA compliance inspections. We fully understand that the handbook is the only legal document agreement holders need to adhere too but our advisory team are thinking ahead to the inspection and how this option will be viewed – I have had further questions such as what % of the ditch will need to contain vegetation for it to pass an inspection as well as several more advisers querying what the RPA inspector be trained to look for. The last thing FWAG want to do is make this more prescriptive but the current situation is putting people off using the option at all and hence making some renewals difficult. Any further clarification would be much appreciated. This issue has also been raised through the Campaign for the Farmed Environment Local Liaison Groups in the East Region and FWAG have been asked to take it through the Delivery Group as a concern.

The answer was as follows -

Regarding the ditch prescription, EB6 – we believe our original answer sufficient and will not at this stage be providing any further guidance for agreement holders nor the RPA inspectors.

Since my email to you we have highlighted the issue you raised with the RPA Inspectors. We won't be providing any further guidance to them but they are now aware of your concerns should an occurrence arise

### **2. Locating options on land identified on the FER as identified as at risk from soil erosion**

**Question:** There are a number of our advisers who are having issues around the use of some of the key in-field options being located on "land indentified as at risk of soil erosion

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and where rills are regularly seen in wet weather” where that erosion risk is from wind erosion. This is a particular issue in areas such as the fenlands of Cambridgeshire and Norfolk, the Nottinghamshire sandlands and the Norfolk Brecks. The ELS options affected include EF6 (over-wintered stubble), EF13 (un-cropped cultivated areas for ground nesting birds); EF22 (extended winter stubbles), in HLS they include HF20 (cultivated fallow plots for arable plants). Where EF6 and EF22 are concerned if the erosion risk is purely from the possibility of wind blow the management of good weedy stubbles will help to stabilise the soil and prevent erosion, particularly if good length stubble is left in place post harvest. FWAG fully understand why this guidance is in place but it is not appropriate in these circumstances and is preventing agreements going forward that have the potential to offer significant environmental gain in some key target areas, in fact those options are “target options” in some of these areas. There is also a thread relating to this topic on the Farm Wildlife Discussion Forum which can be found [here](#). FWAG understand this issue has been raised through the East Region NE team but we are now getting queries from advisers across the country.

**Answer:** Thank you for raising these questions about the use of certain in-field options where there is a risk of soil erosion by wind. There is a balance to be achieved here between taking opportunities to promote suitable conditions for Stone Curlew and preventing wind erosion of soils. We would not want ELS management to increase that risk in susceptible locations. In HLS of course we have 1-1 advisers who can weigh up the interests of Farmland Birds and Resource Protection (along with all the other scheme objectives) on a case by case basis. For ELS, where we do not have that 1-1 contact we have to be particularly careful.

For **EF13 (Uncropped, cultivated areas for ground-nesting birds on arable land)**, the Handbook is quite clear, the option cannot be used on parcels at risk of soil erosion or run-off. Whilst the prescriptions limiting the fallow area and placing the area within a cropped field should mitigate the risk of wind erosion I am concerned that it does not entirely remove all risk. As ELS is not always based on adviser assessment I do not think we can issue an Errata note amending the Handbooks restriction and we do not have a mechanism within ELS for allowing people to divert from the Handbook requirements in individual cases. So I think that we have to maintain the clear line laid out in the Handbook: this option cannot be used where there is a risk of soil erosion identified in the FER.

EF13 is also available within HLS, and there I think we can rely on adviser input to weigh up the risks and opportunities and identify mitigation actions to ensure that the option is not used in a way that creates an erosion risk.

For **EF6 (Over-wintered stubbles)** and **EF22 (Extended over-wintered stubbles)** arguably the situation is different. Here the Handbook (3rd edition) states that these options may not be used:

‘Where there is a high risk of soil erosion or run-off (that is, land identified in your FER as at risk of soil erosion and where rills are regularly seen in wet weather).’

The emphasis given here to the development of rills in wet weather indicates that the main concern with stubbles is the risk of erosion by run-off, not wind. This seems consistent with the nature of the options (leaving stubbles over winter), not being so susceptible to wind erosion. Hence I think that these options may be used where the soil erosion risk as identified on the FER relates solely to wind erosion.

**HF20 (cultivated fallow plots for arable plants).**

As an HLS option it is up to the adviser to determine whether or not the option is appropriate at any specific location, taking measures where necessary to remove erosion risks.

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**Note:** FWAG have asked for the answer to the use of EF6 and EF22 to be provided to the RPA to ensure there will be no issues if a scheme is subjected to a compliance inspection.

### **3. Use of buffer options**

**Question:** As a point of clarification can you confirm that the 2 and 4 metre buffer options (EE1, EE2, EE4 and EE5) can be used against watercourses?

**Answer:** Yes the 2m and 4m buffer strips can be located next to a watercourse. Where the agreement holder decides to use a 6m strip they must use the specific options for strips adjacent to watercourses.

### **4. The definition of a Watercourse**

**Question:** Will there be a clear definition of a watercourse for Environmental Stewardship?

**Answer:** There is a definition of watercourse given in the Handbook Glossary. (See page 147 of the ELS Handbook)

### **5. Recording Earthbanks when using ELS online**

**Question:** There is no facility to enter an earth bank on the FER map – could you advise how this should be recorded?

**Answer:** We are aware that they are missing for inclusion on FER maps and again this will be fixed in September. For now, I suggest that we simply acknowledge the point that they cannot be included on the FER until this is fixed and whilst not ideal we do not see this should impact on the customer in terms of any delays to applications etc it will simply be missing from the record.

FWAG asked if this would cause an issue under a compliance inspection; the response was as follows. “The FER the inspectors are checking to see that compliance with options has happened not that the FER is correct. In any event, inspections with discrepancies are referred back to us to follow up so that should provide some reassurance”

### **6. ELS Online Maps**

**Question:** Following on from the AESG Tele conference last week FWAG promised to send a note outlining issues raised by our advisory teams as they have become conversant with the process. The main issue is around the quality of the maps produced through the system. As things stand many teams are not comfortable that the maps produced give the farmers sufficient information to act as a reference and clearly define the options selected for an agreement; as a result of this many staff are either not using the system or they are using the time saved using the online system to annotate maps by hand.

The key issues and possible solutions are as follows

(1) FER map. If you mark boundary features exactly along the boundaries as shown on the base map (on blue lines for ditches; on red lines for hedges), the map is more or less illegible for farmers. You could mark these features in the field for legibility but we are concerned how this will be interpreted on inspection by either NE or RPA who might take the position of mapped features literally.

(2) Options map. Again, for legibility, it is suggested that we measure the actual boundary but draw the line away from it however this entails recording the accurate measurement in by hand – which defeats the object of the online system and again raises issues around inspection.

Guidance on how we should take this forward and when updated mapping will be available would be much appreciated.

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**Answer:** NE are aware that the quality of the maps is not as good as we would like and that they do not always fulfil the customer's needs. We do have some changes in the pipeline which will improve some aspects of the maps but this will not be introduced until September.

In the meantime we are offering a workaround which is not ideal but I hope will help. If agents do not want to pass on the maps produced by the system they can e-mail the online team with the agreement ref and we will print the maps for them. The quality is much better and if it avoids people reverting to the paper process we are prepared to do it. I am copying to others so that they are also aware that this service is available.

#### **7. The Simplified FEP**

**Question:** FWAG would like to formally register the view that the recent changes to the FEP process are not an improvement and in some cases will lead to a more complex and time consuming process. We have expressed these views to the LMPP team and will continue to feedback as the roll out takes place. The main issue is around the recording of Boundaries of High Environmental Value.

**Answer:** We acknowledge the issues around the FEP simplification and we'll continue to look at ways to improve the FEP process & associated guidance for both us and external FEP agents. With reference to your particular issue on hedges of high environment value, this concern has been forwarded to our hedgerow expert and we hope to get an answer on our Q & A database shortly. I will keep you posted