

2013 Edition

The Guide to Cross Compliance in England

2013 edition



Department
for Environment
Food & Rural Affairs

The logo for the Rural Payments Agency (RPA), featuring a stylized green wave above the lowercase letters 'rpa' in blue, with the full name 'rural payments agency' in a smaller blue font below.

rpa
rural payments agency

***The Guide to Cross Compliance in England
2013 edition*** covers:

- Single Payment Scheme
- Environmental Stewardship
- Uplands Transitional Payment
- Woodland Management Grant and Farm Woodland Payment elements of English Woodland Grant Scheme

Other existing publications on cross compliance

Publication number	Title
PB 13315	<i>Cross Compliance Guidance for Soil Management (2010 edition)</i>
PB 13311	<i>Cross Compliance Soil Protection Review 2010</i>
rpa176	<i>Guidance for Cross Compliance in England: Management of Habitats and Landscape Features</i> (This is available only on the RPA website.)

Preface

Several changes have been made to *The Guide to Cross Compliance in England for 2013* to account for legislative and policy amendments to the rules. A summary of these changes is available in the What's new? section of the guide.

We are also changing the way you receive the Guide from 2013, in line with the Government's response to the Farming Regulation Task Force report to make greater use of online facilities to communicate with the farming community. Defra and the RPA have published the 2013 edition of the Guide online in a range of formats, which are available by visiting the RPA website at rpa.defra.gov.uk/crosscompliance.

We recognise that this will be a big change, so Defra and the RPA have written to all claimants to highlight the rule changes for 2013. These can be read alongside the 2012 edition of the Guide that you received last year.

We are monitoring the uptake of these different formats of the Guide so that we can develop the most effective forms of digital communication with you in future.

Legal notice

This guide is our interpretation of cross compliance rules. It is not a definitive statement of the law. Only the courts can give this. We reserve the right to review our position if circumstances change, for example, if the European Commission issues new guidance or we change how we interpret the regulations. We cannot advise you or your legal representatives. You may want to get independent professional or legal advice before you change anything about the way you farm. The relevant legislation and more information are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance.

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Key dates

January	1	You must start implementing your Soil Protection Review (SPR) if you completed one for the first time in the previous year, or start to implement any changes that you identified previously. (GAEC 1)
	1	You can apply organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on shallow or sandy soils from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 4)
	1	Beginning of the year for assessing the annual amount of livestock manure applied to your land. (SMR 4)
	16	You can apply manufactured nitrogen fertilisers to grassland and tillage land from this date if conditions are suitable. (SMR 4)
	16*	You can apply organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on all soil types from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 4)
February	28	End of rules on post-harvest management of land. (GAEC 1)
	28	End of the quantity restrictions for application of organic manures with a high readily available nitrogen content. (SMR 4)
March	1	You must not cut or plough vegetation on agricultural land which is not in agricultural production from this date (except in a limited number of circumstances). (GAEC 12)
	1	You must not cut hedgerows from this date, but you can carry out hedge-laying and coppicing. (GAEC 15)
	31	If you hold a water abstraction licence, expect to receive your annual bill (or first part charge if you hold a two part tariff agreement) for the forthcoming financial year from 31 March. (GAEC 18)
April	1	You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 10)
	1	If you hold a winter or all year round water abstraction licence (authorising abstraction outside the period April to October), the Environment Agency will make actual abstraction return forms available to you from 1 April. You then have 28 days to send your readings to the Environment Agency. (GAEC 18)
	16	You must not burn heather, rough grass, bracken, gorse or vaccinium in upland areas from this date. (GAEC 10)
	30	You must have recorded the number of 'specified' livestock kept on your farm during the previous calendar year and calculated the amount of nitrogen they produced. You must also record the number and type of livestock in a building or hardstanding during the previous storage period. (SMR 4)

*Depending on when your land was designated in an NVZ, this date is subject to change in 2014 or 2016 for soils other than sandy and shallow.

May	1	You must not carry out hedge-laying or coppicing of hedgerows from this date. (GAEC 15)
August	1	You can cut or plough vegetation on agricultural land which is not in agricultural production from this date. (GAEC 12)
	1	You can cut hedgerows from this date. (GAEC 15)
	1	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to tillage land on shallow or sandy soils except where crops will be sown on or before 15 September. (SMR 4)
September	1	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland on shallow or sandy soils. (SMR 4)
	1	Start of closed period for applying manufactured nitrogen fertilisers to tillage land. (SMR 4)
	15	Start of closed period for applying manufactured nitrogen fertilisers to grassland. (SMR 4)
	16	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to tillage land on shallow or sandy soils which have been sown with crops on or before 15 September. (SMR 4)
October	1	You can burn heather, rough grass, bracken, gorse or vaccinium on land in upland areas from this date. (GAEC 10)
	1	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to tillage land on soils which are not shallow or sandy. (SMR 4)
	15	Start of closed period for applying organic manure with a high readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland on soils which are not shallow or sandy. (SMR 4)
	31	If you hold a summer water abstraction licence (authorising abstraction wholly within the months of April to October), the Environment Agency will make actual abstraction return forms available to you from 31 October. You then have 28 days to send your readings to the Environment Agency. (GAEC 18)
November	1	You can burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 10)
	30	If you have a two part tariff agreement for your water abstraction licence, expect to receive your second part charge after 30 November. (GAEC 18)
December	1	You need to carry out your annual inventory of sheep. (SMR 8)
	31	All new Soil Protection Reviews/annual updates to be completed. (GAEC 1)

What's new for 2013?

Introduction

This section has been updated to clarify the scope of cross compliance and more information has been included on the permanent pasture requirements. The definitions of negligent and intentional are now contained in the section and details of the new Farming Advice Service have also been included.

Key dates

The No spread zones (GAEC 19) date has now been removed and minor clarifications have been made to the Heather and grass burning (GAEC 10) rules. An advisory note has also been included against the January 16 dates for Nitrate Vulnerable Zones (SMR 4).

The online Cross Compliance Self Assessment Tool

The page has been updated to reflect changes to where you can find the online Cross Compliance Self Assessment Tool. This is now accessed via the new Government website GOV.UK.

Soil Protection Review (SPR) GAEC 1

Dates when actions are required by have been updated.

Environmental Impact Assessment (EIA) GAEC 5

Rules have been updated to include reference to the threshold provisions for afforestation and deforestation projects.

Sites of Special Scientific Interest (SSSIs) GAEC 6, Wild Birds SMR 1 and Habitats and Species SMR 5

The Statutory Instrument which protects European sites, The Conservation of Habitats and Species Regulations 2010, has been amended to remove some overlap and an inconsistency with the Wildlife and Countryside Act 1981. The amendments have now aligned the consent requirements for SMR 1 Special Protection Areas and SMR 5 Special Areas of Conservation with those covering GAEC 6 Sites of Special Scientific Interest. The rules and footnotes across these pages have now been similarly aligned.

Agricultural land which is not in agricultural production GAEC 12

Minor update to clarify the scope of land that the 50% cutting or grazing rule applies to.

Hedgerows GAEC 15

Rules have been updated to include reference to the exemption provisions for removal of hedgerows. The exemption provisions for the GAEC 15 standard with regard to hedgerows forming the curtilage of a dwelling house have also been clarified.

Groundwater SMR 2

Examples provided have been updated to more realistically reflect what substances would be granted a permit.

Nitrate Vulnerable Zones (NVZ) SMR 4 and No spread zones GAEC 19

Defra must review both its NVZ designations and Nitrates Action Programme every four years and revise them as necessary in the light of the evidence identified during the review. The review includes a consultation exercise with the industry. The latest review has just concluded and this will result in amendments to some of the existing cross compliance rules during 2013. NVZ designations have also been amended and you are advised to check the status of your holding. The proposed zones can be viewed on the Environment Agency website and detailed field boundary maps of those designated in 2008 can be found on the ADAS website (for Defra). (See Further advice and guidance section on the [SMR 4](#) page for more details and website addresses.)

The [GAEC 19](#) rules are based on the NVZ rules. The changes identified in [SMR 4](#) will also therefore impact on [GAEC 19](#) rules.

It is likely these new rules will come into force in spring 2013 and when this happens, the [SMR 4](#) and [GAEC 19](#) pages will be updated. Until then, for cross compliance purposes, you must adhere to the current rules as they are set out in the existing pages.

Pig identification and registration SMR 6

The transitional period until 1 April 2012 whereby paper AML2 documents issued by Defra could be used when moving animals has expired. Rules have been updated accordingly to confirm that if you do not notify the eAML2 system online, and the exemptions do not apply, you must give the required information to the eAML2 Bureau Service by telephone or in writing (that you would otherwise pre-notify on the system) and that you must not move any pigs until you have received a haulier summary/movement document from the eAML2 Bureau Service recording that same information.

Cattle identification and registration SMR 7

The Cattle Identification Regulations 2007 are being amended in 2013 which will result in changes to the rules covering notification of cattle deaths on your holding.

It is likely these new rules will come into force early in 2013 and when this happens, the [SMR 7](#) pages will be updated. Until then, for cross compliance purposes, you must adhere to the current rules as they are set out in the existing pages.

Restrictions on the use of plant protection products SMR 9

A new Statutory Instrument covering the sustainable use of pesticides has been introduced. Many of the measures introduced already feature in existing domestic legislation and are very similar to obligations under the existing regime, which are already controlled under cross compliance. The [SMR 9](#) page has been updated to confirm that the new rules must be respected for cross compliance purposes in 2013, although some do not come into effect until later years. Footnotes have been added to indicate the scope of the new rules and the scope of good plant protection practice.

Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals SMR 10

The page has been updated to include details of permitted exemptions from the restricted substances rules and an example of a substance that contains beta-agonists.

Food and feed law SMR 11

Following clarification in the European legislation on the scope of this SMR, RPA has reviewed the rules to ensure they are in line with this legislation. As a result, a number of new rules covering food and feed have been included in the cross compliance programme. They primarily fall under the hygiene section. All of these rules are covered by underlying obligations in the food and feed law to which you should already be respecting.

Welfare of Pigs SMR 17

The deferred rules covering openings and slats for concrete floors and those covering flooring and pens for female pigs after service, which previously applied to holdings that were newly built, rebuilt or brought into use for the first time after 1 January 2003, now apply to all holdings.

The inspection process

New information about the role of other inspecting bodies that enforce the legislation which relates to cross compliance has been included. Minor updating throughout the pages has taken place to help you prepare for an inspection and aid you through the process.

Introduction

Overview

Cross compliance rules apply to you if you receive direct payments under Common Agricultural Policy (CAP) support schemes or if you receive payments under certain Rural Development Programme for England (RDPE) schemes. We may reduce your payments if you do not meet these rules.

There are 3 aspects to cross compliance:

- specific European legal requirements, known as Statutory Management Requirements (SMRs). These relate to the areas of public, animal and plant health, environment and animal welfare;
- standards, based on a European legal framework, which require you to keep your land in Good Agricultural and Environmental Condition (GAEC). These relate to soil erosion, soil organic matter and soil structure, a minimum level of maintenance to avoid the deterioration of habitats and protection and management of water; and
- an obligation to maintain a level of permanent pasture not included in the crop rotation for 5 years or more. This is not a cross compliance obligation for individual farmers, but may become one in future years (read the Permanent Pasture section for more information).

Cross compliance rules apply in addition to your underlying obligations under European and UK legislation. Cross compliance reductions will be applied independently of any other sanctions you may face under this legislation.

Many agricultural activities are covered by cross compliance and you must meet the rules across the whole agricultural area of your holding, regardless of the amount of land you entered into the schemes. This includes common land which you exercise or hold rights of common over, including rights in gross. It also includes forestry land which is subject to support under the elements of the English Woodland Grant Scheme listed in the following paragraph.

Schemes which are covered by cross compliance

You must meet the cross compliance rules to receive your full payments under the following schemes. (For the rural development schemes listed below, cross compliance rules apply only to farmers who entered into new commitments under these schemes from 1 January 2007.)

- Single Payment Scheme (SPS)
- Entry Level Stewardship (including Organic Entry Level Stewardship and Uplands Entry Level Stewardship)
- Higher Level Stewardship (including Organic Higher Level Stewardship and Uplands Higher Level Stewardship)
- Uplands Transitional Payment
- Woodland Management Grant and Farm Woodland Payment elements of English Woodland Grant Scheme

Permanent Pasture

Permanent pasture is land that:

- is used to grow grasses or other herbaceous forage, either self-seeded or sown and has not been included in the crop rotation for 5 years or longer;
- has not been set-aside during this 5 year period under the SPS options; and
- has not been taken out of production under certain environmental schemes.

We are required under European legislation to maintain the level of permanent pasture in England and the European Commission has proposed that this requirement continues beyond the next CAP Reform. If permanent pasture reduces beyond a certain level in England, we may have to introduce new cross compliance rules to control the level of pasture. This could mean that in the future we may be obliged to require all farmers who ploughed up permanent pasture in the prior 24 months (from the latest SPS application) to reconvert land back to permanent pasture.

It is important that all of your land parcels that meet the definition of permanent pasture are declared on your SPS application using the appropriate permanent pasture land use code. This is because we use this information to show the European Commission how much pasture there is in England and this determines whether we are required to introduce the rules referred to above to stop or reverse any decline in pasture levels.

Payment Reductions

If you do not meet all of the cross compliance rules, we may reduce your payments for applications submitted in the calendar year the non-compliance was found.

If you break more than one rule within the same broad area (for example, animal welfare), we will treat this as one single case of non-compliance.

If you break the rules in different areas (for example, animal welfare and the environment), we will treat these as separate cases of non-compliance and will add the separate percentage reductions together.

We will not make a payment to anyone who artificially creates the conditions required to receive payment.

Negligent non-compliance

Negligent is defined for cross compliance purposes as failing to take reasonable care, or failing to exercise reasonable skill and/or foresight.

If you do not meet a cross compliance rule through negligence, we will generally reduce your payments by 3% for each non-compliance. This may be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the non-compliance. In limited circumstances a warning letter may be issued. You can read guidance on how we decide upon the extent, severity and permanence of a non-compliance in the *Cross Compliance Verifiable Standards For England* document on our website at rpa.defra.gov.uk/crosscompliance/inspectionprocess.

As stated above, if you don't meet the rules in different areas, we will make separate reductions for each non-compliance. We will add the percentage reductions together, but the maximum reduction will be 5% of your overall payment.

If you don't meet the same rule more than once during a period of 3 consecutive calendar years, the reduction which applies to the repeated non-compliance will be 3 times that for a first time non-compliance. Reductions for further repetitions will continue to be multiplied by 3, up to a maximum of 15% of your overall payments.

If you continue not to meet the rules and the reduction has reached 15%, we will treat any further cases of non-compliance as intentional. We will multiply the earlier reduction by 3. We will work this out on the original amount and before we applied the 15% maximum.

Example 1

If in 2012 you did not meet the cattle identification rules (SMR 7) as you did not report movements of your cattle, this would have resulted in a 3% reduction to your 2012 payments. If in 2013 you again did not report movements of your cattle, but not as many as in 2012, this would normally have resulted in a 1% reduction. However, as this is a repeat non-compliance, we multiply the 1% reduction by 3. We would then make a 3% reduction to your 2013 payments.

Example 2

If in 2012 you did not meet the protection of hedgerows and watercourses rules (GAEC 14) as you did not maintain a green cover within 2 metres of a number of your hedgerows, we would have reduced your 2012 payment by 3%. If in 2013 you again did not maintain a green cover within 2 metres of even more of your hedgerows, we would normally have reduced your payments by 5%. However, as this is a repeat non-compliance, we multiply the 5% reduction by 3. We would then reduce your 2013 payments by 15%.

Example 3

If in 2010 you did not meet the cattle identification rules (SMR 7) as you did not report the deaths of your cattle and then in 2011, 2012 and 2013 you also did not meet the rules for reporting the deaths of your cattle, we would reduce your payments as follows:

Scheme year	Reduction	Reason for reductions
2010	3%	
2011	9%	This is a repeat non-compliance and we multiply the result of the 2010 inspection (3%) by 3.
2012	15%	This is a repeat non-compliance and we multiply the previous 9% reduction by 3 to give a 27% reduction. However, this is capped at 15%. Any future non-compliances are considered to be intentional.
2013	81%	This would be deemed an intentional non-compliance. Also, this is a repeat non-compliance and we multiply the previous pre-capped 27% reduction by 3.

Intentional non-compliance

Intentional non-compliance for cross compliance has been defined as being the same as its legal meaning within criminal and civil law. Very broadly, an intentional non-compliance would be considered as occurring in cases where you have knowingly committed an act which breached the relevant measures imposed and should have had an understanding of what you were doing and the likely consequences of your actions.

If you intentionally do not meet a cross compliance rule, we will generally reduce your payments by 20%. This may be reduced down to 15% or increased up to 100% depending on the extent, severity and permanence of the non-compliance. More information can be found in the *Cross Compliance Verifiable Standards for England* document which is available on our website at rpa.defra.gov.uk/crosscompliance/inspectionprocess.

Refused inspections

We will not pay your claim and we may have to take action restricting the movement of animals on your holding if you:

- refuse to give access;
- intentionally obstruct; or
- refuse to give reasonable assistance to the inspector.

Our people are here to help, and are committed to providing good customer service. We will treat you with respect, and expect you to do the same.

We will not tolerate threatening or abusive behaviour towards our people, either:

- verbally;
- physically; or
- in writing.

We will take whatever action is necessary (including legal action) against any person who is involved in threatening or abusive behaviour.

Liability

Although land used to activate entitlements needs only to be at a claimant's disposal on a single day which is the SPS application deadline (in 2013 this will be 15 May), you must meet the cross compliance rules for the whole calendar year. This applies even if you do not occupy the land for the whole year. There is one exception to this rule which is when land is transferred from or to someone who has also submitted an SPS application in that calendar year.

The same rules apply to rural development schemes also.

Example 1

You take on some agricultural land on 10 April 2013 and it is part of your holding on the SPS application deadline as declared on your SPS application. The person you took the land from does not submit an SPS application in 2013 for the rest of their agricultural land. You would be liable for cross compliance on the transferred land for the whole of the calendar year, including the period between 1 January 2013 and 9 April 2013 when you did not occupy the land.

However, if the person you took the land from submits an SPS application in 2013 for the rest of their agricultural land, they would be liable for cross compliance on the transferred land from 1 January 2013 until 9 April 2013. You would be liable for cross compliance on the transferred land from 10 April 2013 for the remainder of the calendar year.

Example 2

You give up some agricultural land on 14 July 2013 which was part of your holding on the SPS application deadline. The person you transferred the land to has not submitted an SPS application

in 2013 for the rest of their agricultural land. You would be liable for cross compliance on the transferred land for the whole of the calendar year, including the period between 14 July 2013 and 31 December 2013 when you did not occupy the land.

However, if the person you transferred the land to has submitted an SPS application in 2013 for the rest of their agricultural land, they would be liable for cross compliance on the transferred land from 14 July 2013 until 31 December 2013. You would be liable for cross compliance on the transferred land from 1 January 2013 until 13 July 2013.

Therefore, if you are transferring land (either in or out) during the year, you should carefully consider the terms of any contractual arrangements between you and the other person(s). This is so you can make sure that your interests are protected if any cross compliance rules are not met, or access to inspectors is refused, before or after the land transfer. Also, you should bear in mind the risks of not having contractual arrangements agreed and in place. You may want to get professional or legal advice.

General

For cross compliance, you will be held responsible for actions or omissions which do not meet the cross compliance rules, whether they were committed by you or someone acting for you or under your control or, where they were caused by someone with access to your holding under the terms of any agreement you have in place. This means that you will be held responsible not only for your own actions and omissions, but also for those of other people who have access to your holding including, for example, contractors, employees, agents and family members.

Responsibility for making sure that the rules relating to the identification and traceability of cattle, sheep, goats and pigs are met lies with the keeper – the person with day to day responsibility for the animals. This applies regardless of who owns the animals and whose land they are grazing. Responsibility for welfare of all farmed animals lies with both the keeper, again, the person who has day to day responsibility for the animals, and the owner of the animals.

Relationship between GAEC and other environmental schemes

The GAEC standards give a baseline of environmental protection for soils, habitats and landscape features, and protection and management of water. If your obligations under the rural development schemes conflict with GAEC standards, the rural development scheme rules will generally take precedence. If you are unsure, you should contact the RPA's Customer Service Centre.

We've given guidance on GAEC standards in a separate booklet, *Guidance for Cross Compliance in England: Management of Habitats and Landscape Features*. It should help you identify habitats and landscape features on your land, and it recommends areas of best practice, and gives more information and advice. It is available only on our website at rpa.defra.gov.uk/crosscompliance/farmguidance.

Exemptions and derogations

In exceptional circumstances, you may be able to apply for an exemption from certain cross compliance standards. Examples include:

- issues of human or animal health or safety;
- when you need to control or treat serious causes of harm to plant health; or
- serious pest or weed infestations.

Ideally, you should not go ahead with the activity until you have received written permission but in emergency situations, where it may not be possible for you to make an advance request, we would not expect you to do so. If, however, you find the work conflicts with a standard, we would advise you to write to RPA as soon as possible to safeguard your position.

You may also be exempt from a cross compliance standard in relation to, or in connection with, any power or authorisation conferred by, or under, any enactment provided that following the completion of the action the agricultural land will be in GAEC. This would include where, for example, the laying, construction or maintenance of a pipeline, cable or pylon, or the carrying out of railway or highway works, under statutory authority conflicts with meeting a standard. If you think this applies to you, ideally you should request an exemption from RPA in advance of the work being carried out. This should safeguard your position. Again, however, in emergency situations, where it may not be possible for you to make an advance request, we would not expect you to do so. If, however, you find the work conflicts with a standard, we would advise you to write to RPA as soon as possible to safeguard your position.

We would not expect statutory bodies to have to carry out the process of using their statutory powers to get the permission needed for access, or to carry out work, where voluntary consent exists and where statutory consent would be given if needed.

We can also give derogations from certain GAEC standards in limited circumstances. These can be granted for the following reasons:

- where the environment would benefit;
- for livestock or crop production; or
- improving public or agricultural access.

We have highlighted within the text of the individual standards where derogations may be available. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.

You can apply for an exemption or derogation by writing to RPA's Customer Service Centre. Please make sure that any application is supported by adequate evidence, such as advice from an agronomist. Give all of the land parcel numbers for any affected fields for which you want an exemption or derogation. You can support your application with photographic evidence or explanatory diagrams. All letters and e-mails requesting exemptions and derogations should be clearly headed 'Cross Compliance Derogation'.

Force majeure and exceptional circumstances

In limited circumstances, we may accept that you are prevented from meeting the cross compliance rules due to force majeure or exceptional circumstances. In such cases, we may not have to reduce your payment. Force majeure is defined as 'unusual circumstances, outside your control, the consequences of which, in spite of all due care, could not be avoided except at the cost of excessive sacrifice on your part'. All cases will be considered individually.

For further information on force majeure and exceptional circumstances and how to apply, please read the current SPS Handbook.

Common failures under cross compliance rules



Throughout this guide we have highlighted key areas of non-compliance with a warning sign. For more information about failures to meet cross compliance rules, please read the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/inspectionstatistics.

Complaints and Appeals

We are committed to giving good customer service and we welcome your feedback because it helps us to improve.

If you are not satisfied with the service you have received or a decision we have made and you would like to complain, you can:

- call us on 0845 603 7777:
- e-mail us at csc@rpa.gsi.gov.uk: or
- write to us at:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

You can also complain face to face with anyone representing RPA.

Complaints about our service

If you are not satisfied with the service you have received because of something we have, or have not done and you would like to complain, please let us know as soon as possible.

You should set out the facts as fully as possible including:

- what went wrong;
- when it happened;
- who you dealt with; and
- what you would like to happen next.

The more details we have, the better equipped we are to deal with your complaint.

Always remember to tell us your unique customer reference number which could be one of the following:

- Single Business Identifier (SBI);
- Personal Identifier (PI); or
- County/Parish/Holding number (CPH).

Also make sure you put it on all documents you send to us.

You also need to tell us:

- your daytime telephone number; and
- your preferred method of contact.

We will acknowledge receipt of your complaint by telephone. If we are not able to contact you we will send you an e-mail or letter. We will aim to resolve your complaint within 15 working days. If this is not possible, the person dealing with your complaint will contact you.

If you are not satisfied with the outcome, you can ask your Member of Parliament (MP) to refer your complaint to the Parliamentary and Health Service Ombudsman.

Complaints about our decisions

If you are not happy with a decision we have made or you think a decision is wrong, you can ask us to review it.

You should set out the facts as fully as possible including:

- what decision you want to be explained or re-considered;
- the date of the decision;
- what you do not understand or why you disagree with a decision; and
- what outcome you are seeking.

If you want us to review a decision, you need to submit all the evidence you want to be considered so that we are equipped with all the facts. But you can still introduce new evidence at any point in the process.

Always remember to tell us your unique customer reference number which could be one of the following:

- Single Business Identifier (SBI);
- Personal Identifier (PI); or
- County/Parish/Holding number (CPH).

Also make sure you put it on all documents you send to us.

You also need to tell us:

- your daytime telephone number; and
- your preferred method of contact.

We will acknowledge receipt of your request by telephone. If we are not able to contact you we will send an e-mail or letter. We will aim to give you an explanation of the decision or the outcome of our review within 15 working days. If this is not possible, the person dealing with your request will contact you to agree a proposed plan to resolve your complaint, which may include passing it on for further consideration.

Appeals against a review decision

You can appeal against any decision we make that affects your entitlement to, or liability for, payments or your ability to participate in a particular scheme.

After the decision review process outlined above, if you are still not satisfied with the outcome and you want to appeal, you will need to fill in an Appeal Form (CA1). You can request one from our Customer Service Centre by calling us on 0845 603 7777 or e-mail us at csc@rpa.gsi.gov.uk. You can fill one in electronically at our website at rpa.defra.gov.uk or print one and send it to us by post to:

Complaints and Appeals
Rural Payments Agency
Alverton Court
Crosby Road
Northallerton
DL6 1AD

You need to enclose a cheque payable to the Rural Payments Agency for £100 when you send your appeal form to us. We will refund this money if your appeal is fully or partly successful.

For more information read the *Complaints and Appeals Guidance* on our website at rpa.defra.gov.uk or request a copy from our Customer Service Centre by calling us on 0845 603 7777.

Farming Advice Service

The new Farming Advice Service (FAS) includes and replaces the former Cross Compliance Advice Programme and provides advice on other subjects to help you improve the economic and environmental performance of your farm.

FAS provides advice on the following subjects:

- Cross Compliance;
- Nutrient Management;
- Competitiveness; and
- Climate Change Adaptation and Mitigation.

Free expert advice on cross compliance is provided through events such as farm workshops, farm walks, drop in clinics, newsletters and text messages. A helpline number is also available, where cross compliance experts will answer technical questions and offer advice, on 0845 345 1302.

Further details on the FAS can be found at defra.gov.uk/farming-advice.

RPA Customer Service Centre and other useful contact details

You can contact our Customer Service Centre, which is open from 8.30am to 5.00pm Monday to Friday (closed weekends and public holidays). We will ask you for your SBI when you call. If you write to us please give us your SBI, the name of your business and the scheme year relating to your query.

Customer Service Centre: 0845 603 7777

E-mail address: csc@rpa.gsi.gov.uk

Address:

Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

Defra helpline: 08459 33 55 77

Farming Advice Service : 0845 345 1302

You can find more contact details in the useful contacts appendix of this booklet, on our website at rpa.defra.gov.uk/crosscompliance/appendices.

The online Cross Compliance Self Assessment Tool at Defra Farm Surveys & Assessments

What is it?

The online Cross Compliance Self Assessment Tool (CCSAT) enables you to quickly and easily assess your current farming practices against both the Good Agricultural and Environmental Conditions (GAECs) and the Statutory Management Requirements (SMRs) that make up cross compliance. The CCSAT provides an action plan, a checklist, tailored advice and guidance and further information to help you meet the rules.

Where do I find it?

Go to the GOV.UK website at www.gov.uk/cross-compliance-self-assessment-tool and click the 'Start Now' button. Then follow the Sign-up/Login instructions on the Defra Farm Surveys & Assessments page. As the CCSAT is accessed through the Government Gateway (to make sure that it is secure and your information is protected) please remember to have your Government Gateway User ID and password to hand when logging in. (See Single Payment Scheme Handbook for England for more details about registering as a Government Gateway user). Once logged in choose the Cross Compliance Self Assessment Tool from the list of available Defra Farm Assessments on the left hand side of the page.

How do I use it?

Once you have logged in, you will be asked a short set of questions. These are Shaping Questions. Your answers to the Shaping Questions help to tailor the cross compliance standards specifically to your farm. This means that you will only respond to the areas that directly concern you. Also, if you are a regular Defra Farm Surveys & Assessments customer, information you have previously supplied through other areas that relate to cross compliance will be pre-populated, meaning you will not need to give the same information twice.

Benefits of the Defra Farm Surveys & Assessments Cross Compliance Self Assessment Tool

As you use the CCSAT, an action plan and checklist will be created along the way. These provide you with useful hints and tips about documents, licences, notifications and other information to retain. The action plan will also highlight any areas you may need to think about to improve your farming practice. Each standard also contains further in-depth information sections to help you, in the form of related websites, articles, documents and detailed advice and guidance. You do not have to fill in the whole CCSAT in one go. You can save it, and return to it later to complete and submit your response at another time. Also, you can update and re-submit your answers as often as you want to.

Soil Protection Review (SPR)

The aim of these rules is to maintain soil structure and organic matter, and to prevent erosion, compaction and damage to landscape features.

If you were required to complete a Soil Protection Review (SPR) 2010¹ by 31 December 2012:

A. You must

1. be carrying out the measures you have earlier identified in your SPR 2010;
2. keep your SPR 2010 available for inspection.

B. You must update your SPR 2010

1. at least once every year (including the year in which you began implementing it) by completing the annual review;
2. as soon as is practical if it becomes clear that the measures you chose are not working or if you change or adopt new measures;
3. as soon as is practical if you transfer land in or out, or when soil conditions change on your land which result in a change in risk or where your management systems or cropping practices change.

If you are required to complete an SPR 2010 for the first time in 2013 or a later year:

C. You must

1. complete your SPR 2010 by 31 December 2013 (or by 31 December of the first year you are claiming), with the exception of Part 4, Access to Waterlogged Land, which you must start completing from 1 January of the first year you are claiming;
2. carry out the measures that you have identified in your SPR 2010 from 1 January of the year after it is produced;
3. keep your SPR 2010 available for inspection.



¹ PB 13311 Soil Protection Review 2010.

When completing, updating and implementing your SPR 2010:

D. You must

1. do so in accordance with the instructions given in the SPR 2010 and the *Cross Compliance Guidance for Soil Management 2010 edition* (or any future replacement). Use either the SPR 2010 template or give the same information in a similar format;
2. take into account any specific guidance that the Secretary of State may give you;
3. comply with any written directions that the Secretary of State may give you about the management of your soils.

Post-harvest management of land

If your land has carried a crop of oil-seeds, grain legumes or cereals (other than maize) which has been harvested by either combine harvester or mower, then:

E. You must

1. meet one of the following conditions on that land from the first day after harvest until the last day of February in the following year (dates inclusive):
 - the stubble of the harvested crop remains in the land;
 - the land is left with a rough surface following operations such as ploughing, discing or tine cultivation;
 - the land is under cultivation sequences used to create stale seedbeds;
 - the land is sown with a temporary cover crop. If this becomes grazed out or cultivated out during the post-harvest period, a rough surface must be left as soon as conditions permit;
 - the land is sown with a crop within 10 days of having been prepared as a seedbed.

You will not break the post-harvest management of land rule if you have prepared the land as a seedbed but are unable to sow the crop within 10 days because the land is too waterlogged to access or because severe weather conditions make this impractical. In either case, the land must be sown as soon as practical.

Waterlogged² land

F. You must

1. record any activity on waterlogged land when you carry out any mechanical field operations such as harvesting crops, or using motorised vehicles, except:
 - where the area of waterlogged land is within 20 metres of a gateway or other access point;
 - access is required to an area of land that is not waterlogged;
 - the area is an established track to land that is not waterlogged;
2. take action to remediate any damage caused by accessing waterlogged land, if appropriate, as soon as possible within 12 months of the first month of access to the waterlogged land. You must also record access as soon as possible after the event in the Access to Waterlogged Land section of the SPR 2010 and record any action you have taken to remediate damage from the access.

² Normal common sense definitions of 'waterlogged' apply. For example, soil will be considered to be waterlogged where the whole of the plough layer is saturated/filled with water by virtue of a high water table or water collected (perched) above a compacted soil.

The rules A to F do not apply:

- for any agricultural land which is common land unless you own or occupy the land and rights of common are not exercised by anyone else; or
- if your holding, excluding land subject to rights of common (unless you are the sole occupier of that common land), is less than 1 hectare. However, if you acquire additional land which means your holding becomes greater than 1 hectare, you must complete an SPR 2010 by 31 December of that year.

Crop residue burning restrictions

G. You must not

1. burn any of these crop residues:
 - cereal straw;
 - cereal stubble;
 - residues of oilseed rape;
 - residues of field beans harvested dry;
 - residues of peas harvested dry.

You will not break this rule if the burning is for:

- education or research;
- disease control or the elimination of plant pests where a notice has been served³;
- the disposal of straw stack remains or broken bales.

H. You must

1. comply with certain restrictions⁴ if you are burning linseed residues;
2. comply with certain restrictions⁴ if you are burning residues under the exemption for education or research, disease control or the elimination of plant pests.

³ Under the Plant Health (England) Order 2005.

⁴ These restrictions are set out in Schedule 2 to the Crop Residues (Burning) Regulations 1993.



Further advice and guidance

Cross Compliance Guidance for Soil Management 2010 edition (PB 13315) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance or from the RPA Customer Service Centre on 0845 603 7777.

Completing your SPR online brings additional benefits: the online SPR can be quicker and easier to complete than paper forms and it will remember information about your farm, making your annual review and any in-year updates faster to complete. You can access the SPR online through Defra Farm Surveys & Assessments service on the GOV.UK website at www.gov.uk/cross-compliance-self-assessment-tool

The following guides are available from the Environment Agency by contacting the helpline on 08708 506 506 or e-mail: enquiries@environment-agency.gov.uk

- *ThinkSoils – Soil assessment to avoid erosion and runoff*
- *Best Farming Practices – profit from a good environment*

A soil protection review (SPR) training video is available at defra.gov.uk/farming-advice. The video gives advice on completing your SPR. You can also e-mail the Farming Advice Service at advice@farmingadvice.org.uk

Environmental Impact Assessment (EIA)

The aim of these rules is to take into account the environmental importance of uncultivated land and semi-natural areas and also the impact of forestry-related projects.

Agriculture

A. You must not

1. begin or carry out any uncultivated land project¹ (on uncultivated land² or semi-natural areas³) which affects an area of 2 or more hectares, unless you have obtained permission from Natural England;
2. begin or carry out any uncultivated land project if a screening notice applies to that land, unless you have obtained permission from Natural England;
3. breach a stop notice that has been served on you⁴.

B. You must

1. meet any requirement of a remediation notice served on you⁴, unless you have a reasonable excuse.

Although, in general, rules A1 to A3 and B1 apply to land of 2 or more hectares, Natural England has the power to serve screening notices on areas of land smaller than 2 hectares.



- 1 This is a project to increase the productivity for agriculture of uncultivated land or a semi-natural area, and includes those to increase the productivity for agriculture of such land to below the norm.
- 2 Uncultivated land: land which has not been cultivated in the last 15 years, involving either physical cultivation such as ploughing and sub-surface harrowing or chemical cultivation such as application of fertilisers.
- 3 These include bracken; species-rich hay meadow; fen, marsh and swamp; bog; semi-natural scrub; dwarf shrub heath; wet grassland in coastal and river flood plains; unimproved grassland; and standing water.
- 4 Under the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006.

Forestry

C. You must not

1. begin or carry out any afforestation⁵ on agricultural land or any deforestation⁶ project on existing woodland, regardless of area⁷, unless you have obtained permission from the Forestry Commission;
2. continue any work on a project if you have received an enforcement notice⁸ that requires you to stop work.

D. You must

1. carry out any work as set out in the consent given by the Forestry Commission;
2. carry out any work required by an enforcement notice⁸ within the given time period.



Further advice and guidance

To get details of your local Forestry Commission office call the Forestry Commission helpline on 0117 372 1070 or visit the website at www.forestry.gov.uk.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Natural England - Environmental Impact Assessment Unit: 0800 028 2140

Natural England general enquiries: 0845 600 3078

E-mail: eia.England@naturalengland.org.uk

www.naturalengland.org.uk/ourwork/regulation/eia/default.aspx

5 Afforestation is the creation of new woodland on agricultural land.

6 Deforestation is the removal of woodland and conversion to an alternative land use.

7. Some thresholds do exist (see Schedule 2 of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999), but there may be some sites where, even though the proposed work is below these thresholds, the work may have a significant effect on the environment and require the agreement of the Forestry Commission.

8. Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

Sites of Special Scientific Interest (SSSIs)

The aim of these rules is to help protect, manage and maintain Sites of Special Scientific Interest (SSSIs) because they are important for rare species, habitats, geology and landscapes.

A. You must

1. get Natural England's consent in writing before carrying out, causing or permitting any specified operation¹ listed in an SSSI's legal documents (unless that operation is already covered by a management agreement, scheme or notice²);
2. comply with all management notices³ served by Natural England or the terms of any restoration order served by a court⁴.

B. You must not

1. intentionally or recklessly destroy or damage any of the SSSI's special interest features, or disturb any fauna that are a special interest feature. This rule can apply to actions that take place outside the SSSI itself but which have the same consequences.

You will not break any of these rules if you have reasonable excuse⁵ to carry out certain operations.

These rules apply to all SSSIs. Where the land is also classified as a European site (Special Protection Area or Special Area of Conservation) and there is a breach we will also consider the non-compliance under the relevant requirement (SMR 1) or (SMR 5).



Further advice and guidance

For general information, to find out whether your land is an SSSI, to find out why an SSSI is of special interest, and to get a copy of the operations requiring Natural England's consent on an SSSI visit the Natural England website at www.naturalengland.org.uk, and click on the link 'Information for > SSSI owners and occupiers'. To find out why an SSSI is of special interest, follow the above link and click on 'Search for SSSI details' and enter the name of the SSSI into the search box and read the 'citation'. Alternatively, call Natural England on 0845 600 3078.

Guidance for *Cross Compliance in England: Management of Habitats and Landscape Features (rpa176)* is available on our website at rpa.defra.gov.uk/crosscompliance/farmguidance.

Natural England general enquiries: 0845 600 3078

Website: www.naturalengland.org.uk

1. A 'specified operation' means one which has been identified as likely to damage the special interest features of the area. This information forms part of the notification package for Sites of Special Scientific Interest.
2. If you have a management agreement, such as a Higher Level Stewardship agreement, you already have consent for the operations outlined in that document.
3. A management notice is different from a management agreement as it legally obliges the recipient to carry out certain activities.
4. This applies where the purpose of the notice or restoration order is to protect or restore the special interest features of the area or otherwise restore the land to its former condition as may be so specified.
5. A 'reasonable excuse' may include: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult Natural England before giving the consent; it is an emergency operation (provided that Natural England is told as soon as possible after the emergency).

Scheduled monuments

The aim of these rules is to help preserve scheduled monuments because they are important landscape features.

A. You must not

1. carry out any of the following works without the written consent of English Heritage:
 - those resulting in the demolition or destruction of, or damage to, a scheduled monument;
 - those for the purpose of the removal or repair of a scheduled monument (or any part of one);
 - those for the purpose of making alterations or additions to a scheduled monument (or part of one);
 - any flooding or tipping operations on land in, on or under which there is a scheduled monument.

You will not have broken these rules if any of the points below apply:

- you took all reasonable precautions, and exercised all due diligence, to prevent any damage to the monument (applies to first bullet point, above);
- you did not know, and you had no reason to believe, that the monument was in an area affected by the works, or that the monument was scheduled (applies to first and third bullet points, above);
- the works were urgently necessary in the interests of health or safety and you gave written notice to English Heritage of the need for the works as soon as reasonably possible.

B. You must

1. comply with the conditions attached to any consent you have received from English Heritage.



Further advice and guidance

You can get information on the location of scheduled monuments from the Historic Environment Record held by your local authority (Local Government Archaeological Officers), the English Heritage website at www.english-heritage.org.uk or the Multi-Agency Geographic Information for the Countryside (MAGIC) website at www.magic.gov.uk.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmguidance.

English Heritage: 01793 414 600

The Association of Local Government Archaeological Officers: 01975 564 071

Public rights of way

The aim of these rules is to keep public rights of way open and accessible because they are important landscape features.

A. You must not

1. disturb the surface of a public right of way¹ so that it becomes inconvenient to use;
2. wilfully obstruct free passage along a public right of way for example, by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences.

You will not break these rules if you have lawful authority or excuse. This includes times when you need to disturb the surface of a footpath or bridleway across a field to plough the land or to bring it into agricultural use and it would be inconvenient and difficult to avoid disturbing the surface of the path. In this case there are rules for making good the surface, detailed below.

B. You must

1. maintain any stile, gate or similar structure across a footpath or bridleway in a condition that makes it safe and reasonably easy to use (this applies where maintenance is your responsibility);
2. make good the surface of a disturbed cross-field footpath or bridleway to not less than the minimum width² within 14 days of the first disturbance if you are sowing a crop, or within 24 hours in all other circumstances;
3. indicate the route of a reinstated cross-field footpath or bridleway to members of the public.

These cross compliance rules apply only to visible³ public rights of way. This includes any rights of way which would be visible were it not for breaches of the Highways Act 1980.

Public rights of way may form part of the 1 metre or 2 metre 'protection zone' margins along hedges and watercourses. If so, the rules of that GAEC standard (GAEC 14) will apply as far as practical.



Further advice and guidance

Public rights of way are regulated by local highway authorities who can advise you about the maintenance of stiles and gates, ploughing restrictions and unlawful obstructions.

Detailed advice on all aspects of managing public access is in *Managing Public Access – A Guide for Land Managers CA210*, which is available at www.naturalengland.org.uk/publications.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Advice on cattle and public access is available from the Health and Safety Executive at: www.hse.gov.uk/agriculture/articles/cattle-public-access.htm

1 'Public right of way' is a term that includes: footpaths, bridleways, restricted byways and byways open to all traffic.
 2 The minimum width is 1 metre for a footpath and 2 metres for a bridleway.
 3 'Visible' means visible as a route to a person with normal eyesight walking or riding along it.

Overgrazing and unsuitable supplementary feeding

The aim of these rules is to help protect important habitats that contain natural or semi-natural vegetation by preventing overgrazing and unsuitable supplementary feeding.

A. You must not

1. overgraze¹, or allow to be overgrazed, the natural and semi-natural vegetation² on your holding;
2. carry out unsuitable supplementary feeding³, except where it is necessary for the purpose of animal welfare during periods of extreme weather conditions.

B. You must

1. have regard to any notification, of appropriate measures to prevent overgrazing and/or unsuitable supplementary feeding, sent to you on behalf of the Secretary of State;
2. comply with any written directions, in relation to land subject to overgrazing and/or unsuitable supplementary feeding, sent to you on behalf of the Secretary of State.

Where damage has been caused by trampling or supplementary feeding in the winter, it should be minimal enough to allow for the vegetation to recover to its original condition through natural regeneration by the end of the next growing season.

The rules of this GAEC standard (GAEC 9) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Natural England general enquiries: 0845 600 3078

Grazing your landscape – A guide to grazing under cross-compliance and keeping your land in Good Agricultural and Environmental Condition is available to download from the Natural England website at: publications.naturalengland.org.uk/file/107017

- 1 'Overgraze' means grazing land with so many livestock that the growth, quality or diversity of natural or semi-natural vegetation is adversely affected.
- 2 'Natural and semi-natural vegetation' is defined as self-seeded or self-propagated vegetation characteristic of the area. This land includes but is not restricted to: moorland, unimproved grassland, grazed woodland or forest, heathland and sand dunes.
- 3 'Unsuitable supplementary feeding' means providing supplementary feed for livestock in a way that adversely affects the quality or diversity of natural and semi-natural vegetation through the trampling or poaching of land by livestock, or by ruts caused by vehicles used to transport feed.

Heather and grass burning

The aim of these rules is to maintain moorland and heathland landscapes and habitats.

A. You must not

1. burn heather, rough grass, bracken, gorse or vaccinium (a range of shrub species including bilberry and blueberry) outside the burning season except under, and in accordance with, a licence to do so, issued by Natural England.

The burning season is 1 November to 31 March (inclusive) for all land other than that in upland areas and 1 October to 15 April (inclusive) for land in upland areas.

B. You must

1. take all reasonable precautions to prevent human injury or damage to adjacent land or anything on it before you start burning and during the entire period of the burn;
2. make sure you have sufficient people and equipment in place to control and regulate the burning during the entire period of the burn.



Further advice and guidance

To find out if your land is in an 'upland area' (severely disadvantaged area, within the less-favoured areas) visit the Multi-Agency Geographic Information for the Countryside (MAGIC) website at www.magic.gov.uk. Or you can look at the 4 volumes of maps, each marked 'Less Favoured Map of England 2009' dated 29 January 2010 at the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL.

The Heather and Grass Burning Code: 2007 version (PB12650) available from the Defra website at defra.gov.uk or from Natural England at www.naturalengland.org.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Natural England: 0845 600 3078

www.naturalengland.org.uk/ourwork/regulation/burning/default.aspx

Control of weeds

The aim of these rules is to control the spread of specified invasive non-native weeds and injurious weeds that can damage habitats, agricultural land and in some cases can pose a risk to the welfare of horses and other grazing animals and to people.

A. You must

1. take all reasonable steps to prevent the spread of specified invasive non-native weeds¹ and injurious weeds² on your land and onto adjoining land.

B. You must not

1. unreasonably fail to comply with a notice³ served on you.

The taking all reasonable steps rules of this GAEC standard (GAEC 11) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

Code of Practice on How to Prevent the Spread of Ragwort (PB9840).

Identification of Injurious Weeds (PB4192).

Guidance note on the methods that can be used to control harmful weeds (PB7190).

Guidance on the disposal options for common ragwort (PB11050).

These publications are available on the Defra website at defra.gov.uk.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Information on managing invasive non-native weeds is available from the Environment Agency at: www.environment-agency.gov.uk

Information and identification sheets on invasive non-native weeds is available from the GB non-native species Secretariat website at: www.nonnativespecies.org.

Weeds Helpline: 0300 060 1112 or e-mail iss.reading@naturalengland.org.uk

Environment Agency: 03708 506 506

1 'Specified invasive non-native weeds': rhododendron (*Rhododendron ponticum*), Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) and Himalayan balsam (*Impatiens glandulifera*).
 2 'Injurious weeds': common ragwort (*Senecio jacobaea*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), broad-leaved dock (*Rumex obtusifolius*) and curled dock (*Rumex crispus*).
 3 Under the Weeds Act 1959.

Agricultural land which is not in agricultural production

The aim of these rules is to avoid encroachment of unwanted vegetation, to protect habitats and to maintain land not in production in good agricultural and environmental condition.

If the land is, or will be, in production on the SPS application deadline (15 May 2013) then the rules of this standard (GAEC 12) will not apply in that calendar year. If land is not, or will not be, in production on the SPS application deadline then the rules of this standard (GAEC 12) will apply either from 1 January or from the day after the land comes out of production until the day it is returned to production. For the purpose of this standard (GAEC 12), land is considered as being used for agricultural production when:

- a crop has been planted in the ground;
- preparatory work for a following crop has commenced on the land, for example, ploughing or spraying off;
- animals are grazing;
- land is used for growing of grass to be cut as silage, hay or other feed, or to be grazed in the future on the basis that these operations are undertaken.

A. You must

1. cut scrub and cut or graze rank vegetation on the whole area of your agricultural land that you do not use for agricultural production at least once every 5 years, in order to prevent encroachment of scrub (but read B1 and B2 below).

B. You must not

1. cut down or plough vegetation on the land between 1 March and 31 July (inclusive);
2. in any 12 month period, cut or graze scrub or rank vegetation on more than 50% of the agricultural land not in agricultural production.

Rules B1 and B2 apply unless:

- you need to cut to meet the GAEC rules on the control of weeds (GAEC 11);
- you are managing the land to control an infestation of blackgrass (*Alopecurus myosuroides*), couch (*Agropyron repens*), creeping thistle (*Cirsium arvense*) or dock (*Rumex* species) for the first 15 months from the date of harvest;
- cutting is needed for you to establish grassy areas to prevent erosion and run-off, or to cut pollen and nectar mixtures sown to provide food resources for wildlife, such as required by certain voluntary environmental management options under the Campaign for the Farmed Environment (CFE)¹ or to establish a buffer strip alongside a watercourse for water resource protection;
- you are creating a bare surface to establish plots of up to approximately 2 hectares to accommodate ground nesting birds such as stone-curlews or lapwings;
- you are actively bringing the land back into production;

¹ Certain CFE options (including C1, C2 and C12a/b in the current list) and newly established buffer strips may require cutting between 1 March and 31 July. The cutting restriction for GAEC 12 does not apply to the land being used for these measures when you are cutting for the purpose of carrying out one of these measures. You do not need to be part of the CFE to use these exemptions. You should avoid disturbing ground nesting birds if they are known to be present.

3. apply inorganic fertiliser to the land, unless the land is known to be used as, and is managed as, a geese feeding area in winter;
4. apply manure or slurry to the land, unless the land is known to be used as, and is managed as, a geese feeding area in winter.

The rules of this standard (GAEC 12) do not apply if the land is a Site of Special Scientific Interest (SSSI) and your obligations under your SSSI designation conflict with the rules of this GAEC.

The individual rules of this standard (GAEC 12) relating to cutting or grazing scrub and vegetation (rules A1, B1 and B2) do not apply if they conflict with those of the GAEC standard to protect scheduled monuments (GAEC 7).

The rules of this GAEC standard (GAEC 12) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

You must record the land as being not in agricultural production in your Soil Protection Review (GAEC 1) with appropriate soil protection measures identified and carried out.

Agricultural land not in agricultural production may be used for storage and non-agricultural activities in line with the conditions for all SPS eligible land set out in the SPS Handbook. You must record any resulting risk to soils and remedial action in your Soil Protection Review 2010.

You can find out more information on the Campaign for the Farmed Environment by visiting their website at www.cfeonline.org.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Campaign for the Farmed Environment (CFE): 024 7685 8892

Natural England: 0845 600 3078

Stone walls

The aim of these rules is to encourage the retention of stone walls because they are an important landscape feature.

A. You must not

1. remove a stone wall¹ or remove stone from a stone wall.

You will not break these rules if you have removed a stone wall or stone from a wall for one of the following reasons:

- to widen an existing gateway in a wall to allow machinery or livestock access. In this case the gateway should be no wider than 10 metres and the newly created wall-ends finished to a vertical face;
- to repair another stone wall on your land which is in a better condition than the one from which stone is removed;
- to make minor repairs to a public footpath on your land.

The rules of this GAEC standard (GAEC 13) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for the derogation and wait for written permission before carrying out any work.



Further advice and guidance

The *Defining stone walls of historic and landscape importance* final report is available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/farmerguidance.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance.

¹ 'Stone wall' means a stone wall that is or was used as a field boundary, which has: a continuous length of at least 10 metres, or a continuous length of less than 10 metres where it meets (at an intersection or junction) another field boundary at each end, or a continuous length of less than 10 metres and forms an enclosure.

Protection of hedgerows and watercourses

The aim of these rules is to protect sensitive field boundaries and their associated habitats. They apply to you if you have hedgerows or watercourses on, or adjoining, your land.

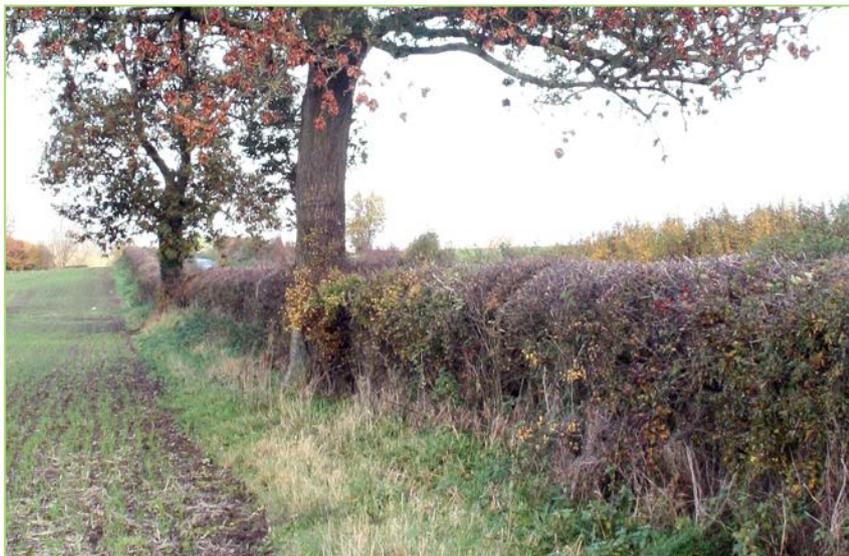


A. You must not

1. cultivate or apply fertilisers¹ or pesticides² to land within 2 metres of the centre of a hedgerow³, watercourse⁴ or field ditch;
2. cultivate or apply fertilisers or pesticides to land between the edge of the watercourse or field ditch and 1 metre on the landward side of the top of the bank.

You will not break these rules if you have used pesticides for spot application only so that you can meet the GAEC standard on the control of weeds (GAEC 11), or you have cultivated land for one of the following reasons:

- to establish a green cover where one does not exist and the land is part of a field which is being newly created (whether by merger or division);
- to establish a green cover where one does not exist and the land was previously outside the scope of cross compliance.



(photo credit: Nigel Adams, Countryside Management)

- 1 'Fertilisers' includes: inorganic fertiliser, organic fertiliser, organic manures, lime, slurry, sewage sludge, slag, trace elements, calcified seaweed and human waste. (This is not an exhaustive list.)
- 2 'Pesticides' means anything used for destroying pests and includes herbicides, fungicides, insecticides and other biocides.
- 3 For the purposes of this requirement, 'hedgerow' means any hedgerow growing in, or adjacent to, any land that forms part of your holding and that has: a continuous length of at least 20 metres, or is part of any such length, or a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end. Any gap resulting from a breach of the Hedgerows Regulations 1997, and any gap of 20 metres or less, will be treated as part of the hedgerow. Traditional hedgebanks (earth banks faced with turf or stone) fall within the scope of GAEC 14 if topped with a hedgerow.
- 4 'Watercourses' are defined within the Code of Good Agricultural Practice as all surface waters, including coastal water, estuaries, lakes, ponds, rivers, streams, canals and field ditches. Temporarily dry watercourses are included.

B. You must

1. take all reasonable steps to maintain a green cover on land within 2 metres of the centre of a hedgerow, watercourse or field ditch;
2. take all reasonable steps to maintain a green cover on land between the edge of the watercourse or field ditch and 1 metre on the landward side of the top of the bank.

The rules of this standard (GAEC 14) do not apply in any of the following circumstances:

- to land either side of a hedgerow which was planted on or after 1 January 2005 and which is less than 5 years old (you will need to keep documentary evidence to prove this);
- to land forming part of a parcel of 2 hectares or less;
- to hedgerows within the curtilage of a dwelling-house;
- to the side of any hedgerow facing a dwelling-house when the hedgerow marks the boundary of the curtilage of the dwelling-house;
- to casting up a traditional hedgebank between 1 August and the last day of February.

Public rights of way may form part of the 1 metre or 2 metre 'protection zone' margins along hedges and watercourses. When they do, the rules of this GAEC standard (GAEC 14) will apply as far as practical but should not restrict public access.

The rules of this GAEC standard (GAEC 14) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

The Hedgerows Regulations 1997: A Guide to the Law and Good Practice is published by Defra and you can get a copy, free of charge, by e-mailing farmland.conservation@defra.gsi.gov.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

www.hedgeline.org.uk

Hedgerows

The aim of these rules is to protect the habitat, particularly for nesting birds, as well as the landscape feature provided by hedgerows¹. They apply to hedgerows growing in, or adjacent to, any of your land.

Hedgerow removal

A. You must not

1. remove² part of a hedgerow unless you have met both of the following conditions³:
 - notified your local authority in writing (or National Park Authority if your land is in a National Park) of your proposal;
 - received written permission to carry out the removal or have received no reply from the authority within 42 days of your notification (this counts as permission).

B. You must

1. carry out any hedgerow removal in accordance with the written permission granted by the authority, or in accordance with the proposal in your notification where the authority has not responded within 42 days.



(photo credit: Nigel Adams, Hedgeline)

- 1 For the purposes of this rule 'hedgerow' means any hedgerow growing in, or adjacent to, any land which forms part of your holding and which has: a continuous length of at least 20 metres, or is part of any such length, or a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end. Any gap resulting from a breach of the Hedgerows Regulations 1997, and any gap of 20 metres or less, will be treated as part of the hedgerow.
- 2 'Remove' includes any operation which uproots or otherwise destroys a hedgerow, either directly or indirectly.
- 3 The full obligations with which you must comply are contained in Regulation 5(1) and (9) of the Hedgerows Regulations 1997.

Hedgerow cutting or trimming

C. You must not

1. cut or trim any hedgerow on your farm between 1 March and 31 July (inclusive) each year (the main breeding season for birds) unless this work is necessary because any of the following apply:
 - the hedgerow overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedgerow obstructs the passage of, or is a danger to, vehicles, pedestrians or horse riders;
 - the hedgerow is dead, diseased, damaged or insecurely rooted and is likely to cause danger by falling on to a highway, road or footpath; or obstructs the view of drivers or the light from a public lamp, for example, a street lamp;
 - to carry out hedge-laying or coppicing during the period 1 March to 30 April (inclusive);
 - to trim a newly laid hedgerow by hand, within 6 months of it being laid.

In some very limited circumstances⁴ you do not have to seek permission to remove a hedgerow. Permission to carry out hedgerow removal lasts for 2 years. Therefore, if you want to carry out the hedgerow removal for which you have sought permission, you need to do so within 2 years of the date of the written permission granted by the authority, or the date of your notification where the authority has not responded within 42 days.

The rules of this standard (GAEC 15) do not apply in either of the following circumstances:

- to hedgerows within the curtilage of a dwelling-house;
- to the side of any hedgerow facing a dwelling-house when the hedgerow marks the boundary of the curtilage of the dwelling-house.

The cutting/trimming rules of this GAEC standard (GAEC 15) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

Hedgerow Regulations: Your Questions Answered is published by Defra and you can get a free copy by e-mailing: farmland.conservaion@defra.gsi.gov.uk

The Hedgerows Regulations 1997: A Guide to the Law and Good Practice is published by Defra and you can get a copy, free of charge, by e-mailing: farmland.conservaion@defra.gsi.gov.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

⁴ Refer to regulation 6 of the Hedgerows Regulations 1997. Chapter 4 of *The Hedgerows Regulations 1997: A Guide to the Law and Good Practice* explains the activities for which permission is not required.

Felling of trees

The aim of these rules is to protect trees because they are important habitat and landscape features.

A. You must not

1. fell a tree without a felling licence, where a licence is required¹;
2. fail to comply with licence conditions, a restocking notice, enforcement notice or directions served on you².



Further advice and guidance

You can get felling licences and further guidance, including when licences are needed, from your local Forestry Commission office.

A Quick Start Guide is available at: www.forestry.gov.uk/forestry/INFD-6DFKUS

Tree Felling - Getting Permission can be found at [www.forestry.gov.uk/pdf/treefellingaugust.pdf/\\$FILE/treefellingaugust.pdf](http://www.forestry.gov.uk/pdf/treefellingaugust.pdf/$FILE/treefellingaugust.pdf)

You can get details of your local Forestry Commission office from the Forestry Commission helpline or website at www.forestry.gov.uk.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmguidance

Forestry Commission helpline: 0117 372 1070

¹ Under section 9(1) of the Forestry Act 1967.

² Under section 24 of the Forestry Act 1967.

Tree Preservation Orders (TPOs)

The aim of these rules is to protect trees because they are important landscape features.

A. You must not

1. cut down, wilfully damage or destroy, uproot, top or lop any tree protected by a TPO without the written consent of your local planning authority;
2. cut down, wilfully damage or destroy, uproot, top or lop any tree located in a conservation area without giving 42 days written notice to your local planning authority.



Further advice and guidance

Tree Preservation Orders are made by local planning authorities to protect trees, groups of trees and woodlands in the interest of amenity under the Town and Country Planning Act 1990.

To get details of your local Forestry Commission office call the Forestry Commission helpline on 0117 372 1070 or visit the website at www.forestry.gov.uk

Tree Preservation Orders: A Guide to the Law and Good Practice is available for download, free of charge, from the Communities and Local Government website at www.communities.gov.uk/publications/planningandbuilding/tposguide

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Department for Communities and Local Government (CLG): 0303 444 0000

Forestry Commission helpline: 0117 372 1070

Water abstraction

The aim of these rules is to protect water resources by licensing abstraction of water for irrigation. They apply to you if you abstract more than 20 cubic metres (4,400 gallons) of water in a period of 24 hours from inland water (such as a river or stream) or an underground source (such as a well or borehole) for irrigation.

If you hold a water abstraction licence for irrigation purposes:

A. You must

1. meet the conditions within any water abstraction licence you hold for irrigation purposes.

If you do not hold a water abstraction licence for irrigation purposes:

B. You must

1. contact the Environment Agency at the earliest opportunity if you want to start abstracting more than 20 cubic metres (4,400 gallons) of water for irrigation in a period of 24 hours, or change your existing abstraction licence to authorise irrigation.

If you abstract 20 cubic metres (4,400 gallons) or less in a period of 24 hours you do not need an abstraction licence.



Further advice and guidance

To help you comply with your water abstraction licence, the Environment Agency has published a short list of tips on their website called *Top tips for complying with your water abstraction licence*.

A guide to getting your licence is produced by the Environment Agency and is available at www.environment-agency.gov.uk

You can view and make representations on abstraction licence applications in your area through the Environment Agency website.

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmguidance.

Environment Agency: 03708 506 506 (Mon-Fri 8am-6pm)

No spread zones

The aim of these rules is to protect water against pollution and run-off from agricultural sources.

A. You must not

1. apply manufactured nitrogen (inorganic) fertiliser within 2 metres of surface water¹;
2. apply organic manure² within 10 metres of surface water, except on land managed for breeding wader birds or as species-rich semi-natural grassland and under certain other restrictions³.
3. apply organic manure within 50 metres of a spring, well or borehole.

If you apply organic manure:

B. You must

1. produce and keep a map⁴ of your holding showing:
 - all surface waters on your holding and land within 10 metres of them;
 - all springs, wells and boreholes on your holding, and within 50 metres of the boundary of your holding, and land within 50 metres of them;
2. update the map with any changes within 3 months from the date of the change.

If you have land under Nitrate Vulnerable Zones (SMR 4) and follow those requirements, you will also meet the rules under this standard in respect of that land.

To protect water quality Defra is strongly encouraging farmers to consider placing 6-metre buffer strips next to vulnerable watercourses. Buffer strips can contribute to the reduction of pollution from farming activities. Details of the use of these can be found at section 6 of the *Cross Compliance Guidance for Soil Management 2010* edition.



- 1 'Surface waters' include lakes, rivers, streams and ditches which contain free water and also temporarily dry ditches and blind ditches.
- 2 'Organic manure' means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure.
- 3 The restrictions are: the land must be in an agri-environment scheme or an SSSI and livestock manure only (other than slurry and poultry manure) is spread between 1 June and 31 October inclusive, it is not spread directly on to surface water and the total amount does not exceed 12.5 tonnes per hectare.
- 4 This may be the risk map produced for regulation 18 of the Nitrate Pollution Prevention Regulations 2008, that is, your NVZ map.



Further advice and guidance

Cross Compliance Guidance for Soil Management 2010 edition (PB 13315) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance or from the RPA Customer Service Centre on 0845 603 7777.

Advice on locating and managing buffer strips is available from Catchment Sensitive Farming Officers, Natural England advisers, Campaign for the Farmed Environment and other farm advisers.

Payments for buffer strips are available under Entry Level Stewardship (ELS).

Detailed information on the creation and establishment of buffer strips is in the ELS handbooks at

www.naturalengland.org.uk/ourwork/farming/funding/es/els/default.aspx

To understand the threats to the aquatic environment on and around your farm, including the main threats to water quality in your area, you can check available information on the Environment Agency website. The 'What's in your backyard' pages give local information based on your postcode.

www.environment-agency.gov.uk/homeandleisure/37793.aspx

You can find more information on soil management and assessment in relation to diffuse pollution in the *Thinksoils* handbook which you can order from the Environment Agency website at

www.environment-agency.gov.uk/business/sectors/soils.aspx

Fertiliser Manual (RB209) helps farmers and land managers better assess the fertiliser required for the range of crops they plan to grow. The manual helps to make sure that proper account is taken of both mineral fertilisers and other sources of nutrients such as manures and slurries. To get a copy visit

www.defra.gov.uk/publications/2011/03/25/fertiliser-manual-rb209/

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance.

Environment Agency: 03708 506 506

www.nutrientmanagement.org

Wild birds

The aim of these rules is to protect wild birds, their eggs and nests. They apply to all wild birds. Extra rules apply if you have land classified as a Special Protection Area (SPA).

A. You must not

1. intentionally kill, injure or take any wild bird¹;
2. intentionally damage, destroy or take the nest of any wild bird while it is in use or being built (nests of golden eagle, white tailed eagle and osprey are protected all year round);
3. intentionally destroy an egg of any wild bird;
4. intentionally or recklessly disturb certain wild birds² or their dependent young while they are nesting (including disturbance of nesting young);
5. kill or take huntable birds during the close season for that species³. Game birds also must not be killed or taken on any Sunday or Christmas Day.

You will not break these rules if you are operating under a licence issued by Natural England to undertake authorised action, or can rely on one of the legal defences or exceptions⁴.



- 1 Any bird shown to have been bred in captivity is not classed as a 'wild bird' unless it has been lawfully released into the wild as part of a repopulation or reintroduction programme.
- 2 The list of wild birds that you must not disturb while nesting is available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices; contained in Schedule 1 to the Wildlife and Countryside Act 1981.
- 3 The list of huntable birds and their close seasons is available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices; contained in Part I Schedule 2 to the Wildlife and Countryside Act 1981 and section 3 of the Game Act 1831.
- 4 These are contained in sections 1, 2, 4 and 16 of the Wildlife and Countryside Act 1981.

For land classified as a Special Protection Area (SPA):

B. You must

1. get Natural England's consent in writing before carrying out, causing or permitting any specified operation⁵ listed in an SSSI's legal documents, or listed within a special nature conservation order (unless that operation is already covered by a management agreement, scheme or notice⁶);
2. comply with all management notices⁷ served by Natural England or the terms of any restoration order served by a court⁸.

C. You must not

1. intentionally or recklessly destroy or damage the special interest features of the area⁹ or disturb any fauna that are a special interest feature. (This requirement can apply to actions that take place other than on the SPA itself but which have the same consequences.)

You will not break the rules for a SPA (B1, B2 and C1) if you have reasonable excuse¹⁰.



Further advice and guidance

The appendix for wild birds (SMR 1) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

You can find out if your land is in a SPA by contacting Natural England, or by searching the Nature on the Map website at www.natureonthemap.org.uk or www.natureonthemap.co.uk.

Natural England: 0845 600 3078

RSPB UK HQ: 01767 680 541

- 5 A 'specified operation' means one which has been identified as likely to damage the special interest features of the area. This information forms part of the notification package for Sites of Special Scientific Interest.
- 6 If you have a management agreement, such as a Higher Level Stewardship agreement you already have consent for the operations outlined in that document.
- 7 A management notice is different from a management agreement as it legally obliges the recipient to carry out certain activities.
- 8 This applies where the purpose of the notice or restoration order is to protect or restore the special interest features of the area or otherwise restore the land to its former condition as may be so specified.
- 9 'Special interest features' of an area are interpreted as the notified interest features of the Site of Special Scientific Interest that are also relevant to the Special Protection Area.
- 10 A 'reasonable excuse' may include: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult Natural England before giving the consent; it is an emergency operation (provided that Natural England is told as soon as possible after the emergency).

Groundwater

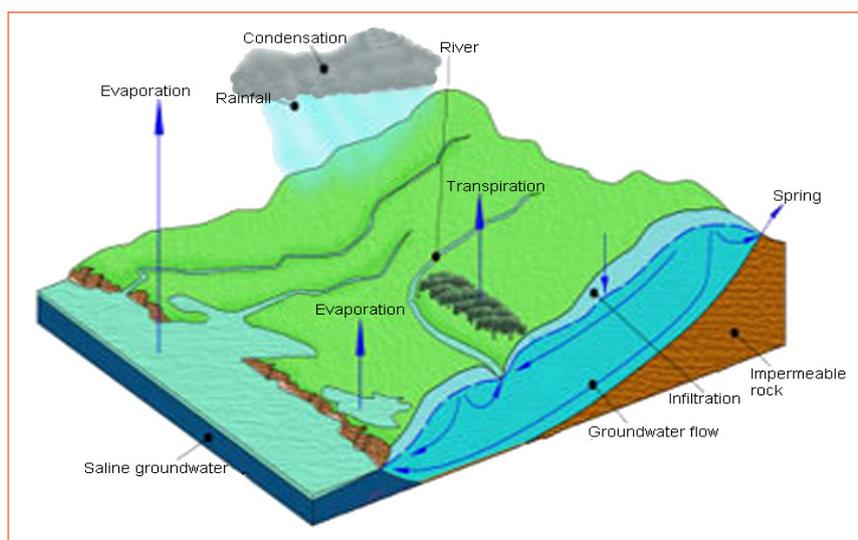
The aim of these rules is to protect groundwater¹ by controlling the discharge of potentially harmful and polluting substances.

A. You must

1. obtain a permit² from the Environment Agency before carrying out, causing or knowingly permitting the discharge³ of any hazardous substances⁴ (for example used/waste sheep dip, pesticide washings, solvents, mineral oil and diesel) or non-hazardous pollutants⁵ (for example sewage, trade effluent, certain biocides).

Certain exclusions⁶ from the requirement to hold a permit can apply. These may include; accidental and exceptional circumstances, for example pollution resulting from extreme weather events outside of normal bounds of prediction; discharges of pollutants at small quantities and concentrations, for example discharges of disinfectant footbaths for human use and for certain disinfectant footbaths for animal use.

2. meet the conditions of any permit or notice issued by the Environment Agency in relation to the protection of groundwater.



BGS (c) NERC 1998

Groundwater in the Hydrological Cycle
(provided courtesy of the UK Groundwater Forum)

- 1 'Groundwater' means all water below the surface of the ground in the saturation zone, that is, below the water table, and in direct contact with the ground or subsoil.
- 2 A permit is an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010. Permits are only required where discharges meet the definition of a 'groundwater activity'.
- 3 This SMR covers all 'groundwater activity' discharges. 'Groundwater activity' means the discharge 'directly or indirectly' of a pollutant to groundwater, any other discharge that might lead to the direct or indirect input of a pollutant to groundwater, an activity in respect of which a notice for an environmental permit has been served or an activity that might lead to a discharge where that activity is carried on as part of an operation of a regulated facility of another class. (Paragraph 3 of Schedule 22 to the *Environmental Permitting Regulations 2010*.) More information is available in Section 5 of the *How to comply with your environmental permit guidance* and the Environment Agency's website groundwater pages.
- 4 Further information on 'hazardous substances' is available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices, or on the Environment Agency website at www.environment-agency.gov.uk.
- 5 Further information on 'non-hazardous pollutants' is available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices, or on the Environment Agency website at www.environment-agency.gov.uk.
- 6 Information on exclusions from the need to get a permit are available in the publication *Groundwater Protection: Principles and Practice (GP 3) Part 5: Interpreting groundwater activity exclusions*.



Further advice and guidance

The appendix for groundwater ([SMR 2](#)) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

Pollutants include both hazardous substances and non-hazardous pollutants. Take particular care with hazardous substances, they are highly toxic and polluting, and even very small quantities cause serious damage to groundwater and other receptors.

Non-hazardous pollutants are less dangerous but must not be allowed to cause pollution of groundwater. Some non-hazardous pollutants, such as ammonia and nitrates, can be applied to land to realise fertiliser value. This is a legitimate use, not a disposal operation, and does not require a permit, provided applications are not excessive (for example, you meet crop requirements), and you do not cause pollution. You should contact the Environment Agency if you are unsure.

For further information on groundwater visit the 'Water' section of the Environment Agency website (under Business & Industry > Environmental topics) at www.environment-agency.gov.uk

How to comply with your environmental permit (EPR 1.00) guidance produced by the Environment Agency which contains both technical guidance, guidance on complying with permit conditions and describes the basic standards and measures that standard permit holders need to know. Section 5 deals with groundwater activities.

How to comply with your Environmental Permit for Water Discharge and Groundwater (from point source) Activity Permits (EPR 7.01) provides additional guidance from the Environment Agency on groundwater activities.

Groundwater Protection: Principles and Practice (GP 3) Part 5: Interpreting groundwater activity exclusions provides guidance on when discharges may be allowed without a permit.

Environment Agency: 03708 506 506

Sewage sludge

The aim of these rules is to make sure that when sewage sludge is used in agriculture there is no risk to human, animal or plant health and no harmful effects on soil.

A. You must

1. take account of the nutrient needs of plants when applying sewage sludge;
2. make sure soil quality is not impaired when applying sewage sludge by not:
 - using sewage sludge unless it has been properly sampled and analysed;
 - using sewage sludge on soil which has not been properly sampled and analysed;
 - exceeding the limits for the average annual rate of addition to land through sewage sludge of the specified elements¹;
 - using sewage sludge on land where the limits for specified elements² are exceeded, or where using sewage sludge would cause them to be exceeded;
 - using sewage sludge on soil which has a pH value of less than 5;
3. make sure that the quality of surface water is not impaired when applying sewage sludge;
4. make sure that the quality of groundwater is not impaired when applying sewage sludge;



(photo credit: Environment Agency)

- 1 As detailed in the sludge table in Schedule 1 of the Sludge (Use in Agriculture) Regulations 1989 and available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices.
- 2 As detailed in the soil table in Schedule 2 of the Sludge (Use in Agriculture) Regulations 1989 and available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices.

5. follow the cropping and grazing restrictions and not:
 - use sewage sludge on land where fruit or vegetable crops, other than fruit trees, are being grown or harvested at the time of use of the sludge;
 - harvest fruit and vegetable crops that are grown in direct contact with the soil and normally eaten raw, for 10 months from the date the sewage sludge or septic tank sludge is used;
 - graze animals or harvest forage crops for 3 weeks from the date the sewage sludge or septic tank sludge is used;
6. work into the soil, as soon as possible, any untreated sludge³, including untreated septic tank sludge, that has been used on land without being injected into the soil;
7. give the sludge producer the following information (where sludge has been used on any land, other than by or on behalf of the sludge producer):
 - the address and area of the agricultural unit concerned;
 - the date on which the sludge was used;
 - the quantity of sludge used; and
 - the name and address of that supplier and the quantity supplied (when you have used sludge supplied by another sludge producer).

Rules A1 to A4 and the first bullet points of A5 and A7 do not apply to septic tank sludge.

The third and fourth bullet points of rule A2 not to exceed limits of elements (as listed in the sludge and soil tables) do not apply if you farm a dedicated site⁴.



Further advice and guidance

The appendix for sewage sludge (SMR 3) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

Environment Agency: 03708 506 506

³ 'Untreated sludge' has not undergone biological, chemical or heat treatment, long-term storage or any suitable process to reduce its fermentability and health hazards.

⁴ A 'dedicated site' is one that was dedicated to the disposal of sludge in 1986, and has been notified to the Environment Agency.

Nitrate Vulnerable Zones (NVZs)

The aim of these rules is to reduce the pollution of waters caused by nitrates from agricultural sources and to prevent such pollution occurring in the future.

If your farm is in a Nitrate Vulnerable Zone:

A. You must



1. keep up to date records which show the following:
 - a calculation showing your existing manure storage capacity;
 - the area of your holding;
 - by the 30 April each year, the number and type of specified livestock¹ kept on your holding, and the amount of time the livestock spent on the holding, during the previous calendar year;
 - by the 30 April each year, a calculation of the total amount of nitrogen produced by specified livestock kept on your holding during the previous calendar year²;
 - any livestock manure moved onto or off the holding including quantities, dates and details of recipients;
 - dates when field sites are used for the temporary storage of manure (poultry and solid);
 - your nitrogen fertiliser³ plan showing for each crop in each field, calculated soil nitrogen supply (SNS), the anticipated month the crop will be planted, calculated crop nitrogen requirement and calculated nitrogen supply from any planned application of organic manure, and the calculated amount of manufactured nitrogen fertiliser required;
 - field records of your crop planting dates, actual applications⁴ of manufactured nitrogen fertiliser and organic manure⁵ including dates of application, quantities applied and type, and a copy of any advice received from a FACTS qualified adviser;
 - if you spread organic manure, a risk map of the holding⁶;
 - by the 30 April each year, for holdings with livestock, a record for the previous storage period⁷ of the number and type of livestock in a building or on hardstanding during the storage period;
2. keep all records for at least 5 years and make them available to an inspector on request;
3. for each specified crop type⁸, make sure that the holding average nitrogen application rate (manufactured nitrogen fertiliser plus crop available nitrogen from livestock manure) does not exceed the maximum nitrogen limit for that crop type;

1 For further information please read *Guidance for Farmers in Nitrate Vulnerable Zones Leaflet 3* (PB12736c) Tables 1 to 4.

2 In the case of permanently housed pigs and poultry where ENCASH software or solid manure sampling and analysis has been used to calculate the amount of nitrogen produced by the livestock kept on your farm, a printout of the results or copies of the analyses must be kept.

3 Nitrogen fertiliser means any substance containing a nitrogen compound used on land to enhance growth of vegetation. This includes manufactured nitrogen fertilisers and organic manures.

4 If your actual applications were the same as planned, rather than re-record this information, you just need to confirm this and record actual planting and application dates.

5 'Organic manure' means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure.

6 For further information please read *Guidance for Farmers in Nitrate Vulnerable Zones Leaflet 8* (PB12736h).

7 1 October to 1 April (6 months) in the case of pigs and poultry. 1 October to 1 March (5 months) in the case of other livestock.

8 For further information please read *Guidance for Farmers in Nitrate Vulnerable Zones Leaflet 3* (PB12736c) Table 5.

4. limit the rate of application of organic manure (excluding manure deposited by grazing animals) in any 12-month period to any individual field to an amount that contains no more than 250 kilograms of total nitrogen per hectare;
5. limit the livestock manure that is applied to land on your holding (including manure deposited by grazing animals and any imported livestock manures) to 170 kilograms of total nitrogen per hectare in each calendar year averaged over the area of your holding (unless you have been granted a derogation⁹);
6. apply nitrogen fertiliser in as accurate a way as possible;
7. only spread slurry with low trajectory equipment (less than 4 metres from the ground) or other technique such as band-spreading or injection (unless using equipment which can achieve an average slurry application rate of not more than 0.2 millimetres per hour when it is operating continuously);
8. when applying organic manure to bare soil or stubble, incorporate into the soil as soon as practical, and within 24 hours at the latest:
 - poultry manure;
 - slurry and liquid digested sludge, unless it is applied by a band-spreader or injected under the soil surface;
 - any other organic manure (other than organic manure spread as a mulch on sandy soil), if the land is sloping and within 50 metres of surface water that could receive run-off from that land;
9. provide sufficient storage¹⁰ for all slurry produced on the holding by specified livestock and all poultry manure produced whilst in a yard or building during the following storage periods;
 - 1 October to 1 April (6 months) for pigs and poultry;
 - 1 October to 1 March (5 months) for other livestock;

Storage capacity is not required for slurry or poultry manure sent off the holding during the storage period or spread on land that has a low run-off risk after the end of the closed period (as long as this does not breach other spreading rules). Where the intention is to spread on land with a low run-off risk, storage facilities for an additional one week's manure must be provided as a contingency measure;

10. store poultry manure and other types of solid manure (including any bedding contaminated with organic manure) either:
 - in a vessel;
 - on an impermeable surface;
 - in a roofed building; or
 - in temporary field heaps as long as they are solid enough to be stacked in a freestanding heap and do not give rise to free drainage from within the stacked material;

9 Defra's request for a derogation from the 170 kilograms of nitrogen per hectare limit was agreed by the EU Nitrates Committee up to and including 2012. Farms with grazing livestock and more than 80% of their area under grass applied on an annual basis and, if the application was successful, worked to a higher limit of up to 250 kilograms of nitrogen per hectare, where certain conditions were met. Defra has made a request to renew this derogation under the existing terms and, if successful, account of this will again be taken in any inspection of farms which have been granted a derogation.

10 A slurry store must have the capacity to store, in addition to the manure, any rainfall, washings or other liquid that enters the vessel (either directly or indirectly) during the storage period.

11. cover with an impermeable material any solid poultry manure that does not have bedding material or litter mixed into it and is stored on a temporary field site.

B. You must not

1. apply organic manures with a high readily available nitrogen content¹¹ (for example, slurry, poultry manure) to land during the following closed periods (unless you are a registered organic farmer¹²):
 - 1 September to 31 December for grassland with sandy or shallow soils;
 - 15 October to 15 January for grassland on all other soils;
 - 1 August to 31 December for tillage land with sandy or shallow soils (application is allowed between 1 August and 15 September as long as a crop is sown on or before 15 September);
 - 1 October to 15 January for tillage land on all other soils;
2. apply manufactured nitrogen (inorganic) fertilisers to any soil type during the following closed periods (unless exemptions apply¹³):
 - 15 September to 15 January for grassland;
 - 1 September to 15 January for tillage land;
3. apply more than 50 cubic metres per hectare of slurry or 8 tonnes per hectare of poultry manure to land at any one time, from the end of the above closed periods until the last day in February, and you must allow at least 3 weeks between each individual application;
4. apply any nitrogen fertiliser before you have carried out a field inspection to assess the risk of run-off to surface water¹⁴ and not apply nitrogen fertiliser if there is a significant risk. The inspection must take into account:
 - the slope of the land, particularly if the slope is more than 12 degrees (1 in 5);
 - any land drains (other than a sealed impermeable pipe); and
 - ground cover, closeness to surface water, weather conditions and soil type;
5. apply any nitrogen fertiliser when the soil is waterlogged, flooded, has been frozen for 12 hours or more in the last 24 hours or is snow covered;
6. apply manufactured nitrogen (inorganic) fertiliser within 2 metres of surface water;
7. apply organic manure within 10 metres of surface water, except on land managed for breeding wader birds or as species-rich semi-natural grassland and under certain other restrictions¹⁵;
8. apply organic manure within 50 metres of a spring, well or borehole;

11 Where more than 30% of the total nitrogen content is in a form that can be readily used by the crop.

12 You may apply organic manure with a high readily available nitrogen content during the closed period if you are a registered organic producer (the applications are subject to certain conditions).

13 Application is allowed during closed periods to specified crops (please read *Guidance for Farmers in Nitrate Vulnerable Zones Leaflet 3* (PB12736c) Table 6) or if written advice is received from a FACTS Qualified Adviser.

14 Surface waters include lakes, rivers, streams and ditches which contain free water and also temporarily dry ditches and blind ditches.

15 The restrictions are: the land must be in an agri-environment scheme or an SSSI and livestock manure only (other than slurry and poultry manure) is spread between 1 June and 31 October inclusive, it is not spread directly on to surface water and the total amount does not exceed 12.5 tonnes per hectare.

9. locate temporary field heaps:
 - within 10 metres of a surface water or land drain;
 - within 50 metres of a spring, well or borehole;
 - on land likely to become waterlogged;
 - on land likely to flood;
 - in a single position for more than 12 successive months;
 - in the same place as an earlier heap constructed within the last two years;
10. carry out separation of slurry into its solid and liquid fractions unless it is done mechanically or on an impermeable surface where the liquid fraction drains into a suitable container.



Further advice and guidance

For detailed 'field boundary' maps of the current NVZs (designated in 2008) visit the ADAS website (for Defra) at <http://defranvz.adas.co.uk/>

For maps of the proposed zones following the latest review of the Nitrates Directive visit the Environment Agency website at http://maps.environment-agency.gov.uk/wiyby/wiybyController?ep=maptopics&lang=_e

Guidelines for Farmers in Nitrate Vulnerable Zones: England (PB 12736) – Defra has produced a series of nine leaflets and a record keeping checklist which are available from the Defra website at defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/

The application of organic manures or manufactured nitrogen fertilisers on uncultivated land or semi-natural areas may form a project under the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006 and you may need to obtain a screening decision. If this is the case the rules of the cross compliance standard on Environmental Impact Assessment (**GAEC 5**) will apply.

Environment Agency: 03708 506 506

Habitats and species

The aim of these rules is to protect species of flora and fauna. Extra rules apply if you have land designated as a Special Area of Conservation (SAC).

A. You must not

1. deliberately pick, collect, cut, uproot or destroy a wild plant of a 'European protected species'¹.

You will not break this rule if you are operating under a licence issued by Natural England to undertake authorised action, or can rely on a legal defence provided in this legislation.

On land designated as a Special Area of Conservation:

B. You must

1. get Natural England's consent in writing before carrying out, causing or permitting any specified operation² listed in an SSSI's legal documents or listed within a special nature conservation order (unless that operation is already covered by a management agreement, scheme or notice³);
2. comply with all management notices⁴ served by Natural England or the terms of any restoration order served by a court⁵.



- 1 For a list of European protected species visit the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices; contained in Schedule 5 to the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
- 2 A 'specified operation' is one which has been identified as likely to damage the special interest features of the area. This information forms part of the notification package for Sites of Special Scientific Interest.
- 3 If you have a management agreement, such as a Higher Level Stewardship agreement, you already have consent for the operations outlined in that document.
- 4 A management notice is different from a management agreement as it legally obliges the recipient to carry out certain activities.
- 5 This applies where the purpose of the notice or restoration order is to protect or restore the special interest features of the area or otherwise restore the land to its former condition as may be so specified.

C. You must not

1. intentionally or recklessly destroy or damage the special interest features⁶ of the area or disturb any protected fauna that are a special interest feature. (This rule can apply to actions that take place other than on the SAC itself but which have the same consequences.)

You will not break the rules for a SAC (B1, B2 and C1) if you have reasonable excuse⁷.



Further advice and guidance

The appendix for habitats and species (SMR 5) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

You can find out if your land is in a SAC by contacting Natural England, or you can visit the Nature on the Map website at www.natureonthemap.org.uk or www.natureonthemap.co.uk

Natural England: 0845 600 3078

- 6 'Special interest features' of an area are interpreted as the notified interest features of the Site of Special Scientific Interest that are also relevant to the Special Area of Conservation.
- 7 A 'reasonable excuse' may include: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult Natural England before giving the consent; it is an emergency operation (provided that Natural England is told as soon as possible after the emergency).

Pig identification and registration

The aim of these rules is to reduce the risk of pig diseases spreading, by controlling movements and improving traceability.

A. You must

Registration and identification

1. register your details with Defra, through your Local Animal Health and Veterinary Laboratories Agency office, within 1 month of establishing your holding. Notify them of any change to your details (including if you stop keeping pigs) within 1 month of the change;
2. correctly identify your pigs (depending on their age and destination) before they leave your holding:
 - for pigs aged 1 year or over moving to any type of market, to slaughter or between holdings – use eartags, tattoos or double slapmarks bearing your Defra herdmark;
 - for pigs aged under 1 year moving to any type of market or to slaughter – use eartags, tattoos or double slapmarks bearing your Defra herdmark; or
 - for pigs aged under 1 year moving between holdings – use eartags, tattoos or double slapmarks bearing your Defra herdmark or a temporary mark (paintmark);

Movements

3. notify the eAML2 system¹ online before you move pigs from your holding unless one of the following exemptions applies:
 - you are moving any pigs to a market or collection centre which agrees to notify the eAML2 system online on the day that the pigs arrive;
 - you are moving any pigs to a veterinary practice for emergency treatment;
 - you are moving any pigs to a show without knowing which holding they will move the pigs to after the show (in this case you must notify the eAML2 system online or the eAML2 Bureau Service operated by the Meat and Livestock Commercial Services Limited (MLCSL) within 3 days of the move from the show).

Unless you are moving any pigs for emergency veterinary treatment, for all of the above you must always give the following information:

- full addresses, including postcodes and CPH numbers, of both the origin and destination of the pigs;
- date of the movement;
- number of pigs being moved;
- identification marks of the pigs; and
- lot numbers of the pigs (if the movement is from a market);

¹ 'eAML2 system' is the electronic recording system used to notify Defra when pigs are moved.

If you do not notify the eAML2 system online and the exemptions do not apply, you must give the required information to the eAML2 Bureau Service by telephone or in writing (that you would otherwise pre-notify on the system) and you must not move any pigs until you have received a haulier summary/movement document from the eAML2 Bureau Service recording that same information;

4. when transporting pigs, carry a haulier summary/movement document that accompanies pigs during moves, and where the moves have not been reported online this must be signed by the keeper. If the keeper receiving the animals is not able to notify the eAML2 system online, you must give the keeper two copies of the haulier summary/movement document;
5. notify movements of pigs onto your holding within 3 days by:
 - confirming online on the eAML2 system that the pigs have arrived (noting any changes); or
 - sending a copy of the haulier summary/movement document (noting any changes) to the eAML2 Bureau Service or confirming the changes to them by telephone or fax;
6. keep a copy of the haulier summary sheet/movement documents for 6 months after any pigs arrive on your holding (unless you have notified the eAML2 system online that they have arrived);
7. if you are sending any pigs to a port for consignment outside Great Britain, either notify the eAML2 system online or send a copy of the haulier summary or movement documents to the eAML2 Bureau Service within 3 days of the pigs leaving the holding;



On-farm records

8. once a year, record the maximum number of pigs you normally keep on the holding and the actual number of pigs on the holding on that date;
9. record all movements of pigs on and off your holding within 36 hours. Always record the:
 - name and address of the person keeping the record;
 - date of the movement;
 - identification number² or temporary mark;
 - number of pigs;
 - holding you moved the pigs from;
 - holding you moved the pigs to;
10. make sure that these on-farm records are up to date, kept for at least 3 years and are available on request to an inspector.

B. You must not

Registration and identification

1. remove or replace identification without permission from your local authority unless it is lost, illegible or removed for welfare reasons. In all cases you must replace the identification appropriately.



Further advice and guidance

To get a copy of *Guidance for Pig Keepers* telephone the Defra helpline on 08459 33 55 77 or visit the Defra website at defra.gov.uk/food-farm/animals/movements/pigs/

RPA Livestock Identification Helpline – 0845 050 9876

eAML2 Bureau Service, Stoneleigh Park, Kenilworth, Warwickshire, CV8 2TL –
Helpline 0844 335 8400, Fax 0247 669 2405

To access the eAML2 system visit the website at www.eaml2.org.uk and select 'Producer Registration'.

2 For moves to shows or exhibitions, for breeding purposes (if the pigs are returning to the holding), to semen collection centres, or for export to the EU or to other countries, this must include a unique identification number.

Cattle identification and registration

The aim of these rules is to maintain a system for the identification and registration of cattle to make possible their traceability, in particular in the event of a disease outbreak.

A. You must

Tagging

1. tag all calves born on your holding, or cattle imported from outside the European Union (EU)¹, with Defra approved eartags² within the following timescales:
 - dairy calves – with one eartag within 36 hours of birth and with the second eartag within 20 days of birth;
 - bison calves – within 9 months of birth or when they are separated from their mother if this is earlier;
 - other calves – within 20 days of birth;
 - all animals leaving your holding – with both tags before they leave;
 - cattle imported from outside the EU – within 20 days of release from import checks;
2. replace illegible or lost eartags within 28 days of noticing the loss³;



Passports and registration

3. register cattle born on your holding no later than 27 days after birth (7 days for bison) by making an application for a passport from the British Cattle Movement Service (BCMS) through an approved channel⁴;
4. register cattle imported from within the EU, but outside Great Britain, within 15 days of its arrival on your holding by sending the foreign passport/movement document to BCMS and making an application for a passport;
5. register cattle imported from outside the EU within 15 days of tagging the animal and no later than 35 days from its release from import checks by making an application for a passport from BCMS;
6. produce a signed and valid passport for every animal in your care on request;
7. make sure that when cattle are moved off your holding⁵ they are accompanied with their valid passport, properly completed and signed;

1 Cattle imported from within the EU must keep their original identification.

2 Eartags should be applied one in each ear and bear the same unique identification code. You can get these from the manufacturers listed on our website.

3 Replacement eartags should bear the same number if cattle were born after 1 January 1998. For older cattle a new tag number may be used and a new passport requested.

4 Approved channels are, a pre-printed application form, CTS online, CTS Web Services or CTS Self Service Line.

5 This includes (but not exclusively) moving to another farm, market, collection centre, export assembly centre, abattoir or showground.

Notification of movements and deaths



8. notify BCMS through an approved channel⁶; of any movements of cattle on to and off your holding within 3 days of the movement;



9. notify BCMS through an approved channel⁷; of any cattle deaths on your holding within 7 days of the date of death. You must also complete the death details in the passport or certificate of registration and return them and any other official identification documents within 7 days of the date of the death;

10. notify BCMS by returning the passport of any lost or stolen animal within 7 days of becoming aware of the loss or theft.

On-farm records (herd register)



11. Keep on-farm records for your holding, which include the following appropriate details for each animal:

- official eartag number;
- dam's official eartag number;
- date of birth;
- sex;
- date of movements on and off your holding;
- details of where the animal has moved to or from;
- breed;
- date of death;

12. complete the herd register within the following timescales:

- movements – 36 hours of them taking place;
- birth of a dairy calf – 7 days;
- birth of any other calf – 30 days;
- a death – 7 days;
- eartag replacement where the eartag number is changed – 36 hours of the replacement;

13. make sure that these on-farm records are up to date, kept for at least 10 years from the date of the last entry and are available on request to an inspector.

⁶ Approved channels are CTS Online, CTS Web Services, CTS Self Service Line, through an Agent or by Movement Card (if applicable).

⁷ Approved channels are CTS Online, CTS Web Services, CTS Self Service Line, through an Agent or Death Details section of the passport.

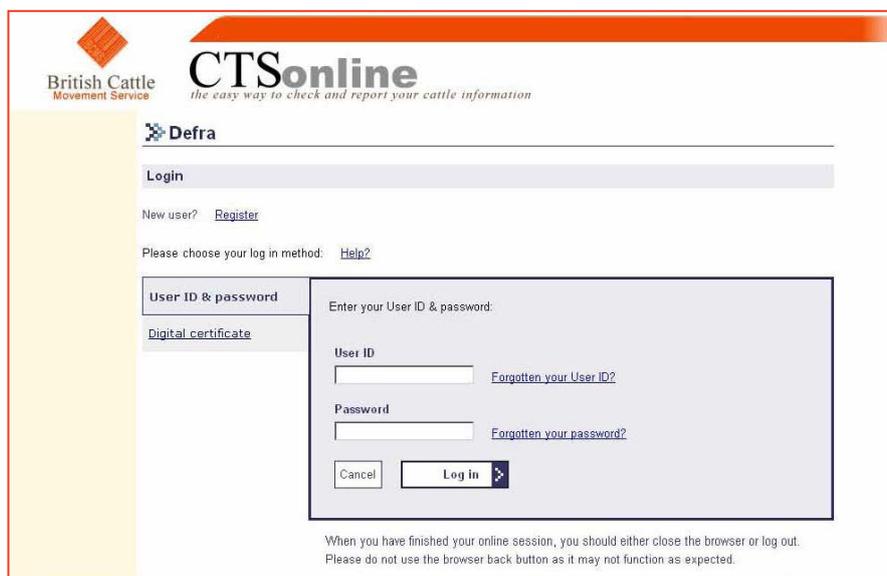
B. You must not

Tagging

1. remove or replace eartags without permission from Defra (obtained through BCMS), except when replacing lost or illegible tags;
2. alter, obliterate or deface an eartag;

Passports and registration

3. alter or deface a cattle passport.




Further advice and guidance

The *Cattle Keeper's Handbook* published by BCMS gives full guidance on how to comply with the cattle identification rules.

BCMS e-mail: bcms-enquiries@bcms.rpa.gsi.gov.uk

BCMS Helpline: 0845 050 1234

RPA Livestock Identification Helpline: 0845 050 9876

Sheep and goats identification

The aim of these rules is to maintain a system for the identification and registration of sheep and goats to make possible their traceability, in particular in the event of a disease outbreak.

A. You must

Identification



1. identify all sheep and goats with the correct means of identification within 6 months of birth for intensively farmed animals and 9 months for extensively farmed animals, or before they leave the holding of birth, whichever is sooner;
2. for intra-community trade, identify sheep and goats with two identically numbered eartags; and if identified on or after 31 December 2009, one identifier must be electronic;
3. replace any lost or illegible means of identification within 28 days of noticing their loss or illegibility or before the animal leaves the holding, whichever is the earlier;
4. only keep sheep or goats identified with a single slaughter tag beyond the age of 12 months if the animals are completely traceable, and you must then replace the single means of identification with two new identifiers. For sheep, one of the identifiers must be electronic;



(photo credit: Symtag)



Record keeping

5. for animals born and identified before 31 December 2009 keep on-farm records with the required information, including:
 - details of the movement of sheep and goats on and off your holding, including:
 - the date of the movement;
 - the number of animals moved;
 - the destination or origin of the animals moved;
 - the transport details for the animals leaving your holding;

and additionally, for animals born or identified on or after 31 December 2009 these details must include:

 - the individual identification numbers of individually identified animals and in the case of batches of animals identified with a single slaughter tag which originate from different holdings of birth, the number of animals with each different flock/herd mark;
 - in the holding of birth, the year of birth and date of identification;
 - the month and year of death of the animal on the holding;
 - the breed and, if known, the genotype;
 - for all animals:
 - an annual inventory of the animals kept at 1 December;
6. make sure that these on-farm records are up to date, kept for at least 3 years from the date of the last entry and are available on request to an inspector.

B. You must not

Identification

1. alter, obliterate or deface any means of identification attached to an animal. However you may apply additional management information provided the legibility of the UK flock mark or UK individual ID number is not affected.



Further advice and guidance

The Guidance for Keepers in England – Rules for identifying sheep and goats gives full guidance on how to comply with the sheep and goat identification rules.

Defra website: defra.gov.uk/food-farm/animals/movements/sheep/

RPA Livestock Identification helpline: 0845 050 9876

Restrictions on the use of plant protection products (PPPs)

The aim of these rules is to make sure that plant protection products are used correctly and to minimise their risk to humans, animals and the environment.

A. You must not

1. use any plant protection product unless it has been authorised or in the case of parallel traded products has a permit under the relevant legislation.

B. You must

1. use authorised or permitted plant protection products in accordance with any requirements or condition which is:
 - specified in the authorisation, permit or in any extension of use;
 - on the label of the product as required by the authorisation, permit or extension of use;
2. use plant protection products in accordance with the principles of good plant protection practice¹ and sustainable use² and, whenever possible, in accordance with the principles of integrated control, as explained in the *Code of Practice for Using Plant Protection Products*.



Further advice and guidance

There are record keeping requirements for plant protection products; these fall within the cross compliance rules for Food and Feed Law (SMR 11).

The Code of Practice for Using Plant Protection Products (PB 11090 for a printed copy; PB11090CD for CD format) available from the Chemicals Regulation Directorate of the Health and Safety Executive by phoning 01904 455709.

You can get a list of authorised and permitted products from the Chemicals Regulation Directorate website at www.pesticides.gov.uk

Chemicals Regulation Directorate: 01904 455775

- 1 This means a practice whereby the treatments with plant protection products applied to given plants or plant products, in conformity with the conditions of their authorised uses, are selected, dosed and timed to ensure acceptable efficiency with the minimum quantity necessary, taking due account of local conditions and of the possibilities for cultural and biological control.
- 2 This covers for example, permits for aerial spraying, correct certification, checking and use of equipment and handling and storage of pesticides. Full details can be found on the Chemicals Regulation Directorate website at www.pesticides.gov.uk

Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals

The aim of these rules is to stop the illegal use in stock farming of substances that have a hormonal or thyrostatic action and beta-agonists, and to prevent the residues that these substances leave in meat and other foodstuffs from entering the human or animal food chain.

A. You must not

1. give food producing animals restricted substances¹ (unless in line with any permitted exceptions²);
2. have substances on your farm that contain beta-agonists to induce tocolysis in cows when calving (for example clenbuterol hydrochloride);
3. have food producing animals on your farm to which a restricted substance has been administered (unless given in line with any permitted exceptions);
4. place on the market or send to slaughter for human consumption any animal to which a restricted substance has been administered (unless given in line with any permitted exceptions);
5. place on the market meat, or any other animal product, derived from an animal to which any restricted substance has been administered (unless given in line with any permitted exceptions).

B. You must

1. observe the relevant withdrawal period if your food producing animals have been given any of the restricted substances in line with the permitted exceptions;
2. make veterinary medicinal records relating to restricted substances available to the competent authority, or anyone acting on behalf of the competent authority, on request.



Further advice and guidance

The Product Information Database on the Veterinary Medicines Directorate website at www.vmd.defra.gov.uk contains the most up to date information on medicines authorised for use in farm animals in the UK. The database includes any withdrawal periods.

Veterinary Medicines Directorate: 01932 336911

www.vmd.defra.gov.uk/ProductInformationDatabase

- 1 'Restricted substances' means thyrostatic substances, stilbenes, stilbene derivatives, their salts and esters, oestradiol 17 β and its ester-like derivatives and substances having oestrogenic, androgenic or gestogenic action and beta-agonists.
2. Exceptions exist for the use in certain circumstances of veterinary medicines containing testosterone, progesterone, allyl trenbolone and beta-agonists, and having oestrogenic, androgenic or gestagenic action.

Food and feed law

The aim of these rules is to make sure that the production of food for human consumption and food or feed that is fed to food producing animals is safe.

Food and feed safety, withdrawal and recall:

A. You must not

1. place unsafe food¹ or unsafe feed² on the market;
2. feed unsafe feed to food producing animals.

B. You must

1. arrange for unsafe food or unsafe feed to be withdrawn from the market if you believe you have supplied it, and inform both your local authority and the Food Standards Agency (FSA);
2. destroy any unsafe feed unless the competent authority tells you not to do so;
3. tell consumers of food, or the users of the feed, of the reason for any withdrawal if it may have reached them;
4. arrange for unsafe food or unsafe feed to be recalled if there is no other way of achieving a sufficiently high level of health protection;
5. immediately tell both your local authority and the FSA if food which you have supplied, or is in your possession and you intend to sell, could be harmful to health and of the actions you have taken to prevent risks to the final consumer. In the case of feedstuffs containing veterinary medicinal products (medicated feedstuffs) and/or specified feed additives (coccidiostats or histomonostats) at levels greater than their prescribed or authorised levels, or feedstuffs which are contaminated with such products, which may be harmful to health, the Veterinary Medicines Directorate (VMD) should also be informed.

Traceability

C. You must

1. put in place systems and procedures for the traceability of inputs³ to your farm, which identify:
 - the name and address of your supplier;
 - the type and quantity of inputs that were supplied to you;
 - the date of the delivery of these inputs to your farm;
2. put in place systems and procedures for the traceability of products when they leave your farm, which identify:
 - the name and address of the businesses you supplied;
 - the nature and quantity of the products that were supplied to those businesses;
 - the date on which the products left your farm;

1 'Unsafe food' is food which is harmful to human health or unfit for human consumption.

2 'Unsafe feed' is feed deemed to have an adverse effect on human or animal health or it makes the food that comes from food producing animals unsafe for human consumption.

3 'Inputs' are: food, feed, food producing animals and any other substance intended or expected to be incorporated into a feed.

- store this information in a format which is readily available and produce it when requested.

Hygiene of foodstuffs and feed hygiene

D. You must

- store and handle waste and hazardous substances⁴ separately and securely, in order to prevent contamination of your food products or feed products;
- take account of the results of any relevant analysis carried out on samples taken from primary products or other samples relevant to feed safety;
- store feed away from chemicals or any other products banned for use as animal feed;
- keep storage areas and containers clean and dry and implement appropriate pest-control measures where necessary. Take particular care when cleaning storage areas and containers which are used to contain medicated and non-medicated feed;
- store seed properly and in such a way that it is not accessible to animals;
- handle medicated and non-medicated feeds separately to prevent cross-contamination and store medicated feeds in such a way so they can't be fed by mistake to animals for which they're not intended;
- make sure the on-farm feed distribution system ensures that the right feed is sent to the right destination. During distribution and feeding, feed must be handled in such a way as to ensure that contamination does not occur from contaminated storage areas and equipment;
- periodically clean on-farm feed transport vehicles and feeding equipment, in particular when used to deliver and distribute medicated feed;
- use feed additives, veterinary medicinal products and biocides correctly (if you use them on your farm) with dosage, application and storage as stated on the label or as prescribed. This includes making sure that food you produce does not contain residues of pesticides or veterinary medicinal products that are higher than the permitted maximum residue level for the pesticide used or the maximum residue limit for the medicine used⁵;
- take adequate measures⁶ to prevent the introduction and spread of contagious diseases transmissible to humans through food;
- source and use feed, for food producing animals, from establishments that are registered or approved by your local authority;
- take appropriate remedial action when informed of problems identified during official controls;
- keep up to date records on all of the following, if they are relevant to your business and make them available on request to an inspector:
 - veterinary medicinal products, or other treatments, given to your animals (including the dates of the treatment and the withdrawal period);



- There is no definitive list of 'hazardous substances'; they are any substances that have the potential to cause an adverse effect on human health or animal health.
- For pesticides, residues within food you produce must not exceed the maximum residue level at the time the food is placed on the market as food. For veterinary medicinal products, residues within food producing animals must not exceed the maximum residue limit at the time the animal is sold or supplied for slaughter.
- 'Adequate measures' include: abiding by the statutory herd testing for bovine tuberculosis (bTB) and pre-movement TB testing of animals; compliance with any notice and instruction; not moving animals subject to movement restrictions; taking precautionary measures when introducing new animals; reporting suspected disease outbreaks to the competent authority.

- the use of plant protection products and biocides;
- the results of any analyses carried out on samples taken from food producing animals, plants, animal feed or other samples taken for diagnostic purposes that have importance for human and animal health;
- any relevant reports on checks carried out on animals or products of animal origin;
- any use of genetically modified seeds in feed production.

Rules D1 to D13 do not apply to the direct supply by the producer of small quantities of primary products to the final consumer (for example, farm gate sales) or to local retail establishments which then directly supply the final consumer.

If you are a producer of raw milk⁷ (from any species), or handle raw milk or produce colostrum, the following extra rules apply:

E. You must

1. make sure that raw milk and colostrum comes from animals that:
 - are in a good general state of health;
 - show no sign of disease that might result in the contamination of milk or colostrum⁸;
 - do not have any udder wound likely to affect the milk or colostrum;
 - are not within the prescribed withdrawal period following the administration of authorised products or substances;
 - have not been given any unauthorised substances or products;
2. make sure that raw milk and colostrum comes from animals belonging to herds/holdings which have disease-free status for tuberculosis and brucellosis. If your herd or holding is not disease-free you may sell raw milk from your non-reactor animals if you are selling to a wholesaler who will heat treat the milk before marketing it for human consumption, or the raw milk is from sheep or goats⁹ and is intended to be made into cheese that has a maturation period of at least two months. Make sure that raw milk and colostrum from any animal not complying with these requirements is not placed on the market for human consumption;
3. effectively isolate animals that are infected, or suspected of being infected, with brucellosis or tuberculosis so that there is no adverse effect on other animals' milk;
4. make sure that milking equipment and the premises where raw milk and colostrum are stored, handled or cooled are located and constructed to limit the risk of contamination of milk and colostrum;
5. make sure that premises used for the storage of raw milk and colostrum:
 - are protected against vermin, including birds and birds' nests, and adequately separated from premises where animals are housed;
 - have suitable refrigeration equipment in order to meet the post-milking cooling rules;

- 7 'Raw milk' means milk produced by the secretion of the mammary gland of farmed animals that has not been heated to more than 40 °C or undergone any treatment that has an equivalent effect.
8. In particular, that animals are not suffering from any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder.
9. From sheep and goats that do not show a positive reaction to tests for brucellosis or which have been vaccinated against it.

6. make sure the surfaces of equipment that come into contact with raw milk or colostrum are easy to clean and disinfect (where this is necessary);
7. clean (and disinfect where necessary) the surfaces of equipment that come into contact with raw milk or colostrums after each use, and maintain in a sound condition;
8. carry out milking hygienically, especially making sure that:
 - before milking starts the teats, udder and adjacent parts are clean;
 - you satisfactorily identify animals undergoing any medical treatment which is likely to transfer residues to the milk or colostrum;
 - raw milk or colostrum from any animals that are still within the withdrawal period after receiving medication is not used for human consumption;
9. hold raw milk in a clean place, designed and equipped to avoid contamination, immediately after milking. The milk must be cooled immediately to:
 - not more than 8°C if it is collected daily;
 - not more than 6°C if it is not collected daily.

You will not break the rule to cool raw milk immediately after milking if the milk is going to be processed within 2 hours of milking or you have received permission from the competent authority because of the dairy products that will be made from this milk.

10. hold colostrum in a clean place, designed and equipped to avoid contamination, immediately after milking. Colostrum must be stored separately and be cooled immediately to:
 - not more than 8°C if it is collected daily;
 - not more than 6°C if it is not collected daily
 or it must be frozen.

If you are an egg producer the following additional rules apply:

F. You must

1. keep eggs clean and dry, free of strong odour, effectively protected from shocks and out of direct sunshine.



Further advice and guidance

You can get information about food and feed safety, including reporting of incidents, from the Food Standards Agency by calling 020 7276 8829 or visiting their website at www.food.gov.uk

The *Code of Practice for Using Plant Protection Products* gives information and guidance on record keeping for pesticides. To get a printed copy (PB11090) or a CD (PB11090CD) telephone the Chemicals Regulation Directorate of the Health and Safety Executive on 01904 455709, or visit the CRD website at www.pesticides.gov.uk

Milk Hygiene on the Dairy Farm – A Practical Guide for Milk Producers, available from the Animal Health and Veterinary Laboratories Agency.

Food Standards Agency: 020 7276 8829

Prevention and control of transmissible spongiform encephalopathies (TSEs)

The aim of these rules is to minimise the risk posed to human and animal health by certain transmissible spongiform encephalopathies (TSEs).

A. You must not

1. feed animal protein, or any feeding stuff that contains animal protein, to ruminants¹, with the exception of the following (subject to required sourcing and processing, for example, it cannot be catering waste):
 - milk, milk-based products and colostrums;
 - eggs and egg products;
 - gelatine from non-ruminants;
 - hydrolysed proteins derived from non-ruminants or from ruminant hides and skins;
 - liquid milk replacers for unweaned ruminants containing fishmeal, if registered by Defra.
2. feed products containing prohibited proteins² to any farmed animals, or mix prohibited proteins with feedstuffs;
3. use restricted proteins³ to produce feed for non-ruminants unless you have received authorisation from Defra;
4. use feed products containing restricted proteins on a farm where there are ruminants present unless you are registered with Defra;
5. export from the UK any bovine animal born or reared in the United Kingdom before 1 August 1996;
6. place on the market or export any products consisting of or incorporating any material (other than milk) derived from a bovine animal born or reared in the United Kingdom before 1 August 1996;
7. place on the market or export first generation offspring, the semen, ova or embryos of cattle, sheep or goats (of any age) without fully complying with the documentation requirements and restrictions applying to the sale or export of such products;
8. move any cattle born or reared in the UK before 1 August 1996 from their registered premises unless you have obtained a movement licence from the Animal Health and Veterinary Laboratories Agency Specialist Service Centre in Worcester.

1 'Ruminant' includes: cattle, sheep, goats, camelids, bison, buffalo, deer, antelope and wildebeest.

2 'Prohibited proteins' are gelatine from ruminants and processed animal protein (such as mammalian meat and bonemeal, poultry meal and feather meal).

3 'Restricted proteins' are animal proteins restricted to non-ruminant feed production: fishmeal, blood products, bloodmeal (for feeding to farmed fish) and dicalcium phosphate and tricalcium phosphate of animal origin.

B. You must

1. notify the duty veterinary officer of your local Animal Health and Veterinary Laboratories Agency office immediately if you know or suspect that an animal or carcass in your possession, or under your charge, is infected with a transmissible spongiform encephalopathy (TSE);
2. fully comply with any movement restrictions imposed;
3. fully comply with any order to slaughter and destroy any animal;
4. fully comply with any other notices served by an inspector;
5. fully comply with the inquiry carried out by an inspector to identify all animals at risk.

**Further advice and guidance**

For additional information on TSEs, please visit the Animal Health and Veterinary Laboratories Agency website at animalhealth.defra.gov.uk/managing-disease/notifiable-disease/bse.html and animalhealth.defra.gov.uk/managing-disease/notifiable-disease/scrapie/index.htm

Mineral-derived versions of dicalcium phosphate and tricalcium phosphate are permitted for all livestock and are most commonly used. Feed labels which do not specify 'animal origin' can be taken to be mineral.

Animal Health and Veterinary Laboratories Agency Specialist Service Centre:
0845 601 4858

Control of foot and mouth disease, certain animal diseases and bluetongue

The aim of these rules is to control and eradicate foot and mouth disease, certain animal diseases and bluetongue.

A. You must

1. notify the duty veterinary officer of your local Animal Health and Veterinary Laboratories Agency office immediately if you know or suspect that an animal or carcass in your possession, or under your charge, is infected with:
 - foot and mouth disease;
 - bluetongue;
 - any of the following diseases:
 - rinderpest;
 - peste des petits ruminants;
 - swine vesicular disease;
 - epizootic haemorrhagic virus disease of deer;
 - sheep and goat pox (capripox);
 - vesicular stomatitis;
 - African swine fever;
 - lumpy skin disease;
 - rift valley fever.



Further advice and guidance

Your local Animal Health and Veterinary Laboratories Agency office at animalhealth.defra.gov.uk

Defra website: defra.gov.uk/animal-diseases/notifiable

Defra helpline: 08459 33 55 77

Welfare of calves

The aim of these rules is to protect the welfare of calves¹ by setting minimum standards for their care and husbandry. These rules apply as well as the rules for the welfare of farmed animals (SMR 18).

A. You must

1. inspect all housed calves at least twice a day, and those kept outside at least once a day;
2. make sure that each of your calves can stand up, turn around, lie down, rest and groom itself without difficulty;
3. make sure that individual stalls or pens satisfy the minimum width and length rules² and that they have perforated walls which allow the calves to see each other and have physical contact with one another (except for those isolating sick animals);
4. make sure that each calf, when kept in a group, has its minimum allowance of unobstructed floor space³;
5. provide flooring, for those calves kept in buildings, that is:
 - smooth but not slippery;
 - designed so there is no injury or suffering to the calves standing or lying on it;
 - suitable for the size and weight of the calves;
 - rigid, even and stable;
6. keep all housed calves on, or at all times give them access to, a lying area that is clean, comfortable, well drained and has dry bedding;
7. give all calves appropriate bedding;
8. for calves kept in an artificially lit building, provide artificial lighting for a period that is at least equal to the period of natural light normally available between 9.00am and 5.00pm;
9. clean and disinfect housing and equipment used for your calves; remove dung, urine and leftover food as often as necessary to reduce smells and avoid attracting flies or rodents;
10. feed all weaned calves at least twice a day;
11. make sure when feeding group-housed calves that each calf either:
 - has access to feed at the same time as the others in the feeding group;
 - has continuous access to feed;
 - is fed by an automatic feeding system;
12. give your calves fresh drinking water at all times in hot weather conditions or when they are ill;

1 'Calf' means any bovine animal up to 6 months old, including those reared outdoors.

2 Details of width and length rules are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 6 to the Welfare of Farmed Animals (England) Regulations 2007.

3 Details of minimum floor space allowance rules are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 6 to the Welfare of Farmed Animals (England) Regulations 2007.

13. give all calves food that contains enough iron⁴;
14. provide the specified minimum daily ration⁵ of fibrous food for each calf over 2 weeks old;
15. make sure that each calf receives bovine colostrum as soon as possible after it is born and within the first 6 hours of life.

B. You must not

1. tether your calves;
2. muzzle your calves;
3. keep a calf in an individual stall or pen after the age of 8 weeks (unless it needs to be isolated to receive treatment).

You will not break the rule relating to the tethering of calves if tethers are applied to group-housed calves, for up to 1 hour, when you are feeding them milk or milk substitute. In this case any tether must be regularly inspected and adjusted to make sure that it does not cause pain or injury to the calf and allows it to lie down, rest, stand up and groom itself.



Further advice and guidance

The appendix for welfare of calves ([SMR 16](#)) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

For a copy of *Codes of Recommendation for the Welfare of Livestock: Cattle* (PB7949) visit the Defra website at defra.gov.uk

For Council of Europe Recommendations made under the *European Convention on the Protection of Animals Kept for Farming Purposes* visit the Council of Europe website at www.coe.int

Your local Animal Health and Veterinary Laboratories Agency office at animalhealth.defra.gov.uk

Defra helpline: 08459 33 55 77

⁴ To maintain a blood haemoglobin level of 4.5 mmol/litre.

⁵ Details of the minimum daily ration are available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices or Schedule 6 to the Welfare of Farmed Animals (England) Regulations 2007.

Welfare of pigs

The aim of these rules is to protect the welfare of pigs by setting minimum standards for their care and husbandry. These rules apply as well as the rules for the welfare of farmed animals (SMR 18).

For all pigs¹:

A. You must

1. make sure that each of your pigs is free to turn around without difficulty at all times, including while tethered (where this is allowed);
2. make sure that the accommodation for your pigs allows them to:
 - stand up, lie down and rest without difficulty;
 - have a clean, comfortable and adequately drained place in which to rest (including making sure that any bedding is clean, dry and not harmful to the pigs);
 - see other pigs (unless the pig is isolated for veterinary reasons or for farrowing);
 - maintain a comfortable temperature;
 - have enough space to allow all of them to lie down at the same time;
3. make sure that individual stalls or pens satisfy the minimum size rules² (these do not apply in certain excepted situations);
4. provide flooring, for those pigs kept in buildings, that is:
 - smooth but not slippery;
 - suitable for the size and weight of the pigs;
 - rigid, even and stable, if there is no litter;
 - designed, constructed and maintained so there is no injury or suffering to the pigs standing or lying on it;
5. provide flooring of the correct measurements (for openings and slats) if you use concrete slatted floors³ (this applies for all pigs kept in groups);
6. provide artificial lighting of at least 40 lux for at least 8 hours each day, for pigs kept in an artificially lit building;
7. give permanent access to enough manipulable material which allows proper investigation and manipulation, for example, straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not upset the health of your animals;
8. take measures to prevent fighting which goes beyond normal behaviour; if you keep your pigs together, keep those pigs separate which show persistent aggression or are victims of that aggression;

1 'Pig' means an animal of the porcine species of any age, kept for breeding or fattening.

2 Details of minimum size rules are available from the cross compliance section of our website rpa.defra.gov.uk/crosscompliance/appendices or Schedule 8 to the Welfare of Farmed Animals (England) Regulations 2007.

3 Further details are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 8 to the Welfare of Farmed Animals (England) Regulations 2007.

9. make sure that when feeding group-housed pigs each pig either:
 - has access to feed at the same time as the others in the feeding group;
 - has continuous access to feed;
 - is fed by an automatic feeding system;
10. give all pigs over 2 weeks old permanent access to a sufficient supply of fresh drinking water.

B. You must not

1. tether pigs at any time;
2. keep pigs in the high temperature/high humidity environment known as the 'sweat box system';
3. expose your pigs to constant or sudden noise, or levels above 85 decibels in any building where you keep your pigs.

You will not break the rule relating to the tethering of pigs if it is for veterinary purposes. In this case any tether must be regularly inspected and adjusted to make sure that it does not cause pain or injury to the pig and allows it to lie down, rest, stand up and groom itself.

For piglets⁴:

C. You must

1. provide piglets with a source of heat and a dry and comfortable lying area away from the sow where all of them can rest at the same time;
2. make sure that a part of the total floor where you keep the piglets is large enough to allow the animals to rest together at the same time and is solid, covered with a mat or littered with straw or any other suitable material;
3. give the piglets enough space to be able to be suckled without difficulty if you use a farrowing crate.

D. You must not

1. wean piglets from the sow at an age of less than 28 days (unless there is a risk of adverse welfare or health of the dam or piglets).

You will not break the rule relating to the weaning of piglets if they are weaned up to 7 days earlier, provided that you move them into specialised housing which you empty and thoroughly clean and disinfect before you introduce a new group and which is separate from housing where you keep sows.

For sows⁵ and gilts⁶:

E. You must

1. make sure that each female pig after service, when kept in groups, has its minimum allowance⁷ of unobstructed floor space, continuous solid floor and pens of correct dimensions;
2. treat pregnant sows and gilts against internal and external parasites, if necessary;

4 'Piglet' means a pig from birth to weaning.

5 'Sow' means a female pig after the first farrowing.

6 'Gilt' means a female pig intended for breeding, after puberty and before farrowing.

7. Further details are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 8 to the Welfare of Farmed Animals (England) Regulations 2007.

3. thoroughly clean pregnant sows and gilts before they are placed in farrowing crates;
4. give sows and gilts enough suitable nesting material in the week before the expected farrowing time (unless it is not technically practical because of the slurry system you use);
5. keep sows and gilts in groups (except during the period between 7 days before the predicted day of farrowing and the day on which the weaning of piglets is complete);
6. provide an unobstructed area behind the sow or gilt during farrowing;
7. provide some method of protecting the piglets, such as farrowing rails, if you keep sows loose in farrowing pens;
8. feed sows and gilts using a system that makes sure each pig can get enough food even when other pigs are competing for food;
9. give all dry pregnant sows and gilts enough bulky or high-fibre food, as well as high-energy food, to satisfy their hunger and need to chew.

You will not break the rule relating to keeping sows and gilts in groups if they are kept on holdings of fewer than 10 sows provided that the individual accommodation keeps to the general rules for pig accommodation.

For boars⁸:

F. You must

1. place and build boar pens to allow the boars to turn around and to hear, see and smell other pigs;
2. provide clean resting areas in the boar pens and make sure that the lying area is dry and comfortable;
3. make sure that each boar has its minimum allowance of unobstructed floor space⁹.

For weaners¹⁰ and rearing pigs¹¹:

G. You must

1. make sure that each weaner or rearing pig, when kept in groups, has its minimum allowance of unobstructed floor space¹²;
2. place pigs in groups as soon as possible after weaning and keep these groups stable with as little mixing as possible;
3. provide opportunities for the animals to escape and hide from unfamiliar pigs if mixing is necessary. This must also be done at as young an age as possible, preferably before, or up to 1 week after, weaning.

8 'Boar' means a male pig after puberty, intended for breeding.

9 Details of the minimum floor space allowance are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 8 to the Welfare of Farmed Animals (England) Regulations 2007.

10 'Weaner' means a pig from weaning to the age of 10 weeks.

11 'Rearing pig' means a pig from the age of 10 weeks until slaughter or service.

12 Details of minimum floor space allowance are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or Schedule 8 to the Welfare of Farmed Animals (England) Regulations 2007.

H. You must not

1. use tranquilising medication to help with mixing, unless there are exceptional circumstances and is on the advice of a vet.



Further advice and guidance

The appendix for welfare of pigs (SMR 17) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

For *Code of Recommendations for the Welfare of Livestock: Pigs* (PB7950) visit the Defra website at defra.gov.uk

For Council of Europe Recommendations made under the European Convention on the Protection of Animals Kept for Farming Purposes visit the Council of Europe website at www.coe.int

Your local Animal Health and Veterinary Laboratories Agency office at animalhealth.defra.gov.uk

Defra helpline: 08459 33 55 77

Animal welfare

The aim of these rules is to protect the welfare of farmed animals by setting minimum standards for their care and husbandry. They apply to any species kept for farming purposes.

A. You must

1. make sure that your animals are looked after by enough staff who have the correct skills and knowledge;
2. make sure your animals are inspected thoroughly at least once a day if your husbandry system depends on frequent human attention and in other systems as often as necessary to avoid suffering;
3. make sure that there is enough lighting so that you can carry out a thorough inspection of the animals at any time;
4. make sure that you care for ill or injured animals immediately, and if they do not respond to this care then seek veterinary advice;
5. isolate sick or injured animals in suitable accommodation with dry comfortable bedding, if necessary;
6. make a record of any medicinal treatment given to your animals, and keep these records for at least 3 years from the date of the treatment and make these records available to any authorised person at inspection (or when otherwise asked for);
7. make a record of the number of deaths found when the animals are inspected, and keep these records for at least 3 years from the date of the relevant inspection and make these records available to any authorised person at inspection (or when otherwise asked for);
8. give your animals enough space to avoid unnecessary stress, if they are continuously or regularly tethered or confined, and also allow them to show their normal behaviour in line with established experience and scientific knowledge;
9. use materials for animals' accommodation that can be thoroughly cleaned and disinfected;
10. build and maintain accommodation so that there are no sharp edges or protrusions which could injure your animals;
11. keep air circulation, dust levels, temperature, relative air humidity and gas concentrations within limits that will not harm your animals;
12. provide artificial lighting if there is not sufficient natural light in a building;
13. give your animals that are not kept in buildings access to a well drained lying area at all times and, if necessary, protection from adverse weather conditions, predators and other risks to their health;
14. check automated and/or mechanical equipment that is essential for the health and well-being of your animals at least once a day and put right any faults immediately (or take appropriate steps to protect the health and well-being of your animals until you can get the fault put right);



15. provide an appropriate back-up to the main system if your animals' health and well-being depends upon artificial ventilation and an alarm to warn you if the ventilation system fails. Inspect and test these at least once every 7 days;
16. feed your animals a wholesome diet, making sure that they have access to feed at intervals appropriate to their needs (and, in any case, at least once a day);
17. give all animals access to a suitable water supply and enough fresh drinking water or other fluid each day;
18. minimise any contamination of food and water and the harmful effects of competition between animals for food and water through the design and location of feeding and watering equipment.

B. You must not

1. restrict your animals' freedom of movement if this causes them unnecessary suffering or injury;
2. use materials and/or equipment for accommodation purposes that is harmful to your animals;
3. keep animals in permanent darkness or without an appropriate rest period from artificial lighting;
4. give your animals food or liquid in any way, or containing any substance, that could cause them unnecessary harm;
5. administer any substance to your animals which is harmful to their health or welfare;
6. carry out any mutilation or intervention on your animals, unless the action is classed as a 'permitted procedure'¹. (Many of these have conditions attached, including the need to be reasonably justified and be a measure of 'last resort');
7. carry out breeding procedures (either natural or artificial) that cause, or are likely to cause, harm to your animals;
8. keep animals for farming purposes unless it can be reasonably expected that the normal breed characteristics (genetic and physical) mean that they can be kept without harm to their health and welfare.



Further advice and guidance

The appendix for animal welfare (SMR 18) is available on our website at rpa.defra.gov.uk/crosscompliance/appendices

For *Codes of Recommendation for the Welfare of Livestock (for various species)* visit the Defra website at defra.gov.uk

For Council of Europe Recommendations made under the *European Convention on the Protection of Animals Kept for Farming Purposes* visit the Council of Europe website at www.coe.int

Your local Animal Health and Veterinary Laboratories Agency office at animalhealth.defra.gov.uk

Defra helpline: 08459 33 55 77

¹ Details of permitted procedures are available from the cross compliance section of our website at rpa.defra.gov.uk/crosscompliance/appendices or in the Mutilations (Permitted Procedures) (England) Regulations 2007.

The inspection process

Under European legislation, annual cross compliance inspections must take place of:

- at least 1% of farmers submitting applications to the Single Payment Scheme and other direct payments; and
- at least 1% of farmers that entered into new commitments under relevant rural development schemes from 1 January 2007.

Two organisations, known as Competent Control Authorities (CCAs), are responsible for inspecting the different cross compliance areas. CCA responsibilities are as follows:

CCA	Area of Responsibility
Rural Payments Agency	SMRs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10*, 11*, 12 GAECs 1, 5**, 6, 7, 8, 9**, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
Animal Health and Veterinary Laboratories Agency	SMRs 13, 14, 15, 16, 17, 18

Each CCA will select and carry out inspections on the farm businesses that need to meet the rules for which it has responsibility. CCAs can use pre-existing inspection regimes to satisfy this obligation.

Inspections are selected by a combination of a risk based assessment and a random element. Cross compliance inspections are likely to be unannounced which means you may not be given any notice of a visit. If you are notified, it is likely to be less than 48 hours before the inspection.

A cross compliance inspection may be carried out by one or more inspectors and you may be inspected more than once during the year. This could be because the relevant CCA was unable to check all the rules for which it has responsibility at a single inspection or because your business has been selected for inspection by more than one CCA. The CCAs will try to co-ordinate inspections wherever possible and they will also make sure that inspections cause minimum disruption.

You must cooperate with the inspectors and provide facilities and labour to allow the necessary checks to be made safely. If you refuse to allow an inspection, obstruct an inspector, or fail to give reasonable help, you may lose all of your payments.

At the start of the inspection, the inspector will need to take time to explain what is involved. The inspector will provide a clear explanation of why they are there and explain how they will carry out the inspection. They will tell you what is needed from you and will give you an idea of how long the inspection will take. Before leaving your farm, the inspector will explain what they found during the inspection. The inspector may take as evidence, where required, photographs and/or other evidence to support both compliance and non-compliance. The inspector will not be in a position to confirm any applicable payment reduction levels at this stage.

* RPA use information provided by the Veterinary Medicines Directorate and Chemicals Regulation Directorate to undertake checks on part of SMR 11. VMD also undertake checks of SMR 10.

** Natural England may carry out checks under GAEC 5 and GAEC 9.

The inspector will fill in a full written report detailing the results of the inspection. This is sent to RPA in its role as paying agency. RPA will assess all of the inspection findings and may carry out validation on them, which includes checks against the Cattle Tracing System. RPA will then decide if your payments are to be reduced and how much they will be reduced by. You will normally only be told in writing of the cross compliance inspection results if you have not met the rules. If breaches are found, we will inform you within 3 months from the date of the inspection. RPA will not be able to confirm any payment reduction until it has assessed the results of all of the inspections that have taken place on your holding in the calendar year.

RPA will also use information resulting from checks carried out by other inspecting bodies that enforce the legislation which relates to cross compliance. These agencies, Natural England, the Forestry Commission and the Environment Agency, can notify RPA of any breaches of the cross compliance rules in their relevant areas. This information could result in RPA directly applying reductions to your payments.

Inspections by the RPA Inspectorate

Physical inspection of land and facilities

There will be a full physical inspection of your land, where the inspector will cover all of your agricultural land parcels, taking measurements where appropriate to check that you are meeting the cross compliance rules including an assessment of your Soil Protection Review (SPR) 2010.

If you are a food producer or a feed producer, or you give feed to food producing animals (this will be the majority of you), the inspector will ask to see all storage areas for food, biocides and plant protection products, where these apply to your business. This is to make sure that you have taken adequate measures to prevent contaminating food and feed and to make sure that food and feed hygiene rules are being met. The inspector will also, where necessary, check that correct processes are followed, such as withdrawing food and feed from the market where the food or feed safety rules have not been met.

Physical inspection for users of plant protection products (PPPs)

The inspector will check that any plant protection products (PPPs) used are authorised products, or in the case of parallel traded products have a permit, and that they are used in accordance with the conditions on the label.

Checks of the storage facilities will take place to ensure that you are complying with the storage requirements as stated on the label, and that they are used in accordance with the conditions on the label.

Where necessary, they will also make sure that enough 'buffer zones' are in place to protect watercourses.

Physical inspection for livestock keepers

The inspector will ask to see all your livestock housing areas and you will need to provide suitable labour and safe handling facilities. The inspection will include checks to make sure that:

- cattle on the farm match the animals recorded on the Cattle Tracing System and that they are properly tagged and registered;
- sheep and goats are identified in line with the rules; and that when counted the number of animals matches your annual inventory return;

- pigs are marked in line with rules; marking equipment is being maintained correctly; a headcount can be reconciled with the annual stocktake total;
- you have met the restricted feed rules;
- you are adhering to any movement restrictions or other notices; and
- you are aware of the requirement to tell Defra of suspected disease outbreaks.

Physical inspection for dairy farmers

Additional hygiene checks will be done to examine the livestock, dairy facilities and routines, milk storage and records.

Physical inspection for egg producers

There are extra checks to make sure that eggs are kept hygienically.

Physical inspection for groundwater rules

The inspector will carry out the following:

- checks to make sure that if you store and use hazardous substances (for example, pesticides or sheep dip) and non hazardous pollutants, you do so in line with codes of good practice;
- checks to make sure that you do not knowingly permit a 'groundwater activity' involving hazardous substances and/or non hazardous pollutants unless you have obtained and/or are meeting the conditions of a permit from the Environment Agency; and
- a physical inspection of the permitted application area to make sure that you are meeting the terms of any authorisation issued to you.

Physical inspection for sewage sludge rules

The inspector may wish to look at land that has been spread with sludge.

Physical inspection for nitrates rules

If your farm is in a Nitrate Vulnerable Zone the inspector will be inspecting:

- storage structures;
- field activities; and
- your temporary field solid manure storage.

If your farm is not in a Nitrate Vulnerable Zone, the inspector will check field activities to check compliance with the No spread zones (GAEC 19).

Physical Inspection for water abstraction licences

An inspector will visit your site and check that you have a licence, if you need one for your activities. Where you have an existing licence, they will check that you are meeting the conditions in your abstraction licence. To do this, they will usually need to read your water meter, check your meter calibration certificate, see where you take the water from and where you use it.

If you are abstracting water during the inspection and your licence has a Locally Prescribed Flow condition, the inspector will need to check the structure and may take a flow reading.

Record checks

The inspector will need to examine your records for a number of the cross compliance standards, whether electronic and/or paper copies.

For all inspections you must produce your SPR 2010 to show that:

- you have filled it in;
- you have identified soil issues on your land and filled in the Soil Risk Record accordingly;
- you have filled in the Farm Soil Plan confirming what soil protection measures you will be carrying out;
- you have implemented the measures which you identified;
- you have filled in the annual review, if it applies;
- you have followed specific guidance or written direction, if these have been issued; and
- you have filled in the access to waterlogged land table, if it applies.

If you use sewage sludge on your land, the inspector will want to see your records which show:

- the location of sludge applications;
- the dates sludge has been spread;
- the amount used;
- the area of land that sludge has been spread on;
- the application rate;
- the last crop and next crop;
- main soil type;
- proximity to surface water;
- spring/well/borehole proximity;
- you have given the sludge producer the name and address of other producers, with details of dates, locations and quantities used, if sludge is supplied by another sludge producer;
- evidence supplied by the sludge provider to demonstrate that sludge analysis and soil analysis was completed before applications took place;
- the nutrient needs of the crop/land have been taken into account.

If your farm is in a Nitrate Vulnerable Zone, the inspector will want to see your records which must include:

- the size of your farm;
- projected livestock numbers and nitrogen production and loading calculations;
- actual livestock numbers and manure production and slurry storage calculations;
- organic manure spreading risk map;
- locations of temporary field manure storage sites and dates used;
- nitrogen spreading four stage plan; and
- field records recording when and where nitrogen fertiliser is spread, and if necessary your nitrogen max calculation.

- Records of imports/exports of livestock manures.

For animal records, the inspector will check that:

- movement records, both on and off the holding, for cattle, pigs, sheep and goats, are up to date and that movement documents are correctly filled in and kept;
- the annual inventory for sheep and goats and/or pigs is filled in and can be reconciled;
- the herd register and/or flock register is filled in correctly and up to date;
- systems for tracing animal products and/or feed production, for example, receipts and/or invoices of inputs on to your farm and products when they leave the farm; and
- veterinary medicinal records.

Other records the inspector may need to examine include:

- plant protection and biocidal products' records of usage;
- Local Environment Risk Assessment for Pesticides (LERAP) records;
- systems for tracing food production, for example, receipts and/or invoices of inputs on to your farm and products when they leave the farm;
- water abstraction records;
- permits for any on-farm discharge of hazardous substances or non hazardous pollutants and the records of materials applied to the permitted area (material, quantity and dates applied); and
- map for GAEC 19 No spread zones.

Checks of other documents

The inspector may also need to see other documents, to check that you are meeting the cross compliance rules.

For land, this may include:

- a burning licence;
- a Certificate of Competence for using plant protection products;
- a felling licence;
- a special nature conservation order or management notice;
- English Heritage consent to carry out an operation on a scheduled monument;
- local authority permission to remove a hedgerow;
- local authority written consent regarding trees subject to a Tree Preservation Order (TPO);
- local authority written consent to permanently or temporarily divert a visible public right of way;
- management prescriptions;
- Natural England consent or licence for operations on a Site of Special Scientific Interest (SSSI);
- Natural England or Forestry Commission screening notice and/or remediation notice and/or consent about any Environmental Impact Assessment (EIA);
- copies of any analyses of the nitrogen content of livestock manure, if used;
- any written advice from a FACTS qualified advisor.

For animals, this may include:

- Animal Movement Licensing System (AMLS) documents;
- auction slips, invoices, Central Point Recording Centre (CPRC) lists and fallen stock receipts;
- a letter of authorisation from Animal Health and Veterinary Laboratories Agency to use restricted proteins and/or feed products containing restricted proteins;
- records of analysis and/or samples carried out on any livestock or feed;
- records of analysis and/or samples carried out for producing milk;
- records of routine and pre-movement tuberculosis (TB) tests.

Inspections by Animal Health and Veterinary Laboratories Agency for animal welfare and disease control purposes

The inspector will expect to:

- see all animals in their normal rearing environment;
- see that your back-up system is working if your animals' health and well-being depends upon artificial ventilation and for you to show the operation of your alarm system if the ventilation system fails;
- be able to examine specific animals on request; and
- take as evidence, where required, any samples, carcasses, photographs and/or other evidence to support both compliance and non-compliance.

Also, the inspector will:

- inspect veterinary medicine and mortality records;
- check any other records that may support compliance with the rules; and
- ask whether there has been a known or suspected outbreak of a notifiable disease (as listed under the disease control requirements) on your premises during the year.

If you keep calves, the inspector will also need to take:

- pen and/or stall measurements; and
- blood samples, if any of the calves appear anaemic on first inspection.

If you keep pigs, the inspector will also need to measure:

- light intensity in pens from a sample of age groups present;
- pens and/or stalls from a sample of age groups present for all fattening pigs and boars;
- pens, stalls, slat widths and/or slat openings.

Inspections by Animal Health and Veterinary Laboratories Agency for the Veterinary Medicines Directorate concerning restricted substances

The inspector will:

- inspect a sample of animals for signs of the use of banned substances, such as growth promoters;
- select one or more suitable animals and carry out sampling of blood, urine or animal feed or bulk milk for laboratory analysis;
- inspect your medicines store and medicines records, including invoices about the purchase of medicines.

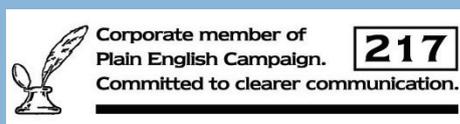
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