

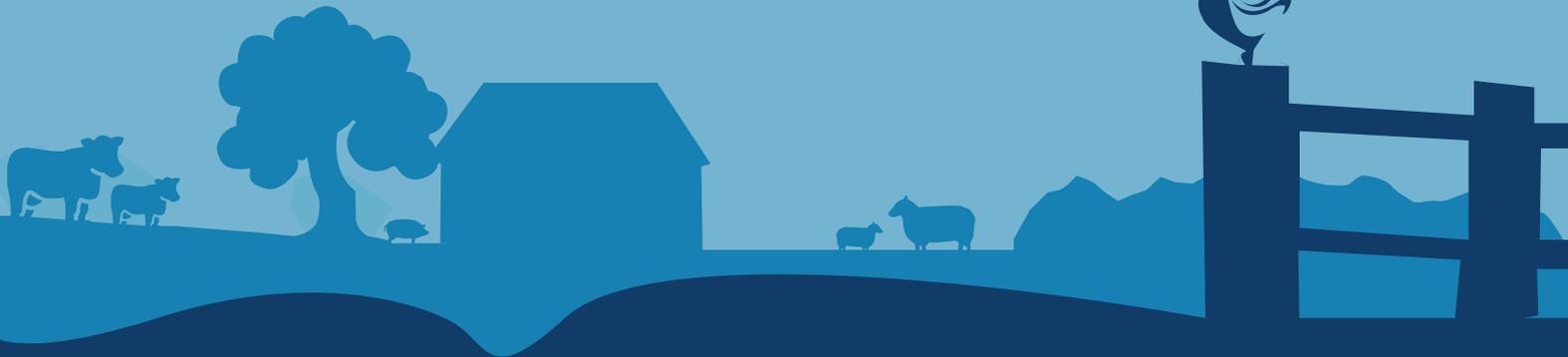


Department  
for Environment  
Food & Rural Affairs



Rural Payments  
Agency

# The guide to cross compliance in England 2016



- **Basic Payment Scheme**
- **Countryside Stewardship**
- **Entry Level Stewardship**
- **Higher Level Stewardship**
- **English Woodland Grant Scheme**



# Contents

Introduction

What's new in 2016?

Key dates in 2016

Meeting the rules

Penalties

Inspections

## Good Agricultural and Environmental Conditions (GAECs)

<b>GAEC 1:</b>	Establishment of buffer strips along watercourses
<b>GAEC 2:</b>	Water abstraction
<b>GAEC 3:</b>	Groundwater
<b>GAEC 4:</b>	Minimum soil cover
<b>GAEC 5:</b>	Minimum land management reflecting site specific conditions to limit erosion
<b>GAEC 6:</b>	Maintenance of soil organic matter level through appropriate practices, including a ban on burning arable stubble, except for plant health reasons
<b>GAEC 7a:</b>	Boundaries
<b>GAEC 7b:</b>	Public Rights of Way
<b>GAEC 7c:</b>	Trees
<b>GAEC 7d:</b>	Sites of Special Scientific Interest (SSSIs)
<b>GAEC 7e:</b>	Ancient Monuments

## Statutory Management Requirements (SMRs)

<b>SMR 1:</b>	Reduce water pollution in Nitrate Vulnerable Zones (NVZs)
<b>SMR 2:</b>	Wild birds
<b>SMR 3:</b>	Habitats and species
<b>SMR 4:</b>	Food and feed law
<b>SMR 5:</b>	Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals
<b>SMR 6:</b>	Pig identification and registration
<b>SMR 7:</b>	Cattle identification and registration
<b>SMR 8:</b>	Sheep and goat identification
<b>SMR 9:</b>	Prevention and control of transmissible spongiform encephalopathies (TSEs)
<b>SMR 10:</b>	Plant Protection Products (PPPs)
<b>SMR 11:</b>	Welfare of calves
<b>SMR 12:</b>	Welfare of pigs
<b>SMR 13:</b>	Animal welfare

More information

# Introduction

'Cross compliance' is a set of rules which farmers and land managers must follow on their holding if they are claiming rural payments for:

- the Basic Payment Scheme
- Countryside Stewardship
- 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, but not including HLS agreements that started before 1 January 2007)
- Woodland Management Grant and Farm Woodland Premium elements of English Woodland Grant Scheme.

Cross compliance is made up of 'Statutory Management Requirements' (SMRs) and 'Good Agricultural and Environmental Conditions' (GAECs). They cover:

- public, animal and plant health
- environment, climate change and good agricultural condition of land
- animal welfare.

## Which rules apply to you?

This guide covers a variety of activities. In most cases, these are things that you should be doing anyway – under European and UK legislation – even if you don't apply for rural payments.

Use this guide to work out which SMRs and GAECs apply to you, and what you need to do to follow them. Depending on the type of holding you have, you may not need to follow every SMR and GAEC.

## What's new in 2016?

These are the changes to the cross compliance rules since RPA published last year's guide.

### **SMR 7 – Cattle identification and registration**

Cattle keepers must still record (in their holding register) the dam's ear tag number for animals born on their holding. However, they no longer need to record the dam's ear tag number for animals arriving on their holding. This changed on 6 April 2015 and is now updated in this guide.

### **GAEC 7c – Trees**

RPA has clarified that not only fruit or nut trees in orchards, but also other trees acting as windbreaks in an orchard, vineyard, hop yard or hop garden are exempt from the 1 March to the 31 August (inclusive) cutting and trimming rules. This applies from 1 January 2016.

### **GAEC 1 – Establishment of buffer strips along watercourses**

From 1 January 2017, land parcels of 2 hectares or less next to watercourses will have to comply with the need to protect watercourses against pollution and run-off from agricultural sources, by maintaining buffer strips. Therefore, for all land:

- within 2 metres of the centre of a watercourse or field ditch
  - from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank
- both of the following apply:
- you must take all reasonable steps to maintain a green cover
  - you must not cultivate or apply fertilisers or pesticides.

This change doesn't apply to GAEC 7a.

# Key dates in 2016

Things that claimants should (and shouldn't) do throughout the year to meet the cross compliance rules.

## January

- 1** You must start following the rules in the cross compliance 2016 guide from this date. The Basic Payment Scheme (BPS) 2016 year starts.
- 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 1)
- 1** Beginning of the year for assessing the annual amount of livestock manure applied to your land. (SMR 1)
- 16** You can apply manufactured nitrogen fertilisers to grassland and tillage land from this date if conditions are suitable. (SMR 1)

## February

- 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 all soil types from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR 1)
- 29** End of the quantity restrictions for application of organic manures with a high readily available nitrogen content. (SMR 1)

## March

- 1** You must not cut or trim hedges or trees from this date, but you can carry out hedge and tree coppicing and hedge laying from 1 March until 30 April. Fruit and nut trees in orchards, or trees acting as windbreaks in orchards, vineyards, hop yards or hop gardens are not included in the ban. (GAEC 7a and 7c)
- 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 2)

## April

- 1** You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 6)
- 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 2)

- 16** You must not burn heather, rough grass, bracken, gorse or vaccinium in upland areas from this date. (GAEC 6)
- 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 1)

## May

- 1** You must not carry out hedge or tree coppicing or hedge laying from this date. (GAEC 7a and 7c)

## August

- 1** If you have been granted a derogation by RPA, you may be able to cut or trim hedges throughout August, to sow oilseed rape or temporary grassland. (GAEC 7a)
- 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 1)

## September

- 1** You can cut or trim hedges and trees from this date. (GAEC 7a and 7c)
- 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 1)
- 1** Start of closed period for applying manufactured nitrogen fertilisers to tillage land. (SMR 1)
- 15** Start of closed period for applying manufactured nitrogen fertilisers to grassland. (SMR 1)
- 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 1)

## October

- 1** You can burn heather, rough grass, bracken, gorse or vaccinium on land in upland areas from this date. (GAEC 6)
- 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 1)

- 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 1)
- 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 2)

## November

- 1** You can burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 6)
- 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 2)

## December

- 1** You need to carry out your annual inventory of sheep. (SMR 8)

# Meeting the rules

Cross compliance rules apply for the whole calendar year, across the whole area of a claimant's holding and to all their agricultural activities. However, certain exemptions apply.

The claimant is the person responsible for making sure the cross compliance rules are met. They must make sure that the following people also meet the rules:

- anyone acting for them (or under their control) on their holding
- anyone with access to the holding under the terms of an agreement (including contractors, employees or family members)

However, for those SMRs about the identification and traceability of animals, it is the person with day-to-day responsibility for the animals (the keeper) on the holding who is responsible for meeting the rules (even if they don't own the animals or the land that they graze on).

Responsibility for the welfare of all farmed animals lies jointly with both:

- the person who has day to day responsibility for the animals (the keeper)
- the owner of the animals.

## Common land

You must meet the relevant rules across the whole 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 applies to all land including forestry for which payments are claimed under rural development schemes.

## Who is responsible for meeting the rules if land is transferred?

If you declare land on your BPS application and then transfer that land to another business in the same year, and the business you've transferred the land to is:

- also a BPS claimant that year – after the transfer, they will become responsible for making sure the cross compliance rules are met on the land for the rest of the year (even though they didn't declare it on their BPS application)
- NOT a BPS claimant that year – after the transfer, you are still responsible for making sure the cross compliance rules are met on the land.

If land has been transferred to you and you declare it on your BPS application in the same year, and the business you've received the land from is:

- also a BPS claimant that year – they will be responsible for making sure the cross compliance rules are met on the land before the transfer takes place (even if they didn't declare it on their BPS application)
- NOT a BPS claimant that year – you are responsible for making sure the cross compliance rules are met on the land for the whole year.

## Cross compliance and rural development schemes

If a claimant's obligations under a rural development scheme conflict with the GAEC standards in this guide, you should normally follow the rural development scheme rules. Claimants should contact RPA if they aren't sure which rules to follow.

## Exemptions

Sometimes, a claimant may be exempt from a particular rule. This means they don't have to meet that specific part of a GAEC. This guide explains where these apply.

Some examples of when an exemption could be used are if:

- there is a risk to human or animal health or safety
- a claimant needs to control or treat serious causes of harm to plant health
- there is a serious pest or weed infestation.

Claimants don't need to write to RPA in advance to ask for an exemption but if they get inspected they must be able to prove how and why they used the exemption.

Exemptions can also be granted if work carried out under a statutory authority stops a claimant meeting one of the rules. (for example, if a pipeline or railway is being built on their land). However, once the statutory authority has finished any work on the land, the claimant must return it to a state which meets the cross compliance rules.

RPA would not expect statutory bodies to have to use their statutory powers to get permission for access, or to carry out work, where voluntary consent already exists.

## Derogations

A 'derogation' is written permission to temporarily not meet a rule. Claimants can ask for a derogation from certain GAECs in a number of different circumstances. This guide explains where derogations may be available.

Some examples of when a derogation could be used are if:

- it would benefit the environment
- it would benefit livestock or crop production
- it would improve public or agricultural access.

Claimants applying for a derogation must write to or email RPA. They should send all the available evidence (for example, photographs or diagrams) and include the land parcel numbers they want the derogation for.

Correspondence should be clearly marked 'Cross compliance derogation'. They have to wait for written permission before carrying out any work.

If the derogation request is successful, the claimant won't have to meet the specific rule in question for a particular period of time.

## **'Force majeure' and exceptional circumstances**

If 'force majeure' or exceptional circumstances means that a claimant couldn't follow the cross compliance rules, RPA may not have to apply a cross compliance penalty.

In these cases (which RPA considers on an individual basis), the claimant must provide evidence to show that:

- there were abnormal and unforeseeable circumstances, outside of their control
- the consequence of these circumstances couldn't have been avoided, in spite of all due care having been taken.

Some examples of circumstances where force majeure and exceptional circumstances might be recognised are:

- the death or long-term professional incapacity of a claimant
- a severe natural disaster which gravely affects the holding, for example flooding
- an accident which destroys livestock buildings on the holding
- an epizootic disease which affects the claimant's livestock
- a plant disease which affects the claimant's crops
- expropriation of all or a large part of a holding if the claimant couldn't have anticipated this on the day of lodging the application.

Claimants (or the executor(s) of the estate) must email or write to RPA within 15 working days of being able to do so. They must request that 'force majeure' applies and provide evidence to show:

- what has happened
- how the event meant they couldn't meet the cross compliance rules
- how they have taken all due care
- how the consequences couldn't have been avoided.

# Penalties

Claimants may have their scheme payment(s) reduced if they don't meet the cross compliance rules which apply to their holding.

If a claimant doesn't meet (even by mistake) all the GAEC and SMR rules that apply to them, their scheme payment(s) may be reduced. These penalties will apply to all the schemes which they have claimed for payment in that calendar year and which are affected by cross compliance.

## Refusing an inspection

You could lose all your payment(s) and all your BPS entitlements if you don't allow an inspection to be carried out on your holding.

## Common land

You must meet the relevant rules across the whole 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 applies to all land including forestry for which payments are claimed under rural development schemes.

## 'Negligent' penalties

Claimants may still get a penalty even if they didn't know that they hadn't followed the rules properly. RPA calls these cases 'negligent' if the non-compliance falls below the standard of care expected of a competent claimant.

For these cases, payments will normally be reduced by 3% (for each non-compliance). However, this could be either 1% or 5% depending on the extent, severity and permanence of the non-compliance. Where the extent, severity and permanence are at their lowest and have not caused a risk to public or animal health, an 'early warning system' letter may be issued. This may require a claimant to take action to correct the non-compliance.

If a claimant breaks the same rule more than once in 3 consecutive calendar years (known as reoccurrence), the penalty will get bigger. The second time a rule is broken, the resulting penalty is multiplied by 3. Any further penalties will be 3 times the size of the previous one (even if that dates back to old SPS or rural development schemes).

This will keep happening if the claimant keeps breaking the same rule – until the penalty reaches 15%. After that, any more instances of non-compliance will be treated as 'intentional' (see below).

## 'Intentional' penalties

Claimants get an 'intentional' penalty for repeating the same 'negligent' penalty (as described above). They can also get an intentional penalty for breaking a cross compliance rule only once.

'Intentional non-compliance' is defined by the European Court of Justice as 'where a claimant seeks a state of non-compliance with the rules or, without seeking such a state, accepts the possibility that it may occur'.

For intentional cases, payments will normally be reduced by 20%. This may be reduced to 15%, or increased up to 100% depending on the extent, severity, reoccurrence and permanence of the

non-compliance. In some extreme cases, claimants may not be paid for the Basic Payment Scheme and/or rural development schemes in the following year.

# Inspections

To check that claimants are following cross compliance properly, RPA must carry out inspections on a selection of holdings each year.

Claimants won't always receive advance warning of these visits and it could happen more than once in a year. If RPA do give advance warning, it's likely to be less than 48 hours before the inspection.

When an inspector arrives they will tell the claimant what's involved and what they need to do. Claimants must co-operate with the inspector, giving help and equipment to allow checks to be made safely.

At the end of the inspection, the inspector will explain to the claimant what they've found. If they find anything wrong, RPA will send more information to the claimant to explain how it affects their claim(s). This will be in writing and will be sent within 3 months of the date of the inspection.

Claimants who refuse to allow an inspector on their land, or who don't co-operate, could lose all of their payment(s) and all their BPS entitlements.

## Who makes inspections?

Depending on which GAECs and SMRs apply to their holding(s), claimants may be inspected by one or more Competent Control Authority inspector(s) from:

- Rural Payments Agency
- Animal and Plant Health Agency (APHA).

They will use any necessary information from the Environment Agency, the Forestry Commission, Natural England, and Veterinary Medicines Directorate.

# GAEC 1: Establishment of buffer strips along watercourses

Water courses must be protected against pollution and run-off from agricultural sources by maintaining buffer strips.

'Watercourses' are all surface waters, including coastal water, estuaries, lakes, ponds, rivers, streams, canals and field ditches. It includes temporarily dry watercourses.

## What you must do

You must:

- take all reasonable steps to maintain a green cover on land within 2 metres of the centre of a watercourse or field ditch, or to land from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank. This rule does not apply to land forming part of a parcel of 2 hectares or less until 1 January 2017.
- produce and keep a map of your holding if you spread organic manure, which should show:
  - all surface waters and land within 10 metres of them
  - all springs, wells and boreholes on your holding or within 50 metres of the boundary and land within 50 metres of them
- update the map with any changes within 3 months from the date of change.

If your land is in a Nitrate Vulnerable Zones (NVZs), you can use the same map for both NVZs and GAEC 1.

## What you must not do

You must not:

- apply manufactured nitrogen within 2 metres of surface water
- apply organic manure within 50 metres of a spring, well or borehole
- apply organic manure (which is any nitrogen or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure) within 10 metres of surface water.

The limit 'within 10 metres of surface water' is reduced to 6 metres if you apply slurry, sewage sludge or anaerobic digestate (which is the product of anaerobic digestion other than from the anaerobic digestion of sewage or material in a landfill) using precision equipment as follows:

- a trailing hose band spreader or a trailing shoe band spreader
- a shallow injector which injects the organic manure no deeper than 10 centimetres below the surface
- a dribble bar applicator

However, you can spread livestock manure within 10 metres of surface water if the land is managed for breeding wader birds or as species-rich semi-natural grassland under certain restrictions. These are:

- the land must be in an agri-environment scheme, or notified as a SSSI
- the manure is not slurry or poultry manure
- spreading takes place between 1 June and 31 October inclusive
- the manure is not spread directly onto surface water, and
- the total annual amount isn't more than 12.5 tonnes per hectare.

If you have land in a NVZs and follow the rules under SMR 1, you will automatically meet the rules above under GAEC<sub>1</sub> on that land, with the exception of the first bullet under 'What you must do'.

## Cultivation and application of fertilisers or pesticides

You must not:

- cultivate or apply fertilisers or pesticides to land within 2 metres of the centre of a watercourse or field ditch, or to land from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank of a watercourse or field ditch. This does not apply to land forming part of a parcel of 2 hectares or less until 1 January 2017.

Fertilisers include: inorganic and organic fertiliser, organic manures, lime, slurry, sewage sludge, slag, trace elements, calcified seaweed and human waste (this list is not exhaustive).

Pesticides mean anything used for destroying pests and include herbicides, fungicides, insecticides and other biocides.

This rule will not be breached if:

- you have used pesticides for spot application to control the spread of any of the following weeds:
  - broad-leaved dock (*Rumex obtusifolius*)
  - creeping or field thistle (*Cirsium arvense*)
  - curled dock (*Rumex crispus*)
  - giant hogweed (*Heracleum mantegazzianum*)
  - Himalayan balsam (*Impatiens glandulifera*)
  - Japanese knotweed (*Reynoutria japonica*)
  - ragwort (*Senecio jacobaea*)
  - rhododendron (*Rhododendron ponticum*)
  - spear thistle (*Cirsium vulgare*)
- you are establishing a green cover where one does not exist and the land is part of a field which is being newly created (by merger or division)
- you are establishing a green cover where one does not exist and the land was previously outside the scope of cross compliance
- you have been granted a derogation by RPA. You must apply to RPA in writing for a derogation and wait for written permission before acting, so that you make sure you, adhere to any conditions attached.

## Public rights of way

Public rights of way may form part of the 1 metre or 2 metres 'protection zone' margins along hedges and watercourses. When they do, the rules of this GAEC still apply but shouldn't limit public access.

## More information

Contact the Rural Payments Agency (RPA) for more information about derogations which may be available.

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

## Contact

Rural Payments Agency: 03000 200 301

Environment Agency: 03708 506 506

## GAEC 2: Water abstraction

You must have a licence from the Environment Agency (EA) to take (abstract) more than 20 cubic metres (4,400 gallons) of water, from an inland or underground source for irrigation, in a single day.

### What you must do

- You must have a licence from the Environment Agency (EA) to take (abstract) more than 20 cubic metres (4,400 gallons) of water, from an inland or underground source for irrigation, in a single day.
- Once you have an [abstraction licence](#) (issued by the EA) you must comply with its conditions when abstracting water for irrigation purposes.
- You don't need a licence if you abstract 20 cubic metres (4,400 gallons) or less in a period of 24 hours, provided your abstraction is part of a single operation. If you abstract from the same source at multiple points, the exemption only applies if the combined total of all abstractions is 20 cubic metres or less a day.

### More information

There is more guidance available online about [water management: abstract or impound water](#).

### Contact

Rural Payments Agency: 03000 200 301

Environment Agency: 03708 506 506

## GAEC 3: Groundwater

You must have a permit from the Environment Agency (EA) before you release (discharge) any substance that may harm or pollute groundwater, unless that discharge is an activity that is exempt.

'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.

Examples of hazardous substances:

- used and waste sheep dip
- pesticide washings
- solvents
- mineral oil
- diesel

Examples of non-hazardous pollutants:

- sewage
- trade effluent
- certain biocides.

### What you must do

You must:

- get a permit before carrying out, causing or knowingly allowing any activity that pollutes or has the potential to pollute groundwater with a hazardous substance or non-hazardous pollutant - unless it is an exempt or excluded groundwater activity. For more information on what an exempt or excluded groundwater activity is, contact EA. You can [obtain a permit](#) or advice from EA.
- comply with the conditions of any permit or notice from EA.

There are certain exclusions to requiring a permit, which may include:

- accidental or exceptional circumstances
- extreme weather events
- discharges of small amounts of pollutants (such as from disinfectant footbaths).

### More information

You should also follow the Environment Agency's guidance on '[Groundwater protection: Principles and practice](#)'.

For more information, read the [appendix for groundwater \(GAEC 3\)](#) is available on GOV.UK. Search for 'Cross compliance: guidance for 2016' at [www.gov.uk](http://www.gov.uk).

### Contact

Rural Payments Agency: 03000 200 301

Environment Agency: 03708 506 506

## GAEC 4: Providing minimum soil cover

## You must have a minimum soil cover

You must take all reasonable steps to protect soil by having a minimum soil cover unless there is an agronomic justification for not doing so, or where establishing a cover would conflict with requirements under GAEC 5 – Minimising soil erosion.

Minimum soil cover must be provided by:

- vegetative cover by all types of crop, grass and herbaceous forage
- cover crops and leguminous and nitrogen fixing crops (green manures)
- trees, coppice, fruit crops, hops, nursery crops, vines
- overwintered stubble from combinable crops
- other stubbles and crop residues such as vegetable, maize and sugar beet

Agronomic reasons for not providing cover include:

- where doing so would conflict with the requirements to limit or prevent soil erosion
- land that is being managed for pest disease and weed control including, for example, land that has been cultivated or ploughed to prevent weeds going to seed
- land being used for the installation and maintenance of field drains
- areas created for agri-environment schemes or greening schemes, or for wildlife or biodiversity
- heathland restoration techniques, such as turf stripping
- heather and grass burning
- where the action of frost overwinter is used to break down soil naturally to create a seedbed for spring cropping
- where the land is being prepared as a seedbed and the land is sown within 14 days of having been prepared, or where weather conditions don't allow this, then as soon as reasonably practicable (feasible)
- peatland that is bare but the claimant didn't cause it to be bare
- where the land is used for outdoor pig and poultry production and out-wintered livestock and it is not possible to maintain cover due to the action of the animals
- land which is bare for the purposes of removing turf for non-fuel purposes
- where RPA has given written permission to enhance the environment, improve public or agricultural access or for reasons relating to livestock or crop production.

For other agronomic reasons not listed here, contact RPA to apply for a derogation.

You may be at risk of failing an inspection if soil cover has not been provided by one of the cover types listed above.

You will not be in breach where an agronomic justification, listed above, is in place or where:

- a derogation has been obtained from RPA
- there would be a conflict in meeting your obligations to limit soil erosion

### More information

Contact RPA for information about soil cover derogations which may be available.

### Contact

Rural Payments Agency: 03000 200 301

## GAEC 5: Minimising soil erosion

You must have minimum land management which reflects site specific conditions to limit erosion

To minimise soil erosion you must put measures in place to limit soil and bankside erosion caused, for example, by:

- cropping practices and cropping structures
- livestock management, including outdoor pigs and poultry, causing overgrazing and poaching
- wind
- vehicles, trailers and machinery

Where soil compaction may cause soil erosion, you must, where appropriate, cultivate post-harvest land and late harvested crops using primary cultivation methods, such as ploughing.

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

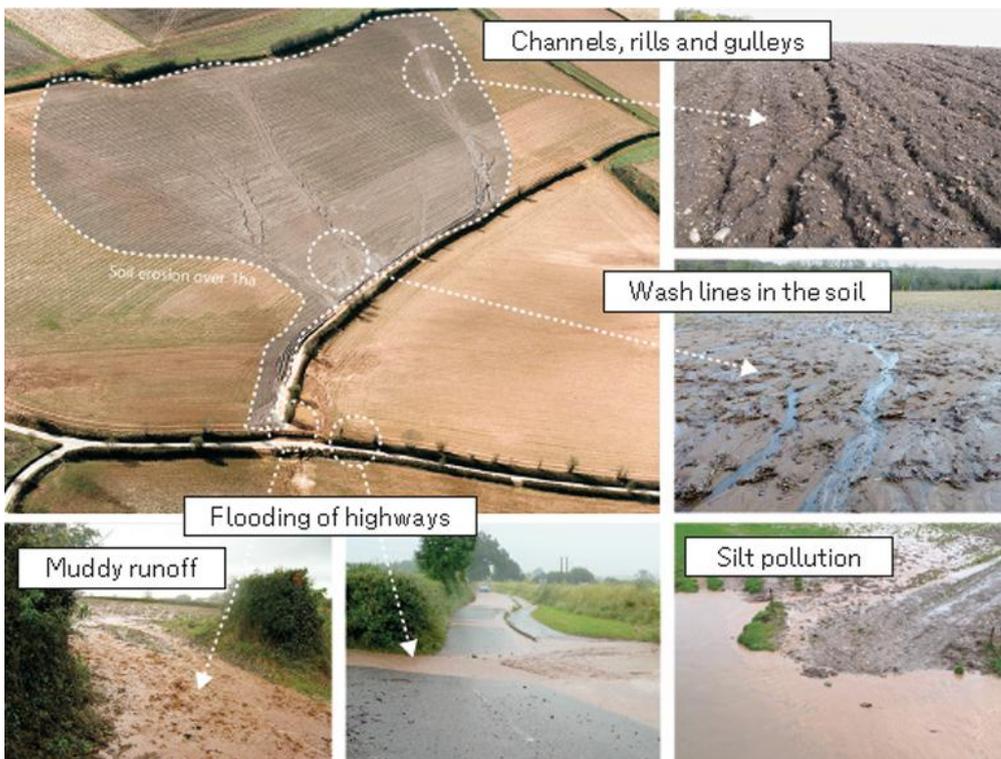
The penalty will depend on the scale of the soil erosion.

### Identifying erosion

You can recognise soil erosion by the signs in the following table:

Types	Signs
Water erosion	Channels (rills and gulleys) in the soil
	Soil wash or sheet erosion where soil is washed but no channels are formed
	Deposits of eroded soil in valley bottoms, adjacent land, roads, watercourses, semi-natural habitats and/or property
	Localised flooding and pollution of watercourses with silt or muddy water
Wind erosion	Soil blown over crops, adjacent land, roads, watercourses, semi-natural habitats and/or property

Minor erosion of less than 1 hectare can be found around gateways, ring feeders and corners of fields where there is minimal soil loss. Minor erosion resulting in minimal soil loss will not be penalised.



## Minimising soil erosion from cropping practices

### Soil compaction and capping caused by cultivation

- Soil erosion can occur where the soil has become compacted or capped during and following cultivation and crop establishment
- Compaction can occur if the soil is worked when it is too wet
- Capping can also occur due to the battering of rain drops, particularly on fine sandy and silty soils where the seedbed has been worked to a fine smooth tilth. Soil erosion tends to occur on these soil types when winter crops are established too late in the year, particularly in high-rainfall areas on steep slopes
- Bare soil in worked-down fine seedbeds with an unstable structure can slump and cap, forming a seal that causes runoff and soil erosion
- Particular attention is needed on top headlands. These are a common source of compaction, runoff and soil erosion further down the slope

### Runoff and soil erosion further down the slope



Pressed soil in a seedbed that is slightly too wet can cause compaction along wheel marks and subsequent runoff and soil erosion



- establishing crops early in the autumn during dry conditions that ensure good soil structure and good crop cover over the winter
- using coarse seedbeds and/or chopped stubbles on the soil surface



- deep cultivation, such as subsoiling, to remove compaction
- removing compaction from headlands

### Soil erosion in row crops

Row crops have an inherently high risk of causing soil erosion.

Soil erosion can occur in crops planted in rows and beds where runoff can be channelled down a slope.

Stone and clod separation, and bed formation in early spring, can destabilise soil structure. This can cause compaction, increasing the risk of soil erosion, particularly if soils are worked when they are not dry enough.

Fine, smooth seedbeds are vulnerable to capping on sandy and silty soils, and compacted wheelings can generate and channel water. Excessive or inappropriately timed irrigation also causes soil erosion.

The problem is most acute in wet summers and with heavy downpours of rain when soils are bare before crop cover is established.

Polytunnels and vehicle traffic on headlands and tracks are also a common cause of compaction and runoff which can lead to soil erosion.

Wherever possible, you should choose relatively flat fields for growing row crops.

Capped seedbeds, polytunnels and compacted wheelings can be a source of runoff that causes soil erosion



### To limit soil erosion in row crops you can also:

- plant headland rows and beds across the base of the slope to intercept runoff from high-risk ground
- remove compaction in some wheelings to allow water to penetrate into the soil (although care is needed not to make the soil erosion worse)
- use specialised equipment to leave ridges and indentations in the soil to trap runoff
- establish grass strips in valleys or along contours or slopes to reduce runoff
- create banks and diversion ditches within the field to intercept and slow down runoff



Compacted wheel ruts in light soil can be loosened where this does not interfere with crops

## Minimising soil erosion from livestock

### Compaction caused by poaching

Compaction develops where hooves press into the soil – this is known as poaching. Where regular poaching occurs, a compacted layer may form over large areas of a field, causing runoff which can lead to soil erosion. This is a particular risk where soil cover has been damaged.

Vehicle traffic when supplementary feeding livestock is also a common cause of soil compaction which can also lead to soil erosion.



Out-wintering and the grazing of winter forage crops can cause soil erosion and soil loss on trampled banks



To avoid soil erosion when out-wintering livestock, where possible:

- choose well-drained, relatively flat fields
- move stock regularly and use back fencing
- fence watercourses, where appropriate, to avoid excessive bankside erosion
- loosen the soil as soon as conditions allow, for example by ploughing, subsoiling and sward lifting, to help water to penetrate the soil

### Outdoor pigs and poultry

Pigs and vehicle movement, compact soils, particularly during the winter, which can lead to runoff and soil erosion. Outdoor poultry farming can cause similar problems where there are heavy volumes of farm traffic.

A combination of sloping land and high rainfall will lead to soil damage, runoff and erosion. The ideal site for outdoor pigs and poultry is flat or gently sloping, freely drained and in a low-rainfall area. Pigs and poultry can

be kept on sites which are less than ideal, but these will require careful management, especially for outdoor pigs.

Outdoor pigs can cause compaction, runoff and soil erosion. Tracks can also be a common cause of soil erosion when keeping outdoor pigs and poultry



To limit soil erosion you can:

- lay out paddocks so as not to channel runoff
- move pigs onto well established grass
- use large troughs to reduce soil damage
- use grass strips to intercept runoff
- use tracks across the contour where possible
- regularly divert runoff into field margins or soak away areas to prevent build up of runoff down slopes
- locate weaner sites, which have high volumes of farm traffic, away from slopes and watercourses
- reduce numbers on high risk steep slopes particularly in the winter
- rotate to avoid severe compaction

### Preventing erosion in the uplands

In the uplands, erosion occurs when vegetation is removed, for example by burning, overgrazing or traffic, and where bare soil is exposed to rain and wind.

Erosion is most severe on peat soils and steep slopes, where it may take years for the vegetation to recover.

Supplementary feeding and the use of tracks, particularly on slopes and next to watercourses, can increase the risk of erosion.



Out-wintering, supplementary feeding of stock, and use of sacrifice fields in upland areas can cause soil erosion.



To minimise the risks of erosion:

- use low ground pressure vehicles and machinery
- use established tracks to avoid vegetation damage
- adjust stocking rates to conserve vegetation cover and to avoid trampling of the soil and creation of sheep scars
- where possible, carry out supplementary feeding on level, freely drained ground and away from watercourses



Choice of well drained, flat fields for out-wintering stock reduces the risk of soil erosion

You only need to take steps to limit soil and riverbank erosion where it occurs due to current practices and not where it occurs for historic reasons. Historic reasons may include gulleys caused by old drainage grips and ditches, and peat erosion due to vegetation loss caused by air pollution.

## Minimising soil erosion from vehicles, trailers and machinery

There is a high risk of soil compaction causing soil erosion if you:

- harvest crops late in the year when conditions are wet
  - spread slurry and manure during the winter
  - carry out supplementary feeding of out-wintered stock
  - use vehicles in wet conditions including non-agricultural use such as temporary car parks
- Where possible, it is best to avoid high risk practices on land at high risk of compaction, runoff and soil erosion (such as steep land in high rainfall areas).

In many cases, hard tracks with good drainage are needed for vehicle access with use of gates at the top of the hill.

You can also choose tyres that allow lower pressures, reducing damage to the soil. Soil compaction can be treated by:

- cultivation to shatter the soil when it is suitably dry
- subsoiling in some cases to shatter deep compaction
- providing land drainage on heavy land to allow water to drain away underneath and avoiding compaction in the first place

Digging to look at the soil will help you decide whether subsoiling is needed and whether shattering has been effective across and down the soil profile.

## Cultivating post-harvest land and late harvested crops

Crops harvested late in the year and during the winter, such as maize and field vegetables, are a common cause of compaction causing runoff and soil erosion.

Where land is compacted with wheel ruts and especially where there is a risk of soil erosion, it should be cultivated to remove compaction and allow water infiltration into the soil.

To do this, you can use either mouldboard or chisel ploughing, deep tines and /or subsoiling, where conditions allow.

Chisel ploughing (on the left of the picture) has been carried out to prevent runoff following harvesting of swedes in the winter. Runoff causing soil erosion in the centre and foreground is from compacted wheel ruts



Land with a rough surface can be left over the winter, or another crop established if conditions allow.

However, crops sown late in the year including grass re-seeds can be a source of runoff if the seedbed soil is compacted or becomes capped. Here, it may be better to establish the crop in the spring.

Try and work land immediately after harvesting late crops (or soon after) if possible to prevent erosion. If the

land is too wet for cultivation, you should cultivate it as soon as conditions allow so as to prevent soil erosion. The worst damaged parts of a field should be dealt with initially and then further treatment applied under more appropriate dry conditions. It is important to take care not to make the situation worse.

With slow draining, heavy soils on slopes it may be better not to grow high risk crops that will be harvested late in the year.



Compacted land can be loosened by mouldboard ploughing, chisel ploughing and subsoiling where appropriate



## Protecting bare soil from wind blow

Wind erosion can be a problem in some years in the flat, drier parts of England, especially on sandy and peaty soils.

The risk of wind erosion tends to be high during the spring in crops such as onions, carrots and sugar beet where the soil is bare for a relatively long period before there is protective crop cover.

Problems occur with fine, smooth seedbeds and loose soils where blown soil can abrade and bury crops. Soil loss can also affect neighbouring land, roads, ditches and watercourses.

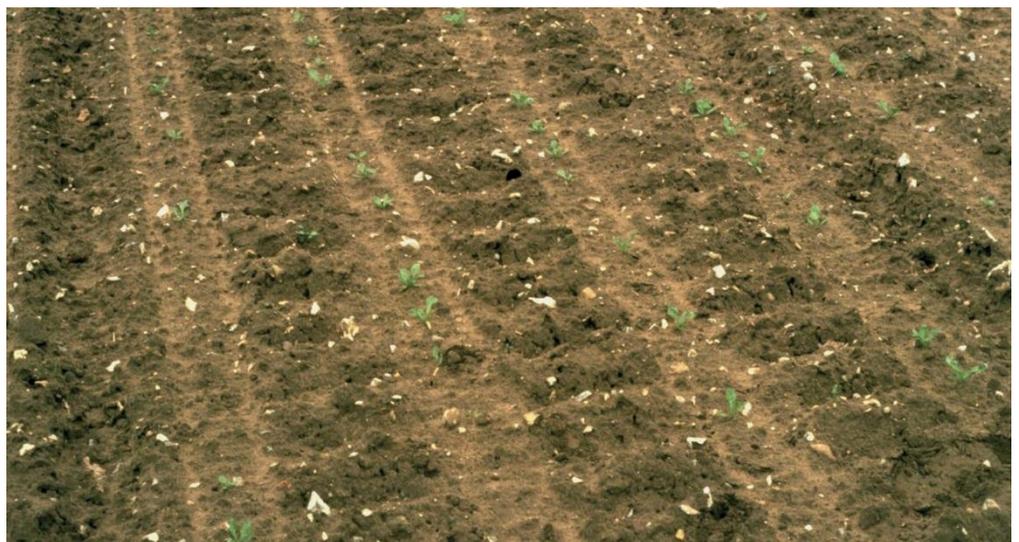
Unstable, loose sandy soils, with naturally very low levels of organic matter are at risk of wind erosion. Dry peaty soils are also at risk. Blown soil can affect neighbouring land, tracks, roads and watercourses



### Wind erosion can be limited by:

- creating coarse seedbeds where possible
- sowing nurse barley crops to protect the soil where appropriate
- using a fleece over vegetable crops
- applying regular applications of organic wastes to improve soil stability
- planting shelter belts to break the speed of the wind

Sugarbeet drilled at an angle to furrow pressed, ploughed land can reduce the risk of significant wind erosion



### Contact

Rural Payments Agency: 03000 200 301

# GAEC 6: Maintaining the level of organic matter in soil

You must maintain your soil organic matter through appropriate practices.

To maintain the level of organic matter in soil, you must not burn cereal straw or cereal stubble or certain crop residues (that is, oilseed rape, field beans harvested dry, peas harvested dry) except for plant health reasons, where a notice has been served under the Plant Health (England) Order 2005.<sup>1</sup>

The burning of broken bales is allowed, provided arable stubble is not burned as well.

## **Burning crop residues for plant health reasons**

If straw, stubble or crop residue is burned for plant health reasons, there are restrictions on where and when you can do it:

- the area to be burned must be at least 150 metres from any other area in which crop residues are being burned
- the crop residues to be burned must be 100 metres or more from any motorway, A-road, dual carriageway or railway line
- you must not burn crop residues on any weekend or bank holiday or during the period between one hour before sunset and the following sunrise
- intervening land must be cleared of crop residue or the residues must be incorporated into the land before burning

You must also meet the rules set out in Schedule 2 of the Crop Residues (Burning) Regulations 1993 if you burn linseed residues.

Some restrictions depend on the type of crop residue that you are burning, as shown in this table:

### **Crop residue**

<b>Restriction</b>	<b>Cereal straw or stubble</b>	<b>Residue of oilseed rape, field beans harvested dry or peas harvested dry</b>
Firebreak	must be at least 10 metres wide	must be at least 5 metres wide
Limit of burning area	no more than 10 hectares	no more than 20 hectares
Minimum distance from the trunk of any tree, any hedgerow, any fence not the property of the occupier of the land upon which the burning is carried out, any pole or pylon which is or may be used to carry telegraph or telephone wires and any electricity pole, pylon or substation	At least 15 metres	At least 5 metres
Minimum distance from any building, any scheduled monument which could be set alight, any stack of hay or straw, any accumulation of combustible material other than crop residues removed in the making of a fire-break, any mature standing crop, any woodland or land managed as a nature reserve, any structure containing livestock and any oil or gas installation on or above the surface of the ground	At least 50 metres	At least 15 metres

At least an hour before burning crop residues, as far as reasonably practicable (feasible), you must warn:

- the environmental health department of the district council in whose district the burning is to take place
- the occupiers of all premises adjacent to the area to be burned
- the air traffic control at any aerodrome with a perimeter fence within 800 metres of the area to be burned

When burning crop residues, you must make sure that you have at least 1,000 litres of water available in one or more mobile containers and a means of dispensing it in a spray or jet at a rate of 100 litres per minute. You must also provide at least 5 fire beaters. Any vehicles you use in connection with burning must be equipped with a fire extinguisher.

All persons concerned with the burning must be familiar with the regulations. Except where emergency makes this impractical, each area to be burned must be supervised by two responsible adults, one of whom has experience of burning crop residues.

Ash from burnt cereal straw or cereal stubble must be incorporated into the soil within 24 hours of starting burning. If this is not possible due to wind conditions or the risk of causing a nuisance, you should do it as soon as conditions allow.

### **Burning heather or grass**

To comply with the Heather and Grass Burning Regulations (2007), you must make sure that you:

- don't burn specific vegetation (heather, rough grass, bracken, gorse or vaccinium) outside the burning

season. The burning season is from 1st October to 15th April for uplands, and from 1st November to 31st March for land not within an upland area

- have enough people and equipment to control burning
- take all reasonable precautions not to injure or damage any neighbouring land, or to any person or thing on it

You may need a licence if you want to burn in certain conditions or at particular times of the year. You can find out about these online by going to [www.gov.uk/heather-and-grass-burning-apply-for-a-licence](http://www.gov.uk/heather-and-grass-burning-apply-for-a-licence).

### **Environmental Impact Assessment (EIA)**

The aim of The Environment Impact Assessment (Agriculture)(England)(No 2) Regulations (2006), and The Environmental Impact Assessment (Forestry)(England and Wales) Regulations 1999 is to not plough, cultivate or intensify species-rich and semi-natural habitats so as to keep organic matter and carbon levels in soils.

To comply with the Environmental Impact Assessment (Agriculture)(England)(No 2) Regulations 2006 you must not:

- begin or carry out a project to increase the agricultural productivity of uncultivated land or a semi-natural area (an uncultivated land project) which meets or exceeds the thresholds, or on land to which a screening notice applies, unless you have a screening decision permitting the project to go ahead
- begin or carry out a significant project on uncultivated land or a semi-natural area without first obtaining consent from Natural England
- fail to comply with a stop notice or a remediation notice.

To comply with the Environmental Impact Assessment (Forestry)(England and Wales) Regulations 1999, you must:

- not carry out afforestation on agricultural land or deforestation projects on existing woodland unless you have permission from the Forestry Commission (FC)
- carry out the project according to the consent
- meet the requirements of enforcement notices.

### **Contact**

Rural Payments Agency: 03000 200 301

Natural England: 0345 600 3078

# GAEC 7a: Boundaries

You must protect boundary features, such as hedgerows (hedges), stone walls, earth banks and stone banks because they're important landscape features.

## A. Hedges

The rules on hedges apply to any hedge growing in, or adjacent to, any land which forms part of your holding and which has one of the following:

- a continuous length of at least 20 metres, or is part of any such length
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedge at each end.

Any gap of 20 metres or less and any gap resulting from a breach of the Hedgerows Regulations 1997 will be treated as part of the hedge.

### You must:

- take all reasonable steps to keep a green cover on land within 2 metres of the centre of a hedge.

### You must not:

- cultivate or apply fertilisers or pesticides to land within 2 metres of the centre of a hedge. Fertilisers include: inorganic and organic fertiliser, organic manures, lime, slurry, sewage sludge, slag, trace elements, calcified seaweed and human waste (not an exhaustive list).

Pesticides mean anything used for destroying pests and include herbicides, fungicides, insecticides and other biocides.

You won't break these rules if you've used pesticides for the spot application to control the spread of any of the weeds listed in GAEC 1, or you've cultivated land for one of these reasons:

- to establish a green cover where one doesn't 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 doesn't exist and the land was previously outside the scope of cross compliance.
- you have written permission from RPA to do so, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production.

### These rules do not apply:

- to land either side of a hedge which is less than 5 years old (you'll need to keep documentary evidence to prove this)
- to land forming part of a parcel of 2 hectares or less, as measured within permanent boundary features

- to land on the side of any hedge which is facing a dwelling where the hedge marks a boundary of the curtilage of the dwelling
- to the casting up of a traditional hedge bank between 1 September and the last day of February (inclusive).

### **Cutting, trimming and removal**

You must not cut or trim a hedge between 1 March and 31 August (inclusive) unless:

- the hedge overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedge obstructs the passage of, or is a danger to, vehicles, pedestrians or horse riders
- the hedge is dead, diseased, damaged or insecurely rooted and because of its condition, it or part of it, 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
- it is to carry out hedge-laying or coppicing during the period 1 March to 30 April (inclusive)
- it is to trim a newly laid hedge by hand, within 6 months of it being laid
- you have received written permission from RPA to cut or trim during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August.

You must not remove all or part of a hedge unless one of the exemptions in regulation 6 of the Hedgerow Regulations 1997 applies or you have told your local authority (or National Park Authority if your land is in a National Park) in writing of your proposal, and have either:

- received written permission to carry out the removal
- have received no reply from the authority within 42 days of your notification.

The removal must be carried out in accordance with the proposal specified in the hedge removal notice and the hedge must be removed within the period of 2 years from the date on the hedge removal notice.

The cutting, trimming and removal rules do not apply:

- to hedges within the curtilage of a dwelling-house
- to the side of any hedge facing a dwelling-house when the hedge marks the boundary of the curtilage of the dwelling-house.

## **B. Stone Walls, Earth Banks and Stone Banks**

Rules for stone walls, earth banks and stone banks must be followed if any of these apply:

- it has a continuous length of at least 10 metres
- it has a continuous length of less than 10 metres which meets another boundary at each end
- it has a continuous length of less than 10 metres which forms an enclosure

An earth bank is a mound without a hedge, distinct from the surrounding land form. A

stone bank is an earth bank faced with natural stone.

### **You must not:**

- remove existing stone walls, earth banks and stone banks
- remove earth or stone from an existing stone wall, stone bank or earth bank.

### **The rules in section B don't apply if you:**

- widen an existing gateway in a stone wall, earth bank or stone bank to allow machinery or livestock access. The gateway should be no wider than 10 metres and the newly created ends finished to a vertical face
- use the stone or earth removed from the stone wall, earth bank or stone bank to repair another stone wall, earth bank or stone bank on your holding which is in a better condition than the one you remove the stone or earth from
- have written permission from RPA to do so, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production.

## **More information**

You should read the 'Hedgerows Regulations 1997: A Guide to the Law and Good Practice'. To get a free copy email: [farmland.conservation@defra.gsi.gov.uk](mailto:farmland.conservation@defra.gsi.gov.uk).

There is also more guidance online about '[Countryside hedgerows: regulation and management](#)'.

Contact RPA for information about hedge derogations which may be available.

## **Contact**

Natural England: 0345 600 3078

Rural Payments Agency: 03000 200 301

Defra helpline: 0345 933 5577

# GAEC 7b: Public Rights of Way

Public rights of way (public footpaths, bridleways, restricted byways and byways open to all traffic) must be kept open and accessible because they are important landscape features.

## What you must do

You must:

- not wilfully obstruct public rights of way without lawful authority or excuse
- not disturb the surface of public rights of way without lawful authority or excuse, with the exception of ploughing the surface of a footpath or bridleway when it is not reasonably convenient to avoid doing so
- Where you have disturbed the surface of a cross field path or bridleway, you must:
  - make good the surface of cross field footpaths and bridleways to not less than the minimum width within 14 days of it first being disturbed if you are sowing a crop, or within 24 hours in all other circumstances. Minimum widths are 1 metre for footpaths and 2 metres for bridleways
  - indicate the route of a reinstated cross-field footpath or bridleway so that it's visible on the ground and is at least the minimum width of the recorded route
- maintain stiles, gates and similar structures across a footpath or bridleway in a condition that makes them safe and reasonably easy to use

These rules apply to visible public rights of way only. This includes any rights of way which would be visible if it wasn't for breaches of the rules.

## More information

There is more information online about [Public rights of way: landowner responsibilities](#).

## Contact

You should contact your local authority.

Rural Payments Agency: 03000 200 301

# GAEC 7c: Trees

You may need to get a licence from the Forestry Commission if you want to cut down (fell) a tree. You must check if a tree has a Tree Preservation Order (TPO) and meet any conditions of the TPO. You must also follow the rules about when you can trim or cut trees.

For cross compliance rules a tree must have a diameter of more than 8 centimetres or, in the case of coppice or underwood, have a diameter of more than 15 centimetres. The diameter should be measured over the bark and 1.3 metres above the ground.

## What you must do

### You must:

- follow the Forestry Commission's rules by applying for a licence to cut down (fell) a tree, where a licence is required
- contact your local planning authority if the tree has a preservation order or is in a conservation area
- comply with licence conditions, restocking notices, enforcement notices or directions served on you.

### You must not:

- cut down a tree without a felling licence if a licence is required
- cut down, wilfully damage or destroy, uproot, top or lop any tree protected by a TPO without written consent from your local planning authority
- 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
- cut or trim a tree on your farm between 1 March and 31 August (inclusive) each year, except where:
  - the tree overhangs a highway, or any other road or footpath, endangering or obstructing vehicles, pedestrians or horse-riders
  - the tree obstructs or interferes with the view of drivers of vehicles or the light from a public lamp
  - the tree is dead, diseased, damaged or insecurely rooted, and is a risk to human safety
  - the tree is either a fruit or nut tree in an orchard or it forms part of a windbreak in an orchard, vineyard, hop yard or hop garden
  - it is to carry out tree coppicing during the period 1 March to 30 April (inclusive)
  - RPA has given written permission to do so to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production
  - you have received written permission from RPA to cut or trim during the month of to sow oil seed rape or temporary grassland during the same month of August.

## More information

You should read the Forestry Commission's rules about '[Felling licences](#)'. [Applications for felling licences](#) can be made online.

[Local planning guidance on TPO](#) is available online.

## Contact

Forestry Commission: 0300 067 4070

Rural Payments Agency: 03000 200 301

# GAEC 7d: Sites of Special Scientific Interest (SSSIs)

You must not damage or destroy SSSIs. SSSI status is placed on land which, following a legal process, is judged to have special flora, fauna, or geological or physiographical features.

Check online if your land is in an [SSSI](#).

If you owned or occupied the land at the time it became a SSSI, you will probably already know that it is an SSSI. If this not the case, Natural England will ordinarily have contacted you about the land's status.

## What you must do

### You must:

- obtain Natural England's (NE) consent in writing before carrying out, causing or permitting any specified operation listed in SSSI legal documents and identified as likely to damage the special interest features of the area (unless that operation is carried out in accordance with the terms of a management agreement that provides consent for the operations)
- comply with all management notices served by NE or any terms of any restoration order served by a court

A management notice is different to a management agreement as it legally obliges the recipient to carry out certain activities; a restoration order requires operations for the purpose of restoring an SSSI to its former condition.

### You must not:

- intentionally or recklessly destroy or damage any of the SSSIs special interest features (flora, fauna, geological or physiological 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 for the SSSI.

You will not break any of these rules if you have reasonable excuse to carry out certain operations, for example:

- you have planning permission to carry out the work
- you have consent from a public body or statutory authority
- it is an emergency operation (provided that Natural England is told as soon as possible after the emergency).

These rules apply to all SSSIs. Where the land is also classed as a European Site (Special Protection Area or Special Area of Conservation) and these rules are breached the non-compliance will also be considered under the relevant requirement of SMR 2 (Wild birds) or SMR 3 (Habitats and species).

## More information

There is more information about [SSSIs](#) online.

## **Contact**

Natural England: 0345 600 3078

Rural Payments Agency: 03000 200 301

Forestry Commission: 0300 067 4000

# GAEC 7e: Ancient Monuments

Ancient Monuments are nationally important sites that have been given legal protection by the Secretary of State for Culture, Media and Sport due to their archaeological or historic interest.

Check the [National Heritage List](#) to see if you have a listed 'scheduled monument'. Or, you can check the Historic Environment Record held by your local authority.

## What you must do

### You must not:

- without prior written scheduled monument consent from the Secretary of State for Culture Media and Sport, you must not carry out, cause or allow to be carried out works that:
  - demolish, destroy or damage a Scheduled Monument
  - remove, repair, alter or add to a Scheduled Monument or any part of it
  - involve flooding or tipping operations on land in, on or under a Scheduled Monument.

You may not have broken these rules if one of the following applies:

- you took all reasonable precautions, and exercised all due diligence, to avoid or prevent any damage to the monument (this only applies to the first bullet above)
- you can prove you did not know and had no reason to believe that the monument was in the area affected by the work or that it was a Scheduled Monument (this only applies to the first and third bullets above)
- the works were urgently necessary in the interests of health or safety and that written notice for the reason for the works was given to the Secretary of State for Culture, Media and Sport as soon as reasonably practicable (feasible).
- you are satisfied that you have consent under one of the categories in the Ancient Monuments (Class Consent) Order 1994.

### You must:

- comply with the conditions attached to any consent granted by Secretary of State for Culture, Media and Sport

## More information

Department for Culture Media and Sport have also published more guidance online about ['Scheduled monuments'](#).

## Contact

Historic England (formerly known as English Heritage): 0370 333 1181

# SMR 1: Reduce water pollution in Nitrate Vulnerable Zones (NVZs)

Claimants with land in NVZs must help to reduce water pollution by using and storing fertiliser and manure carefully.

Check if your land is in a [nitrate vulnerable zones](#).

## What you must do

Your scheme payments may be affected if you don't comply with the following rules.

### • Where you can't spread fertilisers

Before you spread manures, manufactured fertilisers or other nitrogen-containing materials, you must inspect conditions in the field to assess the risk of run-off to surface water. If you spread organic manure you must produce a risk map of your holding (read 'Records to keep in NVZs').

To decide if there is a significant risk you should account for:

- the slope of the land, especially if over 12°
- ground cover
- proximity to surface water
- weather conditions
- soil type and condition
- the presence of land drains.

You must not spread:

- if you identify a significant risk of runoff getting into surface water
- manufactured fertiliser within 2 metres of surface water
- organic manure within 50 metres from a spring, well or borehole
- organic manure within 10 metres of surface water
- if a field is waterlogged, flooded, snow covered, or has been frozen for more than 12 hours in the previous 24 hours
- in closed periods – read 'Restrictions on spreading organic manures' (with a high readily available nitrogen content).

If you use precision manure-spreading equipment such as band spreaders, shallow injectors or dribble bar applicators, you may spread manure up to 6 metres from surface water.

On Sites of Special Scientific Interest and agri-environment scheme land which is used for breeding wader birds or as species-rich semi-natural grassland, you can spread solid manure within 10 metres of a surface water if:

- it is spread between 1 June and 31 October inclusive
- it is not spread directly onto surface water
- the total annual amount does not exceed 12.5 tonnes per hectare (t/ha).

### • How much nitrogen you can spread in NVZs

There is a limit per hectare on the amount of crop-available nitrogen from organic manure and

manufactured fertiliser that you can apply to most crops in any 12 month period (the N max limit).

You must make sure the average nitrogen application rate in kilograms per hectare (kg N/ha) does not exceed the N max limit for that crop type.

**Table 4: The N max limits**

<b>Crop</b>	<b>N max limit (kg N/ha)</b>	<b>Standard crop yield (t/ha)</b>
Wheat, autumn or early winter sown	220	8
Wheat, spring sown	180	7
Barley, winter	180	6.5
Barley, spring	150	5.5
Oilseed rape, winter	250	3.5
Sugar beet	120	n/a
Potatoes	270	n/a
Forage maize	150	n/a
Field beans	0	n/a
Peas	0	n/a
Grass	300	n/a
<b>Group 1</b>		
Asparagus, carrots, radishes, swedes - individually or in any combination	180	n/a
<b>Group 2</b>		
Celery, courgettes, dwarf beans, lettuce, onions, parsnips, runner beans, sweetcorn, turnips - individually or in any combination	280	n/a
<b>Group 3</b>		
Beetroot, brussels sprouts, cabbage, calabrese, cauliflower, leeks - individually or in any combination	370	n/a

### **Adjustments you can make to your nitrogen limit (N max):**

- For wheat and barley, you can apply an additional 20kg N/ha for every tonne that expected yield exceeds the standard yield shown in the table.
- If you've applied straw for mulching or paper sludge to the previous or current crop, you can apply an additional 80kg N/ha.
- You can apply an additional 40kg N/ha to milling wheat varieties.
- For autumn or early winter sown wheat and barley, you can apply an additional 20kg N/ha on fields with a shallow soil type (not shallow soils over sandstone).
- The N max limit for winter-sown oilseed rape is 250 kg N/ha. This includes the amount of up to

30kg N/ha allowed as an exemption to the closed period for manufactured nitrogen fertiliser. You can increase this by an additional 30kg N/ha for every half tonne that the expected yield exceeds the standard yield.

- Where grass is grown to achieve a protein content of at least 16% of the dried product, you can apply nitrogen up to the level recommended by a 'FACTS-qualified' adviser. In this case, if the land is not irrigated, you may not apply more than 500kg N/ha. If the land is irrigated, you may not apply more than 700kg N/ha. In the second and any subsequent years that you make any adjustments, you must give FACTS-qualified advisers the results of soil analyses from representative autumn samples taken between 1 September and 31 October to include in the N demand calculation.
- You can apply an additional 40kg N/ha to grass that is cut at least 3 times in a year.

## • How much livestock manure you can apply in NVZs

There is a limit of 170kg/ha on the amount of nitrogen in livestock manure that can be applied (directly by grazing livestock or by spreading) on your holding per calendar year. This limit applies as an average across your holding. It is separate from the field limit of 250kg/ha of total N load from organic fertilisers.

You'll need to calculate the amount of nitrogen applied to your land from these sources and plan so that you do not exceed the limit.

As a grassland claimant (which means more than 80% of your land is grassland), if you meet certain criteria and agree to some additional land management, fertiliser planning and record keeping conditions, you can apply for a derogation that allows you to increase this limit to 250kg per hectare of nitrogen from grazing livestock per year. Get help to calculate the amount of nitrogen produced by your livestock - search for 'Spreading Nitrogen fertilisers and Organic manures' at [www.gov.uk](http://www.gov.uk).

## • Limits on spreading all organic manure in NVZs

The most nitrogen (total N) from organic manures you can spread on any given hectare in any 12 month period is 250kg. This does not include N contained in livestock manures deposited by grazing animals.

Alternatively, if you only use compost that does not contain any manure and which has been produced in accordance with the PAS100 protocol, you can apply:

- up to 500 kg N/ha every 2 years as mulch or worked into the ground
- up to 1,000 kg N/ha every 4 years (only as mulch and in an orchard growing fruit of the genera Malus, Prunus or Pyrus).

## • Restrictions on spreading organic manures

You must not spread organic manures with a high readily available N content (where more than 30% of the total N content is readily available to the crop) in the following periods:

	Grassland	Tillage land
Sandy or shallow soils	1 Sep to 31 Dec	1 Aug to 31 Dec
All other soils	15 Oct to 31 Jan	1 Oct to 31 Jan

If a crop is sown on sandy or shallow tillage land on or before 15 September, you may apply organic manure between 1 August and 15 September inclusive.

If you are an organic claimant, or you are formally converting to organic status, you can apply organic manure up to a maximum rate of 150 kg N/ha during the closed period to:

- winter oilseed rape and grass (between the start of the closed period and the end of

October). No more than 40kg N/ha can be spread on grassland at any one time.

- asparagus, brassica, overwintered salad onions, parsley and bulb onions (between the start of the closed period and the end of February). 50kg N/ha can be spread every 4 weeks until either the harvest or the end of February, whichever is earlier (the 150kg N/ha total limit still applies).
- other crops if you have written advice from a FACTS-qualified adviser.

From the end of the closed period until the end of February, you must not spread more than 30 m<sup>3</sup>/ha of slurry or 8 tonnes/ha of poultry manure in a single application. You must allow at least 3 weeks between each individual application. If you are in an NVZ designated for the first time in 2013, this does not apply until January or February 2016, depending on your soil type.

You must only spread slurry using equipment that has a low spreading trajectory (ie less than 4 metres from the ground). There is an exception if you use equipment that spreads slurry at a maximum rate of not more than 1 millimetre per hour when operating continuously.

If you are spreading on bare soil or stubble (except if it's been sown with seed), then you must:

- incorporate poultry manure, slurry and liquid digested sludge as soon as practicable and within 24 hours at the most
- incorporate any other organic manure (unless it has been spread as a mulch on sandy soil) as soon as practicable and within 24 hours if the land is sloping and within 50 metres of surface water that could receive its run-off.

You do not have to incorporate slurry and liquid digested sludge if it's been applied using a trailing hose, trailing shoe or dribble bar band spreader, or an injector.

## • Restrictions on spreading manufactured fertiliser N in NVZs

You must not spread manufactured nitrogen fertiliser in the following periods:

- Grassland - 15 September to 15 January
- Tillage land - 1 September to 15 January

However, you may apply manufactured fertiliser during these closed periods to the following crops, up to a maximum permitted rate:

Crop	Maximum nitrogen rate (kg/hectare)
winter oilseed rape	30
asparagus	50
brassica	100
grass	80
overwintered salad onions	40
parsley	40
overwintered salad onions	40

Applications to other crops during the closed period are permitted if you have written advice from a FACTS-qualified adviser.

## • How to plan your nitrogen applications in NVZs

You must plan all applications of nitrogen from organic manures and manufactured fertilisers to each crop in each field (including grass).

Your plan must show that you've taken the following 4 steps:

1. calculate the amount of nitrogen in the soil that is likely to be available for uptake by the

crop during the growing season (the soil nitrogen supply)

2. calculate the optimum amount of nitrogen that should be applied to the crop, taking into account the soil nitrogen supply (the crop nitrogen requirement)
3. calculate the amount of nitrogen, from any planned applications of organic manure, that is likely to be available for crop uptake in the growing season in which it is spread (the crop available nitrogen)
4. calculate the amount of manufactured fertiliser required.

The year for applying fertiliser to permanent grassland begins on 1 January. Before you apply any nitrogen fertiliser to permanent grassland, you must complete steps 1 and 2, and prepare a plan for the spreading of any nitrogen fertiliser for that growing season.

For any other crop (including temporary grass) you must complete steps 1 and 2 and prepare a plan for the spreading of any nitrogen fertiliser for that growing season. You must do this before you apply any nitrogen fertiliser (whether manufactured or organic) for the first time to the crop or to a field in which you intend to plant a crop.

You must also carry out steps 3 and 4 before each occasion when you spread fertiliser.

When working out how much nitrogen is available for crop uptake from applications of livestock manure, you must:

- establish the total amount of nitrogen in the manure using the standard values in Table 35 of the 'standard values tables' or by sampling and analysis
- calculate the amount of crop-available nitrogen using the minimum percentages provided in Table 36.

These tables are on GOV.UK at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408227/nvz-guidance-blank-completion-data-tables-201312.xlsm](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408227/nvz-guidance-blank-completion-data-tables-201312.xlsm).

For applications of other organic manure, you must work out the total amount of nitrogen and the amount of crop-available nitrogen using the manufacturer or supplier's technical analyses.

If these technical analyses are not available, use the values given in the [Fertiliser Manual \(RB209\)](#). The manual refers to the total amount of nitrogen as 'total nitrogen'. It refers to crop-available nitrogen as 'nitrogen available to the next crop'.

In either case, you can use values obtained by sampling and analysis of the manure if you prefer to.

You must not apply organic manure to crops for which there is an N max value if you have not used one of these methods to work out how much crop-available nitrogen it contains.

You must keep a copy of this plan for 5 years.

## • Records to keep in NVZs

### The size of your holding

- You must keep an up-to-date record of the total size of your holding and update it within a month if it changes. The total size excludes surface waters, any hardstanding, buildings, roads or any woodland, unless that woodland is used for grazing.
- You must keep all records for 5 years.

### Risk map

You must produce and keep a map of your holding if you spread organic manure. It must show:

- each field, and its area in hectares

- areas with sandy or shallow soils
- land with a slope greater than 12 degrees
- land drains (except if they are sealed and impermeable)
- sites suitable for temporary field heaps (if you intend to use them to store manure)
- land that has a low run-off risk (if you intend to use it for spreading during the storage period to reduce your storage capacity requirement)
- 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.

You must update the map with any changes within 3 months of the date of the change. The map must be kept for 5 years.

## Field records

For each crop in each field, you must record the following within one week. When sowing a crop (if you intend to spread nitrogen fertiliser):

- the type of crop and the date of sowing.

When spreading organic manure:

- the area spread
- the quantity spread
- the date of spreading
- the method of spreading
- the type of manure
- the total N content
- the amount of nitrogen that was available to the crop.

When spreading manufactured fertiliser:

- the date of spreading
- the amount of nitrogen spread.

Also record the yield of any arable crop on which nitrogen fertiliser has been used within a week of knowing it.

Before 30 April each year you must record how any grassland was managed in the previous calendar year.

Make sure you also keep evidence of:

- the soil N supply and method of assessment
- the crop N requirement and the source of information you used to calculate it
- any written advice from a FACTS-qualified adviser.

All records must be kept for 5 years.

## • Livestock calculations

If you use livestock manure on your holding, you must complete a record by 30 April showing for the previous year the numbers of livestock kept on your holding, the category and number of days each animal spent on your holding.

You can find the livestock categories and the amount of nitrogen they produce by downloading the

blank 'claimant completion' and 'standard values' tables. They are available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408227/nvz-guidance-blank-completion-data-tables-201312.xlsm](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408227/nvz-guidance-blank-completion-data-tables-201312.xlsm) You must also complete a record by 30 April showing, for the previous year:

- your calculations showing that you have kept within the whole farm N limit
- your calculation of the amount of nitrogen produced by livestock
- a copy of your sampling and analysis of manures and soils and/or output from software (for example, ENCASH).

All records must be kept for 5 years.

## • Imports and exports of manure

Within one week, you must record details of any imports or exports of livestock manure:

- its type and amount
- the total nitrogen content of any import
- the date it was brought onto or sent off your holding
- the name and address of the supplier or recipient
- a contingency plan you will follow if an agreement for a person to accept an export of livestock manure fails.

If you don't know the N content of imported manure, you must find this out (by analysis or calculation using standard figures) as soon as reasonably practicable (feasible), and then record it within a week.

All records must be kept for 5 years.

## • Exemptions from NVZ spreading limits

### Greenhouses

In general, NVZ rules do not apply to land inside greenhouses. Greenhouses include both glasshouses and polytunnels, in which crops are grown under cover in an enclosed space. However, if land is exposed to the open air at any time (for example, if you uncover a polytunnel) the rules apply for the whole of that year.

If the size of your holding changes, but the change only affects an area covered by greenhouses, you do not need to update your map and records. However, you still need to follow the rules on manure storage and recording the size of your holding and any rules applying to land outside the greenhouses.

### Low intensity farm

You are a low intensity claimant if all of the following apply to you:

- at least 80% of your land is grassland
- no more than 100kg N/ha per year is applied as organic manure (including any N in manure applied directly to the field by animals)
- you spread no more than 90kg N/ha per year as manufactured fertiliser
- you do not bring any organic manure onto your holding.

If you are a low-intensity claimant, you do not have to keep a record of your actual applications of manufactured fertiliser and organic manure to crops in each field, but you must still plan your nutrient use.

When calculating your fertiliser application rate you must exclude any area of your holding where you do not spread any fertiliser or work the soil (for example on rough grazing areas).

## • **Storing organic manures**

### **Storage capacity and type**

You must have sufficient facilities to store all slurry produced on your holding and all poultry manure produced in a yard or building from:

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

Slurry stores must, additionally, have the capacity to store:

- all rainfall expected to enter the store during the storage period (including rainfall runoff from elsewhere)
- any wash water or other liquids that enter the store during that period.

If you have poultry manure or other types of solid organic manure or bedding contaminated with organic manure, you must store them in one of the following:

- in a vessel
- on an impermeable base, with appropriate collection and containment of runoff
- in a roofed building
- in an appropriately located temporary field heap.

You must not 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.

## • **Construction standards for manure stores**

If you build a new facility for storing organic manure (ie slurry stores or impermeable bases for solid manure) and/or if you substantially reconstruct or enlarge your existing facilities, you must:

- comply with standards set down in the SSAFO Regulations
- tell your local Environment Agency office in writing at least 14 days before you begin to construct it.

## • **Temporary storage of solid manures in field heaps**

You must:

- make sure your field heap is at least 10 metres from any surface water (including ditches) or land drain, or 30 metres if the land slopes at 12 degrees or more
- make sure the location of any field heap is not liable to being waterlogged or flooded
- locate field heaps at least 50 metres from a spring well or borehole
- move any field heap at least every 12 months
- leave a 2 year gap before returning to the same site
- keep a record of the sites used for field heaps and the dates of use.

When you prepare your risk map, it must show the location of temporary field heaps. Temporary field heaps must:

- be solid enough to be stacked in a free-standing heap
- not give rise to free drainage from within the stacked material
- be covered with an impermeable material if they contain poultry manure without bedding or litter
- occupy as small a surface area as is practically required to support the mass of the heap and prevent it from collapsing.

## • Record keeping for storage of manure

For the previous calendar year, you must complete a record by 30 April showing:

- the area of your holding in hectares
- the numbers of livestock kept on your holding
- the type of animal ('category' in the standard tables) and number of days each animal spent on your holding.
- your calculation of the amount of nitrogen produced by livestock

Within 1 week of bringing livestock manure (including poultry manure and slurry) onto your holding or sending it off, you must record:

- the type and amount of manure and the date it was brought onto or sent off your holding
- the total nitrogen content of any manure you send off or bring onto your holding
- the name and address of the supplier or recipient of the manure
- a contingency plan you'll follow if the manure isn't accepted by a recipient (for example, how you plan to store the manure)

If you don't know the nitrogen content of imported manure, you must find this out (by analysis or calculation) as soon as possible, and then record it within a week.

All records must be kept for 5 years.

## • Silage making and storage of silage and slurries

You must notify your local Environment Agency office in writing about a new, substantially enlarged, or substantially reconstructed installation at least 14 days before work constructing the new or improved installation is to begin.

You must:

- notify your local Environment Agency office of the place where field silage is to be made at least 14 days before that site is first used
- make sure that installations meet requirements for capacity, durability, maintenance and safety zones, are built in accordance with the relevant construction standards, and field silage site rules are met
- comply with any notices served by the Environment Agency that require improvements to be made to an installation or field silage site if the Agency doesn't consider them to be suitable
- carry out regular inspections of installations and make timely repairs where necessary.

## Other guidance

All claimants in NVZs must follow Defra's ['Guidance on complying with the rules for Nitrate Vulnerable Zones in England for 2013 to 2016'](#).

Contact the Environment Agency for information about NVZ derogations which may be available.

## Contact

Environment Agency: 03708 506 506

# SMR 2: Wild birds

You must preserve and maintain, as well as re-establish where necessary, a sufficiently large and diverse area of habitat for all wild birds

Check if your land is in a Special Protection Areas (SPA) at [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk) or by contacting Natural England.

For the purposes of this SMR, a 'wild bird' is 'any bird of a species which is ordinarily resident in, or is a visitor to, the European territory of any member state in a wild state, but does not include poultry or any game bird'. This is the same meaning as in section 27 of the Wildlife and Countryside Act 1981 (as amended).

Any bird shown to have been bred in captivity is not subject to these requirements unless it has been lawfully released into the wild as part of a repopulation or reintroduction programme.

In England, Special Protection Areas (SPA) are also designated as a Site of Special Scientific Interest (SSSI).

## What you must do

If you have an SPA on your land you must:

- get Natural England's consent in writing before carrying out, causing or permitting any specified operation listed in a SSSI's designation documents, or listed within a special nature conservation order, unless that operation is already covered by a management agreement, scheme or notice

'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 SPA.

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 SSSIs.

- comply with all management notices and stop notices served by Natural England

A 'management notice' is different from a management agreement because it requires an owner or occupier of land to carry out work or do other things in relation to the land as specified in the notice. A management notice may be served where it appears to Natural England that the special interest features of the land are not adequately being conserved or restored.

A 'stop notice' can be served in relation to land over which a special nature conservation order has been made.

- comply with the terms of any restoration order served by a court. 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.

## You must not

- intentionally or recklessly destroy or damage the special interest features of the area or disturb any bird that is 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 may not break the rules if you have a 'reasonable excuse', which could include any of the

following:

- planning permission to carry out the work
- consent from a public body or statutory authority that has complied with its duty to carry out an assessment and consult Natural England before giving the consent
- it was an emergency operation (provided that Natural England is told as soon as possible after the emergency).

## More information

You can find out if your land is in an SPA by contacting Natural England, or by searching the Nature on the Map website at [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk).

## Contacts

Natural England: 0345 600 3078

RSPB: 01767 680 541

# SMR 3: Habitats and species

You must protect species of flora and fauna.

Check if your land is in a Special Area of Conservation (SAC) at [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk) or by contacting Natural England.

In England, Special Areas of Conservation (SAC) are also designated as a Site of Special Scientific Interest (SSSI).

## What you must do

On land designated as a SAC you must:

- get Natural England's consent in writing before carrying out, causing or permitting any specified operation listed in a Site of Special Scientific Interest's (SSSIs) designation documents, or listed within a 'special nature conservation order', unless that operation is carried out in accordance with a management agreement, scheme or notice.

'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 SAC.

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 SSSIs.

- comply with all management notices and stop notices served by Natural England.

A 'management notice' is different from a management agreement because it requires an owner or occupier of land to carry out work or do other things in relation to the land as specified in the notice. A management notice may be served where it appears to Natural England that the special interest features of the land are not adequately being conserved or restored.

A 'stop notice' can be served in relation to land over which a special nature conservation order has been made.

- comply with the terms of any restoration order served on you by a court. 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.

## You must not:

- intentionally or recklessly destroy or damage the special interest features of the area or disturb any protected flora or 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 might not be breaking the rules if you have a 'reasonable excuse', which could include any of the

following:

- planning permission to carry out the work
- consent from a public body or statutory authority that has complied with its duty to carry out an assessment and consult Natural England before giving the consent
- it was an emergency operation (provided that Natural England is told as soon as possible after the emergency).

## **Contacts**

Natural England: 0345 600 3078

# SMR 4: Food and feed law

You must make sure that the production of food for human consumption and the production of food or feed that's fed to food-producing animals is safe.

## What you must do

### Food and feed safety

You must meet the minimum standards of food and feed safety, withdrawal and recall, by:

- not placing unsafe food or unsafe feed on the market. Unsafe food is food which is harmful to human health or unfit for human consumption. Unsafe feed is feed deemed to have an adverse effect on human or animal health or feed which makes the food that comes from food-producing animals unsafe for human consumption
- not feeding unsafe feed to animals
- withdrawing, recalling and destroying unsafe food or unsafe feed if you believe you have supplied it
- telling consumers of the reason for withdrawal of the food or feed if it may have reached them
- telling your local authority and the Food Standards Agency (FSA) if the food/feed which you have supplied or intend to sell could be harmful to health, and the actions you have taken to prevent risks to the final consumer.

In the case of feedstuffs containing veterinary medicinal products or specified feed additives (coccidiostats, histomonostats and additives authorised to promote growth) at levels greater than their prescribed or authorised levels, or feedstuffs contaminated with such products, which may be harmful to health, the Veterinary Medicines Directorate (VMD) should also be informed.

### Traceability

You must show traceability of inputs to your farm (for example food, feed, food producing animals and any other substance intended or expected to be incorporated into a feed), and any products leaving your farm, showing the:

- name and address of supplier / business supplied
- type and quantity of inputs / products
- date of delivery / leaving premises

This information must be stored in a format which is readily available and you must produce it when requested.

### Food and feed hygiene

You must:

- store and handle feed, waste and hazardous substances (any substances that have the potential to cause an adverse effect on human health or animal health) separately and securely, to stop contamination and distribution errors
- act on results of official controls and sample analyses
- 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
- use feed additives, veterinary medicinal products and biocides correctly (with dosage, application and storage as stated on the label or as prescribed. This includes making sure that

the 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 used)

- handle medicated and non-medicated feeds separately
- 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
- take adequate measures to stop the introduction and spread of contagious diseases transmissible to humans through food, such as abiding by the statutory herd testing for bovine tuberculosis 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
- periodically clean on-farm feed transport vehicles and feeding equipment, in particular when used to deliver and distribute medicated feed
- use feed from places that are registered or approved by your local authority (and VMD for specified feed additives)
- take appropriate remedial action when informed of problems identified during official controls
- keep records of:
  - veterinary medicinal products or other treatments given to your animals (including treatment dates and withdrawal periods)
  - plant protection products and biocides
  - results of analyses carried out on samples taken that have importance for human or animal health
  - reports on checks on animals and animal products
  - use of genetically modified seeds in feed production.

These rules don't apply to producers selling small amounts of primary products to final consumers or to local shops selling directly to final consumers.

## Raw milk

If you're a producer of raw milk (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), or handle raw milk or produce colostrum, you must meet the rules about raw milk and colostrum. Specifically you must:

- 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 colostrum (in particular, not suffering from any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder)
  - 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
- 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 either of the following applies:

- 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 goats (that do not show a positive reaction to tests for brucellosis or which have been vaccinated against it) and is intended to be made into cheese that has a maturation period of at least two months if authorised by the competent authority.

You must make sure that raw milk and colostrum from any animal not complying with these requirements is not placed on the market for human consumption.

You must also:

- 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
- 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
- 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
- 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)
- clean (and disinfect where necessary) the surfaces of equipment that come into contact with raw milk or colostrum after each use, and maintain equipment in a sound condition
- 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
- hold raw milk in a clean place, designed and equipped to avoid contamination, immediately after milking. The milk must be cooled immediately to one of the following:
  - 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.

You must:

- 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 one of the following:
  - 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.

## Eggs

If you're an egg producer you must keep eggs clean and dry, free of strong odours, protected from shocks and out of direct sunshine.

## More information

You must follow the rules about food and feed safety, including reporting of incidents, on the Food Standards Agency website at [www.food.gov.uk](http://www.food.gov.uk).

Read the Animal and Plant Health Agency's detailed guidance on raw milk called '[Milk hygiene on the dairy farm – a practical guide for milk producers](#)'.

## Contact

Food Standards Agency: 020 72768829

# SMR 5: Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals

It is illegal to use substances that have a hormonal or thyrostatic action and beta-agonists for growth promotion in stock farming. Some substances can be used for authorised therapeutic purposes only, but these must be administered to a clearly identified animal only by a veterinarian, who must record details of the treatment in a register/record book.

## What you must do

Other than the therapeutic exemptions allowed (for the use of veterinary medicines containing testosterone, progesterone, allyl trenbolone and beta-agonists, and having oestrogenic, androgenic or gestagenic action), you must not use these restricted substances:

- thyrostatic substances
- stilbenes, stilbene derivatives, their salts and esters
- oestradiol 17 $\beta$  and its ester-like derivatives
- substances having oestrogenic, androgenic or gestogenic action, and beta-agonists.

You must not:

- give food-producing animals restricted substances
- have on your farm, place on the market or send to slaughter for human consumption any animal that has been given any restricted substance
- place on the market meat or any other animal product from an animal that has been given any restricted substance
- have substances on your farm containing beta-agonists to induce tocolysis in cows when calving (for example, clenbuterol hydrochloride).

You must:

- comply with the correct withdrawal periods if your food-producing animals have been given any of the restricted substances in line with the permitted exceptions. Your veterinary surgeon can advise on the withdrawal periods for prescribed veterinary medicines
- make veterinary medical records about restricted substances you've used available to inspectors when asked for them.

## More information

The Product Information Database is on the Veterinary Medicines Directorate website at [www.gov.uk/vmd](http://www.gov.uk/vmd). It contains the most up to date information on medicines authorised for use in farm animals in the UK. The database includes any withdrawal periods.

## Contact

Veterinary Medicines Directorate: 01932 336911

# SMR 6: Pig identification and registration

Identifying your animals and keeping accurate records helps movements of pigs to be traced. In the event of a disease outbreak it is important that the Rural Payments Agency (RPA) knows where animals have moved from and to.

## What you must do

### A. Register your holding details with RPA and the Animal and Plant Health Agency (APHA)

You will need a County Parish Holding number (CPH), which identifies the land where the pigs will be kept. To apply for a CPH you need to contact the RPA helpline on 03000 200 301.

You must then contact APHA to let them know you will be keeping pigs.

Once pigs are on your holding for the first time you need to register that with APHA (even if it is just one pig or a pet pig). By law you should do this no later than one month of receiving pigs for the first time (or beforehand).

When your pig(s) is/are registered, a herd mark will be automatically created for you. You must use this to identify your pigs when they move off your holding. Herd marks for pigs are 1 or 2 letters followed by 4 digits, for example A1234 or AB1234.

You must notify the Animal and Plant Health Agency if any of your information changes or if you stop keeping pigs within one month.

### B. Identify animals correctly before they leave your holding

You can identify your pig by an ear tag, tattoo or (double) slap marks – for more information go to [GOV.UK](https://www.gov.uk)

You must not remove or deface an ear tag, tattoo or (double) slap marks unless authorised by the Secretary of State.

You must replace an identification mark if it has become illegible, been removed for welfare reasons or been lost. The replacement must be either identical to the original or cross-refer to the original in your records.

#### Pigs under 12 months old can move:

- between holdings with a temporary paint mark
- to slaughter with an ear tag, tattoo or double slap marks
- to any type of market with an ear tag, tattoo or double slap marks
- to a show or exhibition with an ear tag, tattoo or double slap marks - with an individual identification number.

## Pigs over 12 months old:

- can only move between holdings, to any type of market or to slaughter with an ear tag, tattoo or double slap marks bearing your Defra herdmark
- must have your Defra herdmark applied before they move off your holding
- involving, moves to a show or exhibition, for breeding purposes with the intention of returning the pig to the holding from which it was moved to an AI Centre or for intra-community trade or export must be with a tag, tattoo or slap marks, and must include a unique individual identifying number for each animal.

## C. Pre-notifying movements before you move pigs and making sure they travel with a movement document/haulier summary

- Moves must be pre-notified electronically through the eAML2 online system, for more information read [Pig keepers: report and record movements to or from your holding](#). There's a limited exception for moves to markets or collection centres - see below.
- It's important to plan your pig moves in advance.
- Pig movements must always be accompanied by a printed movement document (Haulier Summary/Movement Document), generated from the eAML2 online system or provided by the bureau service.
- If you are using the bureau service, you will need to allow time for your Haulier Summary/Movement Document (HS/MD) to arrive through the post.
- The requisite numbers of the HS/MD must accompany the consignment as follows:
  - if the receiving keeper does not use eAML2 or have access to a computer, you will need to print a copy for him to retain and another for him to send to Meat and Livestock Commercial Services Limited (MLCSL) to confirm his receipt of the animals
  - if the receiving keeper confirms receipt of the pigs to the bureau via phone he will only require one copy, to keep for his records.
- On the date of dispatch, you load the pigs and give the HS/MD(s) to the haulier. You should then confirm details via SMS text or online.

Pig movements to a market (or collection centre) that you require to move 'on the day' do not have to be pre-notified:

- You can complete a hand written paper copy of the HS/MD (copies available from markets and MLCSL).
- You can only move animals to market in this way if the market or collection centre will send the details electronically via the eAML2 system for both the move from the farm and confirmation of the arrival at the market, on the day the pigs arrive.
- You must make sure the market can do this before moving the animals without pre-notification. They must receive and retain confirmation from the market when this is done, in the form of a completed HS/MD.

There are additional exceptions from the pre-notification requirement where:

- you are moving any pigs to a veterinary practice for emergency treatment
- you are moving any pigs to a show without knowing which holding the pigs will move to after the show. In this case you must notify the eAML2 system online or the eAML2 Bureau Service operated by MLCSL within 3 days of the move from the show.

If you are sending any pigs to a port for consignment outside Great Britain, you must 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.

You must confirm receipt of any pigs moved onto your holding within 3 days of their arrival by one of the following methods:

- reporting the completion of the move on the eAML2 movement system
- sending a copy of the HS/MD to the eAML2 bureau (at the address on the form)
- providing the information on the HS/MD to them over the phone or by fax.

The keeper receiving the pigs must keep the HS/MD for at least 6 months, unless they have recorded the movement on the BPEX pig movement system within 3 days of the pigs' arrival.

## D. Completing and maintaining on-farm records

You must keep a holding movement record in the following simple format:

<b>The Pigs (Records, Identification and Movement) Order 2011</b>				
Name and address of the person keeping the record				
Date of movement	The identification number (1), or temporary mark	Number of pigs	Holding from which moved	Holding to which moved
01/10/2014	B1234	5	- My holding - Full address - CPH	- Mr xxx - New holding - Full address - CPH

(1) In the case of a movement to shows, Artificial Insemination (AI) centres or for export, the record must include each pig's unique individual identification number. In all cases:

- You must record each movement of a pig on or off the holding in this document within 36 hours of the movement.
- Once a year, you need to record the maximum number of pigs normally on the holding and the actual number of pigs on the holding on that date.
- You need to keep this record for 3 years after you stop keeping pigs.
- Your records must be available on request for inspection by RPA / APHA / local authorities.
- They may make an on-farm visit or may ask that your records are sent in for inspection.
- This record can be kept in hard copy or electronic form. If you keep your records in electronic form, you must be able to provide a hard copy of your record on request.
- You can view a chronological list of the pdfs of each movement on the eAML2 system. These can act as your holding movement record (as they contain the same information described in the table above) but you must make them available to an inspector on request.
- You are responsible for the accuracy of the holding movement records in whatever format they're kept.

## More information

All keepers should read the latest guidance on GOV.UK by searching for '[pig keepers](#)'.

There is also more information at eAML2 website: [www.eaml2.org.uk](http://www.eaml2.org.uk) To get a CPH number, call the RPA on 03000 200 301.

## Contact

Rural Payments Agency: 03000 200 301

RPA Livestock ID Helpline: 0345 050 9876

Animal and Plant Health Agency: 03000 200 301

eAML2 movement reporting service helpline: 0844 335 8400

# SMR 7: Cattle identification and registration

Keepers must identify their cattle, including bison and buffalo. They must keep accurate records about their animals and notify cattle births, movements and deaths.

## What you must do

### A. Identifying your animals with official cattle ear tags

Each animal needs one primary and one secondary ear tag, both showing the same unique individual identification number.

You cannot move an animal off a holding without the correct ear tags in place and without a passport (except in exceptional circumstances on welfare grounds, in which case you must apply for a movement licence by contacting the British Cattle Movement Service (BCMS)).

Animal type	Deadline for fitting first tag	Deadline for fitting second tag	Deadline for getting passport application to BCMS
Dairy	Within 36 hours of birth	Within 20 days of birth	Within 27 days of birth
Beef	Within 20 days of birth	Within 20 days of birth	Within 27 days of birth
Bison	Within 9 months of birth or when separated from their mother, whichever is sooner	Within 9 months of birth or when separated from their mother, whichever is sooner	Within 7 days of birth

You must not apply an ear tag to an animal if it has previously been used to identify a different animal, or apply an ear tag to an animal if the ear tag number has already been used on a different animal. You must not remove an ear tag without permission from BCMS.

### Replace a lost, damaged or illegible tag

You must get a replacement tag and fit it soon as possible, no later than 28 days after you notice the loss or damage.

## **For cattle imported from outside the EU**

You must remove any original ear tags and replace them with approved UK ear tags, within 20 days of the animal leaving the border inspection post, or before the animal leaves the holding of destination, whichever is sooner.

## **B. Registering your animals – animal births and cattle brought in from outside Great Britain**

When an animal is born you must apply for a cattle passport within the legal deadlines set out in the previous table.

If an imported animal is slaughtered within 15 days of arrival, you don't need to apply for a GB passport.

If this isn't the case, you must send BCMS an application for a cattle passport with the required supporting documentation.

You must apply using form CPP16, 'Animals imported into Great Britain: apply for cattle passports'.

## **For cattle imported from inside the EU, the Channel Islands, the Isle of Man or Northern Ireland**

Within 15 days of the animal arriving at your holding, send the following documents to BCMS:

- completed form CPP16 or CPP16W
- any original EU passport that came with the animal
- an export health certificate.

## **For cattle imported from outside the EU**

Within 15 days from the date the animal must be tagged you must apply for a passport by sending BCMS the completed form CPP16 or CPP16W and health certificate.

## **C. Movements and deaths**

Cattle keepers can move animals as long as:

- each animal has both of its official tags and a valid cattle passport
- they comply with the general licence conditions in England (published at [www.gov.uk/government/publications/cattle-movement-general-licence-for-the-movement-of-cattle](http://www.gov.uk/government/publications/cattle-movement-general-licence-for-the-movement-of-cattle))
- no standstills or other movement restrictions are in force.

Whenever you move cattle, you must:

- update your holding register within 36 hours
- tell BCMS about the movement within 3 days. If you use the post, rather than reporting online or by phone, bear in mind that this is the deadline for BCMS receiving the information, not for sending it
- record the movement on each animal's passport - before the animal leaves the holding (for off movements), or within 36 hours of the animal's arrival on the holding (for on movements).

Animals without a passport and cattle born or reared in the UK before August 1996 are subject to restrictions and you'll need to get a special licence to move them.

## What counts as a movement?

Whenever cattle move off one holding and on to a different one:

- their keeper at the departure holding must report and record an 'off movement'
- their keeper at the destination holding must report and record an 'on movement'.

A 'holding' above includes other farms, markets, abattoirs, showgrounds and collection centres.

## Who reports movements and deaths?

You or your registered agent can report movements.

As a keeper, you are still legally responsible for movements being notified on time, even if you use an agent.

You must report the death of any cattle on your holding. BCMS must receive the information within 7 days of the death.

You must also update your holding register within 7 days.

## Reporting cattle deaths on your holding

You must either:

- report online or by phone, then return the animal's registration document (for example its passport) to arrive with BCMS within 7 days of the date of death
- report by completing and returning the animal's registration document (for example its passport) to BCMS within 7 days of the date of the death.

## Report animals slaughtered on the holding

If an animal is slaughtered on your holding by a vet or abattoir operator and then taken to an abattoir for dressing, you must complete the death details section in the passport and send it with the animal to the abattoir. The passport must show that the animal died on the farm.

## Lost or stolen animals

If an animal is lost or stolen, you must post the animal's passport or certificate of registration and written details of what has happened within 7 days of becoming aware of the loss or theft.

## D. Completing and maintaining on-farm records (holding register)

As a cattle keeper, you must keep a holding register for your cattle. The register includes specific information about each of your animals.

### What to record in your register?

The register must contain the following details for each animal:

- its ear tag number
- its date of birth
- its sex
- its breed
- the dam's ear tag number for animals born on the holding
- the date of any movement it makes on and off your holding (including movements to or from any other holding you occupy)
- details of where it has moved from or to (record either the CPH number or the name and address of the keeper)
- its date of death.

You must also record these events:

- births
- movements on or off your holding (even if you don't have to report to the Cattle Tracing System, for example because the movement was to a linked holding)
- deaths
- replacement tags for cattle born before 1 January 1998, where the number is changed.

## **Deadlines for updating the holding register**

You should complete your records as soon as you can after the event concerned. You must complete them within:

- 36 hours in the case of movement on or off a holding
- 7 days for the birth of a dairy animal
- 30 days for the birth of all other cattle
- 7 days of death
- 36 hours of replacing ear tags where the identification number is changed.

## **How long to keep your records?**

Holding registers must be retained for 10 years from the end of the calendar year in which the last entry was made. Other registers (eg those kept at markets) must be retained for 3 years from the end of that year.

## **More information**

The extracts of information on this page have been taken from ['Guidance on keeping cattle, bison and buffalo in Great Britain'](#).

## **Contact**

Defra Livestock Identification Helpline: 0345 050 9876.

Rural Payments Agency: 03000 200 301

British Cattle Movement Service (BCMS) helpline: 0345 050 1234

# SMR 8: Sheep and goat identification

You must identify your animals and keep accurate records to allow movements of sheep and goats to be traced. In the event of a disease outbreak, it's important that we know where animals have moved from and to.

## What you must do

### A. Identify your animals correctly

You must identify your sheep and goats:

- within 6 months of birth if housed overnight
- within 9 months of birth if not housed overnight, or
- whenever they move off the holding of birth if this is sooner than the above.

If you keep them for longer than 12 months you must apply two identifiers (typically ear tags). Both will bear the same unique individual ID number. For sheep, one tag must be electronic.

Animals intended for slaughter within 12 months of birth can be identified by a single ear tag that shows your flock or herd mark, but no individual identification number for the animal.

You can replace single slaughter tags with either:

- a replica of the lost or damaged tag that only displays your flock mark
- a pair of adult tags with an individual identity number for the animal, as well as the flock mark

If you decide to keep a lamb beyond a year old, you must replace its single tag with 2 adult identifiers before its first birthday. If the lamb is no longer on the holding where it was born, you can only do this if you can trace the animal back to its holding of birth.

There are many types of electronic tags to suit various breeds, sizes and ages of the animal. They include ear tags, a ruminal bolus and pastern (leg band).

You must not:

- alter, obliterate or deface any means of identification attached to an animal. However you may apply additional management information as long the legibility of the UK flock mark or UK unique individual identification number is not affected.
- remove or replace identification without permission from Defra through BCMS

### B. Lost tags

You must replace illegible, damaged or lost tags within 28 days of the illegibility, damage, or loss being spotted by you. Illegibility includes an electronic tag that will not transmit its number when scanned.

### C. Completing and maintaining on-farm records (flock/herd holding register)

All sheep and goat keepers are required to keep a record of the following information:

- your holding details
- tag replacements
- all sheep and goat movements on and off your holding

- for animals identified from 2010:
  - the tags applied (unique individual identification numbers for individually identified animals and the flock/herd marks for slaughter animals)
  - date of identification
  - year of birth (on holding of birth only)
  - month/year of deaths (where known)
  - breed and genotype (if known)
- annual count of animals on your holding as at 1 December each year

To help you do this accurately, Defra provides a [sheep and goat holding register](#). You can keep the register on paper or electronically as a book, file or spreadsheet.

You need a separate holding register for each different holding if you keep sheep and goats in different holdings.

You must keep your on-farm records up to date and for at least 3 years after the last animal in it has left the holding.

## More information

All keepers should read and follow '[Sheep and goats identification and recording: guidance for keepers in England](#)'.

More information is available about '[Sheep and goats identification, registration and movement](#)' on [www.gov.uk](http://www.gov.uk).

The Animal Reporting and Movement Service (ARAMS) website provides details about movement reporting for sheep, goats and deer within England: [www.arams.co.uk](http://www.arams.co.uk)

## Contact

Rural Payments Agency: 03000 200 301

Rural Payments Agency Livestock Identification Helpline: 0345 050 9876

Animal and Plant Health Agency: 03000 200 301

ARAMS movement reporting service: 0844 573 0137

# SMR 9: Prevention and control of transmissible spongiform encephalopathies (TSEs)

You must minimise the risk posed to human and animal health by certain transmissible spongiform encephalopathies (TSEs).

## What you must do

You must not:

Feed animal protein or any feeding stuff that contains animal protein to ruminants, for example:

- cattle, bison, buffalo
- sheep, goats
- deer, antelope, wildebeest
- camelids.

With the exception of the following (subject to required sourcing and processing - for example, it can't be catering waste):

- milk, milk-based products and colostrums
- eggs and egg products
- collagen and 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.

You must not:

- Feed products containing banned proteins to any farmed animals, or mix banned proteins with feedstuffs. 'Banned proteins' are processed animal protein (with specific exemptions – see paragraph below) and gelatine from ruminants for example beef gelatine (including in surplus food).
- Use restricted proteins to produce feed for non-ruminants unless you've received authorisation from Defra. 'Restricted proteins' are animal proteins restricted to non-ruminant feed production: fishmeal, blood products of non-ruminant origin, dicalcium phosphate and tricalcium phosphate of animal origin. This includes processed animal proteins of non-ruminant origin, including pig and poultry meal, for aquaculture animals.
- Use feed products containing restricted proteins on a farm where there are ruminants present unless you're registered with Defra.

For bovine animals born or reared in the United Kingdom before 1 August 1996, you must not:

- export them
- move them without an AHVLA licence
- place them on the market or export any products from these animals
- place on the market or export first generation offspring or the semen, ova or embryos of cattle, sheep or goats (of any age), without meeting the documentation requirements and restrictions which apply to the sale or export of these products.

If you know or suspect that one of your animals or carcasses is infected with a TSE you must:

- tell the duty veterinary officer of your local Animal and Plant Health Agency office at once
- meet movement restrictions, or slaughter, destruction or other orders, or answer questions to identify animals at risk.

## More information

For more information about controlling TSEs read Appendix3: controlling animal disease by searching for ['2010 to 2015 government policy: animal and plant health' on](#) GOV.UK.

## Contact

Rural Payments Agency: 03000 200 301

Animal and Plant Health Agency: 03000 200 301

# SMR 10: Plant Protection Products (PPPs)

You must follow strict controls over the use of pesticides as they can harm people, wildlife and the environment.

## What you must do

You must:

- follow 'good plant protection practice' (details of which can be found in the Health and Safety Executive's [Code of Practice for using Plant Protection Products](#)).

Good plant protection practice' 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 efficacy with the minimum quantity necessary, taking due account of local conditions and of the possibilities for cultural and biological control.

- use only plant protection products with a valid UK authorisation or parallel trade permit
- meet the conditions and rules on the product label, in the authorisation, permit or in any extension of use.

## More information

You should read the Health and Safety Executive's guidance in the [Code of Practice for using Plant Protection Products](#)

## Contact

Defra helpline: 0345 933 557

Rural Payments Agency: 03000 200 301

Health and Safety Agency (Advisory Team): 0300 003 1747

# SMR 11: Welfare of calves

You must protect the welfare of calves (bovine animals up to six months old) by meeting minimum standards for their care and husbandry.

## What you must do

You must also meet the rules for the welfare of farmed animals in SMR13.

You must:

- inspect all housed calves at least twice a day, and those kept outside at least once a day to check they are in a state of well-being.

Any calf which appears to be ill or injured must be cared for appropriately without delay, and veterinary advice must be obtained as soon as possible for any calf which is not responding to the stock-keeper's care. Where necessary, sick or injured calves must be isolated in adequate accommodation with dry, comfortable bedding

- make sure that the accommodation for calves is constructed in such a way as to allow each of your calves to stand up, turn around, lie down, rest and groom itself without difficulty
- ensure that materials used for the construction of calf accommodation, and in particular of boxes and equipment with which calves may come into contact, must not be harmful to the calves and must be capable of being thoroughly cleaned and disinfected
- ensure that electrical circuits and equipment are installed in accordance with current [national rules](http://www.hse.gov.uk/electricity/standards.htm) so as to avoid electric shocks  
<http://www.hse.gov.uk/electricity/standards.htm>
- provide insulation, heating and ventilation of the building to ensure that air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the calves
- inspect all automated or mechanical equipment essential for the calves' health and well-being at least once daily. Where defects are discovered, they must be rectified immediately; or, if this is impossible, appropriate steps must be taken to safeguard the health and wellbeing of the calves until the defect has been rectified, notably by using alternative methods of feeding and maintaining a satisfactory environment.
- provide an appropriate back-up system where an artificial ventilation system is used, to guarantee sufficient air renewal to preserve the health and well-being of the calves in the event of failure of the artificial ventilation system and an alarm system(which will operate even if the principal electricity supply to it has failed) must be provided to give warning of any failure to the system The alarm system must be tested regularly
- ensure that feeding and watering equipment is designed, constructed, placed and maintained so that contamination of the calves' feed and water is minimised
- make sure that individual stalls or pens:
  - meet the minimum width (at least equal to the height of the calf at the withers, when measured in the standing position)
  - meet the minimum length (at least equal to the body length of the calf, measured from the tip of the nose to the rear of the pin bone (tuber ischii) multiplied by 1.1)
  - have perforated walls which allow the calves to see and have physical contact with one another (this does not apply to sick animals being isolated)
- make sure that when kept in a group, each calf has its own minimum allowance of free floor space, as in the following table.

Live weight of calf	Minimum amount of unobstructed floor space
Less than 150 kg	At least 1.5 square metres
Between 150 and 200 kg	At least 2 square metres
200 kg or more	At least 3 square metres

- provide flooring for calves in buildings that is:
  - smooth, but not slippery
  - designed, constructed and maintained so there's no injury or suffering to calves standing or lying on it
  - suitable for the size and weight of the calves
  - forms a rigid, even and stable surface.
- keep all housed calves on, or at all times give them access to, a clean, comfortable, adequately drained lying area which does not adversely affect the calves
- give all calves less than 2 weeks old suitable bedding
- provide artificial lighting for calves kept in an artificially lit building, for as long as they would otherwise have natural light available between 9am and 5pm. In addition, suitable lighting, fixed or portable and strong enough to allow the calves to be inspected at any time, must be available
- properly clean and disinfect calf housing, stalls, pens, utensils and equipment used for calves as often as necessary to prevent cross-infection and the build-up of disease-carrying organisms; and remove dung, urine and uneaten or spilt food as often as necessary to minimise smells and avoid attracting flies or rodents
- feed all weaned calves at least twice a day
- make sure when feeding group-housed calves that one of the following applies for each calf:
  - can feed at the same time as the others in the feeding group
  - has continuous access to food
  - is fed by an automatic feeding system
- make sure all calves have access to a sufficient quantity of fresh water.
- provide your calves with fresh drinking water at all times in hot weather conditions or when they are ill
- provide all calves with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare. Give all calves food that contains enough iron to keep an average blood haemoglobin level of 4.5 mmol/litre
- provide the set minimum daily ration of fibrous food for each calf over 2 weeks old. The minimum daily fibrous food ration rises in line with the growth of the calf; starting at a minimum of 100g at 2 weeks old and rising to a minimum of 250g at 20 weeks
- make sure that each calf gets bovine colostrum as soon as possible after it's born and in any case within the first 6 hours of life.

You must not:

- tether your calves or cause them to be tethered
- muzzle your calves
- keep a calf in an individual stall or pen after the age of 8 weeks (unless a veterinary surgeon has certified its health requires it to receive treatment).

You won't break the rule about tethering calves if the tethers are put on to group-housed calves, for up to 1 hour, when you are feeding them milk or milk substitute.

Any tether must be regularly inspected and adjusted as necessary to ensure a comfortable fit. Each tether mustn't cause pain or injury to the calf, must be designed to avoid the risk of strangulation, pain or injury and allow it to lie down, rest, stand up and groom itself without difficulty.

## **More information**

You can find more information about the welfare of calves in the '[Code of Recommendations for the Welfare of Livestock: Cattle](#)'.

## **Contact**

Animal and Plant Health Agency: 03000 200 301

Rural Payments Agency: 03000 200 301

Defra helpline: 0345 933 557

# SMR 12: Welfare of pigs

You must protect the welfare of pigs by meeting minimum standards for their care and husbandry.

## What you must do

You must:

- make sure that each pig can turn around without difficulty at all times, including while tethered (where this is allowed)
- 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 to rest (with clean, dry bedding, not harmful to the pigs, where appropriate)
  - see other pigs (unless the pig is isolated for veterinary reasons or for farrowing)
  - keep a comfortable temperature
  - have enough space for all of them to lie down comfortably at the same time.
- make sure that individual stalls or pens meet the minimum size rules except for:
  - a female pig for the period between seven days before the predicted day of her farrowing and the day on which her piglets are weaned (including any piglets fostered by her)
  - keeping a pig in a stall or pen for veterinary purposes
  - keeping a pig in a stall or pen for the purposes of servicing, artificial insemination or collecting semen
  - keeping a pig in a stall or pen while it is fed
  - keeping a pig in a stall or pen for the purposes of marking, washing or weighing it
  - keeping a pig in a stall or pen while its accommodation is being cleaned
  - keeping a pig in a stall or pen while it is waiting to be loaded for transportation.

The period during which you keep a pig in isolation as above must not be longer than needed for that purpose. The requirements for a minimum size of stall or pen also do not apply if it is one that the pig can enter or leave when it wants. In this case the stall must be entered from another stall or pen where the pig is normally kept, and does comply with the minimum standards.

- properly clean and disinfect housing, pens, equipment and utensils used for pigs as often as necessary to prevent cross-infection and the build-up of disease-carrying organisms
- provide flooring for 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's no litter
  - designed, constructed and kept so there's no injury or suffering to the pigs standing or lying on it
- provide flooring of the correct measurements for openings and slats if you use concrete slatted floors. This applies for all pigs kept in groups. More information on these measurements is in the following table:

Type	Definition	Maximum width of openings	Tolerance	Acceptable maximum width of openings	Minimum width of slats
Piglet	Pig from birth to weaning	11mm	No tolerance	11mm	50mm
Weaner	Pig from weaning to the age of 10 weeks	14mm	10-14mm +/- 2mm	16mm	50mm
Rearing pigs	Pig from the age of 10 weeks to slaughter or service	18mm	14-18mm +/- 3mm	21mm	80mm
Gilt	Female pig after puberty and before farrowing	20mm	14-20mm +/- 3mm	23mm	80mm
Sow	Female pig after the first farrowing	20mm	14-20mm +/- 3mm	23mm	80mm

- provide artificial lighting of at least 40 lux for at least 8 hours each day, for pigs kept in an artificially lit building
- give permanent access to enough manipulable material to allow proper investigation and manipulation, for example, straw, hay, wood, sawdust, mushroom compost, peat or a mixture, which doesn't upset the health of your animals
- take measures to stop fighting which goes beyond normal behaviour; if you keep pigs together, you must separate pigs that show persistent aggression or are victims of aggression
- make sure that when feeding group-housed pigs, that one of the following applies for each pig:
  - can feed at the same time as the others in the feeding group
  - has continuous access to feed
  - is fed by an automatic feeding system.
- give all pigs over 2 weeks old a permanent supply of fresh drinking water. You must also meet the rules for the welfare of farmed animals in SMR 13.

You must not:

- tether pigs at any time unless it is for veterinary purposes. Any tether must be regularly checked and altered to make sure it doesn't cause pain or injury, and allows the pig to lie down, rest, stand up and groom itself
- keep pigs in the high temperature/high humidity environment known as the 'sweat box system'
- expose your pigs to constant or sudden noise, or levels at or above 85 decibels in any building where they're kept.

## **For piglets (pigs from birth to weaning)**

You must:

- give the piglets heat and a dry and comfortable lying area where all of them can rest at the same time, if using a farrowing crate system
- make sure that part of the total floor where you keep the piglets is big enough to allow the animals to rest together at the same time and is solid, covered with a mat or littered with suitable material
- give the piglets enough space to suckle without difficulty if you use a farrowing crate.

You must not wean piglets from the sow at less than 28 days (unless there's a risk of harm to the welfare or health of the dam or piglets).

However, you won't break the rule about weaning piglets if they're weaned up to 7 days earlier, if you move them to housing which you empty, thoroughly clean and disinfect before you introduce a new group and which is separate from housing where you keep sows.

## **For sows (female pigs after the first farrowing) and gilts (female pigs intended for breeding, after puberty and before farrowing)**

You must make sure that each female pig after service, when kept in groups, has:

- its minimum allowance of clear floor space. The amount of unobstructed floor space must be at least:
  - 1.64 square metres for each gilt
  - 2.25 square metres for each sow
- continuous solid floor. If the animals are kept in groups of six or fewer, the unobstructed floor area must be increased by 10%. If the animals are kept in groups of 40 or more, the unobstructed floor area can be reduced by 10%. Part of the floor area must be continuous solid floor:
  - at least 0.95 square metres for each gilt
  - at least 1.3 square metres for each sow

Up to 15% of the solid floor area may be reserved for drainage openings.

- pens of correct size. The sides of the pens must be greater than 2.8 metres in length when there are more than six in the group. The sides of the pens must be at least 2.4 metres in length when there are six or fewer in the group.

You must also:

- treat pregnant sows and gilts against internal and external parasites, if necessary
- thoroughly clean pregnant sows and gilts before they're put in farrowing crates
- give sows and gilts enough nesting material in the week before expected farrowing (unless it's not practical because of the slurry system you use)
- provide a clear area behind the sow or gilt during farrowing
- provide a way of protecting the piglets, such as farrowing rails, if you keep sows loose in farrowing pens
- use a feeding system that makes sure each sow or gilt gets enough food even when other pigs are competing for food
- give all dry pregnant sows and gilts enough bulky or high-fibre food, as well as high-energy food, to meet their hunger and need to chew
- keep sows and gilts in groups (except between 7 days before the predicted day of farrowing and the day on which the weaning of piglets is complete)

You won't break the rule about keeping sows and gilts in groups if they're kept on holdings of fewer

than 10 sows if the individual accommodation meets the rules for pig accommodation.

## For boars (male pigs after puberty) intended for breeding

You must:

- place and build boar pens to allow the boars to turn around and to hear, see and smell other pigs
- give clean resting areas in the boar pens and make sure that the lying area is dry and comfortable
- make sure that each boar has its minimum allowance of clear floor space. Each adult boar must have at least six square metres of unobstructed floor space. If also used for natural service, the floor area must be at least ten square metres and free of obstacles.

## For weaners (pigs from weaning to the age of 10 weeks) and rearing pigs (pigs from the age of 10 weeks until slaughter or service)

You must:

- make sure that each weaner or rearing pig, kept in groups, has its minimum allowance of clear floor space, as set out in the following table:

Average weight of pigs in the group (kilograms)	Minimum unobstructed floor space (square metres)
10 or less	0.15
Greater than 10 but less than or equal to 20	0.20
Greater than 20 but less than or equal to 30	0.30
Greater than 30 but less than or equal to 50	0.40
Greater than 50 but less than or equal to 85	0.55
Greater than 85 but less than or equal to 110	0.65
Greater than 110	1.00

- put pigs in groups as soon as possible after weaning and keep the groups stable with as little mixing as possible
- allow the animals to escape and hide from unfamiliar pigs if mixing is necessary. This must be done at as young an age as possible, preferably before or up to a week after weaning.
- immediately investigate and take appropriate action if there are signs of severe fighting.

You must not:

- use tranquilising medicines to help with mixing, unless there are exceptional circumstances on the advice of a vet.

## More information

You should follow the rules in the [‘Code of Recommendations for the Welfare of Livestock: Pigs’](#).

## Contact

Animal and Plant Health Agency: 03000 200 301

Rural Payments Agency: 03000 200 301  
Defra helpline: 0345 933 557

# SMR 13: Animal welfare

You must protect the welfare of farmed animals by setting minimum standards for their care and husbandry.

This SMR applies to any species kept for farming purposes.

## What you must do

### Inspection

- You must make sure that your animals are looked after by enough staff with the right skills and knowledge.
- Your animals must be 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.
- Ill or injured animals must be cared for immediately, and if they do not respond to this care then you must seek veterinary advice.
- Sick or injured animals must, where necessary be isolated in suitable accommodation with dry comfortable bedding.

### On-farm records

You must make a record of:

- any medicinal treatment given to your animals. Keep these records for at least 3 years from the date of the treatment and make them available to any authorised person at inspection (or when otherwise asked for)
- the number of deaths found when the animals are inspected. Keep these records for at least 3 years from the date of the relevant inspection and make them available to any authorised person at inspection (or when otherwise asked for).

### Accommodation

- Your animals must have 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.
- You must not restrict your animals' freedom of movement if this causes them unnecessary suffering or injury.
- Materials for animals' accommodation must be capable of being thoroughly cleaned and disinfected.
- Accommodation must be built and maintained so that there are no sharp edges or protrusions which could injure your animals. You must not use materials and/or equipment for accommodation purposes that is harmful to your animals.
- Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits that will not harm your animals.
- Artificial lighting must be provided if there is not sufficient natural light in a building. You must not keep animals in permanent darkness or without an appropriate rest period from artificial lighting.
- You must 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).

- You must provide an appropriate back-up to the main system if your animals' health and well-being depends upon artificial ventilation, and have an alarm to warn you if the ventilation system fails. Inspect and test these at least once every 7 days.

## Feed and water

- Your animals must be fed a wholesome diet which is fed to them in sufficient quantity to maintain them in good health, to satisfy their nutritional needs and to promote a positive state of well-being. You must make sure that they have access to feed at intervals appropriate to their needs (and, in any case, at least once a day), unless advised otherwise by a vet.
- You must not give your animals food or liquid in any way, or containing any substance, that could cause them unnecessary harm, or administer any substance to your animals which is harmful to their health or welfare.
- All animals must have access to a suitable water supply and enough fresh drinking water or other fluid each day.
- Any contamination of food and water and the harmful effects of competition between animals for food and water must be minimised through the design and location of feeding and watering equipment.

## Mutilations and breeding procedures

You must not:

- carry out any mutilation or intervention on your animals, unless the action is classed as a '[permitted procedure](#)' (many of these have conditions attached, including the need to be reasonably justified and be a measure of 'last resort')
- carry out breeding procedures (either natural or artificial) that cause, or are likely to cause, harm to your animals
- 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.

## Animals kept outdoors

You must:

- give animals not kept in buildings access to a well-drained lying area at all times
- protect them from the weather, predators and other risks to their health.

## More information

You should follow the rules in the relevant '[Codes of Recommendations for the Welfare of Livestock](#)'.

## Contact

Animal and Plant Health Agency: 03000 200 301

Defra helpline: 0345 933 557

Rural Payments Agency: 03000 200 301

# More information

## Contact RPA

Rural service helpline: 03000 200 301 (Monday to Friday 8.30am – 5pm, closed on weekends and public holidays).

RPA Livestock Identification Helpline: 0345 050 9876

Email: [ruralpayments@defra.gsi.gov.uk](mailto:ruralpayments@defra.gsi.gov.uk)

Address:

Rural Payments

PO Box 352

Worksop S80 9FG

Please quote your Single Business Identifier (SBI) for all enquiries.

To complain to RPA, write, email or telephone. Full guidance about how to complain or appeal is available online.

## Contact British Cattle Movement Service (BCMS)

BCMS helpline: 0345 050 1234

Address:

BCMS

Curwen Road, Workington

CA14 2DD

## Other useful contacts

Animal and Plant Health Agency 03000 200 301

Animal Reporting and Movement Service (ARAMS) 0844 573 0137

Defra helpline 0345 933 5577

eAML2 movement reporting service helpline 0844 335 8400

Environment Agency 03708 506 506

Food Standards Agency 020 7276 8829

Forestry Commission national office 0300 067 4000

Health and Safety Agency – Advisory Team 0300 003 1747

Historic England (formerly known as English Heritage) 0370 333 1181

Natural England 0345 600 3078

RSPB UK HQ 01767 680 541

Veterinary Medicines Directorate 01932 336911

### **The Farming Advice Service – if you need help**

The Farming Advice Service (FAS) is funded by Defra to provide free, confidential advice to farmers and farming industry advisers to help them understand and meet requirements for cross compliance, 'greening', water protection and the sustainable use of pesticides.

Call their helpline on 0345 345 1302 or search for more information on the [Farming Advice Service](#) online.

### **Legal notice**

This guidance is not the law. It's designed to help you comply with cross compliance. For more information, or to read the legislation, go to [www.gov.uk](http://www.gov.uk) and search 'cross compliance'. For legal advice, contact a legal professional.

The main EU regulations relating to cross compliance are as follows (this list is not exhaustive):

- Regulation 1306/2013
- Regulation 640/2014
- Regulation 809/2014

You can also refer to 'The Common Agricultural Policy (Control and Enforcement, Cross- Compliance, Scrutiny of Transactions and Appeals) Regulations 2014' which sets out all the GAECs.

If the regulations or our interpretation of them change, we will publish more information to let you know.



© Crown copyright 2016

You may re-use this publication (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence>; or write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey, TW9 4DU; or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

This publication is also available on GOV.UK

Any enquiries regarding this publication should be sent to us at [webmaster.rpa@rpa.gsi.gov.uk](mailto:webmaster.rpa@rpa.gsi.gov.uk)  
[www.gov.uk/rpa](http://www.gov.uk/rpa)  
[www.gov.uk/defra](http://www.gov.uk/defra)

GCCE 2016 v1

Produced by the Department for Environment, Food and Rural Affairs