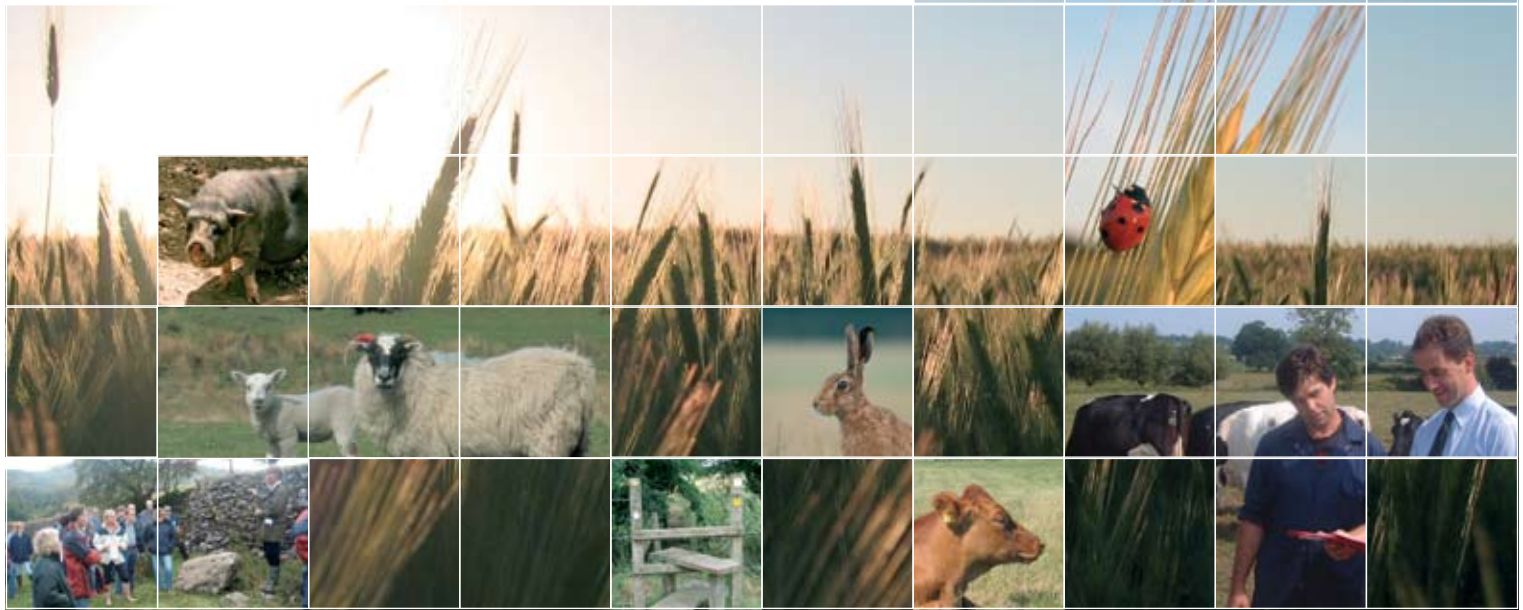


# Cross Compliance



## Spring 2009 Newsletter

### Changes to cross compliance requirements

There have been a number of changes to certain cross compliance requirements and standards for the 2009 scheme year and the joint Defra/RPA *Guide to Cross Compliance in England* has been updated accordingly.

*The Guide to Cross Compliance in England* became effective from the 2008 scheme year and replaced the *Cross Compliance Handbook for England 2006* edition (as updated). The new guide has removable pages, which can be used as individual fact sheets, and farmers will no longer be issued with a full version of the document on a yearly basis. Instead, they will be issued with new updated individual pages as and when they are changed.

An electronic version of the guide, which includes a number of additional supporting appendices, can be found on the RPA website [www.rpa.gov.uk/crosscompliance](http://www.rpa.gov.uk/crosscompliance)

Details of the 2009 scheme year changes, and the reasons for the changes, are as follows:

- Sites of special scientific interest (GAEC 6), wild birds (SMR 1) and habitats and species (SMR 5)

Under the CAP Health Check review undertaken last year it was found that a number of cross compliance

requirements were not sufficiently relevant to agricultural businesses or land management, or that they concerned national authorities rather than farmers. Consequently, the measures in question have been amended: Under GAEC 6, SMR 1 and SMR 5 requirements have been removed where they are not considered to be directly relevant to farming activity, farmland or farmers. However the intentional killing, injuring or taking of any wild bird remains a non-compliance and under the Wildlife and Countryside Act 1981 the taking and killing of wild birds using poison remains an offence, with penalties of up to £5,000 and/or up to 6 months imprisonment.

- Agricultural land not in agricultural production (GAEC 12)

The requirements under GAEC 12 have been reworded to provide additional clarification, principally on the exemptions from establishing and maintaining a green cover, including the use of certain graminicides.

- Protection of hedgerows and watercourses (GAEC 14)

Following the abolition of compulsory set-aside, all references to set-aside have been removed.

- Nitrate vulnerable zones (SMR 4)

The Nitrate Pollution Prevention Regulations 2008 were introduced from 1 January 2009 to continue implementation

of the Nitrates Directive and to reduce nitrogen losses from agriculture to water. This has resulted in a number of changes to the cross compliance requirements and an extension to the areas designated as NVZs. This has also meant updates to the key dates and inspection criteria sections of *The Guide to Cross Compliance in England*.

*The updated guidance highlights that Defra has applied to the European Commission for a derogation from the livestock manure N limit of 170 kg N/ha, one of the more demanding requirements of the Regulations. Since publication of this updated guidance, Defra's request for a derogation has now been agreed. The derogation allows farmers who meet certain conditions (e.g. grazing livestock and more than 80% of the farm under grass) to apply up to a higher limit of 250kg N/ha. Details of how to apply and the conditions that must be met will be published later in 2009.*

- Cattle identification and registration (SMR 7/8) and sheep and goats identification (SMR 8a)

One of the regulations covering cattle identification has been removed from cross compliance but this does not affect what you have to do to comply with cattle identification. From now on SMR 7/8 (Cattle identification and registration) will be referred to as SMR 7 and SMR 8a

(Sheep and goats identification) will be referred to as SMR 8.

- [Prevention and control of transmissible spongiform encephalopathies – TSEs \(SMR 12\)](#)

Requirements regarding the placing on the market and export of live animals, their semen, embryos and ova have been introduced.

The electronic version of the guide was updated on 30 December 2008 and hard copies of new updated individual pages were sent to claimants in January.

## Changes to the soil protection review

The Soil Protection Review (SPR) and guidance will be subject to some revisions for 2010 to simplify its format. Defra will seek to ensure that what is required of farmers is clear, to integrate the mandatory soil measures into the SPR and improve soils guidance to give farmers better advice on how to maintain soil organic material. The layout of the updated SPR will be simplified at the same time. Once farmers have transferred to the new version the annual update of the SPR should take roughly the same time to complete.

An SPR continuation sheet was issued along with the updated *Guide to Cross Compliance in England* pages and is for your use as an interim measure until the new SPR is issued. You will then be able to transfer the information on the continuation sheet into your new SPR booklet. This sheet is also available on the RPA website and through Whole Farm Approach at [www.wholefarm.defra.gov.uk](http://www.wholefarm.defra.gov.uk)

## RPA issues new guide for cross compliance breaches

The Rural Payments Agency has published an updated single payment reduction guide and a list of the most common cross compliance breaches on the RPA website, [www.rpa.gov.uk/crosscompliance](http://www.rpa.gov.uk/crosscompliance), along with some useful checklists to help claimants prepare for inspections.

The standard reduction for a first time breach of cross compliance standards will now be 3% of the single payment under SPS 2009 (including direct payments for

Area Payments for Nuts, Protein Crop Premium and Aid for Energy Crops) and for relevant Pillar 2 schemes such as Environmental Stewardship agreements. EU regulations state that the 3% reduction can be increased or reduced, depending on the assessment of the breach.

Until now RPA has dealt with non-compliance by issuing warning letters where appropriate for the majority of first time breaches, particularly for cattle inspections. However, recent EU audits have found RPA to have been too lenient and the RPA are obliged to change the payments reduction matrix accordingly. For all RPA 2009 SPS inspections a 3% reduction will be the norm for any cross compliance breaches found.

Further details of reductions can be found on the RPA website [www.rpa.gov.uk/crosscompliance](http://www.rpa.gov.uk/crosscompliance). Follow links from the left hand menu to 'Inspection process' where you will find details of the guidance used by RPA inspectors when conducting cross compliance inspections.

For cattle keepers, information on cattle ID inspections can also be found on the RPA website [http://www.rpa.gov.uk/rpa/index.nsf/vContentByTaxonomy/About%20RPA\\*\\*Inspectorate\\*\\*Cattle%20Inspections\\*\\*?OpenDocument](http://www.rpa.gov.uk/rpa/index.nsf/vContentByTaxonomy/About%20RPA**Inspectorate**Cattle%20Inspections**?OpenDocument)

Further cross compliance advice and information can be obtained by calling the cross compliance helpline on 0845 345 1302.

## Tagging lambs and EID

As lambing gets under way don't forget your cross compliance obligations for tagging lambs. Young animals must be tagged before the age of nine months, or six months if they are housed overnight. If animals leave their holding of birth (for any reason) before these ages, they must be tagged. Animals intended for slaughter in the UK before they reach twelve months of age only require one tag but all other animals require either a tag and a tattoo or two identical tags. Two tags are required for animals of any age being exported.

As well as making sure that all lambs are individually identified, you must also maintain full flock records, and you must include an annual inventory count for sheep and goats present on a holding on 1 December each year.

There has been considerable opposition within the UK to the idea of Electronic Identification (EID). This has come from both the industry and Government on the basis that the costs outweigh any benefits it brings. Farming Minister Jane Kennedy has recently announced that farmers in England will not have to electronically tag sheep intended for slaughter before they are twelve months old when the new EU rules come into force on 31 December this year.

This development has been calculated to save the industry between £8 million and £11 million per year, and Defra has said that it will continue to work with farmers to ensure that the costs of implementing the new system are as low as possible. However, sheep not intended for slaughter within twelve months will be required to be electronically identified and carry electronic ear tags. The Government has secured a number of other changes to the EID regulations which will reduce the burden on farmers, including:

- No animals have to be recorded individually on a movement document until 1 January 2011;
- No animals born before 31 January 2009 have to be recorded individually on a movement document until 31 December 2011;
- No animals born before 31 December 2009 and moving to slaughter (directly or via a market) have to be recorded individually on a movement document at all.

Further information on EID can be found on the Defra website <http://www.defra.gov.uk/animalh/id-move/sheep-goats/eid/index.htm>

## Working on wet soils

GAEC 3 covers waterlogged soil. The aim of these requirements is to maintain soil structure and prevent compaction when soils are waterlogged. They apply to you if your land becomes waterlogged. You must not carry out (or allow) mechanical field operation, or use (or allow the use of) a motorised vehicle on waterlogged soil, except in certain circumstances, details can be found on the RPA website [www.rpa.gov.uk/crosscompliance](http://www.rpa.gov.uk/crosscompliance)

In parts of the country soil may still be wet and care must be taken as increased farm activity gets underway. The best

option is to wait until the land dries before undertaking work, but, of course, this is not always appropriate; in such cases observing the guidance below should help to avoid, or at least reduce, soil damage, loss and flooding.

- **Subsoil rutted headlands**

Headland ruts converging at the gateway act as a trap for water and eroded soil and can be subject to localised flooding following further heavy rainfall. Therefore, where conditions are marginal the first job should be to cultivate or subsoil these ruts to encourage drainage. Disturbing the soil further in this way does, however, carry a risk as subsequent very heavy rainfall may lead to increased runoff and soil erosion.

These risks can be minimised by trying to cultivate when the conditions are at their best, normally immediately after harvest. If it does stay dry for a few days after harvest ruts should dry out further, become more stable and able to withstand heavy rainfall without significant run-off.

- **Cultivate the top 25 metres of the field**

Where conditions are suitable, cultivate the highest side of the field when you get the opportunity to do so. This is where runoff begins and generally erosion increases with the force and speed of the flow of water downhill. By cultivating the top of the field, not only is there increased infiltration and hence a reduced volume of water to runoff, but the speed of runoff flow is reduced and so is the risk of erosion.

- **Broadcast a cover crop**

Where it is not possible to cultivate at all due to poor soil conditions then broadcasting a quick-growing cover crop, such as mustard, will start to 'hold' the soil in place once it becomes established.

- **Complete the soil protection review**

Whatever options you choose to try to address waterlogged soil problems, do make sure that you complete your cross compliance soil protection review, as required under GAEC 1, noting in which field the problem has occurred and what you plan to do, or have done, to correct it. Failure to complete the soil protection review is considered a breach of cross compliance.

## Proposed changes to GAEC to recapture the environmental benefits of set-aside

Although set-aside was originally introduced as a way of controlling production, it also resulted in a range of environmental and biodiversity benefits for our countryside. Set-aside has now been abolished through the CAP Health Check, following a 0% rate set since 2007.

On 4 March 2009 Defra launched a 12-week public consultation on a number of proposed changes to cross compliance resulting from the CAP Health Check, including recapturing the environmental benefits of set-aside. In this consultation Defra is asking for views on two different approaches to recapturing these benefits.

**Option A, a combination of mandatory and incentive-based measures, would introduce a new cross compliance condition linked to the single farm payment**, requiring farmers in England to manage a small percentage of their cultivated land primarily for environmental purposes. This could include management options allowing production to continue on the land.

Entry Level Stewardship 'top-up' options would also be available to reward those prepared to undertake more demanding environmental management on this land, although the 'top-ups' could only pay for the additional management costs.

**Option B, a purely voluntary approach led by industry, would seek to develop, promote and implement land management practices that address the habitat needs of farmland birds** and encourage retention and management of uncropped land. It would see the creation of a Farm Environment Action Plan managed and led by the industry.

A voluntary approach would be backed by a 'fallback' mechanism whereby changes to cross compliance (such as Option A) would be triggered if certain actions and targets were not delivered within a defined time period. Due to its voluntary nature, this approach would need to offer a high degree of confidence that it can deliver the environmental benefits by ensuring adequate take-up by farmers.

Whichever option is chosen will need to demonstrate it can deliver the desired environmental benefits (for example, scale, geographical distribution, and range of benefits), beyond the baseline. It must also be able to be implemented and start delivering benefits from 2010 to coincide with ELS renewals and following the 0% set-aside rate introduced in 2007. Monitoring and verification will also be needed.

Following the recent CAP health check, the consultation also seeks views on:

- Introducing wider buffer strips next to water courses to improve water quality;
- Simplification of four GAEC standards on soil to help farmers consider the risks and management of their soils and removing the need for derogations in wet weather;
- A new cross compliance standard applying England's domestic abstraction licensing scheme as part of cross compliance;
- Changes to GAEC 12, 'agricultural land not in agricultural production,' to take account of the removal of set-aside in the CAP Health Check. Proposals would give farmers additional freedom to carry out a wider range of non-agricultural activities on such land;
- Promoting the management and restoration of hedge banks (GAEC 14); and
- Further guidance to increase understanding of cross compliance standards.

Hilary Benn, Environment Secretary, has emphasised the need to strike the right balance between reducing burdens on farmers and ensuring that the natural environment – on which farming depends – is maintained.

The 12-week consultation runs until 27 May 2009 and can be found on the Defra website <http://www.defra.gov.uk/corporate/consult/gaec/index.htm> Farmers and others are encouraged to respond to the consultation by email using the proforma available on the website.



## Whole Farm Approach latest news

The Whole Farm Approach (WFA) is an internet-based service to help farmers and growers deal more efficiently with Defra and other Government bodies. It provides transactional services and includes electronic survey forms and self-assessment questionnaires covering working practices and farm management. It also offers comprehensive best practice advice and guidance to support farmers in decision-making.

## The new and improved Cross Compliance Self Assessment Tool

This February has seen the release of the new Cross Compliance Self Assessment Tool (CCSAT) which is now accessible through the Whole Farm Approach. CCSAT enables you to quickly and easily assess your current farming practices against both the Good Agricultural and Environmental Conditions (GAECs) and the Statutory Management Requirements (SMRs) that constitute cross compliance.

Additionally, the CCSAT provides you with an Action Plan, a Checklist, tailored Advice and Guidance and additional information to help you meet the requirements. By completing the CCSAT you will be providing Defra and our partners with valuable information which helps produce better policy decisions for the farming sector.

More detailed instructions on how to use the tool on the WFA can be found on the cross compliance pages of the RPA website <http://www.rpa.gov.uk/rpa/index.nsf/293a8949ec0ba26d80256f65003bc4f7/e5966f9d65e703c18025751900502506!OpenDocument>. User instructions have also been sent out to the relevant producers as inserts for their Cross Compliance handbooks.

Information concerning the Whole Farm Approach and becoming a registered user can be found at [www.wholefarm.defra.gov.uk](http://www.wholefarm.defra.gov.uk) or by contacting the WFA team on 08459 33 55 77 or by email [wholefarmhelp@defra.gsi.gov.uk](mailto:wholefarmhelp@defra.gsi.gov.uk)

