

Cross Compliance

The cross compliance requirements under the Single farm Payment Scheme consist of “Statutory Management Requirements “SMR” and domestic English requirements requiring that land is kept in good agricultural and environmental condition (GAEC). A requirement to maintain a level of permanent pasture may be required in the future.

Cross compliance requirements apply in addition to the general legal obligations that also apply. Failure to comply with GAEC conditions may mean some or all direct payments are withheld or reduced.

The GAEC conditions relate to compliance in the following areas:

GAEC 1: Soil protection review

GAEC 2: Post harvest management of land

GAEC 3: Requirements regarding waterlogged soil

GAEC 4: Crop residue burning restriction

GAEC 5: Environmental Impact Assessment.

GAEC 6: Requirements regarding sites of Special Scientific Interest. Natural England’s consent is required in relation to certain operations.

GAEC 7: Scheduled Monuments Consent.

GAEC 8: Public right of way. There may be positive obligations to maintain public access when the same is disturbed.

GAEC 9: The aim is to protect habitats and prevent over grazing and unsuitable supplementary feeding.

GAEC 10: Heather and Grass burning.

GAEC 11: Control of weeds. Reasonable steps need to be taken to stop the spread of injurious and noxious weeds.

GAEC 12: These apply to land not in agricultural protection. The purpose is to avoid the encroachment of unwanted vegetation and protect habitat.

GAEC 13: Stone Walls

GAEC 14: Protection of Hedgerows and Watercourse. There are restrictions on applying fertilisers or pesticides within 2 metres of the centre of a hedgerow, water course, or field ditch or to cultivate up to 1 metre at the top of a bank of a water course or field ditch. There are certain exceptions.

GAEC 15: Hedgerows. The aim is to protect habitat, particularly for nesting birds.

GAEC 16: Felling of Trees. The aim is to protect trees.

The ten month rule has been removed and substituted with a requirement that the land be at the disposal on a particular day. However the SFPS applicant remains responsible for ensuring cross compliance requirements are maintained through the whole calendar year.

Statutory Management Requirements

Statutory Management Requirements comprise the second element of cross compliance. These are detailed requirements which restate certain existing obligations.

SMR 1: Wild Birds. These rules are designed to protect wild birds, their eggs, and nests. There are rules restricting interference with wild birds, and obligations to notify and obtain consent from Natural England in relation to certain works and operations in Special Protection Areas.

SMR2: Ground water. This requires compliance with the Environmental Agency notices and authorisations in relation to ground water.

SMR3: Sewerage Sludge. The aim is to ensure that when sewerage and sludge is used or produced in agriculture, there is no risk to human, animal or plant health and no harmful effects on soil.

SMR4: Nitrate vulnerable zones. The aim is to reduce the pollutions of waters induced by nitrates from Agricultural sources, if the land is within a nitrate vulnerable zone.

There are requirements in relation to limitation of organic manure, record keeping, together with certain prohibitions.

SMR5: Habitat and species. These are designed to protect certain species of Flora and Fauna. There are additional obligations in a Special Area of Conservation.

SMR6: Pig identification and registration. These are designed to reduce the risk of pig disease spreading, by controlling movements and improving traceability

SMR7/8: The aim is to maintain a system of identification and registration of cattle to facilitate traceability, particularly in the event of disease break out.

SMR9: These are restrictions on the use of plant protection products. It is required that the products must be authorised and they are used correctly and must be used in such a way that they minimise the risk to humans, animals and the environment.

SMR10: These are restrictions on the use of substances having hormonal or therostatic action and beta agonist in farm animals

SMR11: Food and feed laws. This includes general statutory obligation in relation to food safety and food hygiene, positive obligation in relation to withdrawal and traceability systems. There are requirements in relation to food hygiene.

SMR 12: Prevention and control of TSEs (including BSE)

SMR 13/14/15: Control of certain animal diseases.

SMR16: Welfare of calves.

SMR 17: Welfare of pigs

SMR 18: Animal Welfare Requirements.

It is recognised that the current SMRs applicable are not in conformity with the Nitrates Directive. Natural England has drawn up a revised nitrate action program, designed to comply with the directive. New requirements in the Nitrate action program will be applied as entry condition for Environmental Stewardship. Payments will only be made for management which goes beyond the revised nitrate action program.

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.

© Lavelle Coleman 2009