

Single Payment Scheme

Cross Compliance

Handbook for England

2006 edition

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Cross Compliance Handbook for England

2006 edition



Preface

The Single Payment Scheme (SPS) increases farmers' freedom to innovate and to respond to changing consumer demand. As such, it is a key part of Defra's Strategy for Sustainable Farming and Food. At the same time, all claimants will have to meet a new baseline standard for agriculture and will be contributing to a higher degree of environmental protection.

Cross Compliance Handbook for England 2006 is an update of last year's publication and contains details of the Good Agricultural and Environmental Condition (GAEC) standards and the Statutory Management Requirements (SMRs). This edition incorporates the following additions:

- the inclusion of the Soil Protection Review; and
- details of the seven new SMRs which apply from 1 January 2006.

This Handbook is one of a set of SPS publications produced by Defra; a full list is provided inside the front cover of this Handbook.

To help you with the introduction of cross compliance, Defra has set up a cross compliance advice programme. Further information on this service is provided in this Handbook or by phoning the cross compliance advice line on 0845 345 1302.

What's new for 2006

Statutory Management Requirements (SMRs)

New SMRs

- i. There are an additional seven SMRs which apply from 1 January 2006 and the Handbook has details of these on pages 42 to 49. SMR 11 is described in outline and further details will be made available.

Animal identification

- ii. There are changes to SMRs 6 and 8a on animal identification covered on pages 39 to 42.

Good Agricultural and Environmental Condition (GAEC)

Soils

- iii. Before 1 September 2006, you will have to prepare a Soil Protection Review on the template provided (previously referred to as the soil management plan in the 2005 Handbook). The *Cross Compliance Guidance for Soil Management* has been revised in line with feedback and will be issued with the Soil Protection Review.

Revised standards

- iv. There have been minor changes to certain GAEC standards including, for example, waterlogged soil (GAEC 3), where some crops have been excluded from the harvesting exception; and the management of eligible land which is not in agricultural production (GAEC 12), where one-year fallows are now permitted for the control of weeds. Also under GAEC 12, provision is made for the storage of manure for a specified period in certain circumstances. You are advised to read the Handbook in full.

Clarifications

- v. A number of clarifications have been added to the Handbook, including post-harvest management of land (GAEC 2), leaving a rough surface after fumigant use, and hedgerows (GAEC 14 and 15). Banking up and maintenance of Cornish Hedges is permitted under GAEC 14.

Your responsibility

- vi. There is further clarification as to when you are liable for cross compliance breaches and the actions of others. See Section E of this Handbook.

Exemptions

- vii. Details of how to apply for exemptions are covered in paragraph 32. These are largely for environmental or agronomic purposes. See the relevant GAEC measures for more detail.

Handbook design

- viii. The section on permanent pasture has been rewritten to reflect the clarification by EC Regulations.
- ix. The majority of links and references to additional information have been moved to Appendix 4. There has been a considerable expansion of this section and many changes to the lists of contacts.
- x. Many of the sections describing the new SMRs contain additional background and supporting information. There are also some additional notes for SMR 10 in Appendix 5.
- xi. For information only, details of inspections and the payment reduction matrices are included in this Handbook.

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A Introduction

Background

1. The Single Payment Scheme (SPS) replaced most of the previous crop and livestock payments from 1 January 2005. There is no longer a link between production and support. Instead, to receive payments, you are asked to demonstrate that you are keeping your land in Good Agricultural and Environmental Condition (GAEC) and complying with a number of specified legal requirements relating to the environment, public health and plant health, animal health and welfare, and livestock identification and tracing (SMRs). Meeting these requirements is described in the Common Agricultural Policy (CAP) legislation as 'cross compliance'. Many of the requirements reinforce existing legal requirements, and for these you are not required to do anything new.

Purpose

2. This Handbook briefly explains the cross compliance requirements and standards for England which apply in 2006, together with the process for inspection and enforcement of cross compliance. It is important that you read this Handbook in full. Detailed guidance is available separately to help you meet the management requirements for soils, habitats and landscape features.
3. The requirements will differ to some extent in Wales, Scotland and Northern Ireland. Where your holding falls within more than one UK country, you may have to make different arrangements on each side of the border.
4. The requirements have remained largely the same as last year, although some additional requirements and exemptions have been added for 2006. The principal changes are summarised within the 'What's new' section for ease of reference.
5. In addition, from 1 January 2007, a further three directives covering animal welfare requirements will apply for cross compliance purposes.

Overview of requirements

6. Cross compliance is divided into three sets of requirements (listed overleaf), all of which you must meet in order to receive your single payment and other direct payments in full. You will need to comply with these requirements in respect of the whole agricultural area of the holding, regardless of the amount of land entered into the SPS. This includes land over which you exercise or hold rights of common (including rights in gross).

- Maintenance of your land in GAEC: The CAP Regulations (see paragraph 8 below) set out a framework for GAEC standards within which each Member State decides its own detailed rules. The GAEC standards are set out in Section C of this Handbook and include the new Soil Protection Review (previously termed soil management plan). Additional GAEC standards as to land set aside from production are set out in the *Set-aside Handbook and Guidance for England 2006 edition*.
- Member States are required to maintain a minimum of 90% of the 2003 level of permanent pasture. Certain measures have been put in place to monitor that this requirement is met in England. (There are no specific requirements for individual farmers at present.)
- Statutory Management Requirements (SMRs): These are domestic provisions which implement certain EC Directives and the provisions of certain EC Regulations supplemented by relevant domestic legislation. The relevant EC Directives and Regulations are at Annex III of Regulation (EC) No 1782/2003 (as amended). They largely form part of existing law in England, so you should find that you generally do not have to do anything different in order to comply. You should note the changes in the provisions on animal identification made in the course of 2005, and these are set out in SMRs 6 and 8a. A table listing the current legal provisions in relation to these SMRs is at Appendix 1. There are expected to be a small number of changes to SMRs 3, 4, 5, 8a, 12 and 13 during 2006, which are noted under the relevant SMR. These changes will be published on the Defra and RPA websites as well as notified to the farming press.

Cross compliance applies to agricultural activities (see paragraph 204) and agricultural land of the holding.

Important notes on the law

7. Cross compliance applies to all 'direct payments' that are payments under farmer subsidy schemes (under Council Regulation (EC) No 1782/2003). In England, this includes the single payment and:
 - Area Payment for Nuts;
 - Aid for Energy Crops; and
 - Protein Crop Premium.
8. The basis for the cross compliance requirements and standards and their enforcement is Council Regulation (EC) No 1782/2003 (as amended), Commission Regulation (EC) No 796/2004 (as amended) and Commission Regulation (EC) No 795/2004 (as amended), which are referred to in this Handbook as 'the CAP Regulations'. There is also domestic legislation which provides for the administration and enforcement of the Regulations (Statutory Instrument 2004/3196, as amended) and sets out the precise GAEC standards.

9. This Handbook does not take the place of the law but explains the requirements you need to comply with. The precise rules are set out in the legislation. In relation to SMRs, this is listed in Appendix 1 which relates to Annex III of Council Regulation (EC) No 1782/2003 (as amended). You should note that if the CAP Regulations, other relevant EC or domestic legislation are amended, your obligations may change. Anticipated changes have been identified within individual GAECs and SMRs, but changes in domestic legislation are subject to parliamentary approval.
10. If you do not comply with the requirements and standards, you may have your direct payments, including your single payment, reduced by part or all of the amount you would have received. In certain circumstances, you could also be excluded from aid schemes in the subsequent year. All cross compliance requirements apply to actions or omissions taken by you, by somebody acting on your behalf or acting with your consent. Information on inspection and enforcement is set out in Section E of this Handbook.
11. Most of these requirements are not new. The SMRs largely relate to existing law, which you should already be following, and many of the GAEC standards either reflect existing law or represent good farming practice, which you may already be observing.
12. Cross compliance standards do not replace other legal requirements. You are still bound by all other environmental, animal health and welfare, livestock identification and tracing laws, and other laws such as occupational health and safety. You can also be prosecuted or have other action taken where the domestic law provides for this as cross compliance does not replace existing law and other means of enforcement.

Agri-environment and other land management schemes

13. Special provisions apply to the schemes listed here in relation to cross compliance. The schemes concerned are:
 - Environmental Stewardship (ES), Entry Level Stewardship (ELS), Organic Entry Level Stewardship (OELS) and Higher Level Stewardship (HLS);
 - Entry Level Stewardship Pilot (ELS Pilot);
 - Countryside Stewardship Scheme (CSS);
 - Energy Crops Scheme (ECS);
 - Environmentally Sensitive Areas (ESA);
 - Farm Woodland Premium Scheme (FWPS);

- Hill Farm Allowance (HFA);
- Organic Farming Scheme (OFS);
- Woodland Grant Scheme (WGS);
- English Woodland Grant Scheme (EWGS);
- Habitat (Salt Marsh) Scheme;
- Wildlife Enhancement Scheme (WES); and
- Nature Reserve Agreements (NRA).

Where the specific scheme requirements conflict with cross compliance GAEC standards, the specific scheme requirements will take precedence. You will not be penalised for failing to comply with the cross compliance requirement if this is because you met or were seeking to meet the specific land management scheme requirements. However, you must meet all other cross compliance requirements.

14. Please see the guidance booklets or agreements on these schemes for full information on their requirements.
15. If you are not sure whether a management scheme falls within the above list, please contact RPA. If you are participating in a scheme identified in Appendix 6, you should contact RPA to check whether the land under the scheme is eligible for SPS.
16. If you have entered into an agreement under ES (Entry Level, Organic Entry Level and Higher Level Stewardship), ELS Pilot, CSS, ESA or OFS, and/or claim HFA, you are obliged to meet all the requirements of Good Farming Practice, provided your agreement started after 1999. This will not, however, be taken into account in terms of deciding whether any reductions should be made to your single payment.

Set-aside land

17. Please see the *Set-aside Handbook and Guidance for England 2006 edition* for details of land that is eligible to be set aside and the amount of land you are required to set aside under the SPS.
18. Unless otherwise stated in an individual measure, set-aside land must meet the cross compliance standards set out in this Handbook. Set-aside land will also be subject to additional GAEC requirements (management requirements) as explained in the *Set-aside Handbook and Guidance for England 2006 edition*. These additional GAEC requirements are also part of cross compliance and, therefore, the cross compliance rules on inspection and enforcement apply.

Common land

19. Cross compliance applies to all your agricultural land including common land where you have common rights. The only exception is that you do not have to produce a Soil Protection Review for common land.

Further information

20. RPA is the first point of contact for the rules of the SPS including most issues relating to cross compliance and the reporting of all suspected infringements. RPA's helpline number is 0845 603 7777. Additional guidance on some of the SMRs is produced by the relevant agencies including English Nature, the Environment Agency and the Food Standards Agency (FSA). See Appendix 4 for contact details for these and a range of organisations, including the Rural Development Service (RDS). To help you understand cross compliance, Defra has set up a cross compliance advice programme. Further information on this service is provided in this Handbook or by phoning the cross compliance advice line on 0845 345 1302.
21. The relevant EC regulations can be obtained from the European Union (EU), see Appendix 4. The relevant domestic law provisions can be obtained from the Office of Public Sector Information (OPSI), which provides unamended versions of legislation. Guidance can also be obtained from the agencies responsible for regulation. Contact details are given in Appendix 4.

Organisational changes in 2006

22. The creation of Natural England from elements of the RDS, English Nature and other agencies in 2006 will change the name and structure of delivery organisations in England. At the time of going to press, all contact details are correct. However, these may change in 2006 and you will be notified through direct mailing and/or the media. In circumstances where you would normally contact the RDS or other agencies, in future you may need to contact Natural England.

Key dates

From 1 January 2006	You must also comply with the additional seven new SMRs.
15 January 2006	Start of the set-aside period. You must have an acceptable green cover in place and must not graze set-aside land (unless an exemption applies).
13 January to 15 July 2006	Avoid operations on set-aside land in this period as you could harm nesting birds and other wildlife. If action is essential, take steps to minimise the disturbance to wildlife (set-aside management requirement and GAEC 12).
1 February 2006	Default date for the start of the ten-month period during which you must have land at your disposal (unless you specify a different date on the application form).
1 March to 31 July 2006 (inclusive)	You must not cut or trim any hedgerow on your farm (GAEC 15). For further information, including exceptions to this rule, please refer to GAEC 15.
1 March 2006	Land under long-term GAEC 12 should normally have a green cover established by this date.
15 April 2006	Earliest date on which you can use non-selective herbicides on set-aside land (set-aside management requirement).
30 April 2006	Final date on which the ten-month period for having land at your disposal can begin if you are claiming payment under the SPS in 2006.
15 May 2006	Closing date for SPS applications (without incurring late claim penalties).
Spring 2006	Updated regulations regarding sewage sludge (SMR 3) are expected to come into force.
9 June 2006	Last date for submitting SPS applications (reductions will have started accumulating after 15 May).
15 July 2006	You can sow crops on set-aside land for harvest in 2007.

15 July to 15 or 31 August 2006	Compulsory cut of green cover on set-aside land (15 August) or destruction (31 August) (unless an exemption applies).
After 31 July 2006	Hedgerows can be cut from this date. Also GAEC 12 vegetation can be cut from this date.
31 August 2006	End of set-aside period.
1 September 2006	You must have completed your Soil Protection Review template by this date.
1 October 2006	The first date at which the ten-month period for having land at your disposal can begin for a parcel of land that will support a claim under the SPS in 2007.
From 1 January 2007	You will be required to comply with an additional three SMRs. You will need to start implementing the actions identified in your Soil Protection Review.

B Permanent pasture

23. Permanent pasture is eligible under the SPS and is defined as 'land used to grow grasses or other herbaceous forage either naturally (self-seeded) or through cultivation (sown), which has not been included in the crop rotation for five years or more'. **It does not include land set aside during this period, whether under the Arable Area Payments Scheme (AAPS), the SPS or other schemes.**
24. Permanent pasture includes all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in England (whether or not used for grazing animals). These include lucerne, sainfoin, forage vetches and clovers but **not** any of the following: kale, fodder rape or any other forage brassicas, fodder root crops, forage maize or any other cereals grown for silage or for any other form of forage.
25. Land that has been down to grass since 16 May 2001 would be classified as permanent pasture as of 15 May 2006. Permanent pasture re-sown with grass or other herbaceous forage during a five-year period is still counted as permanent pasture. However, land that is in long-term grass, but which has been reseeded following a catch crop such as stubble turnips in the last five years, counts as arable land.
26. Land taken out of production under the following agri-environment scheme options **will not be considered as permanent pasture**, even if it meets the permanent pasture criteria. This includes:
 - Countryside Stewardship R3 (6m margin), R7 (2m grass margin), R8 (2m beetle banks), WM2 (pollen and nectar source);
 - Arable Stewardship 4A (4–12m grass margins), 4B (beetle banks), 5 (wildlife seed mixtures, pollen and nectar source);
 - ESA The Broads Tier 4B and Upper Thames Tributaries Tier 3c; and
 - Habitat Scheme 1B.

Where appropriate, this land should be counted as arable land and can be set aside. For further advice, you should consult the *Set-aside Handbook and Guidance for England 2006 edition* or write to RPA (see Appendix 4).

27. You may plough up permanent pasture for another agricultural purpose, as long as you comply with the requirements of the Environmental Impact Assessments (EIA) Regulations (see GAEC 5). If your land falls within the EIA Regulations, you will require approval before going ahead. You will need to make a screening application to Defra (see Appendix 4). Most applications are approved without the need for a formal EIA. Please note that a review of the EIA Regulations is currently under way. As a result, there may be some changes to the EIA Regulations which may come into force during 2006. Changes will be publicised on the Defra and RPA websites, and notified to the farming press.

28. You may create new woodland on permanent pasture as long as you meet the following requirements:
 - Comply with the regulations requiring forestry EIA (see GAEC 5). This means you must check whether an EIA is needed (and carry it out if so) before making changes to uncultivated and semi-natural areas. You can get more information on forestry EIA procedures from the Forestry Commission (see Appendix 4).
 - Comply with the *UK Forestry Standard (Second Edition, May 2004)*, which is available from the Forestry Commission. You will automatically have to meet this standard if you are applying for a Forestry Commission Grant Scheme.
29. If the area of permanent pasture in England or the UK declines when compared with 2003 figures, we may have to take steps to prevent any further loss of permanent pasture, especially when this decline approaches 5%. If the area declines by more than 10%, farmers who converted pasture in the two years prior to the 10% level being exceeded will be obliged to reconvert an area of land to permanent pasture (other than areas converted to woodland) and retain the land as permanent pasture for five years. Defra will publish details if this measure becomes necessary.
30. The separate guidance on set-aside land gives further details about the relationship between set-aside land and permanent pasture. This is available in the *Set-aside Handbook and Guidance for England 2006 edition*.

C Good Agricultural and Environmental Condition (GAEC) standards

31. GAEC standards, set specifically for England, include soil management and protection and the maintenance of habitats and landscape features. The standards are set out below.

Exemptions

32. You may apply to RPA for an exemption in exceptional circumstances (for example, access to utilities and services for repair and construction, human or animal health or safety, and control of pest or weed infestations). You should not proceed with the activity until you have received written permission. Further specific exemptions are given under the measures in question. Different exemptions apply on set-aside land and are provided in the *Set-aside Handbook and Guidance 2006 edition*. Information regarding exemptions can be sought by contacting RPA's Customer Service Centre (see Appendix 4). All letters and e-mails requesting exemptions should be clearly headed 'Cross Compliance Derogation'. All e-mails regarding exemptions should be sent directly to csc@rpa.gsi.gov.uk

Soil management and protection

GAEC 1 General requirements

33. You must retain and take account of the *Cross Compliance Guidance for Soil Management 2006 edition*. Also, by 1 September 2006, you must have completed a simple risk-based Soil Protection Review (previously referred to as the soil management plan in the 2005 Handbook) on the template provided with the Guidance. You should select measures that will help avoid soil problems you have observed on your farm, and for future years the actions you will take to help remedy the problems if your measures do not work. The *Cross Compliance Guidance for Soil Management 2006 edition* will help in preparing your Soil Protection Review.
34. From 1 January 2007 onwards, you will need to ensure that measures identified in the Soil Protection Review are put into practice. You must retain copies of your Soil Protection Review until advised, while updating it at least once every calendar year. You should also update it if you change your management system or cropping practice. A farmer is not required to prepare a Soil Protection Review for any agricultural land which is subject to rights of common unless the farmer is the sole occupier of this common land. Nor are they required to complete a Soil Protection Review if their holding excluding land subject to rights of common is 0.3ha or less.

GAEC 2 Post-harvest management of land after combinable crops (from harvest to 1 March)

35. Where land has carried a crop of oil-seeds, grain legumes (for example, peas or beans) or cereals (other than maize) which have been harvested using either a combine harvester or a mower, you must ensure that, from the day after harvest until the last day of February (dates inclusive) in the following year, one or more of the following provisions is met at any time to ensure that the land is not left in a state where run-off is likely.
- The stubble of the harvested crop remains in the land.
 - The land is sown with a temporary cover crop. If this is grazed out or cultivated during the autumn or winter, a rough surface must be left as soon as conditions permit.
 - The land is sown with another crop, and in normal weather within ten days of a final seedbed preparation. (This requirement does not restrict cultivation sequences to create stale seedbeds.)
 - The land is under cultivation sequences used to create stale seedbeds.
 - The land is left after harvest with a rough surface to encourage the infiltration of rain. This would normally be achieved by operations such as ploughing, discing or tine cultivation. (This standard also requires leaving a rough surface after fumigant use in the autumn.)
36. You may establish a crop at any time between harvest and 1 March provided you comply with the rules up to the time of sowing. For land not in cultivation by 1 March, refer to obligations under GAEC 12.

GAEC 3 Waterlogged soil

37. In this rule:
- 'mechanical field operations' includes any harvesting, cultivation or spreading operations, including those for manures or slurry, and all other vehicle activity; and
 - normal common-sense definitions of 'waterlogged' apply, for example soil will be considered to be waterlogged where the whole of the plough layer is saturated/filled with water by virtue of a high water table or perched water above a compacted subsoil.
38. You must not carry out (or allow) any mechanical field operations on an area of waterlogged soil unless one or more of the following applies:
- The area of waterlogged soil subject to mechanical operations is within 20 metres of a gateway or other access point and access is required to an area of land that is not waterlogged.
 - The area is an established track to land that is not waterlogged.
 - Mechanical operations are necessary to improve the drainage of the land or to incorporate gypsum into it following salt water intrusion.
 - Mechanical operations are necessary for the safety of humans or animal welfare.

- It is essential to harvest a crop of vegetables (excluding all varieties of potato, sugar beet, mangel, swede, turnip and fodder beet) or fruit:
 - a. to meet contractual deadlines; or
 - b. where the quality of the produce would deteriorate if not harvested or lifted.
- The Secretary of State makes an announcement of an exception or variations to the rule during or after a period of exceptional weather conditions permitting the relevant mechanical operations.

GAEC 4 Burning of crop residues

39. These rules reinforce the Crop Residues (Burning) Regulations 1993, which can be found in full via the Office of Public Sector Information (see Appendix 4). If you are already compliant with the Regulations, you will already be meeting the conditions laid out below.
40. In these rules, 'crop residue' means straw or stubble or any other crop residue remaining on the land after harvesting of the crop grown on that land.

Prohibition on burning

41. You must not burn any of these crop residues:
 - cereal straw;
 - cereal stubble; or
 - residues of:
 - oil-seed rape;
 - field beans harvested dry; or
 - peas harvested dry,unless the burning is for:
 - education or research;
 - disease control or the elimination of plant pests where a notice has been served under the Plant Health (Great Britain) Order 1993; or
 - the disposal of straw stack remains or broken bales.

Restrictions on burning

42. Where the burning is for education, research, disease control or elimination of pests, and you burn the crop residues and/or you burn linseed residues, you must comply with the restrictions set out in Schedule 2 of the Crop Residues (Burning) Regulations 1993.
43. Further information can be obtained from your local authority.

Maintenance of habitats and landscape features

GAEC 5 Environmental Impact Assessment (EIA)

Uncultivated land and semi-natural areas

44. This reinforces the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (England) Regulations 2001, which apply to projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes on agricultural land or land forming part of the holding that is used for agricultural activities.
45. In this rule, a 'project' means:
 - the execution of construction works, or other installations or schemes; or
 - other interventions in the natural surroundings and landscape, involving the use of uncultivated land or semi-natural areas for intensive agricultural purposes.
46. This may include ploughing and other cultivations, application of pesticides, lime, fertilisers and other soil improvers, scrub clearance, land drainage and filling in ditches or ponds on uncultivated land for semi-natural areas.
47. You must not:
 - begin or carry out an agricultural project unless you have obtained permission from Defra (see Appendix 4 for contact details);
 - breach a stop notice that has been served on you under the Regulations; or
 - fail to comply with any requirement of a reinstatement notice served on you under the Regulations without reasonable excuse.
48. You can obtain more information on the Regulations, including recent or expected changes to Regulations, or advice as to whether your land is included within these Regulations, from the Defra EIA Unit (see Appendix 4).

The EIA Regulations are likely to change in 2006 and these changes will be published on the Defra and RPA websites as well as notified to the farming press.

Forestry

49. This reinforces the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 for operations proposed on agricultural land or land forming part of the holding that is used for agricultural activities. They apply to projects for afforestation, deforestation, forest road works and forest quarry works.

50. You must not:
- begin or carry out a project unless you have obtained permission from the Forestry Commission;
 - carry out any work outside the conditions set out in a consent given by the Forestry Commission;
 - continue any work on a project if you have received an enforcement notice which requires you to discontinue work; or
 - fail to carry out any other work required by an enforcement notice.
51. For more information, contact the Forestry Commission (see Appendix 4).

GAEC 6 Sites of Special Scientific Interest (SSSIs)

52. This reinforces existing rules on SSSIs in the Wildlife and Countryside Act 1981 (as amended).
53. In relation to land which is an SSSI, you must not do any of the following:
- Carry out, cause or permit to be carried out, any operation specified in the notice designating the land as an SSSI, unless you have obtained English Nature's consent; the operation is covered by the terms of a management agreement, notice or scheme; or you have a reasonable excuse as provided for in the Act.
 - Knowing that land is an SSSI, intentionally or recklessly destroy or damage any of the plants, animals, geological or other landscape features which led to the land being designated as an SSSI, or intentionally or recklessly disturb any of those animals without a reasonable excuse. (This requirement can apply to actions that take place other than on the SSSI itself, but which have the above consequences.)
 - Fail to comply with a management notice, which has been served on you by English Nature, or with a restoration order issued by a court.
54. For the purpose of these rules, a reasonable excuse can include the following: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult English Nature (see Appendix 4) before giving the consent; or it was an emergency operation (provided that you notify English Nature as soon as possible after the emergency).
55. Public bodies or statutory undertakers **only** need refer to Appendix 2j. These provisions only apply to public bodies or statutory undertakers for cross compliance purposes in respect of the exercise of their functions as occupiers of land and not in respect of granting consents to operators.

56. These rules apply to all SSSIs, but where the land is classified as a European Site (Special Area of Conservation or Special Protection Area) we will regard any breach of them as a breach of SMR 1 or 5. You will not receive a double penalty to your single payment.

GAEC 7 Scheduled monuments

57. This reinforces existing rules on scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979 (as amended).
58. It is your responsibility to ensure that you have identified the location and extent of all scheduled monuments on your farm holding. You should have been notified of any such monuments when they were scheduled or when you took possession of the land. If you are unsure, you should consult the Historic Environment Record held by your local authority (Local Government Archaeological Officers), English Heritage or the Multi-Agency Geographic Information for the Countryside (MAGIC). Details are in Appendix 4.
59. The rules are as follows:
- Unless you have been authorised by English Heritage, you must not carry out any of the following operations:
 - i. any operations resulting in the demolition or destruction of, or any damage to, a scheduled monument;
 - ii. any operations for the purpose of removing or repairing a scheduled monument (or any part of one);
 - iii. any operation making alterations or additions to a scheduled monument (or any part of one); or
 - iv. any flooding or tipping operations on land in, on or under which there is a scheduled monument.

Where you have been authorised to carry out an operation, you must comply with any conditions attached to the authorisation. You will not be penalised for a breach of the above rules if you can prove that:

- in the case of (i), you took all reasonable precautions, and exercised all due diligence, to prevent any damage to the monument;
- in the case of (i) and (iv), you did not know, and you had no reason to believe, that the monument was in an area affected by the works, or that the monument was scheduled; or
- for all the above rules, the works were urgently necessary in the interests of health or safety and you had given notice to English Heritage of the need for works as soon as you reasonably could.

GAEC 8 Public rights of way

60. These rules reinforce existing legislation under the Highways Act 1980. If you already comply with the legislation, you will be compliant with these rules.

61. 'Public rights of way' is an umbrella term for all legal rights of way, including footpaths, bridleways, roads used as public paths (shortly to become restricted byways) and byways open to all traffic. The cross compliance requirements apply to visible public rights of way only and include any rights of way which would be visible if the farmer had not breached the Highways Act 1980.
62. You must not without lawful authority or excuse:
 - disturb the surface of a public right of way that crosses your land so as to render it inconvenient to pass over it; or
 - block the free passage along a right of way (such as by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences).
63. You are permitted to disturb the surface of a footpath or bridleway across a field (that is, not a field-edge footpath or bridleway) in order to plough the land, or to bring the land into agricultural use when it would not be convenient to avoid disturbing the surface of the path. However, if you do this, you must:
 - make good the surface of the path or bridleway to not less than its minimum width, and indicate the route to members of the public; and
 - do this within 14 days of the first disturbance if you are sowing a crop, or within 24 hours in all other circumstances.
64. Where maintenance is your responsibility, you must:
 - maintain any stile, gate or similar structure across a footpath or bridleway in a safe condition, and to the standard of repair needed to ensure it is reasonably easy to use; and
 - trim hedges and other growth to facilitate access, taking due account of other regulations (specifically GAECs 14 and 15 – Hedgerows and SMR 1 – Wild birds). Where there is a potential conflict with other legal requirements, advice should be sought from RPA.
65. Public rights of way may form part of 1-metre or 2-metre margins. The requirements of GAEC 14 will apply as far as practical.
66. Further information on public rights of way can be obtained from Defra (see Appendix 4 for details) and relevant maps are held by your local highways authority.

GAEC 9 Overgrazing and unsuitable supplementary feeding on natural and semi-natural grassland

67. In these rules (which apply to natural or semi-natural grassland only):
 - 'overgrazing' means grazing land with so many livestock that the growth, quality or diversity of natural or semi-natural vegetation is adversely affected;
 - 'unsuitable supplementary feeding' means providing supplementary feed for livestock in a way that adversely affects the quality or diversity of natural and semi-natural vegetation through trampling or poaching of land by livestock, or by rutting caused by vehicles used to transport feed; and

- 'natural or semi-natural vegetation' is defined as 'self-seeded or self-propagated vegetation characteristic of the area'. It may be necessary to speak to your local Rural Development Service (RDS) office for advice on individual locations.
68. Where a management prescription has been set by the Secretary of State on overgrazed land or on supplementary feeding arrangements on your holding, you must not breach that prescription. You should also take account of any notification sent to you on behalf of the Secretary of State in relation to overgrazing and unsuitable supplementary feeding.
69. Whether or not a management prescription is in place on your holding, you must not:
- overgraze or allow to be overgrazed the natural and semi-natural vegetation on your holding; or
 - carry out unsuitable supplementary feeding (see definition in paragraph 67) on natural or semi-natural vegetation, except where it is necessary for the purpose of animal welfare during periods of extreme weather conditions.
70. Where damage has been caused by trampling or foddering in the winter, it should be minimal enough to allow for natural regeneration by the end of the subsequent growing season.

GAEC 10 Heather and grass burning

71. These rules reinforce the Heather and Grass etc (Burning) Regulations 1986 (as amended). Advice and guidance can be found in the Heather and Grass Burning Code (see Appendix 4).
72. There are restrictions on the burning of heather, rough grass, bracken, gorse and *Vaccinium* (for example, bilberry, cowberry and cranberry). The restrictions control the dates and timing of burning, the precautions that must be in place, and when you must give notice to other landowners or occupiers under these Regulations.
73. You must not burn heather, rough grass, bracken, gorse or *Vaccinium* in breach of the Regulations.
74. The Heather and Grass etc (Burning) Regulations and Code are currently under review. It is expected that there may be some changes made in autumn 2006. These will be published on the Defra and RPA websites and notified to the farming press. For further advice regarding any changes to the Regulations and Code, please contact RPA (see Appendix 4).

GAEC 11 Control of weeds

75. You must take all reasonable steps to prevent the spread of the following on your land and onto adjoining land, especially where weeds would affect horses, cattle and other animals grazing, or the land is used for forage production or other agricultural use:
- common ragwort
 - spear thistle
 - creeping (or field) thistle
 - broad-leaved dock
 - curled dock
 - rhododendron
 - Japanese knotweed
 - giant hogweed
 - Himalayan balsam.
76. You must not unreasonably fail to comply with a notice served on you under the Weeds Act 1959.
77. You should also refer to the Code of Practice in Appendix 4.

GAEC 12 Eligible land which is not in agricultural production

78. This provision does not apply to land which is not in agricultural production, where one of the following may apply:
- land is notified as an SSSI where farmers have been given written requirements by English Nature (see Appendix 4) which conflict with GAEC 12;
 - where land is subject to a set-aside obligation;
 - where these standards would conflict with the specific requirements in an agri-environment or management scheme listed in paragraph 13; or
 - where the Secretary of State grants an exemption allowing management in some other way to enhance the environment or for agronomic reasons. Please contact RPA's Customer Service Centre (see paragraph 32 or Appendix 4) for an exemption.
79. Any land which is withdrawn from agricultural production, over and above the area necessary to meet your set-aside obligation, must continue to observe cross compliance requirements and comply with GAEC 12. If you wish to treat this land as 'insurance set-aside', you will need to observe both the GAEC 12 and the set-aside management requirements. For example, if you cut your green cover between 1 and 15 August, you will meet both cutting requirements.

80. All eligible land should be maintained in a condition that allows an inspector to identify it easily and to carry out inspections. You should not allow thick scrub to develop, and should take action to prevent the spread of weeds (as listed in GAEC 11). Your land should be in such a condition that you can readily return the land to agricultural production by the next growing season at the latest. The specific conditions you must comply with under this GAEC are explained below.
81. On eligible land which is not used for agricultural production, you must (as a minimum) do the following:
 - Cut scrub, and cut or graze rank vegetation on the whole area at least once every five years, with no more than 50% of the land area on a holding being cut in year four or five. Where no cutting or grazing has occurred for three years, you should ensure that 50% of the land area is cut or grazed in year four.
 - Following harvest, establish and maintain a green cover as soon as practicable on or after 1 March in the following year. This can be achieved either through seeding or through natural regeneration. However, you do not need to establish a green cover if you can show that you intend to return the land to agricultural production by 15 May. Care should be taken to note the requirements of GAECs 1 and 2 where they apply.
82. Between the date of harvest and 1 March, you will also be expected to meet the requirements of GAEC 2.
83. In addition:
 - You must not cut vegetation on this land between 1 March and 31 July (in order to avoid disturbance to ground-nesting birds), unless this is necessary in order to meet GAEC 11.
 - You must not use the land for non-farm vehicular use.
 - Organic manures and slurry should only be applied two months before the sowing of a following crop.
 - Only organic manure intended for use on a crop to be grown on that field in the next growing season, or an adjoining one if that field is not suitable for storage because of run-off problems, can be stored on fields out of agricultural production. Where there is a significant risk of water pollution through run-off, fields should not be used for storage.
84. On eligible land which is not in agricultural production for the first 15 months from the date of the land ceasing to be in production, you may allow it to be managed as 'bare fallow' without the need to establish or maintain a green cover crop, provided that the following conditions are met.

- The purpose is to control a weed infestation such as by blackgrass (*Alopercurus myosuroides*), couch (*Agropyron repens*), creeping thistle (*Cirsium arvense*) or docks (*Rumex species*).
- The land has been identified as 'not in agricultural production' in the Soil Protection Review and appropriate measures have been identified and implemented to control erosion by water and wind.
- The land will, within 15 months of the previous production ceasing, have a green cover established and maintained until preparations start to establish a crop for the following growing season.

Exceptions

85. You may apply fertilisers to the land if you satisfy RPA that the land is situated in an area known to be used as a feeding area by geese and is managed as such an area.
86. Where these requirements conflict with the specifications relating to Scheduled Monuments (GAEC 7), you will not need to comply with some or all of the requirements set out above if you have guidance from English Heritage to this effect. You may still need to take advice from the RDS or RPA and in some cases it may be necessary to apply for a derogation (see paragraph 32 or Appendix 4).
87. You do not have to comply with the rule as to not cutting in specific months where this is necessary to comply with the Weeds Act 1959.
88. Note that 'dredgings' can be applied to this land.

GAEC 13 Stone walls

89. In these rules, 'stone wall' means a stone wall used as a field boundary, with:
 - a continuous length of at least 10 metres, regardless of condition; or
 - a continuous length of less than 10 metres and meeting (whether by intersection or junction) another field boundary at each end, or forming a small enclosure.
90. You must not:
 - remove a stone wall from your land; or
 - remove stone from a stone wall on your land, except for the following purposes:
 - It is necessary to widen an existing gateway in a wall to enable machinery or livestock access. No more of the stone wall should be removed than is necessary for the purpose, and the gateway should be no wider than 10 metres. It must also be formalised, with the newly created wall-ends built and maintained to a vertical-face finish. If you wish to widen a gateway to more than 10 metres, you must seek permission from RPA.

- The stone is used to repair another stone wall on your land which is in a better condition than the one from which stone is removed.
 - The stone is used for minor improvements to a public footpath on your land, such as providing a solid footing on very wet ground or stone pitching and stepping on steep slopes. If you wish to carry out more substantial repair or improvement, you must seek permission from RPA.
91. If you wish to remove a stone wall or remove stone from it for any other reason, please contact RPA's Customer Service Centre (see paragraph 32 or Appendix 4). In exceptional circumstances, permission may be granted for environmental, access or agronomic reasons.

GAEC 14 Protection of hedgerows and watercourses

92. In this standard, you should note the following:
- The term 'pesticides' includes herbicides and fungicides, insecticides and other biocides designed to kill pests.
 - 'Watercourses' are defined within the Water Code as all surface water, including coastal water estuaries, lakes, ponds, rivers, streams, canals and field ditches. Further details regarding definitions of watercourses can be found within the Water Code (see Appendix 4).
 - The Hedgerows Regulations 1997 refer to a 'hedgerow', which may be considered as 'a row of bushes or low trees (for example hawthorn) planted closely to form a boundary between pieces of land or at the sides of a road'. This standard applies to any hedgerow or part of a hedgerow, if:
 - it has a continuous length of, or exceeding, 20 metres; or
 - it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow; and
 - in addition, any gap resulting from a breach of the Hedgerows Regulations, and any gap of 20 metres or less, will be treated as part of the hedgerow.
 - Cornish Hedges or Devon Banks are only considered to be a 'hedgerow' where the earth banks or walls are surmounted by a 'hedgerow' that meets the definition above.

If you are unsure whether a feature on your land falls within the above definitions, please contact RPA for further guidance.

93. You must not cultivate or apply fertilisers, dredgings, slurry, manures or pesticides to land within 2 metres of the centre of a hedgerow or watercourse. This rule also applies to all land within 1 metre of the top of the bank of a watercourse.
94. It is permissible to top 2-metre protective zones, but the SMR 1 on Wild birds must be considered. It is recommended that if this is done, it is outside the main bird-breeding season, which is 1 March to 31 July inclusive.

95. You must take all reasonable steps to maintain green cover on these margins throughout the year. They should not be used for the storage of materials, for example bales or dredgings.
96. On fields where margins have yet to be established due to a crop being planted prior to, and not harvested by, the start of 2006, you may cultivate margins in order to establish a green cover on margins directly following the harvesting of the crop.
97. The 2-metre margins can be counted towards the land you are required to set aside for the purposes of your single payment. GAEC 14 does not apply to those margins. Set-aside management conditions apply (see *Set-aside Handbook and Guidance for England 2006 edition*). As stated above, set-aside requirements are subject to inspection and enforcement under cross compliance rules.
98. Public rights of way may form part of 1-metre or 2-metre margins. The requirements of GAEC 14 will apply as far as practical.

Exceptions

99. This measure does not apply to:
 - hedgerows for the first five years after planting (this applies only to hedgerows planted on or after 1 January 2005) – you must retain documented evidence of the planting date for five years; or
 - fields of 2 hectares or less.
100. The spot application of herbicide is permitted for the control of those weeds listed in GAEC 11 in the 2-metre protection zones.
101. Cultivation is only allowed for the establishment of green cover on the 2-metre margins if there is no existing green cover on these margins. This rule only applies if:
 - a new field is created;
 - new land is brought into SPS; or
 - the land is coming out of set-aside.
102. The maintenance of the banks of Cornish Hedges or Devon Banks by digging or reinforcement within the 2-metre margin is not deemed to be cultivation and may be carried out without an exemption.
103. You may apply to RPA for an exemption from this requirement for management that will enhance the environment or for agronomic reasons. Please contact RPA's Customer Service Centre (see paragraph 32 or Appendix 4) for an exemption. Examples of exemptions may include cultivation for the conservation of rare arable weeds or the control of a severe weed infestation.

GAEC 15 Hedgerows

Hedgerows Regulations 1997

104. These rules apply to hedgerows as defined in the third bullet of paragraph 92.
105. These rules do not apply to hedgerows within the curtilage of, or marking the boundary of a dwelling. The curtilage is the area attached to a dwelling house as part of its enclosure. Hedgerows within the immediate confines of, or marking the boundary between a dwelling and agricultural land are exempt from the GAEC requirements on the side of the hedge within the dwelling. This exemption does not include driveways or parkland.
106. You must not remove a hedgerow on any part of your holding unless you have met all the requirements of the Hedgerows Regulations 1997. A brief summary of these requirements is set out below.
107. If you want to remove a hedgerow on your holding, you must send a hedgerow removal notice to your local authority (which may be a National Park Authority). The local authority, which may need to consult your local parish council, will either:
 - give you permission, in writing, to remove the hedgerow;
 - not respond within 42 days (or a longer period you have agreed to); or
 - issue a hedgerow retention notice, if the hedgerow is important.
108. You may only remove the hedgerow if you have the written permission of the local authority, or if the local authority has not responded within the time limit. Only the work set out in the hedgerow removal notice is permitted. Where a hedgerow retention notice has been served, you must not do any work on the hedgerow which has been prohibited.
109. You are automatically permitted to remove a hedgerow in a limited range of situations, as listed in the Hedgerows Regulations 1997.
110. Legislative changes are likely to come into force regarding the removal of hedgerows from April 2006 and will be published on the Defra and RPA websites as well as notified to the farming press. Please contact Defra for details (see Appendix 4).
111. More information can be obtained from your local authority or from Defra (see Appendix 4).

Hedgerow cutting rules

112. You must not cut or trim any hedgerow on your farm between 1 March and 31 July each year (the main breeding season for birds) unless the hedgerow:

- overhangs a highway, road or footpath to which the public has a right of way and the work is necessary because the overhanging hedgerow obstructs the passage of, or endangers, vehicles or pedestrians, or is a danger to horse riders;
- is dead, diseased, damaged or insecurely rooted and is therefore likely to cause danger by falling onto a highway, road or footpath; or
- obstructs the view of drivers or the light from a public lamp.

If you are unsure if these exemptions apply, you may need to consult your local highways authority.

Exceptions

113. These exceptions are allowed as long as you are also meeting your obligations on the protection of wild birds under the Wildlife and Countryside Act 1981 (as set out in SMR 1).

- Please make every effort to complete hedge-laying and coppicing by 1 March. However, work on these activities only (cutting and trimming are not included) may continue up to the end of April in any year.
- Trimming of newly laid or coppiced hedgerows (that is, laid or coppiced in the six months prior to trimming), by hand only, is permitted in order to stimulate the production of bushy growth.

114. If you need to cut your hedge during the restricted period in exceptional circumstances, please contact RPA's Customer Service Centre (see paragraph 32 or Appendix 4) for advice or the possible provision of an exemption.

115. You are reminded that if cutting is carried out on your land by somebody who is obliged to do so for reasons outside your control, no penalty will be applied.

GAEC 16 Felling of trees

116. These rules reinforce existing rules on felling licences under the Forestry Act 1967 and the Forestry (Felling of Trees) Regulations 1979. If you are already compliant with this legislation you will not need to change anything.

117. You may require a felling licence before you can carry out felling. Felling licences can be obtained from the Forestry Commission (see Appendix 4).

118. You must not wilfully:

- fell a tree without a felling licence, where such a licence is required; or

- fail to comply with a restocking notice, enforcement notice or other conditions or directions served on you under the Forestry Act, unless you have a lawful excuse.

GAEC 17 Tree Preservation Orders (TPOs)

119. These rules reinforce existing rules on TPOs. If you already comply with these rules you will not need to change anything.
120. TPOs are made by local authorities to protect trees, groups of trees, and woodlands in the interests of amenity.
121. You must not cut down, wilfully damage or destroy, uproot, top or lop a tree protected by a TPO without the written consent of your local planning authority. You must also give your local planning authority six weeks' notice before carrying out such works on trees which are located in a conservation area.
122. Details of further information on TPOs can be found in Appendix 4.

D Statutory Management Requirements (SMRs)

123. The following section sets out the SMRs applicable from 1 January 2006. There have been some changes to the 2005 standards, particularly SMRs 6 and 8a on animal identification. The seven new SMRs introduce new cross compliance requirements and are at the end of the section. The SMRs are largely existing law. If you are following the existing laws in those areas already you will not need to make any changes to meet the cross compliance requirements.
124. The legislation on which these SMRs are based is listed in the table at Appendix 1, and you should look at this legislation for the relevant legal provisions in full. The text below is only a summary of this legislation.
125. In January 2007, a further three directives covering animal welfare will apply for cross compliance. You will be sent the details of these before they come into force.

Environment

SMR 1 Wild birds

On land classified as a Special Protection Area under the Wild Birds Directive

126. You can find out whether or not your land is in a Special Protection Area under the Wild Birds Directive by contacting English Nature.
127. In this SMR, 'WCA' means the Wildlife and Countryside Act 1981, as amended.
128. In relation to land that is a Special Protection Area you must comply with the following rules.
- a. You must notify English Nature of proposals to carry out any specified operation likely to damage the protected interest of the Special Protection Area. The 'protected interest' is the aspect of the site English Nature considers to be of special interest, and may be any of its flora, fauna, or geological and physiographical features. You must not carry out, cause or permit to be carried out, any of these operations unless you have obtained English Nature's consent; the operation is covered by the terms of a management agreement, notice or scheme; or you have a reasonable excuse.

- b. Where a special nature conservation order applies, you must notify English Nature of proposals to carry out any specified operation, and obtain consent before commencing that operation, unless covered by the terms of a management agreement. You must also comply with the terms of any restoration order (under the Conservation (Natural Habitats, etc) Regulations 1994 ('the Habitats Regulations')). You will not be in breach of this requirement if you have a reasonable excuse.
 - c. You must comply with all management notices served by English Nature, or restoration orders served by a court (under the WCA), for the purposes of protecting or restoring the interests of a Site of Special Scientific Interest (SSSI) that are also relevant to the purpose of the Special Protection Area.
 - d. You must not, without reasonable excuse, intentionally or recklessly destroy or damage the protected interests of an SSSI that are also relevant to the purpose of the Special Protection Area, or disturb any protected interest fauna, such as would constitute an offence under section 28P(6) of the WCA qualified by sections 28P(4). (This requirement can apply to actions that take place other than on the Special Protection Area itself but which have the above consequences.)
129. For the purpose of these rules, a reasonable excuse may include the following: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult English Nature before giving the consent; or it was an emergency operation (provided that the authority notifies English Nature as soon as possible after the emergency).
130. 'Competent authorities' must comply with section 28H of the WCA (see Appendix 2j). They may also, within the meaning of the Habitats Regulations, have to comply with regulations 48 and 49 of those Regulations. Those regulations impose requirements about various plans and projects likely to have a significant effect on a European site and which are not directly connected with or necessary to the conservation management of the site. In broad terms, an appropriate assessment must be carried out of such a plan or project and, if having carried that out, it cannot be ascertained that the integrity of the site will not be adversely affected, then the plan or project can only be agreed to where it must be carried out for imperative reasons of overriding public interest. These provisions only apply to public bodies or statutory undertakers for cross compliance purposes in respect of the exercise of their functions as owner/occupiers of land and not in respect of granting consents to operators.

On your holding (whether or not the land is in a Special Protection Area)

131. You must comply with the following rules.

- a. You must not, except where authorised pursuant to a licence issued either generally (a 'general licence' whose terms you are following precisely) or individually (to you), under section 16 of the WCA, which may override some or all of these requirements, take part in the intentional killing, injuring or taking of any wild bird; the possession of any live or dead wild bird; intentional damage to, destruction or taking of any nest while it is in use, or being built; the destruction, taking or keeping of any egg of a wild bird; or the intentional or reckless disturbance of certain birds (listed in Appendix 2a) while they are nesting (including disturbance of dependent young).

The two main exceptions to this are: (i) where the relevant act was the incidental result of a lawful operation and could not reasonably have been avoided; and (ii) where the species in question is listed on Schedule 2 Part I of the WCA (see Appendix 2b in this Handbook) and the bird is killed, taken, or injured in the course of an attempt to kill it outside of the close season for that species.

- b. You must not kill or take game birds during the close season for that bird species (see Appendix 2c). The sale or purchase of game birds after ten days from the end of the open season for the bird in question is also prohibited.
- c. You must not use the prohibited means of killing or taking wild birds listed at section 5 of the WCA unless you have authority to do so (under section of the 16 WCA – see above).

132. The prohibited means listed include springes, traps, gins, snares, hooks and lines, electrical devices for killing, stunning or frightening, any poisonous, poisoned or stupefying substances, crossbows, automatic or semi-automatic weapons (not including any weapons the magazine of which is incapable of holding more than two rounds), artificial lighting, use of live decoys under certain circumstances, or use of mechanically propelled vehicles in pursuit of birds.

133. The following organisations can provide more information on how to deal with conflicts over nesting birds and land management, and which agri-environment scheme measures might be appropriate: English Nature (Special Protection Areas), Defra and the RDS (agri-environment schemes), and the Royal Society for the Protection of Birds (RSPB) (advice on birds). See Appendix 4 for details.

134. Legislative changes are likely to come into force in April 2006 regarding the destruction or killing of birds and nesting sites and will be published. Please contact Defra (see Appendix 4) for details.

SMR 2 Groundwater

135. For the purposes of cross compliance, 'groundwater' means all water below the surface of the ground that is in the zone of saturation (that is, below the water table) and in direct contact with the land or subsoil.
136. In this context, a 'permit' constitutes a Waste Management Licence, an authorisation under the Groundwater Regulations 1998, a consent to discharge under the Water Resources Act 1991 or a permit under the Pollution Prevention and Control (England and Wales) Regulations 2003.
137. You must not cause or knowingly permit:
- a. the entry into groundwater of poisonous, noxious or polluting matter; or
 - b. the disposal or tipping to land of any List I or List II substance (see Appendix 2d) in circumstances which lead to an indirect discharge of that substance into groundwater, unless this is carried out under a permit granted by the Environment Agency (EA).
138. You must take particular care with List I substances, such as sheep dip and pesticides, because small quantities of which can cause serious damage to groundwater. Breaches of the above rules in relation to these substances will be serious and may lead to higher penalties.
139. You must comply with notices served by the EA for the protection of groundwater.
140. For more information on groundwater controls, please contact the EA (see Appendix 4).

SMR 3 Sewage sludge

141. The relevant domestic legislation on sewage sludge is due to be amended, with new regulations expected to come into force in the spring of 2006. Any changes will be published, including in the farming press and on the Defra website. Until then, the requirements are as set out below.
- a. You must only use sludge (or allow it to be used) on agricultural land if the following requirements are met:
 - The sludge is tested in accordance with Schedule 1 of the Sludge (Use in Agriculture) Regulations 1989 ('the Sludge Regulations').
 - The soil on the land is tested or assessed in accordance with Schedule 2 of the Sludge Regulations.
 - Unless the land is a dedicated site:
 - the average annual rate of addition to the land by means of the sludge of any elements in the sludge table in the Sludge Regulations must not exceed the specified limit; and
 - the concentration in the soil of any of the elements listed in the soil table must not exceed the specified limit either at the time of using sludge or as a result of applying it.

- The pH value of the soil must not be less than 5.
 - No fruit or vegetable crops, other than fruit trees, should be growing or being harvested in the soil at the time of the use.
 - The sludge must be used in such a way that account is taken of the nutrient needs of the plants and that the quality of the soil and of the surface and groundwater is not impaired.
- b. You must take the required precautions (as set out below) after sludge or septic tank sludge has been used on agricultural land.
- Do not graze animals or harvest forage crops for three weeks from the date of the use.
 - Do not harvest fruit and vegetable crops that are grown in direct contact with the soil and normally eaten raw, for ten months from the date of the use.
 - Where any untreated sludge has been used on land without being injected into the soil, you must, as soon as reasonably practicable afterwards, work the sludge into the soil.
- c. You must supply the following information to the sludge producer (if the sludge is spread other than by or on behalf of the sludge producer):
- the address and area of the agricultural unit concerned;
 - the date on which the sludge was used;
 - the quantity of sludge so used; and
 - where you have used sludge not supplied by the sludge producer, the name and address of the supplier and the quantity of sludge they supplied.
142. For more information about sewage sludge use, see the EA 'netregs' – the details are in Appendix 4.

SMR 4 Nitrate Vulnerable Zones (NVZs)

(In this SMR, 'N' means nitrogen.)

143. On land that is located within an NVZ, you must comply with the NVZ Action Programme Measures.
144. Maps are available if you need to check whether you farm land within an NVZ (see Appendix 4).
145. A summary of the NVZ Action Programme Measures is provided below. You should refer to the Defra booklets *Guidelines for Farmers in NVZs – England* and *Manure Planning in NVZs* for full details of the rules (see Appendix 4).
146. Further details of the help and advice available to comply with the NVZ Action Programme Measures are provided on the Defra NVZ web pages.
147. Remember: the application of organic manures or N fertilisers on uncultivated land or semi-natural areas may constitute a project under the Environmental Impact Assessments (Uncultivated Land) Regulations 2001. You may need to obtain a screening decision. See GAEC 5 for further details.

Summary of the NVZ Action Programme Measures

148. Following the revision of the NVZ Action Programme in 2006, you will need to meet any changes in the rules. These will be publicised in the farming press and on the Defra website and you will receive notification.

Whole farm organic manure loading

149. You must limit the organic manure loading averaged over the whole farmed area each year (beginning on 19 December) to:

- 250kg total N per ha for grassland in any NVZ;
- 170kg total N per ha for non-grass crops in an NVZ designated in 1996; or
- 210kg total N per ha for non-grass crops in an NVZ designated in 2002.

The 210kg limit applies until 19 December 2006 and thereafter will revert to 170kg per ha.

The whole farm loading limit includes both manures spread to land and manures dropped by animals during grazing.

150. Any material or fertiliser which contains N that is applied to the land must be taken account of in the N fertiliser calculations.

151. Soil which is taken from ditches within the farm is not considered to be fertiliser and therefore is not relevant to this SMR.

152. These limits include N from manure deposited by animals while grazing. (Please note that it is your responsibility to ensure that these limits are kept to.)

Field organic manure limit

153. Applications of organic manure to individual fields must not exceed 250kg per ha of total N per year. This limit does **not** include manure deposited by grazing animals.

Closed periods

154. Do not apply N during the following periods.

	Non-spreading dates – arable land	Non-spreading dates – grassland
Sandy or shallow soils: Organic manures with high available N (slurry, poultry manure or liquid digested sewage sludge)	1 Sept–1 Nov autumn sown crop	1 Sept–1 Nov
	1 Aug–1 Nov non-autumn sown crop	
All soil types: Manufactured N fertilisers	1 Sept–1 Feb	15 Sept–1 Feb

Crop requirement limit

155. Do not apply more N fertiliser than a crop requires, taking account of crop uptake, soil N supply, excess winter rainfall, and plant or crop available N from organic manures.

Spreading controls

156. You should spread N fertiliser and organic manures as evenly and accurately as practically possible.

157. You must not:

- apply any organic manures or N fertilisers when the ground is waterlogged, flooded, frozen hard or snow covered;
- apply any organic manures or N fertilisers to steeply sloping fields;
- apply N fertiliser in a way that contaminates watercourses; or
- apply organic manures within 10 metres of watercourses.

Storage

158. There must be sufficient slurry storage facilities (or alternative arrangements) to comply with the closed period during which spreading of certain manures onto certain soil types is prohibited.

Record keeping

159. Keep farm and field records on cropping, livestock numbers, N fertiliser usage and manure usage, for a minimum of five years after the relevant activity takes place.

SMR 5 Habitats

(In this SMR, 'WCA' means the Wildlife and Countryside Act 1981, as amended.)

160. You can find out if your land is in a Special Area of Conservation by contacting English Nature (see Appendix 4).

161. On land designated as a Special Area of Conservation, you must comply with requirements which apply to Special Protection Areas under the Wild Birds Directive (SMR 1). Those requirements should be read here as applying to land classified as a Special Area of Conservation rather than a Special Protection Area.

162. On your holding (whether or not in a Special Area of Conservation or Special Protection Area), you must not do any of the following.

- a. Deliberately pick, collect, cut, uproot or destroy a wild plant of a European protected species or keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild plant of a European protected species (including any part of or anything derived from such a plant). These European protected species of plant are listed in Schedule 4 to the Conservation (Natural Habitats, etc) Regulations 1994 ('the Habitats Regulations') and at Appendix 2e of this Handbook.

- b. Use any indiscriminate means, listed in regulation 41 of the Habitats Regulations, for killing or taking certain wild animals. These prohibited means are set out at Appendix 2f. The wild animals are those listed in Schedule 3 to the Habitats Regulations and at Appendix 2g, and also those listed as European protected species of animal in Schedule 2 to the Habitats Regulations and at Appendix 2h. The use of these prohibited means may be authorised by a licence under the Habitats Regulations, but in the case of European protected species of animal it is also necessary for their killing or taking to be permitted under the Habitats Regulations – for example under a licence. For further information please contact your local RDS office (see Appendix 4).
 - c. Release or allow to escape into the wild any species of animal as listed in Part I of Schedule 9 of the WCA and at Appendix 2i (Part I), or any which is not normally found in Great Britain, or plant or cause to grow in the wild any plant as listed in Part II of Schedule 9 of the WCA and at Appendix 2i (Part II) unless you have authority to do so under an appropriate licence from Defra under section 16 of the WCA (licensing authority in this instance is currently the Chemical Genetic Modification Policy Division (CGMP) – contact via Defra – see Appendix 4).
163. Legislative changes are likely to come into force from April 2006 and will be published. Proposed amendments to the Habitats Regulations in respect of European protected species may come into force during 2006.

Public and animal health

SMR 6 Animal identification and registration – pigs

164. As of 9 July 2005, these rules no longer apply to sheep and goats. Please note that the rules on sheep and goats are now set out under SMR 8a.
165. This SMR applies if you keep pigs.
166. For cross compliance purposes, if you are complying with the law on the identification and tracing of pigs, you will not be required to do anything else for this SMR.
167. The key elements of the identification and tracing systems that apply specifically for cross compliance purposes are listed in paragraph 170. This is a summary only. The relevant legal provisions are listed in Appendix 1 and you should refer to these for a full explanation of your legal obligations.
168. For further general information, you can refer to the 2003 Rules for Livestock Movements or their subsequent updates (see Appendix 4).

169. Key elements

a. Registration:

Your details must be registered with Defra if you keep pigs and you must notify Defra of any change of your details.

b. Identification:

- Pigs must be properly identified with the correct eartags, tattoos, slapmarks or temporary marks before they leave your holding.
- Identification must not be removed or replaced without permission unless it is lost, illegible or removed for welfare reasons. You must also ensure that you apply the appropriate replacement identification, as required.

c. On-farm records:

- Up-to-date on-farm records must be kept with the required information, including:
 - the maximum number of pigs you normally keep, recorded annually; and
 - details of the movement of pigs on and off your holding, including the date of movement, the destination of animals and their identification.
- The on-farm records must be kept for at least six years and shown to an inspector on demand.

d. Movement documents:

- Movement documents must accompany pigs during movements.
- Movement documents must be sent to the local authority within three days of pigs arriving at your holding.

SMRs 7 and 8 Cattle identification

170. SMRs 7 and 8 apply to you if you keep cattle. In SMRs 7 and 8, 'cattle' means all bovine animals.

171. The key elements of the cattle tracing system which apply specifically for cross compliance purposes are listed below. This is a summary only. For a full explanation of your legal obligations, you should refer to the relevant legal provisions which are listed in Appendix 1. For further general information, you can refer to the guidance leaflets issued periodically by the British Cattle Movement Service (BCMS – see Appendix 4).

172. Key elements

a. Eartags:

- Calves born on your holding (or imported from outside the EC) must be tagged with Defra-approved eartags with the same unique identification code.

- Calves must be tagged within 20 days of birth, or before they leave the holding, if this is sooner. Dairy calves must be tagged with one eartag within 36 hours and the other eartag within 20 days.
 - Eartags must not be removed or replaced without permission from Defra. Illegible or lost tags must be replaced within 28 days.
- b. Cattle passports:
- An application must be made for a cattle passport within seven days of a calf being tagged (that is, no more than 27 days after birth).
 - When cattle are moved, you must ensure that they are accompanied by their cattle passports, which must be completed and signed.
- c. Notification:
- Births must be notified to BCMS by an application for a cattle passport within seven days of tagging (that is, no more than 27 days after birth).
 - Deaths must be notified to BCMS within seven days.
 - Movements of cattle on and off a holding must be notified to BCMS within three days.
- d. On-farm registers:
- Up-to-date on-farm registers must be kept with the required information, including births and deaths of cattle and movements of cattle on and off your holding. The dates of these events must also be recorded.
 - For movements, the details of keepers who sent the cattle and to whom cattle are consigned must be recorded.
 - The register must be completed within 36 hours of a movement, within seven days of a death and within seven days of a birth in a dairy herd (or within 30 days of the birth of any other calf).
 - The register must be kept for ten years and be available to Defra, RPA or the local authority on request.

SMR 8a Animal identification and registration – sheep and goats

173. This SMR applies if you keep sheep or goats.

174. The key elements of the identification and tracing systems that apply specifically for cross compliance purposes are listed in paragraph 177. This is a summary only. Defra has provided detailed guidance on the new rules.

175. For further general information, you can refer to the 2003 Rules for Livestock Movements (see Appendix 4). Updates will be publicised in the farming press and on the Defra website.

176. Key elements

As of 9 July 2005, the rules that apply for cross compliance purposes to sheep and goats were changed. They are broadly the same and are summarised below:

a. Identification:

- All sheep and goats born before 9 July 2005 must be properly identified in accordance with EC Directive 92/102 except that where animals did not previously have individual numbers, they will be required to do so now when they leave the holding.
- These are the requirements in the Sheep and Goats Identification and Movement (Interim Measures) (England) (Order) (No 2) Order 2002, as amended.
 - All sheep and goats born on your holding after 9 July 2005 must be identified with an eartag, within six months of birth for intensively farmed animals and nine months for extensively farmed animals, or before they leave the holding of birth.
 - Sheep and goats must be properly identified with the correct eartags (UK, S or R), before they leave your holding.
 - Identification must not be removed or replaced without permission unless it is lost or illegible. You must also ensure that you apply the appropriate identification, as required.

On-farm records

- Up-to-date on-farm records must be kept with the required information, including:
 - an inventory of the animals kept at regular intervals, and in any case annually; and
 - details of the movement of sheep and goats on and off your holding, including the date of the movement, the destination or origin of animals, and their identification.
- The on-farm records must be kept for at least six years and shown to an inspector on demand.

177. There is an EU derogation to continue with this system until 30 April 2006. If there are any changes, you will be advised.

SMR 9 Restrictions on the use of plant protection products

178. These requirements apply if you use plant protection products on your holding.

179. You must not use any plant protection product unless:

- a. it has been approved under the Plant Protection Products Regulations 2005 (PPPR) or the Control of Pesticides Regulations 1986;

- b. it is used in accordance with any requirement or condition which is:
 - specified in the approval or in any extension of use; or
 - required by the approval or extension of use to be on the labelling;
 - c. it is used in accordance with the principles of good plant protection practice; and
 - d. whenever possible, it is used in accordance with the principles of integrated control.
180. In complying with this SMR you should note the following.
- a. 'Plant protection product' means an active substance or a preparation containing one or more active substances, in the form in which it is supplied to the user, intended to:
 - protect plants or plant products against all harmful organisms or prevent the action of such organisms;
 - influence (for example, as a growth regulator) the life processes of plants, other than as a nutrient;
 - preserve plant products, except where specific EC provisions on preservatives apply;
 - destroy undesired plants; or
 - destroy parts of plants or check or prevent the undesired growth of plants.
 - b. 'Active substance' means any substance or micro-organism, including a virus, having general or specific action against harmful organisms or on plants, parts of plants or plant products.
 - c. Details of approved products are all recorded under the pesticide product names from the Pesticides Safety Directorate (PSD – see Appendix 4).
 - d. 'Good plant protection practice' is the practice whereby the treatments with plant protection products applied to a given crop or area in conformity with the conditions of their approved uses, are selected, dosed and timed to ensure optimum efficacy, taking due account of local conditions and of the possibilities for cultural and biological control.
 - e. Good plant protection practice is explained in the *Code of Practice for the Safe Use of Pesticides on Farms and Holdings* (the 'Green Code', the statutory code of practice made under section 17 of the Food and Environment Protection Act 1985, sections 1, 2 and 6 available from the PSD – see Appendix 4).
 - f. The Green Code is currently being revised. The new code, *Pesticides Code of Practice for Using Plant Protection Products*, is expected to be published early in 2006. The relevant sections of the new code are sections 1.1, 3.1, 3.2, 4.6 and 4.7. These sections will be available free of charge from the PSD Information Section (see Appendix 4 for details).

- g. 'Integrated control' means the rational application of a combination of biological, biotechnological, chemical, cultural or plant-breeding measures whereby the use of chemical plant protection products is limited to the minimum strictly necessary to maintain harmful organisms below levels above which economically unacceptable damage or loss would occur.
- h. For further information on integrated control, see the Defra publication *Pesticides and Integrated Control* available from the PSD (see Appendix 4).
- i. There are record-keeping requirements for pesticides and these will fall under the provisions of SMR 11.

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

181. Domestic law prohibits most uses of such substances in all species of farm animals. However, administration of some of these substances is permitted under veterinary control for a very limited range of uses. Defra's evidence is that nearly all farmers in England are already in compliance with SMR 10.

182. You must not:

- store substances containing or related to oestradiol 17 β , beta-agonists that are for induction purposes in the treatment of tocolysis, or products containing these substances on the farm;
- use hormonal substances for growth promotion; or
- use substances containing or related to oestradiol 17 β for oestrus induction in farm animals after October 2006. (You should note that domestic law allows the use of oestradiol 17 β or its ester-like derivatives only for oestrus induction in cattle, horses, sheep or goats or for treating cattle for foetus maceration, mummification or pyometra. However, its use for oestrus induction in cattle, horses, sheep or goats is prohibited from 14 October 2006.)

183. You must:

- use only UK-authorized veterinary medicinal products for their authorised purposes;
- obtain 'Prescription Only Medicines – UK Veterinarian' (POM-V) through a veterinary surgeon or UK-registered pharmacy;
- follow the instructions for use;
- update medicines records whenever these substances are used on the farm; and
- follow the withdrawal periods as laid out in the product's instructions for use or veterinary prescription.

184. The types of substances whose uses are limited by SMR 10 include:

- oestrogens, such as oestradiol and zeranol;
- androgens, such as testosterone;
- gestagens, such as melengestrol acetate;

- thyrostats, such as methylthiouracil;
 - stilbenes, such as diethyl stilboestrol; and
 - beta-agonists, such as salbutamol and clenbuterol.
185. Examples of products that might contain these substances include PRID, Planipart and Ventipulmin. Your veterinarian will be able to advise you on where use of these might be allowed.
186. Examples of products the use of which is illegal, definitions of terms, and useful publications are listed in Appendix 5.

SMR 11 Food and feed law

187. For the purposes of cross compliance you must, from 1 January 2006, comply with Articles 14, 15, 17(1), 18, 19 and 20 of Regulation (EC) No 178/2002 as far as they relate to an agricultural activity which you carry out, or to agricultural land on your holding. 'Agricultural activity' and 'agricultural holding' are defined in paragraphs 204–205 of this Handbook.
188. We will be issuing detailed requirements to supplement this Handbook. This will be mailed in early 2006, and may need to be expanded further, especially as and when new food law comes into force. You should follow the requirements of the relevant Articles of Regulation (EC) No 178/2002 as summarised below:
- You must not place food on the market if it is unsafe. Food is considered to be unsafe if it is either injurious to health or unfit for human consumption.
 - You must not place unsafe feed on the market or feed it to food producing animals if it is unsafe. Feed is deemed to be unsafe for its intended use if it is considered either to have an adverse affect on human health or animal health, or if it makes the food derived from food producing animals unsafe for human consumption.
 - You must have adequate records and documentation. You must have in place, and maintain, traceability systems and procedures for both inputs to and outputs from your business. You will need to be able to identify:
 - any person or business from whom you have been supplied with a food, a feed, a food-producing animal or any substance that will be incorporated into a food or feed; and
 - any businesses that you have supplied with any of your products.
 - This traceability information must be made available to the competent authorities on demand.
 - If you consider or have reason to believe that a food that you have imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, and it has left your control, you shall immediately initiate procedures to withdraw that food from the market and inform the competent authorities of your actions.

- If you consider or have reason to believe that a feed that you have imported, produced, processed, manufactured or distributed does not satisfy the feed safety requirements, you shall immediately initiate procedures to withdraw that feed from the market and inform the competent authorities of your actions. In addition, where any such feed is part of a batch, lot or consignment of feed of the same class or description, you must destroy the batch, lot or consignment unless the competent authority is satisfied otherwise.
 - You must inform the competent authorities immediately if you consider or have reason to believe that a food, which you have placed on the market, may be injurious to human health or if a feed, which you have placed on the market, may not satisfy the feed safety requirements. You must also inform the competent authorities of the action you have taken to prevent risks to the final consumer or risks arising from the use of that feed. You must not prevent or discourage any person from co-operating with the competent authorities where this may prevent, reduce or eliminate a risk arising from a food or feed.
 - As a food or feed business operator, you must ensure that foods or feeds satisfy the requirements of food law which are relevant to your activities. You will need to be able to verify that you have met these requirements.
189. 'Food law means the laws, regulations, and administrative provisions governing food in general, and food safety in particular, whether at Community [European] or national level; it covers any stage of production, processing and distribution of food, and also of feed produced for, or fed to, food producing animals'.
190. A major part of the requirement to comply with all relevant food law will be compliance with the new food hygiene laws that apply from 1 January 2006 (Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004). These regulations place responsibility on farmers, as food business operators, for ensuring food safety at the beginning of the chain.
191. Some farming sectors (for example milk and egg producers) are still subject to more specific hygiene requirements.
192. You will also need to comply with new feed hygiene Regulation (EC) No 183/2005. This will apply to most farms from 1 January 2008, but farms currently registered for mixing feeds containing additives will need to comply with conditions from 1 January 2006.
193. The Defra helpline can answer enquiries on the new food and feed hygiene regulations (see Appendix 4).
194. You must continue to respect existing legislation, including that on maximum residue levels for contaminants and pesticides. Regulation (EC) No 466/2001 sets maximum permitted levels for mycotoxins and a number of environmental contaminants (lead, cadmium, mercury, nitrates, dioxins and polycyclic aromatic hydrocarbons). Commodities covered include cereals, fruit and vegetables, nuts, milk, eggs, and meat and meat products. Maximum permitted levels for pesticide

residues are set out in the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England) Regulations 1999 (SI 1999/3483).

SMRs 12–15 Introduction

195. These four SMRs will apply if you keep livestock on your farm. They include a requirement for you to notify the Divisional Veterinary Manager (DVM) if you know or suspect that your livestock is infected with one of the listed notifiable diseases. The DVM can be contacted at your local Animal Health Divisional Office. Details on how to contact your local Animal Health Divisional Office can be found on the Defra website (Appendix 4) or through your local telephone directory. If you have any doubts about whether or not you have identified a notifiable disease, or need further advice on how to contain it, you should contact the DVM. Details of all notifiable diseases, with links to factsheets including information on symptoms, can also be found on the Defra website at: www.defra.gov.uk/animalh/diseases/notifiable/index.htm.

SMR 12 Prevention and control of Transmissible Spongiform Encephalopathies (TSEs)

196. The relevant domestic legislation relating to this SMR is currently being amended. Any changes to the requirements will be published on the Defra and RPA websites and notified to the farming press. In the meantime, however, all the farmer requirements listed below are applicable.

- You must immediately notify the DVM of any animal suspected of being infected by a TSE.
- You must, on notification of a TSE suspect or confirmed case, fully comply with movement restrictions, including any order to slaughter and destroy the animal(s), or any other notices served by an inspector imposing measures concerning that animal or animals under the TSE (England) Regulations 2002, as amended.
- You must not feed to ruminants any animal protein or any feeding stuff that contains animal protein except (subject to required processing):
 - milk, milk-based products and colostrum;
 - eggs and egg products;
 - gelatine from non-ruminants; or
 - hydrolysed proteins derived from non-ruminants or from ruminant hides and skins.
- You must not feed to farmed animals (ruminants or non-ruminants), directly or in feeding stuffs, products that contain:
 - processed animal protein (including mammalian meat and bonemeal, poultry meal, feather meal, etc); or
 - gelatine from ruminants.

- You must use the following proteins for non-ruminant use only for feed production, or use or store complete feed containing them:
 - fishmeal;
 - blood products;
 - blood meal, only where fed to farmed fish; and
 - dicalcium phosphate and tricalcium phosphate of animal origin (mineral-derived versions **are permitted** for all livestock and are most commonly used – feed labels not specifying ‘animal origin’ can be taken to be mineral).

You must only use the above where:

- ◆ authorised by Defra to use derogated proteins to produce non-ruminant feed (for example on-farm mixers – authorisation is always required where ruminants are present);
- ◆ registered by Defra to use derogated proteins to produce non-ruminant feed where no ruminants are present (for example on-farm mixers); or
- ◆ registered by Defra to use feed products containing derogated proteins on premises where ruminants are present.

197. The registration referred to in the final bullet will require farmers to confirm adequate on-farm measures, including storage and feeding arrangements, to ensure that feed containing derogated proteins is not fed to ruminants and is kept adequately separated from ruminant feed. Following registration, State Veterinary Service (SVS) inspection will confirm permission to use such products on the premises in line with EU requirements.

SMR 13 Control of Foot and Mouth Disease

198. You must immediately notify the DVM if you know or suspect that an animal or carcass in your possession, or under your charge, is infected with Foot and Mouth Disease.

199. You must keep animals infected with Foot and Mouth Disease, or animals suspected of being infected, away from places where other animals of susceptible species are at risk of infection or contamination.

200. The relevant domestic legislation relating to this SMR is currently being amended. Any changes to the requirements will be published on the Defra and RPA websites and notified to the farming press.

SMR 14 Control of certain animal diseases

201. This requirement relates to the following diseases: rinderpest, peste des petits ruminants, swine vesicular disease, epizootic haemorrhagic disease of deer, sheep and goat pox (capripox), vesicular stomatitis, lumpy skin disease, African swine fever and rift valley fever.

202. You must immediately notify the DVM if you know or suspect that an animal or carcass is infected with any of these diseases.

SMR 15 Control of Bluetongue

203. You must immediately notify the DVM if you know or suspect that an animal or carcass is infected with Bluetongue.

E Cross compliance inspections and enforcement

Scope of cross compliance

204. Cross compliance reductions and exclusions only apply to non-compliances that relate to an agricultural activity or to the agricultural land of your holding, including parcels which are set aside. Both 'agricultural activity' and 'agricultural land' have broad meanings.
205. You will need to look at the main *Single Payment Scheme Handbook and Guidance for England 2006 edition* for guidance as to the meaning of 'agricultural land'. 'Agricultural activity' is defined in Council Regulation (EC) No 1782/2003 (Article 2(c)) as 'the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes' or maintaining land in GAEC; and 'agricultural products' are defined in Article 2(f) as 'the products listed in Annex 1 of the Treaty, including cotton, but with the exception of fishery products'. Annex 1 includes primary agricultural products and also some processed products.

Your responsibilities for actions of others

206. For the purposes of cross compliance, you will be held responsible for actions or omissions which breach the cross compliance requirements where:
- they were committed by you or someone acting on your behalf or under your control; and
 - you were in charge of the holding, area or animal concerned at the relevant time.

This means that you will be held responsible not only for your own acts and omissions but also for acts of other persons in certain circumstances. These other persons include employees, agents, children, and even statutory undertakers, where they require your consent for the relevant activity and you grant them consent, and persons such as graziers who you allow to use your land, but where you retain control of the land.

207. If you take charge of a holding, area or animal after a related non-compliance has begun, you will be liable, as well as the farmer who committed the breach, if you could reasonably have detected the breach and you could have terminated it, but fail to do so.

Inspections

208. The CAP Regulations require Member States to put in place arrangements to implement and enforce the range of cross compliance requirements including set-aside management conditions. Inspections will be required for cross compliance purposes, although these will be limited, as most cross compliance standards reinforce existing laws which are already being inspected.
209. RPA has overall responsibility for ensuring inspections are delivered to meet the Commission's minimum requirements. RPA works in partnership with the various specialist enforcement bodies, such as the Environment Agency, who carry out some of the specialist inspections alongside it. Farmers selected for inspection will be chosen by a risk assessment but the inspection selection will include a random element.
210. When you breach a cross compliance requirement, RPA will impose a proportionate payment reduction. Where specialist agencies discover a non-compliance in the course of other duties, this may also be reported to RPA.
211. The RPA will try to ensure that the inspection visit causes you the minimum of disruption. Inspections are likely to be unannounced, which means it may not be possible to give you any notice of a visit. Inspections may occur more than once during a calendar year. Following inspection, you will be sent a copy of the inspection findings.
212. You must co-operate with the inspecting authority. If you refuse to allow an inspection, or if you obstruct an inspector or fail to give reasonable assistance, you may lose your payment and may be prosecuted.
213. The detailed rules on reductions and exclusions for non-compliance with cross compliance are set out in Commission Regulation (EC) No 796/2004 (as amended). Reductions will be applied in accordance with those rules. These rules apply to the SPS and other direct payments listed at paragraph 8. At Appendix 3 you will see the payment reduction matrices for England which will be used as a guideline by the paying agency for determining penalties in accordance with these rules. **These matrices are for information only and cannot be used to calculate potential payment reductions on their own, as the extent, severity, permanence and repetition of any breach will have to be assessed in order to apply the matrices. These matrices may be revised in 2006 or future years.**
214. If you, or someone acting on your behalf or under your control, fail to comply with any of the cross compliance requirements, your overall direct payments may be reduced as explained below. In extreme circumstances, you may be excluded from an aid scheme in a subsequent year.
215. If you negligently fail to comply with a cross compliance requirement, your overall direct payments will generally be reduced by 3% for

each non-compliance, but this reduction can be reduced to 1% or increased to 5% depending on the seriousness of the breach. In some exceptional and specific circumstances it may be appropriate not to make a reduction. If you commit more than one breach in the same area – environment; public health, animal health and plant health; or GAEC, then this will be treated as one non-compliance for the above purposes. Where a breach of the same specific requirement or standard is repeated within three years, the reduction will be increased by a multiplier of three, up to a maximum of 15%. Once the reduction reaches 15%, if you fail to comply with a requirement or standard in the same area, you will also be treated as having intentionally failed to comply.

216. In cases of intentional non-compliance, your overall direct payments will generally be reduced by 20% but, this reduction can be reduced to any figure down to 15% or increased to any figure up to 100% (see Appendix 3). Intentional non-compliance may even result in exclusion from a particular aid scheme in the following calendar year.
217. A failure to comply with certain cross compliance requirements may also constitute an offence under domestic legislation and as such might carry a criminal sanction. A failure to comply with the requirements of the relevant legislation could therefore result in you being prosecuted, in addition to the payment reductions and exclusions detailed above. It is not necessary to be convicted for a reduction to your direct payments to be imposed.
218. An Inspections Co-ordination Board was established in December 2004 to assist RPA in co-ordinating inspections, and to ensure that cross compliance rules are applied consistently. Specialist enforcement agencies and stakeholders are represented on the Board. The aim of the Board is to ensure that the number and burden of inspections are minimised, and that a customer-focused approach to enforcement is developed.

Appeals

If you do not agree with a decision to apply a reduction to, or an exclusion from the scheme and wish to make a representation about the decision, you will need to write to the Customer Service Centre (CSC) at:

Rural Payments Agency
PO Box 1058
Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle upon Tyne NE99 4YQ

The CSC will investigate your representation and will inform you of their findings. If you remain unsatisfied after receiving the reply from the CSC, you will have the opportunity to follow the formal appeals procedure, details of which will be provided in the CSC's reply.

F Appendices

Appendix 1

List of Statutory Management Requirements

(referred to in Articles 3 and 4 of Council Regulation 1782/03)

Environment

SMR	Directive or Regulation	Articles	Domestic provisions
1	Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p.1)	3 4(1) (2) (4) 5 7 8	<ul style="list-style-type: none"> ● Sections 1, 2, 5, 28E(1)(a), (3)(b) and (3)(c), 28H, 28K, 28P(6) and 31 of the Wildlife and Countryside Act 1981 (WCA) ● Regulations 19(1)(a), 23(1), 26, 48 and 49 of the Conservation (Natural Habitats, etc.) Regulations 1994 ('the Habitats Regulations') (SI 1994/2716) ● Sections 3 and 4 of the Game Act 1831.
2	Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (OJ L 20, 26.1.1980, p.43)	4 5	<ul style="list-style-type: none"> ● Regulation 14 of the Groundwater Regulations 1998 (SI 1998/2746) ● Section 85 of the Water Resources Act 1991 (where a breach of that section arises from failing to observe the requirements that relate to Articles 4 and 5 of the Directive) ● Requirements within authorisations, which are imposed for the purposes of giving effect to the Groundwater Directive, under the statutory provisions listed below. <ul style="list-style-type: none"> ○ The Groundwater Regulations 1998 (SI 1998/2746) ○ The Water Resources Act 1991 ○ Part 1 of the Environmental Protection Act 1990 ○ The Pollution Prevention and Control Regulations 2000 ○ The Waste Management Licensing Regulations 1994.
3	Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p.6)	3	Regulations 3 (in so far as it relates to prohibition on the use of sludge), 4 and 5 of the Sludge (Use in Agriculture) Regulations 1989 (SI 1989/1263).

Environment (continued)

SMR	Directive or Regulation	Articles	Domestic provisions
4	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p.1)	4 5	In NVZs designated in 1996 by the Protection of Water Against Agricultural Nitrate Pollution (England and Wales) Regulations 1996 (SI 1996/888) and Additional NVZs designated in 2002 by the Nitrate Vulnerable Zones (Additional Designations) (England) (No. 2) Regulations 2002 (SI 2002/2614): <ul style="list-style-type: none"> • Paragraphs 3–15 of the Schedule to the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998
5	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p.7)	6 13 15 22(b)	<ul style="list-style-type: none"> • Sections 28E(1)(a), 28(3)(b), 28(3)(c), 28H, 28K, 28P(6) and 31 of the WCA • Section 14 of the WCA • Regulations 19, 23, 26, 38, 41 to 44, 48 and 49 of the Habitats Regulations.

Public and animal health – identification and registration of animals

SMR	Directive or Regulation	Articles	Domestic provisions
6	Council Directive 92/102/EEC of 27 November 1992 on identification and registration of animals (OJ L 355, 5.12.1992, p.32)	3 4 5	Pigs (Records, Identification and Movement) Order 2003 (SI 2003/2632) Articles 4, 5, 8, 9, 10–21 24, 25 and 26 and the movement document requirements of the licences issued under the Disease Control (England) Order 2003.
7	Commission Regulation (EC) No 911/2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and Council as regards eartags, passports and holdings registers (OJ L 163/65, 30.04.2004.)	6 8 9	<ul style="list-style-type: none"> • Regulations 13, 15 and 29 of the Cattle Identification Regulations 1998 (SI 1998/871) • Regulation 6 of the Cattle Database (England) Regulations 1998 (SI 1998/1796).

Public and animal health – identification and registration of animals
(continued)

SMR	Directive or Regulation	Articles	Domestic provisions
8	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p.1)	4 7	<ul style="list-style-type: none"> ● Cattle Identification Regulations 1998 (SI 1998/871) (as amended) Regulations 3–6, 8–14, 16–18, 21, 22, 23 and 25–29. ● Regulations 6, 7 and 8 of the Cattle Database Regulations 1998 (SI 1998/1796) ● Regulations 7 and 9 of the Cattle (Identification of Older Animals) Regulations 2000 (SI 2000/2976) (as amended)
8a	Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8)	3 4 5	This is a directly applicable EC Regulation. Therefore you should refer to that Regulation. The Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (SI 2005/3100) supplements the EC Regulation, and the provisions relating to animal identification and on-farm records apply for cross compliance purposes.
9	Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ L 230, 19.08.1991, p. 1)	3	Plant Protection Products Regulations 2005 (SI 2005/1435) regulation 3(2), and Control of Pesticides Regulations 1986 (SI 1986/1510) Regulation 5.
10	Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists (OJ L 125, 23.05.1996, p. 3)	3 4 5 7	Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 (SI 1997/1729) as amended, regulations 4, 5, 9(1)(f), and 25 to 28A, and Veterinary Medicines Regulations 2005 (SI 2005/2745) regulations 8(1)(a), 18 and 19.

Public and animal health – identification and registration of animals
(continued)

SMR	Directive or Regulation	Articles	Domestic provisions
11	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. (OJ L 031, 01.02.2002 p. 1)	14 15 17(i) 18 19 20	Domestic and EC Regulations/Directives on food and feed law. Detailed requirements to be notified.
12	Regulation 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. (OJ L 147, 31.05.2001 p. 1)	7 11 12 13 15	TSE (England) Regulations 2002 (SI 2002/843) as amended, Regulations 11(1)(b), 12(1)(d), 14, 78(1)-(2), 79(5), 80 – 83, 86A (with Schedule 6A), 87(1) – (2), 88(3), 88(5), and 92. A new, consolidated regulation which will replace the amended TSE (England) Regulations 2002 is due to come into force in early 2006.
13	Council Directive 2003/85/EEC introducing Community measures for the control of Foot and Mouth Disease. Council Directive 2003/85 repeals and replaces Council Directive 1985/511. (OJ L 306, 22.11.2003 p. 1)	3	Foot and Mouth Disease Order 1983 (SI 1983/1950) as amended, Article 3. This will be replaced by a new Foot and Mouth Disease Order in early 2006.
14	Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease. (OJ L 062, 15.03.1993 p. 69)	3	The Specified Diseases (Notification) Order 1996 (SI 1996/2628) Article 3(2). There is a similar requirement for rinderpest in the Cattle Plague Order 1928 (Article 2), for swine vesicular disease in the Swine Vesicular Disease Order 1972 (Article 3(1) read with the Schedule and article 4 of the Foot and Mouth Disease Order 1983 (SI 1983/1950)) and for African swine fever in the African Swine Fever (England) Order 2003 (SI 2003/2913) Article 40.
15	Council Directive 2000/75/EC laying down specific provisions for the control and eradication of Bluetongue. (OJ L 327 22.12.2000 p. 74)	3	Bluetongue Order 2003 (SI 2003/130), article 6(1)(a).

Appendix 2

Lists referred to in the Statutory Management Requirements

2a Wildlife and Countryside Act 1981 Schedule 1 *Birds which are protected by special penalties*

Part I – at all times

Common name	Scientific name
Avocet	<i>Recurvirostra avosetta</i>
Bee-eater	<i>Merops apiaster</i>
Bittern	<i>Botaurus stellaris</i>
Bittern, Little	<i>Ixobrychus minutus</i>
Bluethroat	<i>Luscinia svecica</i>
Brambling	<i>Fringilla montifringilla</i>
Bunting, Cirl	<i>Emberiza cirlus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>
Buzzard, Honey	<i>Pernis apivorus</i>
Capercaillie	<i>Tetrao urogallus</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>
Corncrake	<i>Crex crex</i>
Crake, Spotted	<i>Porzana porzana</i>
Crossbills (all species)	<i>Loxia</i>
Curlew, Stone	<i>Burhinus oediconemus</i>
Divers (all species)	<i>Gavia</i>
Dotterel	<i>Charadrius morinellus</i>
Duck, Long-tailed	<i>Clangula hyemalis</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Falcon, Gyr	<i>Falco rusticolus</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Garganey	<i>Anas querquedula</i>
Godwit, Black-tailed	<i>Limosa limosa</i>
Goshawk	<i>Accipiter gentilis</i>
Grebe, Black-necked	<i>Podiceps nigricollis</i>
Grebe, Slavonian	<i>Podiceps auritus</i>
Greenshank	<i>Tringa nebularia</i>
Gull, Little	<i>Larus minutus</i>
Gull, Mediterranean	<i>Larus melanocephalus</i>
Harriers (all species)	<i>Circus</i>
Heron, Purple	<i>Ardea purpurea</i>
Hobby	<i>Falco subbuteo</i>
Hoopoe	<i>Upupa epops</i>

Part I – at all times (continued)

<u>Common name</u>	<u>Scientific Name</u>
Kingfisher	<i>Alcedo atthis</i>
Kite, Red	<i>Milvus milvus</i>
Merlin	<i>Falco columbarius</i>
Oriole, Golden	<i>Oriolus, oriolus</i>
Osprey	<i>Pandion haliaetus</i>
Owl, Barn	<i>Tyto alba</i>
Owl, Snowy	<i>Nyctea scandiaca</i>
Peregrine	<i>Falco peregrinus</i>
Petrel, Leach's	<i>Oceanodroma leucorhoa</i>
Phalarope, Red-necked	<i>Phalaropus lobatus</i>
Plover, Kentish	<i>Charadrius alexandrinus</i>
Plover, Little Ringed	<i>Charadrius dubius</i>
Quail, Common	<i>Coturnix coturnix</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redwing	<i>Turdus iliacus</i>
Rosefinch, Scarlet	<i>Carpodacus erythrinus</i>
Ruff	<i>Philomachus pugnax</i>
Sandpiper, Green	<i>Tringa ochropus</i>
Sandpiper, Purple	<i>Calidris maritima</i>
Sandpiper, Wood	<i>Tringa glareola</i>
Scaup	<i>Aythya marila</i>
Scoter, Common	<i>Melanitta nigra</i>
Scoter, Velvet	<i>Melanitta fusca</i>
Serín	<i>Serinus serinus</i>
Shorelark	<i>Eremophila alpestris</i>
Shrike, Red-backed	<i>Lanius collurio</i>
Spoonbill	<i>Platalea leucorodia</i>
Stilt, Black-winged	<i>Himantopus himantopus</i>
Stint, Temminck's	<i>Calidris temminckii</i>
Swan, Bewick's	<i>Cygnus bewickii</i>
Swan, Whooper	<i>Cygnus cygnus</i>
Tern, Black	<i>Chlidonias niger</i>
Tern, Little	<i>Sterna albifrons</i>
Tern, Roseate	<i>Sterna dougallii</i>
Tit, Bearded	<i>Panurus biarmicus</i>
Tit, Crested	<i>Parus cristatus</i>
Treecreeper, Short-toed	<i>Certhia brachydactyla</i>
Warbler, Cetti's	<i>Cettia cetti</i>
Warbler, Dartford	<i>Sylvia undata</i>
Warbler, Marsh	<i>Acrocephalus palustris</i>
Warbler, Savi's	<i>Locustella luscinioides</i>
Whimbrel	<i>Numenius phaeopus</i>

Part I – at all times (continued)

<u>Common name</u>	<u>Scientific name</u>
Woodlark	<i>Lullula arborea</i>
Wryneck	<i>Jynx torquilla</i>

Part II – during the close season

<u>Common name</u>	<u>Scientific name</u>
Goldeneye	<i>Bucephala clangula</i>
Goose, Greylag (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)	<i>Anser anser</i>
Pintail	<i>Anas acuta</i>

2b Wildlife and Countryside Act 1981 Schedule 2

Huntable birds and their close seasons

Part I – outside the close season. (Cannot be shot on the dates shown, all dates inclusive.)

<u>Common name</u>	<u>Scientific name</u>	<u>Close season</u>
Coot	<i>Fulica atra</i>	1 Feb–31 Aug
Duck, Tufted	<i>Aythya fuligula</i>	1 Feb–31 Aug*
Gadwall	<i>Anas strepera</i>	1 Feb–31 Aug*
Goldeneye	<i>Bucephala clangula</i>	1 Feb–31 Aug*
Goose, Canada	<i>Branta canadensis</i>	1 Feb–31 Aug*
Goose, Greylag	<i>Anser anser</i>	1 Feb–31 Aug*
Goose, Pink-footed	<i>Anser brachyrhynchus</i>	1 Feb–31 Aug*
Goose, White-fronted	<i>Anser albifrons</i>	1 Feb–31 Aug*
Mallard	<i>Anas platyrhynchos</i>	1 Feb–31 Aug*
Moorhen	<i>Gallinula chloropus</i>	1 Feb–31 Aug
Pintail	<i>Anas acuta</i>	1 Feb–31 Aug*
Plover, Golden	<i>Pluvialis apricaria</i>	1 Feb–31 Aug
Pochard	<i>Aythya ferina</i>	1 Feb–31 Aug*
Shoveler	<i>Anas clypeata</i>	1 Feb–31 Aug*
Snipe, Common	<i>Gallinago gallinago</i>	1 Feb–11 Aug
Teal	<i>Anas crecca</i>	1 Feb–31 Aug*
Wigeon	<i>Anas penelope</i>	1 Feb–31 Aug*
Woodcock	<i>Scolopax rusticola</i>	1 Feb–30 Sept

*The close season for wild duck and wild geese in any area below high water mark is 21 Feb–31 Aug (dates inclusive).

The common name or names given in the first column of these Schedules are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

Under section 2(3) of the WCA, shooting of the birds listed in Schedule 2 Part I (see previous page) is not permitted on Sundays in Cornwall, Devon, Isle of Ely, Norfolk, Somerset, York North Riding, York West Riding, Doncaster, Great Yarmouth and Leeds.

Further information on licences issued under section 16 WCA can be obtained from the Wildlife Administration Unit (see Appendix 4).

2c The Game Act 1831 Section 3 and Wildlife and Countryside Act 1981 *Game birds shooting closed seasons*

Species (common names)	Close season (dates exclusive – can be shot on dates shown)
Grouse (red grouse)	10 Dec–12 Aug
Black Game (black grouse)	10 Dec–20 Aug (Somerset, Devon and New Forest 10 Dec–1 Sept)
Pheasant	1 Feb–1 Oct
Partridge (grey partridge, red-legged partridge)	1 Feb–1 Sept
Snipe, common	31 Jan–12 Aug
Woodcock	31 Jan–10 Oct

N.B. (i) While a close season is established for Bustards under the Game Act 1831, this species of bird is protected under the Wildlife and Countryside Act 1981, with the result that it may not be killed or taken at any time.

(ii) This is not a comprehensive list and there are other closed seasons.

2d Annex from Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances

Lists of families and groups of substances

List I

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.
2. Organophosphorus compounds.
3. Organotin compounds.
4. Substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment*
5. Mercury and its compounds.
6. Cadmium and its compounds.
7. Mineral oils and hydrocarbons.
8. Cyanides.

* Where certain substances in list II are carcinogenic, mutagenic or teratogenic, they are included in category 4 of this list.

List II

1. The following metalloids and metals and their compounds: zinc, copper, nickel, chromium, lead, selenium, arsenic, antimony, molybdenum, titanium, tin, barium, beryllium, boron, uranium, vanadium, cobalt, thallium, tellurium, silver.
2. Biocides and their derivatives not appearing in list I.
3. Substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit for human consumption.
4. Toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances.
5. Inorganic compounds of phosphorus and elemental phosphorus.
6. Fluorides.
7. Ammonia and nitrites.

2e Habitats Regulations Schedule 4
European protected species of plants which cannot be picked, collected, etc.

<u>Common name</u>	<u>Scientific name</u>
Dock, Shore	<i>Rumex rupestris</i>
Fern, Killarney	<i>Trichomanes speciosum</i>
Gentian, Early	<i>Gentianella anglica</i>
Lady's-slipper	<i>Cypripedium calceolus</i>
Marshwort, Creeping	<i>Apium repens</i>
Naiad, Slender	<i>Najas flexilis</i>
Orchid, Fen	<i>Liparis loeselii</i>
Plantain, Floating-leaved Water	<i>Luronium natans</i>
Saxifrage, Yellow Marsh	<i>Saxifraga hirculus</i>

The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

Certain prohibited activities can be undertaken with respect to these plants if an appropriate licence has been granted in prescribed circumstances.

2f Habitats Regulations, Regulation 41(3)
Prohibited means of killing or taking protected mammals

- Blind or mutilated animals as live decoys.
- Tape recorders.
- Electrical and electronic devices capable of killing or stunning.
- Artificial light sources.
- Mirrors and other dazzling devices.
- Devices for illuminating targets.
- Sighting devices for night shooting comprising an electric image magnifier or image converter.
- Explosives.
- Nets and traps which are non-selective according to their principle or their conditions of use.
- Crossbows.
- Poisons and poisoned or anaesthetic bait.
- Gassing or smoking out.
- Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.

Prohibited means of killing or taking protected fish

- Poison.
- Explosives.

Prohibited means of killing or taking protected fish and mammals

- Any form of taking or killing from aircraft or moving vehicles.

2g Habitats Regulations Schedule 3
Animals which may not be taken or killed in certain ways

<u>Common name</u>	<u>Scientific name</u>
Barbel	<i>Barbus barbus</i>
Grayling	<i>Thymallus thymallus</i>
Hare, Mountain	<i>Lepus timidus</i>
Lamprey, River	<i>Lampetra fluviatilis</i>
Marten, Pine	<i>Martes martes</i>
Polecat	<i>Mustela putorius</i> or <i>Putorius putorius</i>
Salmon, Atlantic	<i>Salmo salar</i> (only in fresh water)
Seal, Bearded	<i>Erignathus barbatus</i>
Seal, Common	<i>Phoca vitulina</i>
Seal, Grey	<i>Halichoerus grypus</i>
Seal, Harp	<i>Phoca groenlandica</i> or <i>Pagophilus groenlandicus</i>
Seal, Hooded	<i>Cystophora cristata</i>
Seal, Ringed	<i>Phoca hispida</i> or <i>Pusa hispida</i>
Shad, Allis	<i>Alosa alosa</i>

<u>Common name</u>	<u>Scientific name</u>
Shad, Twaite	<i>Alosa fallax</i>
Vendace	<i>Coregonus albula</i>
Whitefish	<i>Coregonus lavaretus</i>

The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

Certain prohibited methods can be used if an appropriate licence has been granted in prescribed circumstances.

2h Habitats Regulations Schedule 2

Other animals (European protected species) which may not be taken or killed in certain ways

<u>Common name</u>	<u>Scientific name</u>
Bats, Horseshoe (all species)	<i>Rhinolophidae</i>
Bats, Typical (all species)	<i>Vespertilionidae</i>
Butterfly, Large Blue	<i>Maculinea arion</i>
Cat, Wild	<i>Felis silvestris</i>
Dolphins, Porpoises and Whales (all species)	<i>Cetacea</i>
Dormouse	<i>Muscardinus avellanarius</i>
Lizard, Sand	<i>Lacerta agilis</i>
Newt, Great Crested (or Warty)	<i>Triturus cristatus</i>
Otter, Common	<i>Lutra lutra</i>
Snake, Smooth	<i>Coronella austriaca</i>
Sturgeon	<i>Acipenser sturio</i>
Toad, Natterjack	<i>Bufo calamita</i>
Turtles, Marine	<i>Caretta caretta</i>
	<i>Chelonia mydas</i>
	<i>Lepidochelys kempii</i>
	<i>Eretmochelys imbricata</i>
	<i>Dermochelys coriacea</i>

The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

The prohibited methods of taking and killing fish are poison and explosives. Certain prohibited methods can be used if an appropriate licence has been granted in prescribed circumstances.

2i Wildlife and Countryside Act 1981 Schedule 9
Animals and plants which should not be allowed to escape or grow in the wild

Part I – animals which are established in the wild

<u>Common name</u>	<u>Scientific name</u>
Bass, Large-mouthed Black	<i>Micropterus salmoides</i>
Bass, Rock	<i>Ambloplites rupestris</i>
Bitterling	<i>Rhodeus sericeus</i>
Budgerigar	<i>Melopsittacus undulatus</i>
Capercaillie	<i>Tetrao urogallus</i>
Coypu	<i>Myocastor coypus</i>
Crayfish, Noble	<i>Astacus astacus</i>
Crayfish, Signal	<i>Pacifastacus leniusculus</i>
Crayfish, Turkish	<i>Astacus leptodactylus</i>
Deer:	
■ any hybrid one of whose parents or other lineal ancestor was a Sika Deer	<i>Cervus nippon</i> (any hybrid)
■ with respect to the Outer Hebrides and the islands of Arran, Islay, Jura and Rum:	
□ Cervus (all species)	<i>Cervus</i>
□ any hybrid one of whose parents or other lineal ancestor was a species of Cervus Deer	<i>Cervus</i> (any hybrid of the genus)
■ Muntjac	<i>Muntiacus reevesi</i>
■ Sika	<i>Cervus nippon</i>
Dormouse, Fat	<i>Glis glis</i>
Duck, Carolina Wood	<i>Aix sponsa</i>
Duck, Mandarin	<i>Aix galericulata</i>
Duck, Ruddy	<i>Oxyura jamaicensis</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Flatworm, New Zealand	<i>Artiposthia triangulata</i>
Frog, Edible	<i>Rana esculenta</i>
Frog, European Tree (otherwise known as Common Tree Frog)	<i>Hyla arborea</i>
Frog, Marsh	<i>Rana ridibunda</i>
Gerbil, Mongolian	<i>Meriones unguiculatus</i>
Goose, Canada	<i>Branta canadensis</i>
Goose, Egyptian	<i>Alopochen aegyptiacus</i>

Part I – animals which are established in the wild (continued)

<u>Common name</u>	<u>Scientific name</u>
Heron, Night	<i>Nycticorax nycticorax</i>
Lizard, Common Wall	<i>Podarcis muralis</i>
Marmot, Prairie (otherwise known as Prairie Dog)	<i>Cynomys</i>
Mink, American	<i>Mustela vison</i>
Newt, Alpine	<i>Triturus alpestris</i>
Newt, Italian Crested	<i>Triturus carnifex</i>
Owl, Barn	<i>Tyto alba</i>
Parakeet, Ring-necked	<i>Psittacula krameri</i>
Partridge, Chukar	<i>Alectoris chukar</i>
Partridge, Rock	<i>Alectoris graeca</i>
Pheasant, Golden	<i>Chrysolophus pictus</i>
Pheasant, Lady Amherst's	<i>Chrysolophus amherstiae</i>
Pheasant, Reeves'	<i>Syrmaticus reevesii</i>
Pheasant, Silver	<i>Lophura nycthemera</i>
Porcupine, Crested	<i>Hystrix cristata</i>
Porcupine, Himalayan	<i>Hystrix hodgsonii</i>
Pumpkinseed (otherwise known as Sun-fish or Pond-perch)	<i>Lepomis gibbosus</i>
Quail, Bobwhite	<i>Colinus virginianus</i>
Rat, Black	<i>Rattus rattus</i>
Snake, Aesculapian	<i>Elaphe longissima</i>
Squirrel, Grey	<i>Sciurus carolinensis</i>
Terrapin, European Pond	<i>Emys orbicularis</i>
Toad, African Clawed	<i>Xenopus laevis</i>
Toad, Midwife	<i>Alytes obstetricans</i>
Toad, Yellow-bellied	<i>Bombina variegata</i>
Wallaby, Red-necked	<i>Macropus rufogriseus</i>
Wels (otherwise known as European Catfish)	<i>Silurus glanis</i>
Zander	<i>Stizostedion lucioperca</i>

Part II – plants

<u>Common name</u>	<u>Scientific name</u>
Hogweed, Giant	<i>Heracleum mantegazzianum</i>
Kelp, Giant	<i>Macrocystis pyrifera</i>
Kelp, Giant	<i>Macrocystis angustifolia</i>
Kelp, Giant	<i>Macrocystis integrifolia</i>
Kelp, Giant	<i>Macrocystis laevis</i>
Kelp, Japanese	<i>Laminaria japonica</i>
Knotweed, Japanese	<i>Polygonum cuspidatum</i>
Seafingers, Green	<i>Codium fragile tomentosoides</i>
Seaweed, Californian Red	<i>Pikea californica</i>

<u>Common name</u>	<u>Scientific name</u>
Seaweed, Hooked Asparagus	<i>Asparagopsis armata</i>
Seaweed, Japanese	<i>Sargassum muticum</i>
Seaweeds, Laver (except native species)	<i>Porphyra</i> spp except: <i>P. amethystea</i> <i>P. leucosticta</i> <i>P. linearis</i> <i>P. miniata</i> <i>P. purpurea</i> <i>P. umbilicalis</i>
Wakame	<i>Undaria pinnatifida</i>

The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

2j Public bodies' or statutory undertakers' responsibilities under GAEC 6 (SSSIs), SMR 1 (Wild birds) and SMR 5 (Habitats)

Public bodies or Statutory Undertakers only, within the meaning of section 28G of the Wildlife and Countryside Act 1981, must not, in the course of exercising their functions, carry out any operations likely to damage the special interest feature of an SSSI without complying with section 28H of the Act. Advice and guidance may be obtained from English Nature (see Appendix 4).

Appendix 3

UK cross compliance failures – (provisional) payment reduction matrices for 2006

These payment reduction matrices are designed as guidelines to assist in determining the appropriate and proportionate penalty should cross compliance standards and/or requirements be breached. These matrices have been created in line with Council Regulation 1782/2003 and Commission Regulation 796/2004.

Each case will be assessed individually, taking into consideration factors specified in the CAP Regulations and exemplified in the following matrices. As these matrices represent a broad guideline only, the precise reduction will depend on the circumstances of the individual case. Where there are multiple breaches (of separate requirements) these are likely to attract a higher rate of reduction than a single breach. The final level of reduction will be assessed taking into account the full picture of any non-compliance found throughout the year.

Guidance for UK Paying Agencies for fixing payment reductions for *negligent* breaches

Intent	Extent	Severity	Permanence	% reduction (see note)	1st repetition (see note)	2nd repetition	3rd repetition	4th repetition
Negligent	Limited to an on-farm effect	Minimum	Rectifiable	0% (Warning letter) or 1%	3%	9%	15%	81%
			Permanent	1%				
		Medium	Rectifiable		3%	9%	15%	81%
			Permanent					
		High	Rectifiable	3%	9%	15%	81%	100%
			Permanent					
	Not limited to an on-farm effect	Minimum	Rectifiable	1%	3%	9%	15%	81%
			Permanent	3%	9%	15%	81%	100%
		Medium	Rectifiable	5%	15%	45%	100%	100% (plus exclusion from scheme in following year*)
			Permanent					
		High	Rectifiable	3%	9%	15%	81%	100%
			Permanent					

*Subject to clarification from the European Commission

Note

The key rules on penalties are at Articles 65 to 67 of Commission Regulation EC no. 796/2004.

Guidance for UK Paying Agencies for fixing payment reductions for *intentional* breaches

Intent	Extent	Severity	Permanence	% reduction for first breach (see note)	1st repetition (see note)
Intentional	Limited to an on-farm effect	Minimum	Rectifiable	15%	100% (plus exclusion from scheme in following year*)
			Permanent	20%	
		Medium	Rectifiable	20%	
			Permanent	30%	
		High	Rectifiable	30%	
			Permanent	50 – 100%	
	Not limited to an on-farm effect	Minimum	Rectifiable	30%	
			Permanent	40%	
		Medium	Rectifiable	40%	
			Permanent	60%	
		High	Rectifiable	60%	
			Permanent	100%	

*Subject to clarification from the European Commission.

Note

The key rules on penalties are at Articles 65 to 67 of Commission Regulation EC no. 796/2004.

Appendix 4

Useful contacts and publications

Useful contacts

British Cattle Movement Service (BCMS) Helpline	Curwen Road Workington Cumbria CA14 2DD 0845 050 1234 (open 8.30am to 5.30pm weekdays and 9am to 1pm Saturdays) E-mail through the website at: www.bcms.gov.uk
Country Land and Business Association	Tel: 020 7235 0511 www.cla.org.uk
Cross Compliance advice	For all queries relating to Good Agricultural and Environmental Condition and Statutory Management Requirements, Defra has established a dedicated helpline, e-mail address and website. Cross Compliance Helpline: 0845 345 1302 www.crosscompliance.org.uk E-mail: info@crosscompliance.org.uk
Cross Compliance Derogation	E-mail: csc@rpa.gsi.gov.uk All letters (RPA CSC see page 71) and e-mails requesting exemptions should be clearly headed: 'Cross Compliance Derogation'
Defra	For information on any aspect of Defra's work, including cross compliance policy and agri-environment schemes, please contact the Defra Helpline by telephone on 08459 335577 or by e-mail at helpline@defra.gsi.gov.uk , or see www.defra.gov.uk
Animal Health Divisional Office Details for notifiable diseases	www.defra.gov.uk/corporate/contacts/ahdo.htm www.defra.gov.uk/animalh/diseases/notifiable/index.htm
EIA Unit Rural Development Service	Coley Park Reading RG1 6DT Freephone: 0800 028 2140 E-mail: eia.England@defra.gsi.gov.uk
Hedgerows	www.defra.gov.uk/farm/conservation/hedgerows.htm
Public Rights of Way	www.defra.gov.uk/wildlife-countryside/issues/public/
Wildlife Administration Unit	Burghill Road Westbury-on-Trym Bristol BS10 6NJ Tel: 0845 601 4523 www.defra.gov.uk/wildlife-countryside/vertebrates/default.htm E-mail: southwest@defra.gsi.gov.uk
English Heritage	Tel: 0870 3331181 www.english-heritage.org.uk/smr
English Nature (including Special Protection Areas)	Tel: 01733 455101 (calls will be transferred to area teams) www.english-nature.org.uk

Cross Compliance Handbook for England 2006 edition

Environment Agency	Tel: 08708 506506 www.environment-agency.gov.uk enquiries@environment-agency.gov.uk
Environment Agency (Netregs)	www.environment-agency.gov.uk/netregs
European Union	www.europa.eu.int/eur-lex/en/index.html
FBAS (New Farm Business Advice Service for business implications of SPS) Monday to Friday: 9am to 5pm.	
East of England	0870 870 7384
East Midlands	0870 870 7383
North East	0870 870 7381
North West	0870 870 7380
South East	0845 365 1257
West Midlands	0845 365 1256
Yorkshire and Humber	0870 870 7382
South West:	
Devon and Cornwall	0845 600 9966
Gloucestershire	01242 863 863
Somerset	08457 211 112
Wessex	08454 58 85 58
West	01275 373 373
Wiltshire	0845 600 4141
www.defra.gov.uk/farm/fbadvice/advice.service.htm	
Farming and Wildlife Advisory Group	Tel: 02476 696699 www.fwag.org.uk
Food Standards Agency (FSA)	Tel: 020 7276 8000 www.foodstandards.gov.uk
Forestry Commission	Tel: 0131 334 0303 www.forestry.gov.uk
Forestry Commission (EIA)	Tel: 0845 367 3787
Linking Environment And Farming (LEAF)	NAC Stoneleigh Park Warwickshire CV8 2LZ Tel: 02476 413 911 Fax: 02476 413 636 www.leafuk.org E-mail: enquiries@leafuk.org
Livestock Movement Rules Helpline	Tel: 0845 050 4141 www.defra.gov.uk/animalh/movements/default.htm
Local Government Archaeological Officer	Tel: 01975 564071 www.algao.org.uk
Multi-Agency Geographic Information for the Countryside (MAGIC)	www.magic.gov.uk
National Farmers' Union	Tel: 0870 845 8458 www.nfuonline.com
Office of Public Sector Information	Tel: 01603 723011 www.opsi.gov.uk
Ordnance Survey	Tel: 08456 050505 www.ordnancesurvey.co.uk

Pesticides Safety Directorate Information Section	Mallard House, Kings Pool 3 Peaseholme Green York YO1 7PX Tel: 01904 455775 Fax: 01904 455733 www.pesticides.gov.uk E-mail: information@psd.defra.gsi.gov.uk https://secure.pesticides.gov.uk/pestreg/ProdSearch.asp
Approved products	
Royal Society for the Protection of Birds	Tel: 01767 680551 www.rspb.org.uk
Rural Development Service	For details relating to the England Rural Development Programme's schemes or services please contact your local RDS office. Further details can also be obtained at: www.defra.gov.uk/corporate/rds/default.asp
Rural Payments Agency (RPA)	Customer Service Centre PO Box 1058 Lancaster House Hampshire Court Newcastle Business Park Newcastle upon Tyne NE99 4YQ Tel: 0845 603 7777 (Lines open 8:30am to 5pm Monday to Friday) www.rpa.gov.uk
Tree Preservation Orders (TPOs)	Tel: 020 7944 5623 www.odpm.gov.uk/treesandhedges

Useful publications

(available from Office of Public Sector Information)

1. Vertebrate wildlife management
www.defra.gov.uk/corporate/regulat/forms/cons_man/vertpest/index.htm
Wildlife advisory leaflets, notes for guidance and application forms for
licences.
2. Minimising water pollution from agriculture
*The Codes of Good Agricultural Practice for the Protection of Water, Air
and Soil:*
 - *Groundwater Protection Code – Use and Disposal of Sheep Dip*
(PB5803)
 - *Petrol Storage Code* (PB6750A)
 - *Septic Tank Code*
www.defra.gov.uk/envIRON/pollute/envpoll.htm#nutrients
www.defra.gov.uk/environment/water/ground/sheepdip/Index.htm
3. Nitrates
 - *Guidelines for Farmers in NVZs* (PB5505)
 - *Manure Planning in NVZs – England* (PB5504)
Copies are available free of charge from Defra Publications. They can also
be viewed and printed from the Defra website.
www.defra.gov.uk/environment/water/quality/nitrate/library.htm

4. Farmland conservation
www.defra.gov.uk/farm/conservation/advice.htm
5. Animal identification and tracing
www.defra.gov.uk/animalh/tracing/index.htm
6. Agricultural Pesticide Handling and Disposal
 - *Code of Practice for the Safe Use of Pesticides on Farms and Holdings* (PB3528) (The Green Code)
www.pesticides.gov.uk/safe_use.asp?id=870
 - *Pesticides – Use Them Safely* (GNDG-257)
www.hse.gov.uk/pubns/chindex.htm
www.biobeds.info
www.environment-agency.gov.uk/commondata/acrobat/solutionsforpesticide_1028441.pdf
7. *The Heather and Grass Burning Code* (PB1029)
www.defra.gov.uk/corporate/rds/hgbc.pdf
8. Control of weeds
Code of Practice on How to Prevent the Spread of Ragwort (Defra, 2004)
www.defra.gov.uk/envIRON/weedsact/cop_ragwort.pdf
Guidance on the Disposal Options for Common Ragwort (PB11050)
www.defra.gov.uk/envIRON/weedsact/ragwort-dispose.pdf
Identification of Injurious Weeds (PB4192)
www.defra.gov.uk/envIRON/weedsact/identify.pdf
9. *Water Code* (PB0587)
www.defra.gov.uk/envIRON/cogap/watercod.pdf
10. *The Compendium of Data Sheets for Animal Medicines 2005*
Lists nearly all UK authorised veterinary medicinal products; available at www.noahcompendium.co.uk. It is also published in book form by the National Office of Animal Health, ISBN 0 9548037-0-1. (The 2006 edition is due to be published early in 2006.)
11. Livestock movements
Rules for Livestock Movements and their subsequent updates can be found at: www.defra.gov.uk/animalh/movements/default.htm

Appendix 5

SMR 10: Examples of illegal products, definitions of terms, and useful publications

Examples of products it is illegal to use:

- **Component T-H, 20-Dose Strip**, a slow-release anabolic agent containing **trenbolone acetate**, a growth-promoting steroid
- **Compudose**, an injectable form of **zeranol**, which promotes growth
- **Finaplix**, an implant for feedlot heifers containing **trenbolone acetate**, a growth-promoting steroid
- **MGA® 200** or **MGA® 500**, products containing melengestrol acetate. They can be used to improve rate of weight gain and feed efficiency in confined feeding heifers or for oestrus suppression in breeding heifers
- **Ralgro**, an implant containing **zeranol** for growth promotion
- **Synovex**, a range of growth-promoting products that may contain **testosterone** and **oestradiol benzoate**, or **progesterone** and **estradiol**.

You should note the meaning of the following terms.

- **Beta-agonists** – a group of substances that, as muscle relaxants, can be used in animals to aid calving and in humans to treat asthma. Some beta-agonists, such as clenbuterol and salbutamol, have been used illegally in animals at much higher concentrations as growth promoters, where they result in a higher proportion of lean meat. Effects noted in some consumers of meat from such animals are increased pulse rate, palpitations or flu-like symptoms.
- **Hormonal substances including thyrostats** – include both naturally occurring and synthetic substances. Natural hormones are produced by endocrine glands, such as the ovaries, testes, thyroid, adrenal or pituitary, and are released into the blood stream to be carried to a particular organ or tissue, where they produce a specific response. Synthetic substances that have hormonal action include stilbenes, gestagens and thyrostats.

Useful publications: *The Compendium of Data Sheets for Animal Medicines* (see Appendix 4).

Appendix 6

Agri-environment schemes

Requirements of some Defra agri-environment schemes (listed below) and some English Nature schemes mean that your land becomes ineligible for single payment either because it is 'forest' or because it is 'used for non-agricultural activities'. If you have entered land in the following scheme options and have included it as 'eligible hectares' on your SPS application, you should write to RPA (see Appendix 4) setting out the circumstance of the situation and requesting advice on how you should proceed.

Higher Level Stewardship (HLS)

- | | |
|--|------|
| ■ Creation of woodland in the Less Favoured Areas (LFA) | HC9 |
| ■ Creation of woodland outside the LFA | HC10 |
| ■ Creation of inter-tidal and saline habitat on arable land | HP7 |
| ■ Creation of inter-tidal and saline habitat on grassland | HP8 |
| ■ Creation of inter-tidal and saline habit by unmanaged breach or regular inundation | HP9 |

Environmentally Sensitive Areas (ESA) Scheme

- Woodland tier

Countryside Stewardship Scheme (CSS)

- | | |
|------------------------------------|--------------------------|
| ■ Creation of inter-tidal habitats | IT2 (on grassland) |
| ■ Creation of inter-tidal habitats | IT3 (on cultivated land) |

Habitat (Salt-Marsh) Scheme

- Existing agreements under this scheme

English Nature Schemes

This list does not include English Nature schemes, but the same circumstances may apply.

Produced by the Rural Payments Agency and the
Department for Environment, Food and Rural
Affairs

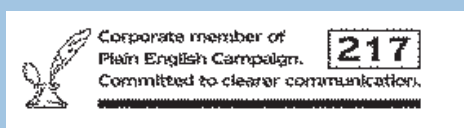
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