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Welcome to the Farming Advice Service newsletter

Thank you for subscribing to the Farming Advice Service (FAS) newsletter.

If you do not already receive the FAS newsletter straight to your inbox, but would like to, please email bookings@farmingadvice.org.uk with 'Register for newsletter' in the subject line. Your details will not be shared with any third parties.

We hope you find the information in this issue helpful. If you have any comments or ideas for topics you would like us to cover, please let us know.

FAS technical advice line:

Telephone: 03000 200 301

Email: advice@farmingadvice.org.uk

Website: www.gov.uk/government/groups/farming-advice-service

Farming
Advice Service

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Key dates

Below are details of recent and forthcoming key dates that you should be aware of.

1 February	If you are in an NVZ, then from this date you can apply organic manure with a high, readily available nitrogen content (for example, slurry, poultry manures or liquid digested sewage sludge) to grassland and tillage land on all soil types from this date if conditions are suitable and you adhere to the quantity restrictions for application of these manures. (SMR* 1)
29 February	If you are in an NVZ, then this date was the end of quantity restrictions for applying organic manures with a high, readily available nitrogen content. (SMR 1)
1 March	You must not cut or trim hedges or trees from this date, but you can carry out hedge and tree coppicing, and hedge laying from 1 March until 30 April. Fruit and nut trees in orchards, or trees acting as windbreaks in orchards, vineyards, hop yards or hop gardens are not included in the ban. (GAEC** 7a and GAEC 7c)
12 March	Basic Payment Scheme (BPS) application window open. (BPS 2020 guidance).
31 March	If you hold a winter or all-year-round water abstraction licence (the authorised period of abstraction does not fall wholly between 1 April to 31 October), the Environment Agency will ask you to submit your abstraction return. You must submit your return by the end of April. A return should still be submitted even if no water has been abstracted. To submit your return online, please register with the Environment Agency's online service – Manage your water abstraction or impoundment licence . If you have a two-part tariff agreement and you do not submit a return, your supplementary bill will be calculated on the basis of you having abstracted the full quantity your licence authorises you to abstract for irrigation. (GAEC 2)
April	If you hold a water abstraction licence, expect to receive your annual bill (or first part charge if you hold a two-part tariff agreement) for the forthcoming financial year. (GAEC 2)
1 April	You must not burn heather, rough grass, bracken, gorse or vaccinium on land, other than in upland areas, from this date. (GAEC 6)
16 April	You must not burn heather, rough grass, bracken, gorse or vaccinium outside the burning season. The burning season is from 1 October to 15 April for uplands and from 1 November to 31 March for land not within an upland area. (GAEC 6)
30 April	If you are in an NVZ, you must have recorded the number of 'specified' livestock kept on your farm during the previous calendar year and calculated the amount of nitrogen they produced. You must also record the number and type of livestock in a building or hardstanding during the previous storage period. (SMR 1)

* SMR = Statutory Management Requirements

** GAEC = Good Agricultural and Environmental Conditions

For more details about the information provided in the key dates table, please visit the [Guide to cross compliance in England 2020](#) page of GOV.UK.

How can FAS help you?



Free and confidential advice

Common Agricultural Policy (CAP) regulations require an advisory system covering cross compliance, greening, water protection and aspects of pesticide use. In England, this is provided by the Farming Advice Service (FAS). Under these regulations, the advice given to individual farmers must be **confidential** – that is, FAS **must not** disclose any personal or individual information, or data it obtains during its advisory activity.

FAS updates the farming sector on relevant EU and Department for Environment, Food and Rural Affairs (Defra) policies. It explains the requirements under and objectives of CAP, EU directives, national legislation and policies; and the actions that can be taken to help meet compliance. FAS provides **free, confidential** advice on cross compliance and the greening requirements, some aspects of the Water Framework Directive (such as silage, slurry and agricultural fuel oil (SSAFO) and waste exemptions) and the Sustainable Use (of pesticides) Directive.

The cross compliance rules apply to you if you are a Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant.

Getting in contact with the advice line

Farmers requiring telephone advice from FAS can contact the **Rural Services Helpline** on **03000 200 301** Monday to Friday between **08:30** and **17:00**. In light of the current situation, please be assured that our helpline will be

operating as normal and we will continue to support farmers.

The Rural Services Helpline provides a single number for all **FAS, Rural Payments Agency, Animal and Plant Health Agency, Natural England** and **forestry** enquiries. By providing a single point of contact, the Government aims

to make it simpler for farmers to access technical guidance on a range of topics, including cross compliance, greening, CAP payments and animal health inspections.

You can also email enquiries to advice@farmingadvice.org.uk

Cross compliance updates, what happens from 2020 onwards?

As with previous years, the Basic Payment Scheme (BPS) will run for the full calendar year (1 January to 31 December 2020). Those who are intending to claim payments under BPS for 2020 will be required to comply with the BPS requirements for the entire year, despite the UK leaving the European Union (EU). This includes cross compliance and greening requirements. EU regulations will continue to apply in the UK until the end of the implementation period (31 December 2020). After this, EU regulations will be brought into UK law by The European Union (Withdrawal) Act 2018.

There are no confirmed changes to the cross compliance rules for 2020. The rules in place now will apply for the entire year.

There have been updates to the [Guide to cross compliance in England 2020](#) on the GOV.UK website.

Each regulation now has its own page outlining what you must and must not do, with further information on the rules provided. You can also search in the guide to find the rule you are looking for by using key words or the title. The option to view the guide as a whole pdf is still available by clicking [print or download this guidance](#).



Greening 2020 – reminder of requirements

There have been [recent changes](#) to the greening requirements for 2020. Due to the recent extreme weather events running from autumn 2019 until early 2020, the government is currently processing plans to remove the crop diversification rule for all farmers in 2020. This legislation will come into effect as soon as it is approved by parliament. This will mean if you are not able to plant the required combination of arable crops, you will not be penalised.

You must still complete your [Basic Payment Scheme \(BPS\) application](#) declaring all of your arable land using the appropriate crop codes. Once applications are processed, and parliament has agreed the changes, the crop diversification rules will not be applied to determine eligibility for the BPS greening payment.

Please note, you will still need to meet the rest of the greening rules:

- maintaining at least 5% equivalent area of ecological focus area if you have more than 15 ha of arable land;
- following the rules for the management of permanent grassland.

Updated [2020 Basic Payment Scheme \(BPS\) guidance](#) has now been published online, please refer to this document for full details on greening.

Ecological Focus Areas

If your farm has more than 15ha of arable land, then you are likely to be required to dedicate at least 5% of the total arable land declared on your BPS application to Ecological Focus Areas (EFA). EFAs are areas of land that are used to deliver ecological and environmental benefits.

Detailed guidance on the EFA rules begins on page 42 of [Basic Payment Scheme: rules for 2020](#).

Management of EFA fallow land

During the EFA fallow period (1 January 2020 to 30 June 2020), you can do the following to fallow land:

- carry out drainage work;
- sow wild-bird-seed mixes, nectar sources and/or pollen sources;
- top green cover or previous crop residues.

You must not:

- sow grass, unless you are required to do so for a rural development agri-environment scheme (such as Environmental Stewardship or Countryside Stewardship);
- plough or cultivate the ground;
- use cultivation to control weeds (e.g. black-grass, ragwort and hemlock);
- carry out any form of production including sowing, harvesting or grazing except where you are sowing grass specifically for a rural development agri-environment agreement; or wild-bird-seed mixes, pollen sources and/or nectar sources;
- apply any fertiliser or farmyard manure;
- apply any plant protection products (PPPs) including herbicides, fungicides and insecticides.

The restrictions on cultivation and use of PPPs on fallow land (where that land is being used to meet the holding's EFA requirement) are absolute and no exceptions exist, even for the control of injurious weeds. If you need to cultivate or use PPPs to control weeds during the fallow period, you are required to withdraw that parcel of land from your claim as an EFA feature for this year.

Catch and cover crops

One of the EFA options is to establish catch and cover crops. These are designed to protect the soil and use available nutrients between harvest and sowing.

Catch crops are quick-growing crops that are planted between two regular crops grown in consecutive seasons or between two rows of regular crops in the same season.

Cover crops are planted between main crops to prevent leaching or soil erosion, or to provide green manure.

For land to count as an EFA, farmers must use a sown mix of at least two different cover types (one cereal and one non-cereal). The crops that can be grown in the sown mix are:

Cereal	Non-cereal
Rye	Vetch
Barley	Phacelia
Oats	Mustard
	Lucerne
	Oilseed radish

Using crops from this list will give the soil surface the best chance of protection from erosion. It will also help to make sure that available nutrients are taken up by the plants. Once the catch or cover crop is destroyed, care must be taken to ensure that all those benefits are not lost. Ideally, grazing should be avoided and the next crop established quickly. Other crops can be included in catch or cover crops, but these areas cannot count as an EFA.

The list is based on the crops that have been used successfully for the Environmental Stewardship scheme in recent years. The greening rules do not allow farmers to include crops that are usually grazed (for example, kale and stubble turnips).

However, grass or leguminous crops (or a mix of both) can be used as a catch or cover crop as long as they are undersown in the previous crop, and are visible and dense enough to cover the ground by the start of the catch or cover crop period.

To count as an EFA in 2020, catch crops must be established by **20 August 2020 and retained until at least 14 October 2020**.

To count as an EFA in 2020, cover crops must be established by **1 October 2020 and retained until at least 15 January 2021**.

Where a catch or cover crop is established through undersowing, the period starts from the time of harvest of the main crop and remains until the next main crop is sown, even if this is before the retain date above.

There are no restrictions on the management of catch or cover crops outside of these periods. However, EFAs should not be sown with the intention of being used for harvesting or grazing. Catch and cover crops do not need to be destroyed after these periods and can be grazed outside of them.

The catch or cover crop cannot be destroyed before the end of the relevant period. Any activities that would destroy the catch or cover crop may only take place after the end of the relevant period.

Similarly, carrying out drainage work, sowing wild-bird-seed mixes and/or nectar sources, and topping the cover or previous crop residue may only take place after 14 October 2020 for catch crops and 15 January 2021 for cover crops.

The ban on the use of PPPs applies for the whole of the periods shown above. Alternatively, if the cover has been established by undersowing, it will apply from the time the main crop is harvested until the end of the catch and cover crop period or until the next main crop is sown if this is sooner. The PPP ban applies only where land is declared as an EFA.

For more information on the EFA requirements, please refer to [Basic Payment Scheme: rules for 2020](#), contact FAS on 03000 200 301 or email advice@farmingadvice.service.org.uk



Animal welfare requirements under cross compliance



If you keep animals for agricultural purposes, you have a legal obligation to protect their welfare by ensuring a minimum standard of care and husbandry. It is against the law to neglect farm animals and fail to provide for their basic needs. The Animal and Plant Health Agency (APHA) carries out animal welfare inspections under the cross compliance rules. If unnecessary suffering is caused to any animal under your care, the breach will carry a high severity rating and will affect your payments under the Basic Payment Scheme (BPS). Some of the most common areas of non-compliance breaches are covered here.

- Failure to provide appropriate care for animals that are sick or injured is one of the most common breaches detected. A breach relating to a lack of staff competence or skill may also be recorded. Unlike other Statutory Management Requirements (SMRs), there is no scaling of the breach/penalty according to number of animals affected. Even if you have a single animal that has not received appropriate care, this will be recorded as a breach.

Please note, the application of a breach is not related to the inspector finding sick or injured animals, but how you have managed and treated the conditions.

Examples include:

- Animals not treated for a condition. Veterinary advice has not been sought when required. If animals do not respond to initial care or treatment, there is a legal obligation to seek veterinary advice.
- Animals are not isolated in suitable well-bedded hospital accommodation when they should be.
- **Incomplete on-farm records** is a breach commonly found by APHA inspectors. This is the only requirement under the animal welfare rules that carries a minimum severity rating when a breach is detected, as failure to keep records will not directly affect the welfare of the animals under your care. Records need to include any medicinal treatments used on a farm (including wormers) and, if inspected, the number of deaths found during inspection. These records need to be retained for at least 3 years from the date of

treatment and/or inspection, and should be made available to any authorised person during inspection.

- **Appropriate accommodation** is a requirement for animals. They must have sufficient space to enable them to move freely. The environment should be clean and free from materials that can injure or cause harm to the animal. Buildings should be correctly ventilated and lit with artificial light if there is not sufficient daylight. If any of your animals rely on automated/mechanical equipment (e.g. for food, water, heating or ventilation purposes), it is essential this equipment is checked at least once a day and any faults are rectified immediately. Different species have different requirements, so please refer to the relevant guidance in the [Guide to cross compliance in England 2020](#).
- **Suitable feed and water** must be provided. The animals must be fed a wholesome diet, free from substances that can cause harm, and they must have access to a suitable water supply. Where possible, contamination of food



and water must be minimised. It is important to avoid harmful effects of competition between animals through the design and location of feeding and watering equipment. Inspectors may use animal-based measurements such as body condition scoring, evidence of fighting injuries and certain behaviours performed by animals as part of their assessment. There are species-specific requirements relating to feed and water provision for pigs ([SMR12](#)) and calves ([SMR11](#)).

- You must not carry out any **mutilation or intervention** on your animals that interferes with sensitive body parts, unless the action is classed as a 'permitted procedure' and has been carried out according to specific rules, if relevant. Breaches may be recorded by an inspector if it is considered that the mutilation is not reasonably justified. For example tail-docking and teeth-clipping in pigs or when the mutilation has occurred outside permitted age limits. Please refer to the relevant guidance in the [Guide to cross compliance in England 2020](#) for species-specific rules.

- You must not carry out **breeding procedures** that are likely to cause harm. A common breach is immature females at risk of being mated too young. Also, you should not keep animals for farming purposes unless their breed characteristics mean they can be kept without causing harm to their health and welfare.
- You should protect animals kept outdoors by providing adequately drained lying land, and protection from the weather, predators and other risks to their health. Common breaches include:
 - equipment or other items left in fields which could injure or trap animals;
 - exposure to hazards such as drainage ditches filled with water, so creating a drowning risk for young animals.
- Some welfare issues, usually long-standing injuries or conditions that have not been treated or managed appropriately, may be picked up at markets or slaughterhouses and referred to APHA. Examples include ingrowing horns, chronic lameness

and emaciation. Where evidence is sufficient to attribute this to an on-farm issue that could have been reasonably avoided, then a breach will be recorded if you are a BPS claimant. APHA may include an inspection of your premises to look at the rest of your animals and should discuss the market/slaughterhouse findings with you.

Further guidance on animal welfare requirements can be found in SMRs 11, 12 and 13 in the [Guide to cross compliance in England 2020](#). The legislation and welfare codes can be found on [GOV.UK](#).

Some useful contacts for animal welfare:

- Animal and Plant Health Agency: 03000 200301;
- Defra helpline: 0345 933557;
- Rural Payments Agency: 03000 200301.

Cross compliance inspections

The inspection process

If you are claiming Basic Payment Scheme (BPS) payments, or have an Environmental Stewardship (ES) or Countryside Stewardship (CS) agreement, you should be aware that you may be subject to a cross compliance inspection. The Rural Payments Agency (RPA) and the Animal Plant and Health Agency (APHA) are required to undertake separate cross compliance inspections on 1% of claimants of BPS. APHA will only inspect claimants keeping farm animals.

Please note, you will not always receive advance warning of these visits and it could happen more than once in a year. If you are given advance warning, it is likely to be less than 48 hours before the inspection. Therefore, preparation is key. Information on common farm inspections and who will undertake the inspection can be found on GOV.UK. The RPA has uploaded a video to GOV.UK, which provides an overview of what to expect if you have a cross compliance inspection.

When an inspector arrives, you will be advised about what is involved and what you need to do. Claimants are required to co-operate with the inspector, giving help and equipment to allow checks to be made safely. If an inspection is refused, you could risk losing all of your payment(s) (including ES and CS) and BPS entitlements. At the end of the inspection, the inspector will explain what has been found.

If non-compliances are found, the RPA or APHA will send more information to you to explain how it affects your claim(s).

This will be in writing and will be sent within 3 months of the date of the inspection.

If non-compliances are noted during the inspection, this may lead to a reduction in your BPS payment or payments under Pillar II schemes, such as ES and CS. The reduction is based on a number of factors, including the severity, extent and duration of the breach. Claimants who have failed an inspection previously are at a higher risk of receiving a repeat inspection. The reduction in payments is also higher when there has been a recurrence of the same breach of the rules.

Depending on which [Good Agricultural and Environmental Conditions](#) (GAECs) and [Statutory Management Requirements](#) (SMRs) apply to the holding(s), claimants may be inspected by one or more Competent Control Authority (CCA) inspector(s) from the RPA or the APHA.

They will use any necessary information from the Environment Agency, the Forestry Commission,

Natural England and the Veterinary Medicines Directorate.

FAS can provide free advice to those looking for further assistance in understanding the requirements of specific GAECs and SMRs. Please call 03000 200 301 Monday to Friday between 8.30am and 5pm or email advice@farmingadvice.org.uk. Please be aware that advice provided by FAS is completely confidential and will not be shared with any other organisation, including the organisations mentioned above.

Improving compliance

The inspection results consistently show the same picture – cross compliance rules that have a record-keeping element are where the highest rates of failures are usually found. Typically, the highest failures tend to be in the areas shown in the table below and on the next page.

To reduce your risk of failing a cross compliance inspection, you should ensure that you are fully conversant with the cross compliance guidance and aware of the rules that are applicable to your holding.

[The Guide to cross compliance in England 2020](#) details the specific requirements for each rule and provides signposting to further information.

Cross compliance GAEC/SMR	Common breaches
SMR 1: Nitrate Vulnerable Zones (NVZs)	<ul style="list-style-type: none"> • None of the required records is available on request. • Current and/or historical records incomplete. • Temporary field heaps have been positioned in a high-risk location.
SMR 4: Food and feed law	<ul style="list-style-type: none"> • Failure to ensure that all eligible animals conform to national herd/flock health surveillance and testing intervals for bovine tuberculosis (bTB). Further aspects of these control measures are covered by specific standards for raw milk. • No records kept or records incomplete and/or not produced at inspection. • Key pieces of information are missing or information is not kept at all.

Cross compliance GAEC/SMR	Common breaches
SMR 7: Cattle identification and registration	<ul style="list-style-type: none"> • Movement details not recorded or incorrectly recorded on farm register/ database. • Animal not found in farm records. • Death of animal not reported. • Failure to report a movement. • Incorrect date of birth recorded.
SMR 8: Sheep and goat identification	<ul style="list-style-type: none"> • Failure to complete records of: <ul style="list-style-type: none"> - movements; - replacement tags; - births; - deaths; - annual inventory. • Sheep and/or goats have never been tagged or are incorrectly tagged.
SMR 13: Animal welfare	<ul style="list-style-type: none"> • Failure to keep medicine records. • Animal has not been cared for appropriately or there has been an inappropriate delay in the care of a sick animal. • Number of staff available is insufficient to prevent welfare problems from occurring or evidence that the stockperson demonstrates a lack of professional competence and/or ability in livestock care. • Evidence of lack of shelter or drained area for animals not kept in buildings.
GAEC 1: Establishment of buffer strips along watercourses	<ul style="list-style-type: none"> • Failure to produce and/or keep a map of the holding showing all surface waters and land within 10 metres of them; and all springs, wells and boreholes on the holding or within 50 metres of the boundary and land within 50 metres of them. • Applying pesticide or fertiliser to buffer strips along watercourses, or cultivating within a 1 or 2-metre protection zone of the watercourse. Not considered a breach if land has been cultivated for one of the following reasons: <ul style="list-style-type: none"> - to establish a green cover where one does not exist and the land is part of a field that is being newly created (whether by merger or division); - to establish a green cover where one does not exist and the land was previously outside the scope of cross compliance. • Not taken all reasonable steps to maintain the green cover on the 1 or 2-metre protection zone throughout the year. For example, storing material (such as bales and dredgings) or allowing excessive trafficking on the protection zones. The rules of this standard (GAEC 1) now apply to land forming part of a parcel of 2ha or less.
GAEC 7a: Boundaries	<ul style="list-style-type: none"> • Applying pesticide or fertiliser, or cultivating within a 2-metre protection zone in the case of a hedgerow. • Not taken all reasonable steps to maintain the green cover on the 2-metre protection zone for a hedgerow throughout the year. For example, storing material (such as bales and dredgings) or allowing excessive trafficking on the protection zones. • Illegally cut or trimmed any hedgerow between 1 March and 31 August.
GAEC 7b: Public rights of way	<ul style="list-style-type: none"> • A visible public right of way has been wilfully obstructed. This can be classed as a breach even if there is no proven intention to obstruct the public right of way. Not considered a breach if there is a lawful excuse (e.g. if there is a need to disturb the surface of a footpath or bridleway to undertake agricultural practices such as ploughing and it would be inconvenient to avoid disturbing the right of way).

Keep up to date on public rights of way requirements

Many farmers will have land with a public right of way (PROW), which fall into the following categories:

- footpaths;
- bridleways;
- restricted byways;
- byways open to all traffic (BOAT).

If you own or occupy agricultural land with a PROW, there are several rules you need to be aware of. Below are a few of the key rules you need to comply with. If you are a Basic Payment Scheme (BPS) claimant, you must comply with the requirements or you could receive a reduction in your payments.

Full guidance is available on [GOV.UK](https://www.gov.uk)

Keep PROWs on your land clear of obstructions

As the owner or occupier of land with a PROW, you have an obligation to keep routes visible and clear of obstructions. Obstructing a PROW intentionally is a criminal offence and the highway authority has the right to demand that you remove any obstructions.

In practice, this means removing and preventing obstructions on or across a PROW, such as permanent or temporary fences, animal feeders, hedgerows growing over the path, padlocked gates, encroaching crops (other than grass) and barbed wire. It also means making sure that vegetation does not encroach onto the route from the sides or above and consideration must be given to the height clearance required for different users, such as horse riders.

Maintain or replace structures in accordance with guidance

Where stiles and gates on a PROW are your responsibility, you must maintain them in a condition that makes them safe and reasonably easy to use. You can claim from the highway authority 25%, or sometimes more, of the cost of any replacement work. Some authorities provide materials, while others may carry out the work themselves.

Where a stile needs replacing, always consult the highway authority first to decide if this should be replaced with a gap or a gate. In most cases, a gap will be preferred as it will provide easier access for people with mobility problems, such as the elderly, pregnant women and young children. Gaps and gates also require less maintenance than stiles, so costs can be reduced.

If you are considering adding a new structure on a PROW, then you must seek permission from the highway authority. Unauthorised structures will be classed as obstructions and may be removed by the highway authority at your expense.

Similarly, if you add new ditches or widen existing ones, you must secure the necessary permissions (including from the highway authority) and provide adequate bridges for PROW users.

Stay up to date with restrictions on livestock and agriculture

You can be prosecuted if you keep any potentially dangerous animal on land crossed by a PROW. Further information is available on the [HSE website](https://www.hse.gov.uk).



Pesticide use

When applying pesticides, please ensure that you refer to HSE [Code of Practice for Using Plant Protection Products](#) before undertaking any work.

If you need to spray land crossed by a PROW, then use pesticides approved for such use and follow the product instructions.

You must avoid spraying or allowing spray to drift onto the PROW when treating a crop that is adjacent to it. It is a legal requirement to confine the application of pesticides to the area that is intended to be treated.

If you are treating a PROW itself, then you must check that the pesticide can legally be used and ensure there are no restrictions on people or animals entering the treated area for a period of time. If such restrictions exist and there is no way of preventing access to the land, then the product must not be applied.

Where a PROW crosses or runs alongside a field, an informal alternative route can be provided with appropriate signposting to advise users of any dangers. However, this does not close the PROW. If members of the public are using the PROW, then spraying must be stopped.

Byways and field-edge paths

You must not cultivate (such as plough, or apply pesticides or fertiliser) any BOAT or restricted byways. The same applies to footpaths or bridleways that follow a field edge. The minimum width that you need to keep undisturbed is:

- 1.5 metres for a field-edge footpath;
- 3 metres for a field-edge bridleway, BOAT or restricted byway.

Reinstate ploughed cross-field PROW

Cultivating a cross-field footpath or bridleway should be avoided. If cultivation is necessary, you must make sure the footpath or bridleway remains visible on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway and is not obstructed by crops.

The surface of cross-field footpaths and bridleways must be made good to not less than the minimum width within 14 days of the first disturbance or within 24 hours of any other subsequent disturbances relating to that cultivation after the initial 14-day period has ended.

At the discretion of the highway authority, either period can be extended by up to 28 days. However, any application for an extension must be made before the period of compliance has expired. Furthermore, if you know from the outset that you might not be able to complete the work in time, you should obtain an extension before starting the work.

If a cycle of cultivation (e.g. by ploughing in an autumn-sown crop and starting again in spring) must be abandoned, then a new 14-day period is available to you.

You must indicate the route of a reinstated cross-field footpath or bridleway. If official waymarking leaves it unclear where a PROW goes, you may add informal waymarks to remedy this so long as these are not misleading.

Find out how to create, close, upgrade, downgrade or re-route a PROW

Highway authorities have certain powers to make changes to the PROW network in their areas.

You can agree to create a new PROW or apply to your highway authority to make an order extinguishing, diverting, upgrading or downgrading a footpath, bridleway or restricted byway in some circumstances. More information can be obtained from the rights of way section of your highway authority.

More information about making changes to the legal status of a PROW can be found on [GOV.UK](#)



Legal requirements that pesticide users should be aware of

'Grandfather rights' no longer exist for professional pesticide use

Under the previous UK legislation governing pesticide use, people born before 31 December 1964 who used an agricultural product on their own or their employer's land were exempt from the requirement to hold a certificate of competence (this exemption was known as 'grandfather rights'). New regulations now require that everyone who uses a professional pesticide product must hold a specified certificate.

The regulations also require that, everyone purchasing a professional pesticide product must ensure the end user holds a specified certificate.

Existing certificates of competence (e.g. PA2 and PA6) will remain valid under the new legislation. Anyone who already has one of these will not need to do anything new. A list of specified certificates can be found [here](#).

It is a legal requirement to follow the rules outlined in [The Plant Protection Products \(Sustainable Use\) Regulations 2012](#). You risk being prosecuted if you do not adhere to the rules.

If you do not hold a specified certificate, but require professional pesticides to be applied to your land, you may employ a contractor or neighbouring farmer. However, it is your responsibility to ensure they hold an appropriate specified certificate.

Further information on complying with the requirements has been produced by the Voluntary Initiative and can be found [here](#).

Requirement to test application equipment

On 26 November 2016, it became a requirement that all in-use pesticide application equipment over 5 years old – except for knapsack and handheld sprayers – must have passed an inspection by the National Sprayer Testing Scheme (NSTS).

The NSTS is the only body designated to inspect and certify pesticide-application equipment for use. Therefore, having equipment tested by an approved NSTS examiner is the only way to stay compliant. A list of approved examiners can be found on the [NSTS website](#).

After 26 November 2016, equipment must pass an inspection every 5 years and then every 3 years from 26 November 2020. Equipment that has a 'low scale of use', such as granular applicators and boom sprayers less than 3 metres wide, must pass inspections at an interval of no more than 6 years.

A complete list of 'low scale of use' equipment can be found in [Pesticides: UK national action plan](#).

Pesticide record keeping

Professional users of pesticides must, for at least 3 years, keep records of the products they use. As a minimum, the records must contain the name of the product; the time, date and the dose of application; and the area and the crop where the product was used.



Integrated pest management

Regulation (EC) No. 1107/2009 concerning the placing of plant protection products (PPPs) on the market applies in every EU country and requires PPPs to be applied 'properly'. For those applying pesticides in a professional capacity, proper use means following the principles of integrated pest management (IPM) set out in Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides. The Government's publication [A Green Future: Our 25 Year Plan to Improve the Environment](#) aims to put IPM at the heart of an in-the-round approach, using pesticides more judiciously, and supplementing them with improved crop husbandry and the use of natural predators.

What is IPM?

Directive 2009/128/EC defines IPM as the careful consideration of all available plant protection methods and integration of appropriate measures to discourage the development of populations of harmful organisms. It aims to keep the use of all forms of control to levels that are economically and ecologically justified, and reduce or minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control.

What are the general principles of IPM?

The general principles include:

- preventing or suppressing the development of populations of harmful organisms (e.g. through crop rotation; the use of cultivation techniques, resistant varieties, balanced fertilisation, irrigation/drainage practice and hygiene measures; and protecting and enhancing beneficial organisms);

- using forecasting and monitoring systems to assess pest pressures;
- using thresholds (where available) to decide whether and when to apply controls;
- giving preference to non-chemical methods if they provide a satisfactory method of control;
- using pesticides that pose least risk to human health and the environment;
- keeping use of all methods of control to levels that are necessary (in the case of pesticides this may involve reducing dose rates), while being mindful of the need to avoid the development of resistance and adopting anti-resistance strategies;
- assessing the effectiveness of controls.

What should you do to demonstrate that you have adopted an integrated approach?

IPM Plans (IPMP) can help you to adopt an integrated approach. They can also help you to demonstrate due diligence

in meeting the obligation to take all reasonable precautions to protect human health and the environment when using pesticides. An IPMP can help to demonstrate that risks have been carefully assessed and that the control regime has considered different ways of controlling pests, weeds and diseases. The IPMP may also be useful evidence for farm assurance schemes and cross compliance inspections.

Where can you obtain an IPMP?

The NFU and Voluntary Initiative have developed an [IPMP](#) that can be used by farmers to demonstrate the use of IPM. This is a free tool and, once you have completed it online, a copy will be emailed to you. The IPMP can then be printed and retained with other farm records.

It is important to thoroughly review the IPMP annually. If you have a BASIS registered adviser, they may be able to assist with completing and reviewing the IPMP.





Don't forget, the restrictions on tree and hedge-cutting rules are in place until September

The closed period that places a ban on cutting and trimming hedges and trees between 1 March and 31 August (inclusive) is a cross compliance requirement under Good Agricultural and Environmental Condition ([GAEC 7a: Boundaries](#) and [GAEC 7c: Trees](#)).

If you are a Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant then you must adhere to these requirements on eligible land being used for agriculture, which may include woodland (e.g. when used for grazing), or you could receive a reduction in your payment.

Please note, fruit and nut trees in orchards, or trees acting as windbreaks in orchards, vineyards, hop yards or hop gardens are not included in the ban.

You can apply to the Rural Payments Agency (RPA) in writing for a derogation under the following circumstances:

- to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production;

- to cut or trim a tree in a hedgerow during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August.

Other exemptions to the hedge and tree-cutting closed period include:

- if the tree or hedge overhangs a highway, road or footpath, so creating a risk to vehicles, pedestrians or horse riders;
- if the tree or hedge is dead, diseased or insecurely rooted, which may result in it falling on to a highway, road or footpath;
- if it is to carry out hedge-laying or coppicing during 1 March to 30 April (inclusive).

You should wait for written permission before carrying out any work.

The RPA can be contacted by email (ruralpayments@defra.gsi.gov.uk) or by post (Rural Payments Agency, PO Box 352 Worksop, S80 9FG).

All correspondence should be marked with 'cross compliance derogation' to ensure it is directed to the correct team. Please be aware that a derogation to cut a tree within a hedgerow would need to be considered under:

- [GAEC 7c: Trees](#) – with respect to the tree itself;
- [GAEC 7a: Boundaries](#) – with respect to the hedgerow that the tree is a part of.

This mirrors the situation where, if a felling licence has been issued to fell trees in a hedge, permission will also be required from your local planning authority under the Hedgerows Regulations 1997 if it is proposed to remove part of the hedgerow. It is advisable to apply early if you think you will require a derogation from this requirement.

Full details of the requirements can be found in [the Guide to cross compliance in England 2020](#).

How to update your details held by the Rural Payments Service

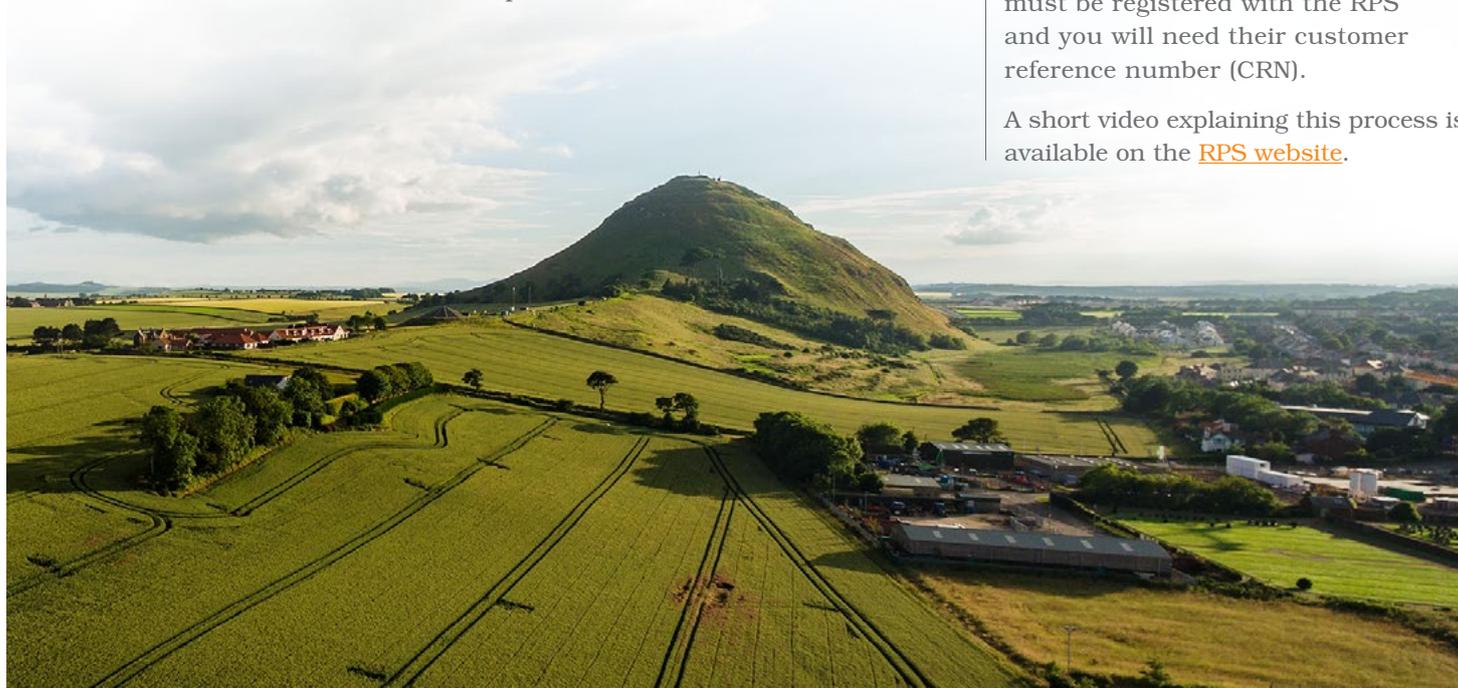
It is important that your details held by the [Rural Payments Service \(RPS\)](#) are kept up to date as this is what will be used to contact you about important issues. To check your contact details, sign into the RPS, go to 'Your businesses' and click 'View and amend personal details'. If you send information to RPS by email, it will only be accepted if the email address is registered in the system. Text message reminders are also possible. If you would like to receive these, make sure to update your mobile number in 'View and amend personal details'.

Adding someone to act on your behalf

If you would like someone to act on your behalf, there are different levels of permission you can give them, depending on their responsibilities for your business. Whether you would like them to amend your business details or submit applications and claims, you can choose the appropriate permission level.

To [add an individual](#) to your details held by the RPS, your permission level must be set to 'full permissions' for 'Business Details'. The individual must be registered with the RPS and you will need their customer reference number (CRN).

A short video explaining this process is available on the [RPS website](#).



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