



## Farming Advice Service Cross Compliance 2021 webinar: question and answer document

The Cross Compliance 2021 guidance for England can be found here - <https://www.gov.uk/guidance/cross-compliance-2021>

Question	Answer
<b>How can I check MAPP numbers are in date?</b>	One of the easiest ways to check MAPP numbers is to go to <a href="https://secure.pesticides.gov.uk/pestreg/prodsearch.asp">https://secure.pesticides.gov.uk/pestreg/prodsearch.asp</a> and enter the MAPP number into the appropriate box.
<b>If an applicant is in both a legacy scheme AND a post 2021 scheme will the old or new standards be applied?</b>	Irrespective of legacy or non-legacy schemes, the new 2021 Verifiable Standards will be used for all Cross Compliance Inspections. The differences come when determining the level of action or penalty (if any) once a breach of the rules has been identified. If a claimant still receives some element EU funding, then the 'legacy' rules apply to all their claims/payments.
<b>Glad that there seems to be a more practical approach and greater understanding for inspections. I do think that there should be no reduction in the animal health and welfare rules as the public really want to know that we as farmers are looking after the animals correctly. As an arable farmer it is a shame that we cannot use up any chemicals where the MAPP certificate has run out, even if the chemical is still being used with a new MAPP number. Environmentally wouldn't it be better to use it up rather than it having to be disposed of?</b>	<p>If a MAPP number has expired appropriate disposal is required. Several of the water companies in England run pesticide amnesty schemes which will take out of date products at no cost to the farmer.</p> <p>The RPA and Defra are going to consider whether it is appropriate to introduce additional simplifications/relaxations to further rules from 2021 in conjunction with appropriate bodies e.g. APHA.</p>
<b>Do these changes apply to wales</b>	Andrew's presentation only covered the Cross Compliance rules for England. The Welsh Government have made their own changes to the cross compliance rules that will apply in Wales during 2021. More information on the rules in Wales can be found here - <a href="https://gov.wales/cross-compliance-2021">https://gov.wales/cross-compliance-2021</a>

Question	Answer
<p><b>If Basic Payment Scheme (BPS) claim forms do not need to prove that the farmer has met the greening &amp; crop diversification rules, what would stop them not changing the land uses from last year's form?</b></p>	<p>While it is correct that there are no longer any greening implications for declaring the wrong land use code, claimants are still asked to declare the most appropriate land use code on their BPS form. This allows the RPA to check for compatibility with rural development schemes, as well as better targeting for potential communications or inclusion in future schemes (e.g. arable farmers, or growers or particular crops).</p> <p>In addition, whilst the type of information declared each year will be reviewed, the land use information collected from farmers via the BPS forms provides Defra with a great deal of detail about what English farmers are producing and allows for effective policy-making to the benefit of the industry.</p> <p>Obviously, it would still be treated as an overclaim and a penalty potentially applied where land that has become ineligible for BPS has continued to be declared with an eligible land use code.</p>
<p><b>How does cross compliance work if the landowner claims BPS but lets the land for grazing? Do the cattle grazing have to meet the landowner's cross compliance requirements?</b></p>	<p>Grazing livestock are the responsibility of the keeper who is the person responsible for the day to day welfare inspections, so may not be the animal's owner.</p> <p>If a BPS claimant has let land on a grazing licence it is important that the grazier can provide details on animal numbers, feed and minerals provided etc, to the landowner.</p> <p>Requirements relating directly to the recording and welfare of the livestock themselves would be the responsibility of the livestock keeper. However, there may potentially be land-based issues caused by the presence of the livestock (e.g. some of the soils rules and Public Rights of Way) that the landowner would be liable for if they were not properly addressed.</p> <p>For more information on liability, please visit - <a href="https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/meeting-the-rules">https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/meeting-the-rules</a></p>
<p><b>How early will claimants be notified of an inspection?</b></p>	<p>No change to the notification requirements - this should still be with as little notice as possible, but up to 48 hours for practical reasons. For more information on cross compliance inspections, please go to <a href="https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/inspections">https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/inspections</a></p>
<p><b>What is the situation with Farming Rules for Water and farmers spreading slurry at present? The rules state application of organic manures and manufactured fertilisers to cultivated land must be planned in advance to meet soil and crop nutrient needs and not exceed these levels. Planning must consider the risk of pollution and the results of testing for Phosphorus, Potassium, Magnesium, pH in the soil. Nitrogen levels to be assessed through using Soil Nitrogen Supply (SNS) i.e. through RB209.</b></p>	<p>Please refer to the webinar on the Farming Rules for Water - <a href="https://www.farmingadvice.org.uk/webinars/farming-rules-water-webinar-december-2020">https://www.farmingadvice.org.uk/webinars/farming-rules-water-webinar-december-2020</a></p> <p>You can also find further information here - <a href="https://www.gov.uk/government/publications/farming-rules-for-water-in-england">https://www.gov.uk/government/publications/farming-rules-for-water-in-england</a></p>

Question	Answer
<p><b>Do inspectors always walk every public right of way on a farm, or just a cross section of them?</b></p>	<p>It depends to some extent on the type of inspection being carried out. It is important to ensure that public rights of way are not blocked or restricted at any time.</p> <p>It is important to note that an issue with a Public Right of Way could potentially be noticed on any kind of RPA inspection (e.g. BPS land eligibility), not just a specific cross compliance check.</p>
<p><b>I'm considering re-entering farming after a considerable period of absence. Are there any courses that you know of for cross compliance, stewardship schemes etc. that would enable me to get to grips with these topics sooner?</b></p>	<p>I suggest you contact your local training groups or Championing the Farmed Environment (CFE) co-ordinator to find out what is available in your locality - <a href="https://www.cfeonline.org.uk/advice-training/">https://www.cfeonline.org.uk/advice-training/</a></p>
<p><b>Please could you provide more information on the ploughing up of permanent grass which has been fertilized and harrowed etc.?</b></p>	<p>There was an article in the FAS newsletter in February that covered the requirements for Environmental Impact Assessment (EIA) requirements - <a href="https://www.farmingadvice.org.uk/sites/default/files/docs/2021-02/FAS-news_Feb21_Final.pdf">https://www.farmingadvice.org.uk/sites/default/files/docs/2021-02/FAS-news_Feb21_Final.pdf</a></p>
<p><b>Who can carry out environment impact assessment? And is there a template?</b></p>	<p>Further information can also be found here - <a href="https://www.gov.uk/guidance/eia-agriculture-regulations-apply-to-make-changes-to-rural-land">https://www.gov.uk/guidance/eia-agriculture-regulations-apply-to-make-changes-to-rural-land</a></p>
<p><b>Does the EIA advice provide guidance regarding the need to submit a screening application to Natural England if there is a possibility the land is uncultivated or semi-natural?</b></p>	
<p><b>In the slides it stated that an Ecological Impact Assessment would be required to plough up permanent grass, but since then you have said Environmental Impact Assessment. Are they the same thing?</b></p>	<p>This was a typo on the slides, it should be Environmental Impact Assessment on slide number 2.</p>
<p><b>Could you please summarise briefly again, the 'Legacy' rule for pre-2021 Countryside Stewardship (CS)/Entry Level Stewardship (ELS)/Higher Level Stewardship (HLS) agreement holders?</b></p>	<p>Claimants that still receive some element of funding from the EU (i.e. ongoing CS/ES agreements) still need to have the EU 'legacy' scheme rules applied to them. This will mainly affect the level of action or penalty, if any, that will be applied on occasions where a breach of the cross compliance rules has been found.</p> <p>Pre-2021 Scheme participants will still use the 2020 penalty matrices if any breaches are found during an inspection rather than the 2021 matrices, however the differences in penalties are very small.</p>
<p><b>You mentioned keeping a record of hay/silage output/number of bales etc. Why do we need to keep this record?</b></p>	<p><a href="#">Food and Feed Law SMR 4</a> requires records to be kept and should be referred to but it does state that the recording rules do not apply to producers selling small amounts of primary products to final consumers or to local shops selling directly to final consumers.</p>
<p><b>Under SMR4 Food and feed law, if my clients are selling forage (often in small quantities) is it a requirement to record each individual sale under these regs or is it just human food chain food stuffs. Has anyone fallen foul on inspection on this?</b></p>	

Question	Answer
<p><b>If only part of the farm is in a Nitrate Vulnerable Zone (NVZ) are records necessary for whole farm and calculations for the whole farm or just the NVZ land parcels?</b></p>	<p>In theory the NVZ records are only required for the land within the NVZ, however the rest of the land will be subject to the Farming Rules for Water legislation and this requires some planning and recording of fertiliser and manure applications.</p> <p>Please refer to the following for more information:</p> <p>FAS NVZ webinar presented in December 2020 - <a href="https://www.farmingadvice.org.uk/webinars/nitrate-vulnerable-zones-nvz-webinar-december-2020">https://www.farmingadvice.org.uk/webinars/nitrate-vulnerable-zones-nvz-webinar-december-2020</a></p> <p>FAS NVZ technical article - <a href="https://www.farmingadvice.org.uk/sites/default/files/docs/2020-09/FAS-NVZ-Back-to-BasicsFinalJune2020v2.pdf">https://www.farmingadvice.org.uk/sites/default/files/docs/2020-09/FAS-NVZ-Back-to-BasicsFinalJune2020v2.pdf</a></p> <p>NVZ guidance on GOV.UK - <a href="https://www.gov.uk/government/collections/nitrate-vulnerable-zones">https://www.gov.uk/government/collections/nitrate-vulnerable-zones</a></p>
<p><b>How long do records need to be kept for? For example, we no longer keep sheep on our smallholding, so do I still need to retain the records relating to them?</b></p>	<p>Sheep records must be kept for at least 3 years after the last animal has left the holding - <a href="https://www.gov.uk/guidance/sheep-and-goat-keepers-how-to-keep-a-holding-register">https://www.gov.uk/guidance/sheep-and-goat-keepers-how-to-keep-a-holding-register</a></p> <p>Cattle records must be kept for 10 years - <a href="https://www.gov.uk/guidance/report-and-record-cattle-movements">https://www.gov.uk/guidance/report-and-record-cattle-movements</a></p> <p>Plant protection records are for at least 5 years. <a href="https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/smr-10-plant-protection-products-ppps">https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2021/smr-10-plant-protection-products-ppps</a></p> <p>NVZ records are for at least 5 years - <a href="https://www.gov.uk/government/collections/nitrate-vulnerable-zones">https://www.gov.uk/government/collections/nitrate-vulnerable-zones</a></p>
<p><b>My farm is in a high priority area, what support is available to me?</b></p>	<p>Catchment Sensitive Farming (CSF) is a partnership between Defra, the Environment Agency, and Natural England. It works with farmers and a range of other partners to improve water and air quality in high priority areas. CSF offers farmers free training, advice and support for grant applications - <a href="https://www.gov.uk/guidance/catchment-sensitive-farming-reduce-agricultural-water-pollution">https://www.gov.uk/guidance/catchment-sensitive-farming-reduce-agricultural-water-pollution</a></p>
<p><b>It is sometime difficult to report cattle movement at busy times especially with weekends included in the 3 day limit.</b></p>	<p>The industry has had to work with this for a long time now but appear to be getting more compliant year on year which is positive. There are no changes to the 3-day reporting rules. For more information, please go to <a href="https://www.gov.uk/guidance/report-and-record-cattle-movements">https://www.gov.uk/guidance/report-and-record-cattle-movements</a></p>