

Cross compliance inspections – common breaches and guidance

Introduction

The cross compliance rules are in place to protect areas of the environment such as water, soil and biodiversity, and to identify livestock and protect their welfare. They are made up of Statutory Management Requirements (SMRs) and standards for Good Agricultural and Environmental Conditions (GAECs) and cover a range of activities. Please remember that you must follow the SMRs and GAECs relevant to your business if you are claiming Basic Payment Scheme (BPS) payments, or have an Environmental Stewardship (ES) or Countryside Stewardship (CS) agreement.

To check that farmers and land managers are following the cross compliance rules, the Rural Payments Agency (RPA) and the Animal and Plant Health Agency (APHA) carries out cross compliance visits on a selection of holdings each year. You will not always receive advance warning of these visits and it could happen more than once in a year. If the RPA or APHA do give advance warning, it's likely to be less than 48 hours before, and the RPA will include a list of the records that the field officer needs to check as part of the visit ([the full list is here](#)). For more information on cross compliance visits, [please visit GOV.UK](#).

2022 penalties for non-compliances

From 2022, penalties for non-compliances will be more proportionate. For example, where record keeping is non-compliant under SMR 1 Nitrate Vulnerable Zones, this will take account of any possible harm to the environment. The RPA has also made the penalty levels (percentages) more proportionate under SMR 7 Cattle identification and registration and SMR 8 Sheep and goat identification where it is found that a farmer has engaged well with the rules. In some limited circumstances, the RPA may consider that a farmer has not been negligent where very minor errors are found under these SMRs and there is no risk to public or animal health.

The RPA publish data on the number of breaches (non-compliances) found in each SMR and GAEC during inspections each year. These high level figures do not provide any information of the individual farms that received a non-compliance. In this article, FAS provides an overview of the SMRs and GAECs which commonly receive a high percentage of non-compliances during cross compliance inspections, with a summary of the correct rules, and links to more information. [Information on all SMRs and GAECs can be found on the GOV.UK website](#).

Please remember, that if you require any help with the cross compliance rules, the FAS helpline offers free, confidential advice via our phonenumber 03000 200 301, or email advice@farmingadvice.org.uk. Our helpline team aim to respond to all queries within one working day.

SMR 1: Nitrate Vulnerable Zones (NVZ) are areas designated as being at risk from agricultural nitrate pollution and make up around 55% of land in England.

Common non-compliance	What are the rules?	Recommendations for further information
<p>Incomplete records</p>	<p>Record keeping is an important part of the NVZ rules, the Catchment Sensitive Farming (CSF) guide for record keeping in an NVZ simplifies the recording and planning requirements and provides templates for the calculations required.</p>	<p>The FAS website has a suite of resources (webinar recording, newsletters and a technical article).</p> <p>The December 2020 FAS newsletter included an article that answered some of the common queries on NVZs received through the FAS helpline - including the calculations required in an NVZ.</p> <p>The March 2021 FAS newsletter included a summary of the records required to be in place by 30 April each year.</p> <p>Click here for the full list of record keeping requirements for using nitrogen fertilisers (including organic manure and manufactured fertiliser).</p> <p>Click here for the list of records required for storing organic manures.</p>
<p>Temporary field heaps have been positioned in a single position for more than 12 months</p>	<p>Temporary field heaps must be spread or moved at least every 12 months and there must be a 2-year gap before returning to the same site.</p>	<p>The November 2020 FAS newsletter has an article on the rules for storing manure in a heap.</p> <p>Think manures booklet produced by Tried & Tested includes guidance on storing manures.</p>

[SMR 6: Pig identification and registration](#) helps to control the spread of disease by identifying pigs. This includes keeping accurate records of movements to allow them to be traced.

Common non-compliance	What are the rules?	Recommendations for further information
Missing records for movements & ID.	Please remember that this information must be recorded to the eAML2 Service or you can call the eAML2 helpline from 9am to 5pm Monday to Friday: Telephone: 0844 335 8400.	There is a suite of guidance pages on GOV.UK , including guidance on keeping a holding register and reporting.

[SMR 7: Cattle identification and registration](#) helps to control the spread of disease by identifying animals and keeping accurate records of their births, movements and deaths to allow them to be traced. This includes cattle, bison and buffalo.

Common non-compliance	What are the rules?	Recommendations for further information
Movements of cattle have not been reported or have been reported incorrectly	You must record the movement of cattle on or off your holding to British Cattle Movement Service (BCMS) within three days. You can choose from one of the following methods: Cattle Tracing System (CTS) Online , Cattle Tracing Service (CTS) Web Services (there is a list of companies on GOV.UK) or the automated CTS self-service line on 0345 011 1212.	The guidance on GOV.UK provides more detail on reporting and recording cattle movements.
Death of an animal has not been reported	You must record the death of an animal to BCMS within seven days of the date of death. You can use CTS online to report the death of any cattle using online or electronic options (see above), or complete the 'death details' section of the passport. If you choose to use this method, the	Guidance on recording cattle deaths can be read here .

	<p>passport must still be returned to BCMS within seven days of the date of death.</p> <p>Please note, the current reporting systems will be replaced with the Livestock Information Service. The replacement date has not yet been confirmed, for updates on this please visit livestockinformation.org.uk.</p>	
<p>Incorrect date recorded</p>	<p>If you have submitted incorrect information when reporting a birth, death or movement to BCMS, you must contact BCMS as soon as you become aware of the error. BCMS will advise you about what action to take and amend its records.</p> <p>You will need to explain the issue, and give details including your County Parish Holding (CPH) number and the animal's ear tag number.</p> <p>Many farmers have received payment reductions because the information that they had entered into CTS or their farm documents was inaccurate or incomplete. Be sure to thoroughly check the information that you enter into your farm records and prior to making a submission to BCMS.</p>	<p>The guidance on GOV.UK provides more detail on what the process is to correct information and how to contact BCMS.</p>
<p>Ear tags lost for more than 28 days</p>	<p>All animals born on your holding are required to be tagged with two approved tags (one in each ear). If you become aware that one of your animals is missing or has damaged tags, you must replace the tags within 28 days of noticing the loss or damage. If missing tags are found at an inspection, the RPA will issue you with a notice to retag the animals.</p>	<p>There are several guidance pages on GOV.UK for ear tags. Including how to get new tags and how to keep a holding register.</p>
<p>Animal not found in farm records</p>	<p>All animals on your holding must be in your records. A holding register must contain details on each animal and be retained for at least 10 years from the end of the calendar year in which the last entry was made.</p>	<p>Guidance on keeping a holding register for cattle is on GOV.UK.</p>

<u>SMR 8: Sheep and goat identification</u> helps to control the spread of disease by identifying sheep and goats. This includes keeping accurate records of movements to allow them to be traced.		
Common non-compliance	What are the rules?	Recommendations for further information
Missing records for movements, ID, deaths, replacement tags.	<p>Please remember that as well as recording this information in your holding register movements must now be reported to the Livestock Information Service (LIS) via paper or online : https://livestockinformation.org.uk/for-farmers/ (Please note the LIS has an excellent and user friendly online holding register for keepers who use it to report moves). You can contact the LIS helpline from 8am to 6pm Monday to Friday: Telephone 0844 573 0137.</p>	<p>There is a suite of guidance pages on GOV.UK, including guidance on keeping a holding register and reporting.</p>
Annual sheep and goat stocktake (inventory) is missing	<p>Every year, you must record the number of sheep and/or goats on your holding as of 1 December, and enter this into your on-farm records. This information must be submitted by 31 December. You will receive a letter in November to tell you what to do for your inventory and where to send the information to.</p>	<p>More information on the annual inventory is on GOV.UK.</p>

SMR 11: Welfare of calves helps to protect the welfare of calves (bovine animals up to six months old) by meeting minimum standards for their care and husbandry.

Common non-compliance	What are the rules?	Recommendations for further information
<p>Evidence that cleaning and disinfection procedures are inadequate. and/or: Evidence that faeces, urine and uneaten or spilt food has not been removed frequently enough to avoid attracting flies or rodents.</p>	<p>Housing, stalls, pens, equipment and utensils used for calves shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease-carrying organisms.</p> <p>Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and to avoid attracting flies or rodents. Please remember that calves must be checked at least twice a day if they are housed, and at least once a day if they are kept outside.</p>	<p>The statutory welfare code for cattle details the requirements you must follow for keeping calves.</p>
<p>Calf does not have access to a lying area which is clean, comfortable and/or well-drained and which does not adversely affect it.</p>	<p>All calves must be provided with appropriate bedding.</p> <p>All calves must be kept on, or at all times have access to, a lying area which is clean, comfortable and well-drained and which does not adversely affect the calves.</p> <p>All housed calves and calves kept in hutches or temporary structures shall be kept on, or at all times have access to, a lying area which is well-maintained with dry bedding.</p>	

[SMR 12: Welfare of Pigs](#) helps to protect the welfare of pigs by meeting minimum standards for their care and husbandry.

Common non-compliance	What are the rules?	Recommendations for further information
At the time of inspection, pigs over 2 weeks old were found to have not been given permanent access to an adequate supply of freshwater	It is important for pigs to have access to water, you must give them enough fresh water to last them throughout the day.	The statutory welfare code for pigs details the requirements you must follow.

[SMR 13: Animal welfare](#) helps to protect the welfare of farmed animals by meeting minimum standards for their care and husbandry. This SMR applies to any species kept for farming purposes.

Common non-compliance	What are the rules?	Recommendations for further information
Insufficient staff to prevent welfare problems occurring, or evidence of stockperson lacking skills	Please remember that it is against the law to neglect or be cruel to a farm animal. If you are responsible for an animal, you must make sure that you care for it properly. You can be fined, jailed or banned from owning animals, for causing unnecessary suffering to an animal, or for not killing it humanely. It is vital that the stockperson has the ability and knowledge to care for livestock and meet their needs. There also needs to be enough staff to inspect the animals as frequently as required.	Please refer to the relevant statutory welfare code of practice/recommendation: <ul style="list-style-type: none"> - laying hens and pullets - meat chickens and meat breeding chickens - ducks - turkeys - cattle (beef cattle and dairy cows) - pigs (including breeding sows)

		<ul style="list-style-type: none"> - sheep (including milk sheep) - goats
<p>Delays in treating sick animals or seeking veterinary advice. Animal not isolated when it is believed they should have been, or the isolation area is not suitable (e.g. lack of dry comfortable bedding).</p>	<p>You must care for any animal that is ill or injured and, when necessary, call your vet.</p> <p>You must isolate sick or injured animals in suitable accommodation and, where needed, dry comfortable bedding.</p>	<p>If you have a sick animal, please consult your vet.</p>
<p>Medicine records are not kept, or kept accurately. Missing or inaccurate records for deaths</p>	<p>You must keep records of your animals' health and welfare, this includes the:</p> <ul style="list-style-type: none"> - number of any dead animals (mortalities) found when they are checked; - date you treated any ill or injured animals, including what medicine you used and which animals you treated. <p>You must keep these records for at least 3 years (at least 5 years for food producing animals) and make them available to any authorised person who asks for them. For example, inspectors from Defra, the APHA or your local authority.</p>	<p>Below are links to pages on GOV.UK with requirements for keeping a holding register for livestock:</p> <ul style="list-style-type: none"> - cattle - sheep - goats - pigs - poultry <p>Please refer to the relevant statutory welfare code of practice/recommendation:</p>
<p>Sharp edges or protrusions in accommodation or fittings likely to cause injury.</p>	<p>You must keep all surfaces that your animals can access (such as walls and floors) free from anything that could cause injury or death, like:</p> <ul style="list-style-type: none"> - sharp edges or protruding (sticking out) parts - electrical wires - toxic paint or wood preservative - make sure that any second-hand materials don't have any lead-based paint 	<ul style="list-style-type: none"> - laying hens and pullets - meat chickens and meat breeding chickens - ducks - turkeys - cattle (beef cattle and dairy cows)

	<p>You must also be able to clean and disinfect any surfaces the animals can come into contact with, and do so regularly.</p>	<ul style="list-style-type: none"> - pigs (including breeding sows) - sheep (including milk sheep)
<p>Lack of well drained lying are for stock not kept in buildings, or a lack of protection from adverse weather conditions, predators and/or other risks to health.</p>	<p>You must make sure that any animal you keep outside is protected from extreme weather, predators and risks to their health (e.g. poisonous weeds, dangerous ground).</p>	<p>goats</p>
<p>Feed provided is not appropriate for the age/species of livestock. For example, animals being fed less frequently than required. Insufficient or no water supply</p>	<p>You must place and maintain feed and water points so that animals won't injure each other when competing for food and water.</p> <p>You must feed animals at appropriate intervals and at least once a day (unless a vet has told you otherwise) and give them enough fresh water to last them throughout the day. The food you give must be suitable for the age and type of animals and it must keep them in good health.</p> <p>The welfare codes of recommendations explain where there are extra feeding requirements, e.g. you must feed calves twice a day.</p>	
<p>Animals have not been inspected to the required frequency</p>	<p>You must check your animals regularly - at least once a day if they depend on you for their welfare (e.g. housed poultry). If you have any housed calves (up to 6 months old), you must check on them at least twice a day. Calves kept outside must be checked at least once a day.</p>	

[GAEC 7a: Boundaries](#) protects boundary features, such as hedgerows (hedges), stone walls, earth banks and stone banks.

Common non-compliance	What are the rules?	Recommendations for further information
<p>Applying pesticide, fertiliser or cultivating within the 1 or 2 metre protection zone.</p>	<p>You must not cultivate or apply fertilisers or pesticides to land within 2 metres of the centre of a hedge.</p>	<p>The GAEC 7a page on GOV.UK has more information about these rules.</p> <p>Please also remember the farming rules for water which has rules on spreading.</p>
<p>Not taking reasonable steps to maintain green cover on the 2-metre protection zone throughout the year.</p>	<p>You must take all reasonable steps to keep a green cover on land within 2 metres of the centre of a hedge.</p>	<p>Championing the Farmed Environment (CFE) has lots of resources on its website, including information on the benefits of maintaining a field boundary.</p>
<p>Trimming a hedgerow between 1 March and 31 August.</p>	<p>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 GAEC 7a: Boundaries and GAEC 7c: Trees.</p>	<p>The February 2022 FAS newsletter provides a summary on the hedge and tree cutting rules. You read the full requirements on GOV.UK.</p>

[GAEC 7b: Public Rights of Way](#) keeps public rights of way (public footpaths, bridleways, restricted byways and byways open to all traffic) open and accessible.

Common non-compliance	What are the rules?	Recommendations for further information
<p>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, the statutory offence is one of causing an obstruction. The farmer will not break these rules if they have lawful authority or excuse.</p>	<p>Please remember that you must keep routes visible and clear of obstructions – such as fences, encroaching crops (other than grass) and barbed wire. This also includes making sure that vegetation does not encroach onto the route from the sides or above.</p>	<p>The March 2021 FAS newsletter provided an overview of the requirements for a public right of way.</p> <p>You can read the full requirements on GOV.UK.</p>