

# Cross compliance measures in UK - how they contribute to WFD objectives

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## 1. Cross Compliance in UK

Approach has been to:

- Increase the level of environmental **protection** within the Article 5 and Annex IV framework
- Not to enhance the environment eg create new habitat or landscape features, nor require farmers to undertake onerous management of habitats/features
  - See this as the role of agri-environment schemes
- Regard Water Framework Directive as part of Sustainable Development – and have therefore adopted
  - ‘Polluter pay’s’ principle ie expect farmers to meet more of the costs resulting from their activities

## 2. Background

### Good Agricultural and Environmental Condition (GAEC)

(General Provisions, Chapter 1, **Article 5** of Regulation 1782/2003)

- Member States shall ensure that all agricultural land, especially land which is no longer use for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at **national or regional level, minimum requirements** for good agricultural and environmental condition **on the basis of the framework set up in Annex IV**, taking into account the **specific characteristics of the areas concerned, including soil** and climatic condition, **existing farming systems, land use**, crop rotation, **farming practices**, and farm structures. This is without prejudice to the standards governing good agricultural practices as applied in the context of Council regulation (EC) No 1257/1999 and to agri-environment measures applied above the reference level of good agricultural practices.

## 3. Measures within England (extract)

(Similar measures in Scotland, Wales & N Ireland)

Two elements – SMRs and GAEC

- **Statutory Management Requirements (SMR):**  
(EU wide requirements, no choice by MS)
  - SMR 1 and 5 protecting wild birds and habitats - Natura 2000 series
  - SMR 2 covering groundwater provisions
    - Direct and indirect discharges
  - SMR 3 on sewage sludge

- Limitations on use and cropping
- SMR 4 on Nitrate Vulnerable Zones
  - Manure Loading
  - Closed periods
  - Spreading Controls

#### 4. Annex IV

<b>Annex IV Good Agricultural and Environmental Condition referred to in Article 5</b>	
<b>Issue</b>	<b>Standards</b>
Soil erosion: Protect soil through appropriate measures	Minimum soil cover Minimum land management reflecting site-specific conditions Retain terraces
Soil organic matter: Maintain soil organic matter levels through appropriate practices	Standards for crop rotations where applicable Arable stubble management
Soil structure: Maintain soil structure through appropriate measures	Appropriate machinery use
Minimum level of maintenance: Ensure a minimum level of maintenance and avoid the deterioration of habitats	Minimum livestock stocking rates or/and appropriate regimes Protection of permanent pasture Retention of landscape features Avoiding the encroachment of unwanted vegetation on agricultural land

#### 5. Good Agricultural & Environmental Condition - Soil Standards, England

- Guidance for Soil Management – issued in 2004/5
- 3 standards for 2005:
  - Post-harvest management of land (soil erosion)
    - Temporary cover
    - Rough surface
  - Waterlogged soil (structure)
    - Mechanical field operations
    - Restrictions on harvesting
  - Restrictions on burning crop residues (organic matter)

**6. Soil Protection Review, 2006** (simple soil management plan)  
(SPRs to be completed by 1/9/06 and implemented on farm from 1/1/07)

- 3 key components:
  - Identification of soils issues
  - Deciding on actions to manage and protect soils
  - Reviewing success
- Repeat process annually
- Auditable output

**7. Good Agricultural & Environmental Conditions – habitats/landscape features in England**

- Guidance on management of Habitats/landscape features issued in 2004/5
- Protection of watercourses (and hedges) with a 2m buffer strip
- Overgrazing and unsuitable supplementary feeding on natural and semi-natural grassland
- Heather and grass burning controls
- Land not in agricultural production maintained with a green cover, infrequent cutting
- Other minor contributions through supporting existing domestic legislation eg biodiversity sites (SSSI), EIA process for intensification of uncultivated land and semi-natural areas

**8. Cross Compliance Advice**

Besides Guidance booklets

- Advice Contract -
  - Road shows
  - Helpline, Website (130%+ calls than expected)
  - Variety of mechanisms – workshops, farm walks etc
  - Regional delivery/tailoring

**9. Cross Compliance Literature in England**

- PB 10222C - Cross Compliance Guidance for the Management of Habitats and Landscape Features, 2005 edition
- PB 11304 - Set-aside Handbook and Guidance for England, 2006 edition
- PB 11162 - Cross Compliance Guidance for Soil Management, 2006 edition
- PB 11160 - Cross Compliance Soil Protection Review, 2006 edition
- PB 11305 - Cross Compliance Handbook for England, 2006 edition

Defra Helpline by telephone on 08459 335577, e-mail [helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk), link - [www.defra.gov.uk/farm/capreform/pubs/index.htm](http://www.defra.gov.uk/farm/capreform/pubs/index.htm)

## Future development of cross compliance?

### 1. Inclusion of WFD in cross compliance

- Two options under current cross compliance regulation:
  - Statutory Management Requirements (SMRs)
  - Good Agricultural and Environmental Condition (GAEC)

### 2. Possible in principle if:

#### For SMRs

- Articles of WFD have to be transposed in a way that allows/obliges MS to place requirements on farmers individually
- Standard(s) can be set that will place a clear obligation on farmers individually
- Standard(s) can be expressed meaningfully at national or regional level (doubtful that standards can be set at river basin area or individual farm level)
- Standards are readily inspected/enforced (ie not expensive analysis), and in a way that satisfies EU auditors - to avoid the risk of disallowance for Member States
- Allows attribution of any breach of requirements to an individual farmer
- Requirements can be seen as “basic standards for the environment” (preamble to 1782/2003) ie not too onerous
- Standards are readily applicable and easily understood by farmers ie pragmatic

#### For GAEC

(Many of above points also relevant)

- MS willing to use maximum discretion within current scope of Annex IV in relation to soils, and to “avoid the deterioration of habitats”
- To increase the use of GAEC as a tool, scope of Annex IV and Article 5 will need to be widened to require MS to set standards that explicitly address a range of water quality issues
- But implications for risk-based inspections – what would be inspected; it may mean selecting 1% sample from each river basin
- Also increased administrative burden on farmers and public authorities and potential increase in disallowance risk

### 3. Inclusion of WFD in cross compliance

#### Positives

- Using an existing mechanism
- Proven effective approach eg concerns in farming press about inspections and sanctions
- 130%+ of expected calls to advice helpline in England
- Focuses the minds of farmers

#### But

- Potentially wide variations in farmer requirements to meet WFD
- Would standards be fair to current farmers – would they be expected to address inherited problems, not just the result of current management?
- Impact on property rights and land values, probably differential effect according to location
- Would farmers opt out when costs or administrative burdens rise relative to payment
- Any obvious set of national as opposed to river basin standards?
- Tension with ‘Better Regulation’ agenda, and CAP ‘simplification’

#### **4. Future of Single Payment – uncertain?**

- Mid term review in 2008
- Impact of financial discipline, new Member States, further enlargement?
- Increased burden on farmers at a time when payments in old MS will decrease
- Will farmers opt out, especially those that we might particularly want to change practice? (Not all farmers currently included – pigs , poultry)
- Mismatch of CAP timetable and WFD - current SP period runs to 2103, will cross compliance continue? WFD requires programme of measures in place by 2102
- Future relationship with agri-environment schemes, including allocation of resources?

#### **5. Potential steps to facilitate cross compliance playing a greater role in supporting WFD implementation**

- Change in Council Regulation 1782/2003, and Commission Regulation 796/2004, but requires -
  - Political acceptance – risks in opening up Regulation, concerns about current complexities of cross compliance and competitive position of European farmers?
  - Farmer acceptance – without this, little chance of success
  - Agreement about role of cross compliance whether its acceptable to have widely varying standards – within regions, nationally and between MS (how could variable standards be enforced and fairly, given what might be widely uneven burdens on farmers?). Or does cross compliance deal with WFD more generically by setting a new baseline eg requirement for nutrient management within prescribed limits?
  - Agreement whether cross compliance should focus on a ‘Process’ approach eg produce a nutrient management plan, or ‘Outcome’ approach ie must ensure that a set limit in water quality is achieved; or both?

#### **6. Concluding remarks**

- Cross compliance has a role but is not **the** whole answer
- Danger of WFD becoming too demanding - and undermining cross compliance as a policy tool and its other achievements?

- Uncertain future for cross compliance?
- One possible approach that would allow for the necessary flexibility in standards, would be to oblige farmers to make their required input to a river basin plan – perhaps in the form of an individual nutrient and/or land use/management plan – which could be audited
- Need for piloting now - and possibly for relevant Regulations to be amended to facilitate this?

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