

## Consultation on the implementation of CAP reform in England Summary of responses and government response December 2013

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/267987/cap-reform-sum-resp-201312.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267987/cap-reform-sum-resp-201312.pdf)

1.1 On 31 October 2013 the Government issued a consultation on the implementation of CAP reform in England. The consultation closed on 28 November 2013. In total 4,928 responses were received, which were mostly from campaigns by RSPB, Soil Association, Wildlife Trusts and Citizen Space (online). The classification of respondent was wide ranging (from businesses, to environmental organisations, from individuals to Local Authorities etc.)

10 stakeholder events also took place across England and were attended by the following LAFs:

- East Riding of Yorkshire and Kingston upon Hull Joint LAF
- The Lake District LAF
- Leicestershire LAF
- South Lincolnshire and Rutland LAF
- West Sussex LAF

**4.6** A number of respondents also argued that in some cases GAECs (*Good Agricultural and Environmental Condition - see explanation summary for cross compliance and how these relate to PROW below*) were covered in law and they did not need to be included in cross compliance as well. The National Farmers Union considered that the following GAECs should not be carried forward: control of weeds, felling of trees, tree preservation orders, scheduled monuments, **public rights of way** and Environmental Impact Assessment (EIA). A minority of respondents considered that GAECs should be scrapped in their entirety.

**4.9** Thirty (out of 372) responses commented on the current GAEC 13 (**Public Rights of Way**). Most of the responses favoured continuation and many comments highlighted that farmers must continue to ensure public rights of way are maintained, kept in good condition, and re-instated quickly. Additionally, the point was made that farmers must abide by the CROW Act 2000 and this should be inspected more rigorously. A number of organisations, such as the Cornwall, Hampshire, Sussex and Leicestershire Countryside Access Forums, and The Ramblers were in support of the public rights of way GAEC. There was also significant support for this from members of the public. The National Farmers Union and Country Land and Business Association considered that this should not be carried forward.

### **The Guide to Cross Compliance in England 2014**

Cross compliance rules apply to you if you receive direct payments under Common Agricultural Policy (CAP) support schemes or if you receive payments under certain Rural Development Programme for England (RDPE) schemes. We may reduce your payments if you do not meet these rules.

There are 3 aspects to cross compliance:

- specific European legal requirements, known as Statutory Management Requirements (SMRs). These relate to the areas of public, animal and plant health, environment and animal welfare;

- standards, based on a European legal framework, which require you to keep your land in **Good Agricultural and Environmental Condition (GAEC)**. These relate to soil erosion, soil organic matter and soil structure, a minimum level of maintenance to avoid the deterioration of habitats and protection and management of water; and
- an obligation to maintain a level of permanent pasture not included in the crop rotation for 5 years or more. This is not a cross compliance obligation for individual farmers, but may become one in future years (read the Permanent Pasture section for more information).

## **GAEC 8**

### **Public rights of way**

The aim of these rules is to keep public rights of way open and accessible because they are important landscape features.

A. You must not

1. disturb the surface of a public right of way<sup>1</sup> so that it becomes inconvenient to use;
2. wilfully obstruct free passage along a public right of way for example, by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences.

You will not break these rules if you have lawful authority or excuse. This includes times when you need to disturb the surface of a footpath or bridleway across a field to plough the land or to bring it into agricultural use and it would be inconvenient and difficult to avoid disturbing the surface of the path. In this case there are rules for making good the surface, detailed below.

B. You must

1. maintain any stile, gate or similar structure across a footpath or bridleway in a condition that makes it safe and reasonably easy to use (this applies where maintenance is your responsibility);
2. make good the surface of a disturbed cross-field footpath or bridleway to not less than the minimum width<sup>2</sup> within 14 days of the first disturbance if you are sowing a crop, or within 24 hours in all other circumstances;
3. indicate the route of a reinstated cross-field footpath or bridleway to members of the public.

These cross compliance rules apply only to visible<sup>3</sup> public rights of way. This includes any rights of way which would be visible were it not for breaches of the Highways Act 1980.

Public rights of way may form part of the 1 metre or 2 metre 'protection zone' margins along hedges and watercourses. If so, the rules of that GAEC standard (GAEC 14) will apply as far as practical.