

FAS technical article – Cross Compliance & Game Management

A recent article in the sporting press suggested that plastic cartridge wads found on land where the Single Payment Scheme (SPS) is being claimed, might result in an inspector imposing a penalty. This article was misleading and has caused considerable concern, not just amongst farmers who permit shooting over their land, but to anyone who might fall foul of such a ruling due the presence, for example, of litter adjacent to a footpath. If you are uncertain of the requirements under [Cross Compliance](#), please contact the Farming Advice Service on 0845 345 1302 to receive free advice.

Whilst the '[Code of Good Shooting Practice](#)' recommends that degradable wads are used, inevitably the odd cartridge wad gets missed, or even ploughed up from a shoot from years ago, which would pose a similar problem.

Plastic wads and cartridge cases would be classified as waste. However, the European Waste Framework Directive does not form part of Cross Compliance, consequently no breach is committed and no reduction would be applied to subsidy payments if wads and/or cartridges were found on the land. It is also probably worth clarifying that the average level of reduction applied for 'first-time' unintentional cross compliance breaches is around 3% and not 50% as stated in the article. It is perhaps worthwhile considering other aspects associated with shoots and game management that SPS claimants need to be aware of.

1. [Soil Protection Review \(SPR\) \(GAEC 1\)](#) - It is unlikely that shoot vehicles will be travelling on fields under water-logged conditions, but the keeper may do so as he goes about his daily routine. Any rutting caused should be recorded in the SPR, as with farm operations.
2. [Sites of Special Scientific Interest \(SSSI\) \(GAEC 6\)](#) - Ensure that any activities associated with the shoot do not cause damage to the species or habitats for which the site is of special interest. This is also the case for [Special Areas of Conservation \(SACs\) \(SMR 5\)](#) and [Special Protection Area \(SPAs\) \(SMR 1\)](#). Activities associated with the shoot, such as the construction of release pens, the placing of feed and the release of game birds are likely to require consent from Natural England.
3. [Public Rights of Way \(GAEC 8\)](#) - It is permissible to shoot over land with bridleways or footpaths passing through them, provided shoot managers and guns ensure that shooting does not obstruct, cause danger or alarm to users. Shooting across a footpath or bridleway that is in use by walkers or riders may constitute a public nuisance (a criminal offence) or wilful obstruction. There may also be a liability in negligence if it is known that people are on, or likely to be on, the path. Those running shoots are therefore advised to post a lookout at each end of the footpath during a drive to ensure that members of the public are not accessing the field during this time. If members of the public wish to use the path and are unwilling to delay their passage, then the shoot must halt to allow them to pass freely. Persons seeking to deliberately disrupt a shoot by using the path for that purpose forfeit their right of passage as they are not using the path for the purposes it was intended.
4. [Heather and Grass Burning \(GAEC 10\)](#) - If burning heather, rough grass, bracken, gorse or vaccinium you must take all reasonable precautions to prevent human injury or damage to adjacent land or anything on it before you start burning and during the entire period of the burn; and make sure you have sufficient people and equipment in place to control and regulate

the burning during the entire period of the burn. You must also burn within the burning season (1 October to 15 April (inclusive) for land in upland areas and November 1 to March 31 (inclusive) for all other land unless under licence from Natural England.

5. **Agricultural land not in production (GAEC 12)** - The conditions for all SPS eligible land (set out in the SPS Handbook) permit this land to be used for non-agricultural purposes for 28 days in every 12 months, as such it could be used for activities such as occasional clay shoots or gundog trials. Planning consent is required for operating a more formal clay shoot, and vehicle access, except agricultural vehicles, is not permitted.
6. **Protection of hedgerows and watercourses (GAEC 14)** - Many shoots grow game cover strips at the field edge and maize is a popular option because of the ease to control weeds. There remains a requirement to not cultivate, spray or fertilise the one or two metre protection zones that run alongside a watercourse or hedgerow respectively and would be adjacent to the game cover in many cases. Field margins may also become a permanent feature of the shoot, if weeds such as ragwort appear in them they need to be controlled to avoid a breach of [GAEC 11](#).
7. **Wild Birds (SMR 1)** - you will be familiar with these requirements. You must not intentionally kill, injure or take any wild bird (birds bred in captivity are not classed as a 'wild birds'); intentionally damage, destroy or take the nest of any wild bird while it is in use or being built (nests of golden eagle, white tailed eagle and osprey are protected all year round); intentionally or recklessly disturb certain wild birds (as per Schedule 1 to the Wildlife and Countryside Act 1981) or their dependent young while they are nesting; kill or take huntable birds during the closed season for that species. Game birds also must not be killed or taken on any Sunday or Christmas Day.
8. **Restrictions on the use of Plant Protection Products (SMR 9)** - Shoot managers growing more complex mixtures, such as pollen and nectar or wildlife seed mixes, will know the value of controlling pests and diseases in these crops to ensure they produce good cover and food for wildlife. However, any sprays used must be in accordance with the '[Code of Practice for Using Plant Protection Products](#)'. Likewise any application of manures or fertilisers must be included in the Nitrate Vulnerable Zone (NVZ) calculations ([SMR 4](#)) and must not exceed the limits.
9. **Animal Welfare (SMR 18)** - Those with rear and release operations need to ensure that the various codes are observed. Whilst enclosed in pens, pheasants are classified as livestock and hence must be treated as such. Farmers claiming the SPS on a rearing field need to ensure that where this is let out to the shoot, it is made clear that observing animal welfare standards is a condition of the lease. Where the shooting rights are retained by the landlord, or let to a third party, but the land farmed by a tenant there needs to be a clear understanding, as is required with let grazing, regarding which person/s have responsibility for all relevant aspects of Cross Compliance.

For further advice please contact the Farming Advice Service, which provides free, integrated advice to help you improve the economic and environmental performance of your farm.

Farming Advice Service contacts

Email: advice@farmingadvice.org.uk **Telephone:** 0845 345 1302

Website: www.defra.gov.uk/farming-advice