

2010 No. 174

AGRICULTURE

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -

6th May 2010

Coming into operation -

28th May 2010

The Department of Agriculture and Rural Development is a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community and in relation to the promotion of rural development, in exercise of the powers conferred on it by the said section 2(2), hereby makes the following Regulations.

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 28th May 2010.

(2) The Interpretation Act (Northern Ireland) 1954(c) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005

2.—(1) The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005(d) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(2) (Interpretation)—

- (a) after the definition of “authorised person” insert - “the Commission Regulation (EC) No 1120/2009” means Commission Regulation 1120/2009(e) laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009(f) establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers;”;

(a) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I. 2000/3238

(b) 1972 c.68

(c) 1954 c.33 (N.I.)

(d) S.R.2005 No.6 as amended by S.R. 2006 No. 459 and S.R. 2009 No. 316

(e) O.J. No.L316, 02.12.2009, p.1

(f) O.J. No.L30, 31.01.2009, p.16 as last amended by Commission Regulation (EC) No. 992/2009 (O.J. No.L278, 23.10.2009, p.7)

- (b) for the definition of “the Commission Regulation” substitute – “the Commission Regulation” means Commission Regulation (EC) No 1122/2009(a) laying down detailed rules for the implementation of Council Regulation (EC) No.73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation;
- (c) in the definition of “permanent pasture” substitute “Article 2(c) of Commission Regulation 1120/2009.”;
- (3) In regulation 3 for “Article 4(3)” substitute “Article 4(2)”.
- (4) In regulation 6 (Competent Control Authority) -
 - (a) in paragraph (1) for “Article 42(1)” substitute “Article 48(1)”;
 - (b) in paragraph (2) for “Article 48” substitute “Article 54”.
- (5) In regulation 7 (Powers of authorised persons)—
 - (a) in sub paragraph (1) (a) for “Article 48” substitute “Article 54;”.
- (6) In the Schedule (Standards of Good Agricultural and Environmental Condition)
 - (a) for paragraph 4 (Undergrazing) substitute—

“Undergrazing

- 4.—(1) A farmer shall not permit land to be undergrazed to the extent that the land is not capable of returning to agricultural production by the end of the next growing season.
- (2) A farmer shall not permit the presence of the following species of plant: rhododendron, Himalayan balsam, giant hogweed, Japanese knotweed and any noxious weed within the meaning of Article 3 of the Noxious Weeds (Northern Ireland) Order 1977(b).”;
- (b) for paragraph 5 (Field Boundaries) substitute—

“Field Boundaries

- 5.—(1) Except with the prior written approval of the Department, a farmer shall not permit:
 - (a) the removal of any dry stone wall, hedge or earthbank;
 - (b) the infilling of any open sheugh or ditch; or
 - (c) the laying of a drainage pipe in any open sheugh or ditch.
- (2) Without prejudice to sub-paragraph 1(a), where a tree is growing in a hedge removal of such tree is permitted without obtaining the prior written approval of the Department where:
 - (a) its removal is necessary for reasons of human health or public safety; or
 - (b) the tree is used for timber, provided that a sapling replaces the tree in the hedge within a reasonable time.
- (3) A requirement to obtain the prior written approval of the Department at sub-paragraph 1(b) or (c) shall not be necessary in the case of a permanently dry sheugh or ditch or to field boundaries marking the boundary of non agricultural land.
- (4) A farmer shall not permit the carrying out of hedge, tree or scrub cutting (including trimming, coppicing, and laying) between the 1st March and 31st August, except where this is necessary for reasons of human health or public safety.”;
- (c) for paragraph 6 (Protection of semi natural habitats and historic monuments) substitute—

(a) O.J. No.L316, 02.12.2009, p.65
 (b) S.I. 1977/52 (N.I.1)

“Protection of semi natural habitats and historic monuments

6. A farmer shall ensure that where any of the following features is found on his land, it is retained without impairment:

- (a) a semi-natural habitat;
- (b) a historic monument.”;
- (d) after paragraph 9 (Burning of Ground Cover) insert—

“Irrigation Authorisations

9A.—(1) If a farmer is abstracting or impounding more than 10m³ but less than 20m³ of water for irrigation purposes in any 24 hour period the farmer must have an NIEA water abstraction authorisation within the meaning of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006(a) and adhere to the requirements of the authorisation.

(2) If a farmer is abstracting or impounding more than 20m³ of water for irrigation purposes in any 24 hour period the farmer must hold an NIEA water abstraction licence within the meaning of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 and adhere to the requirements of the licence.”.

Revocation

3. In the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2009(b) regulation 2(3) is revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th May 2010.



M Beatty
A senior officer of the Department of Agriculture and Rural Development

(a) S.R 2006 No.482
(b) S.R. 2009 No.316

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make the following principal changes. These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 6) (“the principal Regulations”). The principal Regulations make provision in Northern Ireland for the administration of Council Regulation (EC) No. 73/2009 (OJ No. L 30, 31.1.2009, p.16) (“the Council Regulation”), Commission Regulation (EC) No. 1120/2009 (OJ. No. L 316, 2.10.2009 p.1) and Commission Regulation (EC) No. 1122/2009 (O.J. No. L316, 2.10.2009, p.65) in relation to Cross Compliance under the system of direct support schemes (including the Single Payment Schemes) under the Common Agricultural Policy, which came into force on 1 January 2005.

The Regulations establish the requirements associated with Good Agricultural and Environmental Condition (GAEC) requirement 7, Irrigation Authorisations. These are set out in regulation 2 paragraph (6)(d) of the Regulations. In addition regulation 2(6)(a) makes minor amendments to GAEC 4 Undergrazing, regulation 2(6)(b) amends GAEC 5 Field Boundaries and regulation 2(6)(c) amends GAEC 6 Protection of Semi Natural Habitats and Historic Monuments.

The Regulations also delete the reference to Commission Regulation 796/2004 which has been replaced by Commission Regulation 1122/2009 and inserts a definition for Commission Regulation 1120/2009.

A full regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost of business.

Details of the Northern Ireland Good Agricultural and Environmental Condition requirements are set out the booklet entitled Cross-Compliance Verifiable Standards Summary - 1 January 2010. Copies of this booklet can be obtained from the Department of Agriculture and Rural Development at the following address – Single Farm Payment Branch, Orchard House, 40 Foyle Street, Derry/Londonderry, BT48 6AT or at the web address www.dardni.gov.uk/Cross-Compliance.

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