

## SCHEDULE 1

Regulation 2(1)

### STANDARDS OF GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

#### Establishment of buffer strips along water courses

1. <sup>F1</sup>A farmer shall comply with regulations 8(4), (5), (6) and (9) of the Nutrient Action Programme Regulations (Northern Ireland) 2019 ].

##### Textual Amendments

**F1** Sch. 1 para. 1 substituted (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), regs. 1(1), **37(2)**

#### Irrigation Authorisations

2.—(1) If a farmer is abstracting or impounding more than 10m<sup>3</sup> but less than 20m<sup>3</sup> of water for irrigation purposes in any 24 hour period from underground strata or waterways the activity must be authorised under regulation 5 of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 <sup>M1</sup> and adhere to the requirements of the authorisation.

(2) If a farmer is abstracting or impounding 20m<sup>3</sup> or more of water from underground strata and waterways for irrigation purposes in any 24 hour period the activity must be authorised by licence under regulation 10 of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 and adhere to the requirements of the licence.

##### Marginal Citations

**M1** S.R. [2006 No.482](#)

#### Protection of ground water against pollution

3.—(1) A farmer shall comply with

- (a) Article 7 of the Water Order <sup>M2</sup> in so far as it relates to groundwater; or
- (b) regulation 19 of the Groundwater (Northern Ireland) Regulations 2009 <sup>M3</sup>.
- (c) a notice or any condition of a notice served under regulation 24 or 25 of the Groundwater (Northern Ireland) Regulations 2009,

(2) A farmer shall ensure that the requirements concerning the siting, operation and maintenance of sheep dipping facilities in the Code of Good Agricultural Practice for the Prevention of Pollution to Water, Air and Soil <sup>M4</sup> are complied with.

##### Marginal Citations

**M2** [Article 7](#) was substituted by Article 280 of the Water and Sewerage Services (Northern Ireland) Order 2006, S.I. [2006/3336 \(N.I.21\)](#)

**M3** S.R. [2009 No. 254](#)

**M4** Published by the Department of Agriculture and Rural Development August 2008 ISBN Number 978-84807-068

**Changes to legislation:** There are currently no known outstanding effects for the The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014, SCHEDULE 1. (See end of Document for details)

**Minimum soil cover**

4.—<sup>F2</sup>(1) A farmer shall ensure that after harvesting a crop that from harvest until 15<sup>th</sup> January in the following year one of the following conditions is met on that land at any time—

- (a) the stubble of the harvested crop remains in the land; or
- (b) the land is sown with a crop which will take up nitrogen from the soil or, where soil or weather conditions prevent a subsequent crop from being sown, measures are put in place to prevent soil erosion.]

(2) The Department shall vary or suspend any of the requirements in sub paragraph (1) where in its opinion—

- (a) the farmer has prepared the land as a seedbed but is unable to sow the crop within 10 days (because to do so would result in a breach of paragraph 5(2)) or
- (b) an area is affected by extreme weather conditions which make it impracticable to comply.

(3) Where the Department has varied or suspended any requirements under sub paragraph (2), it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirements as varied in the directions.

<sup>F3</sup>(4) .....

<sup>F4</sup>(5) Sub-paragraph (1) does not apply in relation to any land between harvest and 15<sup>th</sup> January where—

- (i) the land is used for a ploughing match and the farmer has received a Derogation from the Department; or
- (ii) the land is ploughed as part of practice for a ploughing match.]

<b>Textual Amendments</b>	
<b>F2</b>	Sch. 1 para. 4(1) substituted (1.8.2015) by <a href="#">The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/286)</a> , regs. 1(1), <b>5(a)(i)</b>
<b>F3</b>	Sch. 1 para. 4(4) revoked (1.8.2015) by <a href="#">The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/286)</a> , regs. 1(1), <b>5(a)(ii)</b>
<b>F4</b>	Sch. 1 para. 4(5) substituted (1.8.2015) by <a href="#">The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/286)</a> , regs. 1(1), <b>5(a)(iii)</b>

**Minimum land management reflecting site specific conditions to limit erosion**

5.—(1) A farmer shall prevent soil from being excessively trampled, poached or rutted, including on bank sides and along water courses.

(2) A farmer shall not carry out any cultivations if water is standing on the surface, or if the soil is waterlogged.

(3) A farmer shall ensure that supplementary feeding sites and sacrifice areas are rotated on a minimum of an annual basis.

(4) A farmer shall minimise soil erosion by not permitting excessive trampling, poaching or vehicle rutting.

(5) A farmer shall not cause runoff to waterways where a supplementary feeding site or sacrifice area has been established.

(6) Where a sacrifice area is permitted, the land on which it is located shall:

- (a) be ploughed and sown in the following spring;
- (b) be allowed to regenerate naturally the following spring provided that the land has at least 90% grass coverage by 31st of May in that year; or
- (c) be surface seeded provided that the land has at least 90% grass coverage by 31st of May in that year.

(7) A farmer shall not permit land to be overgrazed.

(8) A farmer shall not permit the burning of heather, gorse, whin or fern between 15th April and 31st August.

6.—(1) Paragraphs 5(3) to 5(7) do not apply:

- (a) to land where these requirements conflict with the commitments under management agreements entered into by the farmer in relation to any Area of Special Scientific Interest, Special Protection Area or Special Area of Conservation;
- (b) to land which is located within 5 metres from a gateway or laneway and is not a semi-natural habitat;
- (c) to any archaeological site within 10 metres from waterways;
- (d) to land which is located within 50 metres from any borehole or wells;
- (e) to land which is located within 250 metres from a borehole which is used for a public water supply; or
- (f) where overgrazing is a necessary consequence of measures taken to ensure animal welfare during periods of extreme weather conditions.

7.—(1) Paragraphs 4(1) and (3) and paragraphs 5(1) and (2) do not apply where:

- (a) soil is waterlogged only within 5 metres of a gateway or other access point and access is required to an area of land that is not waterlogged;
- (b) the waterlogged soil is on an established track to land that is not waterlogged;
- (c) poaching of soil is a necessary consequence of mechanical operations that are required to improve the drainage of the waterlogged soil;
- (d) poaching of soil is a necessary consequence of works that are required to ensure animal or human welfare;
- (e) poaching of soil is a necessary consequence of harvesting a crop of fresh vegetables or fruit to meet contractual deadlines or where such produce would deteriorate if not harvested as a matter of urgency;
- (f) poaching of soil is a necessary consequence of measures taken to ensure animal welfare during periods of extreme weather conditions.

(2) The Department shall vary or suspend any of the requirements in sub paragraphs 4(1) and (3) and sub paragraphs 5(1) and (2) in relation to an area and for a period of not more than two months, where in its opinion—

- (a) an area is affected by extreme weather conditions; and
- (b) those weather conditions justify the variation or suspension of the requirement in this paragraph, taking into consideration the economic impact of the weather conditions and the environmental effects of any variation or suspension of the requirements.

**Changes to legislation:** There are currently no known outstanding effects for the The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014, SCHEDULE 1. (See end of Document for details)

(3) Where the Department has varied or suspended any requirements under sub paragraph (2), it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirement as varied in the directions.

### **Maintenance of soil organic matter levels**

8.—(1) A farmer shall not permit the burning of cereal straw, cereal stubble, or residues of oil-seed rape, field beans harvested dry or peas harvested dry on agricultural land unless the burning is for the purposes of disease control or the elimination of plant pests where a notice has been served under Article 32 of the Plant Health Order (Northern Ireland) 2006 <sup>M5</sup>.

(2) The Department shall vary or suspend any of the requirements in sub paragraph (1) when in its opinion an area is affected by extreme weather conditions which make it impracticable to comply with them.

(3) A farmer shall not plough, cultivate or intensify (including the extraction of peat, sand or gravel) semi-natural habitats unless he has complied with the Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 <sup>M6</sup>.

(4) Where the Department has varied or suspended any requirements under sub paragraph (2), it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirements as varied in the directions.

#### **Marginal Citations**

**M5** [S.R.2006 No.82](#)

**M6** [S.R. 2007 No. 421](#)

### **Retention of landscape features**

9.—(1) A farmer must prevent encroachment by invasive species.

(2) Sub paragraph (1) does not require a farmer to take any particular measure to prevent the encroachment by invasive species where taking such a measure conflicts with the management required of Areas of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, or archaeological sites.

(3) Except with the prior written approval of the Department, a farmer shall not permit the removal of any landscape feature including the infilling of any open sheugh or ditch or the laying of a drainage pipe in any open sheugh or ditch.

(4) Where a farmer has received permission from the Department to remove a landscape feature the farmer shall carry out any mitigating action in the written approval within the deadline specified therein.

(5) Sub paragraph (3) does not apply in the case of a hedgerow where there are health and safety reasons for hedgerow removal unless a Tree Preservation Order is in place in relation to that hedgerow;

(6) Sub paragraph (3) does not apply in the case of a permanently dry sheugh or ditch or a field boundary within, or marking the boundary of non-agricultural land.

(7) A farmer shall ensure that any archaeological site found on his land is retained without impairment.

(8) A farmer shall not permit the carrying out of hedge, tree or scrub cutting, trimming, or laying between 1st March and 31st August, except where this is necessary for health and safety reasons.

**Changes to legislation:** There are currently no known outstanding effects for the The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014, SCHEDULE 1. (See end of Document for details)

[<sup>F5</sup>(8A) Sub-paragraph (8) shall not apply between 15<sup>th</sup> August and 31<sup>st</sup> August where the farmer has received a derogation from the Department.]

(9) A farmer shall ensure that no supplementary feeding site or sacrifice area is located within 10 metres of an archaeological site.

#### Textual Amendments

**F5** Sch. 1 para. 9(8A) inserted (1.8.2015) by virtue of The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/286), regs. 1(1), **5(b)**

#### Compliance with Statutory Provisions

10.—(1) A farmer shall comply with any stop notice served upon him under regulation 22(1) and any reinstatement notice served upon him under regulation 24(1) of the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulation (Northern Ireland) 2006 <sup>M7</sup>.

#### Marginal Citations

**M7** S.R. 2006 No.90

#### Interpretation

11. In this schedule:

“archaeological site” means a historic or archaeological site which has been identified by the Department of the Environment in the Northern Ireland Sites and Monuments Record;

“area of Special Scientific Interest” is an area of land that is of special interest by reason of its, fauna, or geological, physiographical or other features that has been declared an area of special scientific interest by the Department of the Environment pursuant to Article 28 of the Environment (Northern Ireland) Order 2002 <sup>M8</sup> or previously in accordance with Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 <sup>M9</sup>;

“borehole” means a hole which has been drilled in land in order to provide a water supply whether or not currently used for this purpose;

“groundwater” has the meaning assigned to it by regulation 2(1) of the Groundwater (Northern Ireland) Regulations 2009;

“intensify” means to increase the productivity of land for agriculture;

[<sup>F6</sup>“invasive species” means rhododendron (*Rhododendron ponticum*), Giant Hogweed (*Heracleum mantegazzianum*), Japanese Knotweed (*Fallopia japonica*) Himalayan Balsam (*Impatiens glandulifera*), wild oat (*Avena fatua* L, and *Avena ludoviciana* Durieu), dock (*Rumex obtusifolius* L and *Rumex crispus* L.), thistle (*Cirsium vulgare* (Savi) Ten. and *Cirsium arvense* (L.) Scop.) and ragwort (*Senecio jacobaea* L.);]

“landscape feature” means dry stone walls, sheughs or ditches, hedgerows, including trees in hedgerows, and earthbanks;

“mechanical operations” means field operations, for example, harvesting, manure spreading, ploughing or discing;

“overgrazing” means grazing land with livestock in such numbers as to damage the growth, quality of species composition of vegetation on that land to a significant degree;

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“ploughing” means making furrows in land mechanically, by breaking and turning over the soil;

“poaching” means the prolonged trampling of waterlogged soil by animals or humans or the use of machinery or vehicles on waterlogged soil;

“sacrifice area” means a supplementary feeding site which is grazed bare by livestock;

“scrub” means areas which contain shrubs, stunted trees or brambles. Scrub may be open or dense and contain hawthorn, blackthorn, gorse (whin), bramble, honeysuckle, dog rose, bushy willows (sally) or stunted hazel with few or no mature trees present;

“semi-natural habitat” without prejudice to the generality of the expression includes an area which is not subject to an intensive farming regime, such as calcareous grassland; acid grassland; bracken; dwarf shrub heath; fen, marsh and swamp; bog; montane habitats; inland rock; neutral grassland; broadleaved, mixed and yew woodland; standing water and canals; species-rich upland or lowland hay meadow; and coastal and floodplain grazing marsh;

“sheugh or ditch” means an open channel with water in it for at least part of the year and no more than 2 metres wide at the base. Naturally flowing streams and rivers of any width are excluded as are watercourses of any width maintained by the Rivers Agency;

“Special Area of Conservation” means an area of land designated as a Special Area of conservation by the Department of the Environment pursuant to Article 4 of Council Directive [92/43/EEC](#) on the conservation of Natural Habitats and of Wild Fauna and Flora <sup>M10</sup> [F7 as last amended by Council [Directive 2013/17/EU](#) of 13 May 2013] ;

“Special Protection Area” means an area of land classified as a Special Protection Area by the Department of the Environment pursuant to Article 4 of Directive [2009/147/EC](#) on the conservation of wild birds <sup>M11</sup> [F8 as last amended by Council [Directive 2013/17/EU](#) of 13 May 2013] ;

“supplementary feeding site” means any land under the control of a farmer (other than a farm building or farmyard) where concentrates, fodder or mineral licks are fed to livestock;

“tree preservation order” has the same meaning as in Article 65 of the Planning Order (Northern Ireland) 1991 <sup>M12</sup>;

“Water Order” means the Water Order (Northern Ireland) Order 1999 <sup>M13</sup>;

“waterlogged” means a situation when the watertable rises into the root zone of the plant and the soil is saturated with water. The soil is boggy under foot;

“waterway” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order 1999.

#### Textual Amendments

- F6** Words in Sch. 1 para. 11 substituted (1.8.2015) by [The Common Agricultural Policy Direct Payments and Support Schemes \(Cross Compliance\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/286\)](#), regs. 1(1), **5(c)**
- F7** Words in Sch. 1 para. 11 inserted (6.3.2019) by [The Agriculture \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/11\)](#), regs. 1(1), **5(3)(a)**
- F8** Words in Sch. 1 para. 11 substituted (6.3.2019) by [The Agriculture \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/11\)](#), regs. 1(1), **5(3)(b)**

#### Marginal Citations

- M8** S.I. 2002 No 3153 (N.I.7)
- M9** S.I. 1985 No 170 (N.I.1)
- M10** O.J. No L206 22.7.92 p 7-50

**Changes to legislation:** *There are currently no known outstanding effects for the The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014, SCHEDULE 1. (See end of Document for details)*

**M11** O.J. No L20 26.01.10 p 7-25

**M12** [S.I. 1991/1220 \(N.I. 11\)](#): Article 65 has been amended by Article 26(1) of the Planning (Amendment) (Northern Ireland) Order 2003 [S.I. 2003/430 \(N.I. 8\)](#)

**M13** [S.I. 1999/662 \(N.I. 6\)](#) to which there are amendments not relevant to the subject matter of these Regulations

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014, SCHEDULE 1.