

Cross Compliance



**Good Agricultural and
Environmental Condition (GAEC)
Requirements**

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GAEC 1. Soil Management

The aim of these requirements is to protect soil from erosion, maintain soil organic matter and protect soil structure. They apply to all farmed land.

1.1. *Soil Erosion*

Soil erosion, the loss of soil particles by the action of wind and water, has not been a major problem in Northern Ireland. However, soil erosion can:

- cause damage to crops;
- block waterways with silt and contaminate them with soil nutrients;
- cause public nuisance through soil deposition on roads;
- lead to a gradual loss of top soil;
- damage aquatic life and diminish water quality.

Soil erosion by water may occur on sloping arable land and recently reseeded grassland. Hedges and the small field size in Northern Ireland help reduce erosion by intercepting water and suspended soil particles. Soil erosion may occur when rainfall intensity exceeds the soil's capacity to soak it up and the surface run-off is large enough and fast enough to carry soil particles.

Trampling by livestock increases the risk of soil erosion, which can increase the sediment load of a river, resulting in diminished water quality.

1.2. *Soil Organic Matter*

Maintaining soil organic matter in the topsoil influences its physical, chemical and biological properties, particularly its ease of cultivation, water retention capacity and nutrient availability to plants. If the organic matter level falls, it can restrict the soil's ability to support plant growth.

Cultivation increases the rate of decomposition of organic matter. Therefore, organic matter levels are most likely to fall under continuous arable cropping where there is little return of plant residues or animal manures.

In the mostly grass-based agricultural systems of Northern Ireland, the soil organic matter level ranges from 8-20% depending on previous cropping. Land that is continually cropped may be at risk from the loss of soil organic matter. Adding animal

manures over several years, incorporating crop residues or sowing out in grass will increase organic matter levels in low organic matter soils.

1.3. Soil Structure

Soils can be physically damaged, perhaps irreversibly, by livestock trampling, compaction, topsoil removal and erosion. The use of heavy machinery when the soil is too wet can damage the soil structure, resulting in poor root and crop growth.

Sustainable soil management can be achieved by following the appropriate GAEC requirements outlined below.

1.4. GAEC Soil Management Requirements

Protect soils from erosion and maintain soil structure by preventing land from being severely trampled or poached.



Fig 1: Poaching must not result in soil erosion

Compliance with the Nitrates Action Programme Regulations (Northern Ireland) 2006 relating to land use management:-

After harvesting a crop of cereals (other than maize), oil seeds, grain legumes (for example, peas or beans), ensure that from harvest until 1st March in the following year one of the following conditions is met on that land at any time:

- the stubble of the harvested crop remains in the land; or
- the land is sown with a crop which will take up nitrogen; or
- the land is left with a rough surface, ploughed or disced; to
- encourage the infiltration of rain.

You will not be in breach of this requirement if you have prepared the land as a seedbed but are unable to sow the crop within 10 days (because to do so would result in a breach of the GAEC standard on waterlogged soil) or because severe weather conditions make this impracticable. In either case, the land must be sown as soon as practicable.

Residues of crops harvested late (after 1st November), such as maize and potatoes must be left undisturbed until just before sowing the following spring.

Do not carry out any cultivation if water is standing on the surface, or if the soil is waterlogged (see definition in annex 4). Cultivation includes any mechanical field operation, for example, harvesting, manure spreading, ploughing and discing.

1.5. *Exceptions*

Exceptions will be granted where one or more of the following applies:

- The 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;
- The area is an established track to land that is not waterlogged;
- Mechanical operations are required to improve the drainage of the land;
- Mechanical operations are essential for the welfare of humans or animals;
- It is essential to harvest a crop of fresh vegetables and/or fruit to meet contractual deadlines, or where the quality of the produce would deteriorate if not lifted;
- It is necessary for the protection of animal welfare during periods of extreme weather conditions.
- DARD has granted a temporary exemption from this rule because of extreme weather conditions, in which case you will need to comply with any conditions that are attached including reinstatement requirements.

1.6. *Guidance*

The following guidance is provided to help you adopt farming practices which minimise the risks of soil erosion, maintain soil organic matter and protect soil structure to help ensure sustainable grass/crop production.

Avoid severe trampling/poaching by livestock

Signs of severe trampling/poaching or vehicle rutting may include one or more of the following:

- no visible remains of grass/vegetation, bare soil;
- deep bare soil trenches caused by vehicle tracks;
- bare soil often mixed with frequent amounts of livestock manure;
- waterlogged soils, livestock “wading in muck”.

Livestock should be managed appropriately according to the ground and climate conditions to ensure soil erosion does not occur. Remove livestock from any area which starts to show signs of severe trampling or poaching. Some areas of riverbanks may be prone to soil erosion by livestock. If this is likely to lead to severe trampling, poaching or soil erosion, the area should be fenced off.

Cultivated land – no finely tilled bare seedbeds during the winter

Green cover, either grass or stubble is the preferable option to prevent soil erosion and loss of nutrients. Winter cropping is still permitted. You may establish a crop at any time between harvest and 1 March, provided you comply with the rules up to the time of sowing.

Waterlogged Soil – no cultivations

Waterlogged soils are soils where water appears on the surface of the land when pressure is added.

Cultivation is not permitted on waterlogged soils. Where exceptions are granted, soil compaction can be reduced if low ground pressure tyres and/or dual wheels are used on tractors/machinery.

1.7. Field Checks

When performing GAEC inspection checks in respect of this measure Inspectors will look for:

- Signs of heavy trampling, rutting or poaching causing soil erosion on any land;
- Evidence of soil run-off into waterways,
- Evidence of finely tilled bare seedbeds during the winter;
- Evidence of cultivations occurring on waterlogged soils or where water is standing on the surface.

Further information on GAEC 1 can be obtained from www.ruralni.gov.uk/CrossCompliance or by contacting your local DARD office.

Further information on the Nitrates Directive can be obtained from NIEA Water Management Unit on 028 92 623184 or www.ni-environment.gov.uk

GAEC 2. Supplementary Feeding

The aim of these requirements is to protect soil from erosion and to protect semi-natural habitats, archaeological sites and water quality. They apply to all farmed land.

Supplementary feeding sites are essential to many upland hill farms especially during the winter period to provide feed to livestock. Good management of supplementary feeding sites will result in minimal damage to the underlying and surrounding plant cover and to the environment. The grass/vegetation will recover within the same growing season, thus providing more feed for livestock.

Inappropriate management of supplementary feeding sites, for example, round feeders placed on wildlife areas (semi-natural habitats), for example, heather moorland, woodland or on archaeological features will result in damage. Excessive trampling and poaching associated with permanent supplementary feeding sites may result in soil erosion and damage to the soil structure.

2.1. *Supplementary Feeding Site Requirements*

Supplementary feeding sites / sacrifice areas are not permitted on:-

- Semi-natural habitats. These include broadleaved woodland / scrub, species-rich grassland and moorland (semi-natural habitat definitions are listed in Annex 4).
- Within 10 metres of the boundary of an archaeological feature or site.
- Within 10 metres of a waterway, or 50 metres from a borehole or well (irrespective of its current use), or 250 metres from any borehole used for a public water supply.

Fig 2: Feeding livestock within broadleaved woodland is not permitted.



Supplementary / winter feeding sites and sacrifice areas should be rotated and managed to prevent excessive trampling, poaching or vehicle rutting to minimise soil erosion and must not cause run-off to waterways. Sacrifice areas must be ploughed and sown in the following spring. Natural regeneration (recovery of the sward) and surface seeding will be permitted provided there is at least 90% grass/crop coverage by the end of spring.



Fig 3: Choose feeding sites carefully to avoid damaging semi-natural habitat or water quality

2.2. Exceptions

This measure will not apply to areas within five metres of gateways and farm tracks. This is provided sites are not located on a semi-natural habitat, or archaeological sites, or 10 metres from waterways, or 50 metres from boreholes or wells (irrespective of current use), or 250 metres from boreholes used for a public water supply.

Exceptions from the above measure will only be permitted where it is necessary for the protection of animal welfare during periods of extreme weather conditions.

Supplementary feeders may only be permitted on ASSIs in exceptional circumstances where a whole farm (or land holding) lies within the boundaries of an ASSI. In this instance, feeders should only be placed on areas of low conservation value. Sacrifice areas are not permitted within ASSIs.

2.3. **Guidance**

The following provides guidance on how to manage supplementary feeding sites without damaging soil, water, habitats and archaeological sites.

Good site management

Feeding sites may cause “run-off” which may result in pollution of neighbouring waterways. Avoid locating feeding sites within the limits provided (waterway is defined in Annex 4) or where there is a risk of run-off entering a waterway.

Signs of excessive trampling/poaching or vehicle rutting are listed under the Soil Management Measures (Section 1.6).

Sites should be regularly rotated, and sited on hardcore areas (including lanes) where possible. Sites on hard areas will not require rotation. Hard core areas for feeding must not be created on semi-natural habitats, or ten metres from archaeological features, or 10 metres from waterways, or 50 metres from boreholes or wells (irrespective of current use), or 250 metres from boreholes used for a public water supply. Hard areas, such as concrete livestock standing/feeding areas, increase the risk of run-off and may require collection facilities under the SSAFO Regulations.

Trampling associated with feeding areas can damage archaeological sites (definition provided in Annex 4). Do not locate feeding sites within 10 metres of an archaeological site. Information on archaeological features which may be located on your farm can be obtained from NIEA Historic Monuments Unit on 028 9054 3168 or www.ni-environment.gov.uk

Sacrifice areas

If not managed properly sacrifice areas can cause soil erosion, nutrient runoff, destroy soil structure, and the original vegetation cover. They cause particular long-term environmental damage to semi-natural habitats. Nutrient run-off may cause pollution of a neighbouring waterway, borehole or well.

Sacrifice areas will only be permitted on improved grassland/arable land where the land is flat and must be located ten metres from waterways, or 50 metres from boreholes or wells (irrespective of current use), or 250 metres from boreholes used for a public water supply. Sacrifice areas must not be situated on or within 10 metres of the boundary of an archaeological feature

or site. The area must be ploughed and sown in the following spring. Natural regeneration (recovery of the sward) and surface seeding will be permitted provided there is at least 90% grass/crop coverage by the end of spring (31st May).

The management of outwintered livestock must comply with the Nitrates Action Programme Regulations (Northern Ireland) 2006 (www.ni-environment.gov.uk/dard-nitratesguidance.pdf).

Winter Fodder Crops.

Brassica fodder crops should not be grown in steeply sloping fields with a high soil erosion risk. Strip grazing from the top of sloping fields can help reduce the risk of soil run-off.

Watercourses and ditches in crops grazed through the winter are particularly susceptible to soil erosion through livestock poaching and destabilising river banks. Leaving an uncultivated grass buffer strip adjacent to such features, and temporarily fencing them off or grazing towards them, will help prevent damage.

2.4. Field Checks

When performing GAEC inspections in respect of this measure, inspectors will look for:

- Evidence of supplementary feeding sites, sacrifice areas or recently constructed hardcore areas on semi-natural habitats, within 10 metres of an archaeological site or 10 metres from waterways, or 50 metres from boreholes or wells, or 250 metres from boreholes used for a public water supply;
- Evidence of excessive trampling, poaching, soil erosion or vehicle rutting as a result of supplementary feeding livestock;
- Evidence of run-off entering a waterway;
- Evidence of rutting as a result of supplementary feeding livestock.

Further information on GAEC 2 can be obtained from www.ruralni.gov.uk/CrossCompliance or by contacting your local DARD office.

GAEC 3. Overgrazing

The aim of these requirements is protect grassland, semi natural habitats and archaeological sites from overgrazing. They apply to all farmed land.

Overgrazing is grazing land with livestock in such numbers as to damage the growth, quality or species composition of the vegetation to a significant degree. There is little or no plant cover and there may be evidence of run-off or standing water. Overgrazing can result in soil erosion, increase the risk of flooding and cause damage to semi-natural habitats and archaeological features. Overgrazing is often associated with evidence of poor animal condition.

Due to the enormous variation in conditions that can arise, a single maximum stocking density for the whole of Northern Ireland will not apply. Instead, farmers will be required to manage their livestock according to the land type and climate conditions which are specific to the farm.

3.1. *GAEC Overgrazing Requirements*

You must avoid overgrazing grassland, semi-natural habitat, or archaeological sites with livestock in such numbers which would damage the growth, quality or species composition of vegetation on that land to any significant degree (that is, where there is no vegetative cover and/or there is evidence of run-off or standing water), or cause damage to an archaeological feature.

Fig 4: Overgrazing resulting is exposed peat soils at risk of erosion.



3.2. Exceptions

This measure does not apply on land where these requirements conflict with the management required by:

- Areas of Special Scientific Interest or Natura 2000 Sites (Special Protection Areas, Special Areas of Conservation). Contact NIEA Conservation Designations and Protection on 028 90 569515 or www.ni-environment.gov.uk for further information;
- Agri-environment scheme agreement. Contact your local DARD office.

This measure does not apply to areas within 5 metres around gateways/laneways provided this land is not a semi-natural habitat, archaeological site within 10 metres from waterways, or 50 metres from boreholes or wells (irrespective of current use), or 250 metres from boreholes used for a public water supply.

Exceptions from the above measure will only be permitted where it is necessary for the protection of animal welfare during periods of extreme weather conditions.

3.3. Guidance

The following advice is to help you recognise the signs of overgrazing and to provide guidance to help prevent overgrazing occurring.

Signs of overgrazing

Signs of overgrazing are a combination of the following: very short sward (grasslands with a sward height of less than 3cm, rough grassland/moorland with a sward height of less than 5cm), a high density of cattle/sheep dung and frequent areas of bare ground.

Prevention of overgrazing

Graze livestock in numbers appropriate to the ground and climate conditions. Keep stock numbers limited to the carrying capacity of the field. Regular shepherding on open hills may be required to prevent localised overgrazing. Move livestock once any signs of overgrazing become apparent.

3.4. Field Checks

When performing GAEC inspection checks in respect of this measure, inspectors will look for:

- Evidence of overgrazing i.e. where there is no vegetative cover and/or there is evidence of run-off or standing water), or damage to an archaeological feature.

Further information on GAEC 4 can be obtained from www.ruralni.gov.uk/CrossCompliance or by contacting your local DARD office.

GAEC 4. Undergrazing

The aim of these requirements is protect farm land from undergrazing including infestation from invasive species and noxious weeds.

Land abandonment is not allowed under Cross-Compliance. Many of the wildlife areas, birds and other animals in Northern Ireland are dependent on grazing livestock, particularly cattle. Therefore, continue to graze and/or cut your grass to avoid land being infested by weeds and/or scrub to such an extent that it could no longer be farmed. This includes all land that you farm, even land on which you do not claim direct payments.

Undergrazing may be identified as allowing the growth, quality or species composition of grazed vegetation to deteriorate significantly through the lack of, or insufficient grazing management.

Undergrazing will only be permitted where it is required for environmental benefit, for example, as part of agri-environment schemes.

4.1. GAEC Undergrazing Requirements

- **Undergrazing (to such an extent where the land cannot be returned to agricultural production by the end of the next growing season) must be avoided by using appropriate grazing or cutting management.**
- **You must prevent encroachment by invasive species such as Rhododendron, Giant hogweed, Japanese knotweed and Himalayan balsam which degrade the agricultural and environmental value of the land.**
- **You must prevent the infestation of noxious weeds (listed in Annex 1) through compliance with the Noxious Weed Order 1977**

4.2. **Exceptions**

This measure does not apply on land where these requirements conflict with the management required by:

- Areas of Special Scientific Interest or Natura 2000 Sites (Special Protection Areas, Special Areas of Conservation). Contact NIEA Conservation Designations and Protection on 028 90 569515 or www.ni-environment.gov.uk for further information;
- Scheduled archaeological sites. Contact NIEA Historic Monuments Unit on 028 9054 3168 or www.ni-environment.gov.uk
- Agri-environment scheme agreement. Contact your local DARD office.

4.3. **Guidance**

The following is provided to help you recognise the signs of undergrazing and gives guidance on how to prevent undergrazing on your land.

Signs of undergrazing

The growth and quality of grass and other vegetation becomes very long, rank and the species composition of the sward becomes reduced to only the most competitive species. Invasive scrub such as whin / gorse or bramble often predominates. Land must be able to be grazed by livestock or permit entry to mow/cut using a tractor.

Where undergrazing is noted at inspection it must be returned to agricultural production by 1st October of the following growing season by following DARD management advice.

Invasive plants

Unwanted vegetation which is both agriculturally and environmentally degrading including Rhododendron, Japanese knotweed, Giant hogweed and Himalayan balsam must be controlled. These non native plants have the potential to damage semi-natural habitats by out-competing native plants. They can sometimes be damaging to human health.

For further information please read the Best Practice



Management Guide www.invasivespeciesireland.com.

Fig 5: Giant Hogweed, often found along riverbanks.

Noxious weeds

Control the spread of noxious weeds by cutting before they set seed. Noxious weeds can be treated with appropriate approved chemicals; spot spraying is recommended. Noxious weeds include all weeds listed under the Noxious Weed Order 1977 and are listed in Annex 1.



Fig 6: Ragwort and Thistle seeding in mid summer.

Minimum stocking density

No minimum stocking density is required unless you receive LFACA Payments.

Less Favoured Area Compensatory Allowance (LFACA) Scheme

Farmers receiving LFACA Payments must adhere to the minimum stocking rate of 0.2LU/ha of eligible stock throughout the entire seven month period of 1st April – 31st October. This stocking rate applies to the whole farm and not individual fields. If your holding has an Agri-environment Scheme (AES) agreement or similar that sets a maximum stocking density at less than the LFACA minimum of 0.2LU/ha, DARD may consider allowing the stocking density set in the agreement to replace the LFACA minimum stocking density requirement. If you think this applies to you please contact LFACA Section on (028) 71 319947.

Prevention of undergrazing

Keep cattle/sheep at sufficient numbers to prevent land being taken over by, for example, scrub/bracken, but ensure livestock are not causing overgrazing. If your stock numbers decrease significantly, then your land may be at a greater risk from undergrazing and you may need to increase grazing or cutting.

Scrub control

Land which is accessible and grazeable can be considered eligible for SFP and LFACA provided dense patches of scrub and whins, or areas inaccessible because of scrub or whins, are excluded from the area claimed. This land must be maintained in Good Agricultural and Environmental Condition. Keep scrub encroachment from extending beyond current levels by grazing or cutting/mowing. Scrub should not be cut during the bird nesting season from 1 March to 31 August. Gorse/whin should be controlled by cutting and treating stumps with glyphosate. Burning of whin/gorse is not recommended as this causes seed germination and leads to the further spread of new growth of whin/gorse.

If scrub / whin area is classified as a habitat in an agri-environment scheme, its area and features within it must be retained and managed. Routine hand cutting is required to maintain and improve access for livestock.



Fig 7: The spread of whins must be controlled to ensure land remains eligible for Single Farm Payment.

Cutting/mowing

If possible do not mow/cut grass between 15 March and 15 July to prevent damaging ground nesting birds. If cutting/mowing, you should remove the cut vegetation and dispose of in a manner which does not harm the environment. If land is not being grazed, the land may need to be cut/mowed at least once a year.

4.4. Field Checks

When performing GAEC inspection checks in respect of this measure, inspectors will look for:

- Evidence of undergrazing by significant encroachment of scrub to such an extent where the land cannot be returned to agricultural production by the end of the next growing season;
- Evidence of invasive species. i.e. Rhododendron, Japanese knotweed, Giant hogweed and Himalayan balsam;
- Infestation of noxious weeds;
- Evidence of eligible forage area.

Further information on GAEC 4 can be obtained from www.ruralni.gov.uk/CrossCompliance or by contacting your local DARD office.

GAEC 5. Field Boundaries

The aim of these requirements is to retain field boundaries and prevent cutting during the bird nesting season. They apply to all farm land.

The Northern Ireland farmed landscape is characterised by field boundaries. They provide valuable shelter for stock, nesting cover for birds and a variety of habitats and food for wildlife. Field boundaries include all types of hedges, dry stone walls, ditches and earthbanks.

Hedges are defined as hedgerows, hedge banks, rows of trees and hedgerow trees. Ditches are “sheughs”/open channels with or without water. The primary function of sheughs (or ditches) is to drain land. However, they are also valuable landscape and wildlife features, important for many plants, animals, birds and insects. Sheughs should therefore be managed, not only as drainage channels, but also as valuable wildlife habitats.

Birds nest in the majority of our hedges, and therefore hedge maintenance, cutting, laying or coppicing is not permitted during the bird nesting season between 1 March and 31 August. This is to avoid damaging the birds, nests or chicks and complies with the Wildlife (Northern Ireland) Order 1985.

5.1. GAEC Field Boundary Requirements

- **You must not remove field boundaries (dry stone walls, ditches / sheughs, hedges, earthbanks) except by prior written permission from DARD. This includes infilling or laying drainage pipes in open sheughs.**
- **Hedge, Tree or Scrub cutting (including trimming, coppicing and laying) is not permitted between 1 March and 31 August.**

5.2. Exceptions

Hedge cutting between 1 March and 31 August will be permitted where health and safety is an issue, for example, roadside hedges.

Hedgerow trees may be removed if there are health and safety reasons unless a tree preservation order is in place.

Hedgerow trees may be removed on rotation for timber, provided young saplings are left to grow as replacement trees in the hedge.

This measure does not apply to permanently dry sheughs/ditches or to field boundaries within, or marking the boundary of non agricultural land e.g. a dwelling-house or building site.

5.3. Guidance

The following advice is provided to help you comply with the Field Boundary GAEC requirements.

Field boundary removal

'Remove' includes any operation which uproots or otherwise destroys a hedgerow, either directly or indirectly. DARD will assess and may grant derogations for field boundary removal after using DARD field boundary assessment criteria, which include consideration of the area of the field, local landscape characteristics and the quality of the field boundary.

Existing gateways can be widened up to 10 metres without permission. Field boundary removal application forms are available from your local DARD Direct Office.



Fig 8: Hedge removal requires permission from DARD.

Hedge cutting or trimming

Where hedges are cut or trimmed, it is recommended that this is in a 2-3 year rotation and ideally during January and February to provide a winter food resource for farmland birds. Where fencing of hedges involves cutting the hedges, you must not cut the hedge between 1 March and 31 August, unless there is a health and safety reason or an animal welfare reason.



Fig 9: Field Hedge cutting cannot take place between 1st March and 31st August.

Cleaning out sheughs/ditches

Sheugh maintenance is permitted. It is recommended that sheugh cleaning should be carried out during the autumn to late winter. Clear away only vegetation and silt from sheughs; avoid deepening or widening the sheugh. Try to leave the vegetation untouched along one side of the sheugh at cleaning. Bulrushes, water plantain and water crowfoot control algae, provide fish spawning beds and encourage insects.

5.4. Field Checks

When performing GAEC inspection checks in respect of this measure, inspectors will look for:

- Evidence of field boundary (hedge, sheugh, stonewall, earthbank) removal without prior DARD permission. Retention of field boundaries on the ground may be checked against maps and aerial photography;
- Evidence of hedge trimming, coppicing or laying carried out between 1 March and 31 August.

Further information on GAEC 5 can be obtained from www.ruralni.gov.uk/CrossCompliance or by contacting your local DARD office.

GAEC 6. Protection of Habitats (Wildlife Areas), Archaeological Sites and Permanent Pasture

The aim of these requirements is to protect semi natural habitats, archaeological features and permanent pasture. They apply to all farm land.

Habitats (Wildlife Areas) and Archaeological Sites

Wildlife areas (semi-natural habitats) are areas supporting wildlife such as woodland, scrub, wetlands, flower rich (species rich), meadows, moorland (definitions are provided in Annex 1). Semi-natural habitats contribute to both the landscape character and the wildlife value of the countryside.

Archaeological features have a unique historic role in the countryside providing a link to the past. Earth science sites are areas of bedrock or surface deposits that provide important evidence of the patterns, processes and dating of geological and biological events from the beginning of the Earth's history to the present day.

Many of these important wildlife areas and archaeological sites have been lost or damaged over the last 50 years due to agricultural intensification practices, for example, land reclamation and overgrazing. Illegal burning of heather/gorse between 15 April and 31 August may destroy nests and ground nesting birds as well as potentially destroying neighbouring woods and farmland. Controlled periodic burning of heather in small areas from September to March is advantageous for grazing and wildlife conservation.

6.1. GAEC Protection of Habitats, Archaeological Sites Measure Requirements

- You must retain and do not damage semi-natural habitats, including broadleaved woodland / scrub, moorland, wetlands and species rich grassland. Reclamation of semi-natural habitats is only permitted where prior written permission has been obtained from DARD.
- You must not infill or extract peat, sand or gravel on semi-natural habitats without permission from DOE Planning Service and / or NIEA.
- You must not damage archaeological features, earth science sites and trees protected under a Tree Preservation Order.
- You must comply with the DARD Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007.
- You must not burn heather, gorse, whin or fern between 15 April and 31 August (Game Law Amendment Act (Northern Ireland) 1951).

6.2. Guidance

The following advice is provided to help you comply with the GAEC requirements relating to the protection of wildlife areas and archaeological sites.

Habitats, archaeological sites, earth science sites

Semi-natural habitats definitions are provided in Annex 1. Identify all broadleaved woodland / scrub, moorland, wetlands and species-rich grasslands (greater than 0.1ha) on the farm and ensure all workers/contractors are aware of such areas. Monitor sites regularly to ensure no damage is occurring.



Fig 10: Damage to wetland is not permitted

It is an offence to fail to apply to the DOE for consent to undertake works within an ASSI, SPA or SAC. It is also an offence to recklessly or intentionally damage the features of a site. Damage to site selection features may attract significant penalties over and above any Cross Compliance sanctions.

Information on designated sites which may be located on your farm can be obtained from NIEA Conservation Designation Branch on 028 90569515 or www.ni-environment.gov.uk

Identify the archaeological sites (defined in Annex 1) on your farm and ensure all workers / contractors are aware of such features. Regularly check sites and ensure damage is not occurring, particularly trampling damage by livestock. Information on archaeological features which may be located on your farm can be obtained from NIEA Historic Monuments Unit on 028 9054 3168 or www.ni-environment.gov.uk

Identify all earth science sites (see Annex 1 for definition) on your farm and ensure all workers/contractors are aware of such areas. Monitor sites regularly to ensure no damage is occurring.

These requirements reinforce existing rules on Tree Preservation Orders (TPOs). TPOs are made by Planning Service to protect trees, groups of trees and woodlands that are of local amenity. You must not breach a TPO by cutting down, uprooting or willfully destroying a tree or willfully damaging, topping a tree in such a way as to be likely to destroy it. Further information on Tree Preservation Orders can be obtained from your local DOE Planning Office or www.planningni.gov.uk/index/advice/advice_leaflets/leaflet04.htm

Scrub control

If scrub / whin area is classified as a habitat in an agri-environment scheme, its area and the features within it must be retained and managed. Routine hand cutting is required to maintain and improve access for livestock.

Where individual areas of scrub are mainly composed of Whin (European Gorse) and are not being managed under an AE scheme, up to 0.1ha can be removed without prior approval from DARD. If you wish to remove individual areas of whin greater than 0.1ha contact your local DARD office for further advice.

Keep scrub encroachment from extending beyond current levels by grazing or cutting/mowing. Scrub should not be cut during the bird nesting season from 1 March to 31 August. Gorse/whin should be controlled by cutting and treating stumps with glyphosate. Burning of whin/gorse is not recommended as this causes seed germination and leads to the further spread of new growth of whin/gorse.

Environmental Impact Assessment (Agriculture) Regulations (NI) 2007

Anyone wishing to carry out an intensive agricultural activity / project on uncultivated land or a semi-natural area must apply to DARD, Countryside Management for prior consent. Reseeding, application of fertilizer, spraying, drainage and other cultivations are all considered as intensive agricultural projects.

‘Uncultivated land’: land which has not been cultivated in the last 15 years, involving either physical cultivation such as ploughing and sub-surface harrowing or chemical cultivation such as application of fertilisers

Semi-natural areas/habitat definitions are listed in Annex 1.

For further information on the EIA (Agriculture) Regulations 2007 or to apply for consent, you must make a screening application to DARD, giving details of the work you propose to carry out. Application forms can be requested from:

Countryside Management Unit
Lindesay Hall
Loughry Campus
Cookstown
County Tyrone
BT80 9AA

Telephone: (028) 8676 8310

Email: eia@dardni.gov.uk

or downloaded from <http://www.ruralni.gov.uk/EIA>

Infilling land

Any farmer wishing to infill any of his land with soil, spoil, hard core or any waste material must apply to the Department of the Environment (DOE), Planning Service, Special Studies team to obtain the necessary consents before commencing this activity. Contact DOE Planning Service, Special Studies Unit (028 9041 6886) for further information.

Where material is being imported onto the farm for disposal it will also require a waste management authorization. For further information on waste management contact NIEA Land and Resource Management Unit (028 90 569453).



Fig 11: Infilling / dumping is not permitted on farm woodland

Extraction of Peat / Sand or Gravel

The extraction of peat, sand or gravel may fall within “permitted development”, as defined in The Planning General Development Order 1993 (Northern Ireland). Where planning permission is required and not obtained the farmer may be subject to enforcement action. Specific advice and guidance should be obtained from Planning Service Minerals Unit, using mineralsenquiries@doeni.gov.uk or contact the Minerals team (028 90416902).

Heather/gorse burning

If burning, complete all burning within the permitted period to avoid damage to nesting birds. Gorse burning should be avoided as this contributes to the spread of gorse as burning results in gorse seed germination. Further advice on selective controlled burning can be provided by DARD Countryside Management Delivery Branch.

6.3. Field Checks

When performing GAEC inspections in respect of this measure, inspectors will check for:

- Evidence of damage, reclamation, infilling or mineral extraction on semi-natural habitats;
- Damage to archaeological and earth sites;
- Evidence of a breach of the DARD EIA (Agriculture) Regulations 2007;
- Evidence of damage to site selection features on ASSI, SAC or SPA sites which may be referred to NIEA for further investigation;
- Evidence of burning heather, whin or gorse between 15 April and 31 August.

Permanent Pasture

The purpose of this requirement is to ensure that there is no decrease in the total area of Permanent Pasture in Northern Ireland. Member States are obliged to ensure that the ratio of permanent pasture to the total agricultural area shall not decrease to the detriment of permanent pasture by more than 10%. The ratio must be established each year on the basis of the Integrated Administration and Control System (IACS) Single Application declarations.

6.4. **GAEC Permanent Pasture Requirements**

- **No restrictions on the conversion of permanent pasture to arable cropping will be imposed providing the national area of permanent pasture is not reduced by more than 5% of the total agricultural area. The Environmental Impact Assessment (Agriculture) Regulations (NI) 2007 will ensure that the ploughing of environmentally valuable permanent pasture is properly risk assessed.**
- **DARD will monitor the Northern Ireland area of permanent pasture as a proportion of the total agricultural area to ensure that the national area of permanent pasture is not reduced by more than 5%.**
- **If there is a 5% decrease in the Northern Ireland level of permanent pasture, DARD will put in place a control mechanism to ensure the 10% tolerance level is not breached.**

6.5. **Advice**

The following advice is provided to help you comply with permanent pasture (see Annex 1 for definition) requirements.

Tree planting on permanent pasture

Planting trees, afforestation of permanent pasture is exempt from the requirement to retain permanent pasture, providing it complies with the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006.

Only permanent pasture which can be classified as uncultivated land (land which has not been cultivated in the last 15 years, involving either physical or chemical cultivation) requires written prior permission from DARD before reseeded. The EIA (Agriculture) Regulations (Northern Ireland) 2007 will ensure that all ploughing of environmentally valuable permanent pasture is properly risk assessed.

Further information on GAEC 6 can be obtained from <http://www.ruralni.gov.uk/CrossCompliance> or by contacting your local DARD office.

GAEC 7. Irrigation Authorisations

The aim of these requirements is to manage the use of water for irrigation. This applies to anyone abstracting or impounding water for irrigation.

7.1 Main Requirements

The Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 help protect the water environment including protected species and dependent ecosystems and deliver efficient and sustainable water usage in Northern Ireland.

Anyone abstracting more than 10m³ (2,200 gallons) of water from the natural environment in any 24 hour period is required to obtain an authorization or licence from NIEA and is required to carry out any abstraction in accordance with that authorization or licence.

7.2 Verifiable Standards

- The GAEC standard applies to abstractions and impoundments for irrigation only.
- If you are abstracting more than 10m³ but less than 20m³ in any 24 hour period you must have an authorization.
- If you are abstracting more than 20m³ in any 24 hour period you must hold an abstraction licence.
- If you are operating a weir which is capable of creating a height differential of more than one metre between the upstream and downstream water surfaces, you will require an authorisation.

7.3 Field Checks

Inspections in respect of this measure will include checking:

- Authorisations or Licences issued under the Water Abstraction & Impoundment (Licensing) Regulations (Northern Ireland) 2006
- Records providing information on abstracted volumes, locations of abstractions, dates of abstraction and the area of land irrigated.

Abstractions less than 10m³ are automatically authorised subject to activities complying with permitted controlled activities conditions and no contact with the Department is necessary.

The Department plans to implement a fees and charges scheme from 1st April 2010 to include an application fee and annual subsistence fee. Any applications received after this date which do not include the appropriate fee will be refused.

For advice or an application pack contact:

**Abstraction and Impoundment Licensing Team
Northern Ireland Environment Agency
17 Antrim Road
Lisburn
BT28 3AL**

Tel: 028 9263 3482

Fax: 028 9267 6054

Email: AIL.Team@doeni.gov.uk

Website:

www.ni-environment.gov.uk/water-home/water_resources/abstraction.htm

Frequently Asked Questions (FAQs)

GAEC 1 Soil Management FAQ

Q. Can I leave a field ploughed over the winter?

A. Yes. After harvesting a crop of cereals (other than maize) oil seeds, grain legumes (peas and beans) you must ensure that from harvest until the 1st March in the following year one of the following conditions is met:

- The stubble of the harvested crop remains in the land
- The land is sown with a temporary cover crop. If grazed and or cultivated during the autumn or winter, a rough surface shall be left.
- The land is left with a rough surface (ploughed or disced) to encourage the infiltration of rain.

Q. Can non-inversion cultivation techniques (not ploughing) be used instead as many farms now rely on non-inversion cultivation and are reluctant to plough just to satisfy these requirements.

A. Yes, non-inversion cultivation techniques can be used instead of ploughing in preparation for an arable crop or reseedling.

GAEC 2 *Supplementary Feeding FAQ*

Q. Am I allowed to overwinter my livestock outdoors?

A. Yes you can, provided the process does not contravene GAEC 2. i.e. it results in minimal damage to the underlying and surrounding plant cover and to the environment. Signs of severe trampling are:

- No visible remains of grass - bare soil.
- Deep bare soil trenches caused by vehicular access.
- Bare soil often mixed with frequent amounts of cattle manure.
- Waterlogged soils cattle “wading in muck”

Q. Poaching of land around ring feeders is inevitable and cannot always be prevented. If there is no alternative to providing supplementary feeding outside. What should you do?

A. Sites should be regularly rotated and sited on hardcore areas (including lanes) where possible. Sites on hardcore areas will not require rotation. Exceptions will only be permitted where it is necessary for the protection of animal welfare during periods of extreme weather conditions.

Q. To prevent poaching of the ground around feeding stations on natural or semi-natural vegetation, can a farmer put down hard-core, wood chips or other solid materials? This will prevent poaching occurring but by putting down hardcore etc there will obviously be an effect on vegetation growth under the hardcore?

A. Supplementary feeders should be sited on hardcore areas (including lanes) where possible. Hardcore areas must not be created on semi-natural habitats (woodland, scrub, moorland, wetlands or species rich grasslands) or archaeological features or ten meters from waterways or 50 meters from boreholes or wells (irrespective of current use) or 250 meters from bore holes used for public water supply.

Q. Are sacrifice areas permitted?

A. Sacrifice areas are not generally permitted as they cause soil erosion, nutrient run off, destroy soil structure and the original vegetation cover. Sacrifice areas will only be permitted on improved grassland / arable land where the land is flat and must be located 10 meters from waterways or 50 meters from boreholes or wells (irrespective of current use) or 250 meters from bore holes used for public water supply.

GAEC 3 Overgrazing FAQ

Q. If a hill farmer has incurred overgrazing because one particular area of land had less snow cover and so the animals stood on this area and caused poaching. Should the farmer have moved the animals?

A. Where vegetation is in danger of being overgrazed, the farmer should ensure that alternative areas of grazing are made available. This could be another area of natural or semi-natural vegetation (i.e. another piece of moorland), if it is, GAEC 3 still applies, and steps should be made to protect that alternative area from overgrazing.

Q. What are the signs of overgrazing?

A. Signs of overgrazing are a combination of the following:-very short sward, grassland with a height of less than 3cm, rough grassland / moorland with a sward height of less than 5cm, a high density of sheep / cattle dung and frequent areas of bare ground.

GAEC 4 Undergrazing FAQ

Q. I am concerned that by reducing grazing pressure on my fields during the winter my land will suffer from scrub and bracken encroachment.

A. Keep scrub encroachment from extending beyond current levels by grazing or cutting. Scrub should not be cut during the bird nesting season from 1st March until 31st August. Gorse / whin should be controlled by cutting and treating the stumps with glyphosate. Burning of whins / gorse is not recommended as this causes seed germination and leads to new growth of whins / gorse. If land is not being grazed in may need to be cut / mowed at least once a year.

Q. Must I maintain a minimum stocking density?

A. No, a minimum stocking density is not required unless you receive Less Favoured Area Compensatory Payments. Farmers receiving Less Favoured Area Compensatory Allowance Payments must adhere to the minimum stocking density rate of 0.2LU/ha of eligible stock.

GAEC 5 *Field Boundaries FAQ*

Q. Can I remove a hedge?

A. No Removal of field boundaries (dry stone walls, ditches, hedges, rows of trees and earthbanks) is not permitted without prior written permission from DARD. This includes piping or laying drainage pipes in open sheughs.

Q. How do I get permission from DARD for field boundary removal?

A. A written request outlining business ID number, farm survey number, hedge location, quality and type of boundary and reason for removal must be submitted to Countryside Management Branch in your county DARD office. DARD will assess and grant derogations using DARD field boundary assessment criteria, which will include consideration of the area of the field and the quality of the field boundary.

Q. I am an agricultural contractor and normally replace fences during the summer in fair weather conditions. What are the guidelines under cross compliance?

A. The terms of the Wildlife Order 1985 regarding breeding birds apply. Under cross compliance, you are not allowed to trim hedges from March 1st – 31st August. Generally, a sensible approach would apply and if individual branches are trimmed in order to maintain a fence this would be acceptable.

Q. Will I be able to trim the hedges in the summer if they are causing a danger on the road?

A. Yes, the hedgerow may be cut if it is overhanging a highway and obstructing the view of drivers.

Q. Due to the bad weather at the end of February, can I trim my hedge in March?

A. Hedges may not be cut during 1 March and 31 August - this rule remains regardless of the weather.

Q. Am I allowed to clean out sheughs without permission.

A. Yes, It is recommended that sheugh cleaning is carried out during the autumn to late winter. Clear away only vegetation and silt from sheughs. Avoid deepening or widening the sheugh. Try to leave the vegetation untouched along one side of the sheugh at cleaning.

Q. When is a “ditch” exempt?

A. Ditches are sheughs / open channels with water for a least part of the year. Permanently dry sheughs are exempt.

Q. Can I remove hedgerow trees

A. Hedgerow trees may be removed if there are health and safety reasons unless a tree preservation order is in place. Hedgerow trees may be removed on rotation, for timber providing young saplings are left to grow as replacement trees in the hedge.

GAEC 6 *Protection of Habitats (wildlife Areas / Archaeological sites and permanent pasture)*

Q. What is a semi-natural habitat.

A. Semi natural habitats are areas supporting wildlife such as woodland, scrub and wetlands, flower rich (species rich), meadows and moorland. They are described as being made up of self-seeded or self propagated vegetation characteristic of the area in which the land is situated. Semi-natural habitats contribute to both the landscape character and the wildlife value of the countryside.

Q. What is uncultivated land?

A. Uncultivated land is land which has not been cultivated in the last 15 years, involving either physical cultivation such as ploughing and sub-surface harrowing or chemical cultivation such as application of fertilisers

Q. I have an area of land which is classed as uncultivated or semi-natural habitat. I wish to cultivate this land and want to plough it up. Is it acceptable for me to do so?

A. Anyone wishing to carry out an intensive agricultural activity on uncultivated land or semi-natural habitat must apply to DARD for prior consent. Reseeding / drainage and other cultivations are all considered intensive agricultural activity. For further information contact

Countryside Management Unit
Lindesay Hall
Loughry Campus
Cookstown
County Tyrone
BT80 9AA
Telephone: (028) 8676 8310

Email: eia@dardni.gov.uk
or visit www.ruralni.gov.uk/EIA

Q. Can I dump soil on my land?

A. Infilling is only permitted on improved grassland where the necessary permissions from DOE have been obtained. The site must be levelled and surface vegetation established as soon as practicable. Dumping is not permitted.

Any farmer wishing to infill any of his land with soil, spoil, hard core or any waste material must apply to the Department of the Environment (DOE), Planning Service, Special Studies team to obtain the necessary consents before commencing this activity. Contact DOE Planning Service, Special Studies Unit (028 9041 6886) for further information.

Where material is being imported onto the farm for disposal it will also require a waste management authorization. For further information on waste management contact NIEA Land and Resource Management Unit (028 90 569453).

Q. When am I not allowed to burn heather.

A. Do not burn heather, gorse, whin or fern between the 15th April and 31st August (Game Law Amendment Act (NI) 1951).

Q. How can I check if there are any archaeological sites on my farm?

A. Information on archaeological features which may be located on your farm can be obtained from NIEA Historic Monuments Unit on 028 9054 3168 or www.ni-environment.gov.uk

ANNEX 1

Good Agricultural and Environmental Condition (GAEC)

Definitions

Moorland

Areas of bog, dwarf shrub, heath and montane habitat.

Wetlands

Areas of naturally high water table including fen, marsh, swamp, standing waters, saline lagoons, rivers and streams.

Species-rich grasslands

Areas of neutral, acid, wet and calcareous grassland (including limestone pavement). These have a low productive sward. Ryegrass, timothy and white clover comprise less than 25% of the sward.

Broadleaved Woodland

Areas where vegetation is dominated by broadleaved trees containing less than 15% conifers.

Scrub

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

Coastal habitats

Areas of maritime cliff and slopes, sand dunes, vegetated shingle, saltmarsh and all areas below high water mark.

Archaeological features/sites

Historic or archaeological sites which have been identified by the Department of Environment in the Sites and Monuments Record. These include megalithic tombs, standing stones, stone circles, cairns, barrows, hillforts, raths, cashels, churches and castles.

Earth science sites

Areas of bedrock (both natural and made exposures), surface deposits, static landforms and active process sites that provide important evidence of the patterns, processes and dating of geological and biological events from the beginning of the Earth's history to the present day.

Waterways

Any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of any kind (whether natural or artificial) through which water flows. It also includes the channel or bed of a waterway, which for the time being is dry. This is as given in the Water (Northern Ireland) Order 1999 and subsequent amendments.

Noxious weeds

Are as listed under the Noxious Weed Order 1977 and include:

Wild oat	Avena fatua L.
	Avena ludoviciana Durieu
Thistle	Cirsium vulgare (Savi) Ten.
	Cirsium arvense (L.) Scop.
Dock	Rumex obtusifolius L.
	Rumex crispus L.
Ragwort	Senecio jacobaea L.

Field Boundaries

Field boundaries include dry stone walls, ditches, earth banks, hedges and rows or trees.

Ditches

Ditches are sheughs/open channels with water for at least part of the year.

Waterlogged

This occurs when the watertable rises into the root zone of the plant and the soil is saturated with water. The soil is boggy under foot.

Permanent Pasture

Permanent pasture is defined as permanent grassland which is over five years old which has been declared on the Area Aid application in 2003. Land which has been ploughed and reseeded within the same year may be defined as permanent pasture.