



CAP Reform Cross-Compliance Consultation Paper

April 2014



Department of
**Agriculture and
Rural Development**

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Introduction

This consultation document seeks your views on the Cross-Compliance conditions that farmers should observe in receipt of direct agricultural support payments as part of Common Agricultural Policy Reform.

The Cross-Compliance conditions mean that farmers receiving agricultural support payments will need to demonstrate that they are meeting the requirements of a number of existing European laws (known as the Statutory Management Requirements) as well as maintaining the land in Good Agricultural and Environmental Condition (GAEC). These arrangements will be introduced on 1 January 2015 and will replace the Cross-Compliance requirements currently in place.

There will continue to be two aspects to Cross-Compliance as outlined below:

- The first of these will be compliance with a range of 13 European regulatory requirements covering the environment, food safety, animal and plant health and animal welfare. These Statutory Management Requirements (SMRs) are a set of laws which are already in force throughout the EU (in Northern Ireland all are currently implemented through domestic legislation). Cross-Compliance means that farmers will have to comply with these laws as a condition of receipt of direct agricultural support. A full list of the 13 regulatory requirements is attached at Annex 1.
- The second is compliance with a requirement that all those in receipt of direct agricultural support have to maintain the land in Good Agricultural and Environmental Condition (GAEC). Council Regulation 1306/2013 sets out the framework of issues and appropriate standards which Member States must observe. Member States are permitted to define minimum requirements for GAEC within the European framework. The aim of this consultation is to achieve a GAEC system for Northern Ireland that is clear to farmers, can be implemented effectively and can achieve its aims both for Northern Ireland and the environment.

Statutory Management Requirements

The 13 SMRs that will be in place from the beginning of 2015 currently form part of the Cross-Compliance requirements in Northern Ireland. No new SMRs are being introduced. As we have no discretion about what European laws have to be applied this consultation document does not go into detail on the SMRs. However you should note that the following 4 SMRs currently in place in Northern Ireland will be removed from the scope of Cross-Compliance with effect from the 1st of January 2015 -

- Protection of the Environment when Sewage and Septic Tank Sludge is used in Agriculture
- Control of Foot-and-Mouth Disease
- Control of Certain Specified Animal Diseases
- Specific Provisions for the Control and Eradication of Bluetongue

Good Agricultural and Environmental Condition (GAEC)

The Northern Ireland GAEC standards must be developed according to the framework in Annex II of Council Regulation 1306/2013 which is set out below.

Commission GAEC framework set out in Annex II of Council Regulation 1306/2013

Area	Main Issue	GAEC	Requirements & Standards
Environment, climate change, good agricultural condition of land	Water	GAEC 1	Establishment of buffer strips along water courses.
		GAEC 2	Where use of water for irrigation is subject to authorisation, compliance and authorisation procedures.
		GAEC 3	Protection of ground water against pollution: prohibition of direct discharge into groundwater and measures to prevent indirect pollution of groundwater through discharge on the ground and percolation through the soil of dangerous substances, as listed in the Annex to Directive 80/68/EEC in its version in force on the last day of its validity, as far as it relates to agricultural activity.
	Soil and carbon stock	GAEC 4	Minimum soil cover.
		GAEC 5	Minimum land management reflecting site specific conditions to limit erosion.
		GAEC 6	Maintenance of soil organic matter level through appropriate practices including ban on burning arable stubble, except for plant health reasons.
	Landscape, minimum level of maintenance.	GAEC 7	Retention of landscape features, including where appropriate, hedges, ponds, ditches, trees in line, in group or isolated, field margins and terraces, and including a ban on cutting hedges and trees during the bird breeding and rearing season and, as an option, measures for avoiding invasive plant species.

The proposed Northern Ireland GAEC standards are set out in Table 1. In developing the proposed GAEC standards we have tried to build upon the current GAEC standards in place in Northern Ireland. In addition as far as possible we have applied the following principles: the standards should be easy to understand by farmers; there should be no gold plating; and changes to the existing standards should only be made if there is a justifiable reason for making them.

While we have used the existing Northern Ireland GAEC standards as the basis for the new standards we do need to make some changes to ensure that we cover all the issues contained within the Commission framework. We have also removed a number of the existing Northern Ireland GAEC standards because we feel they no longer fit within the revised Commission GAEC framework.

Conclusion

Your views are invited by 30 May 2014 on the standards we propose to put in place from 1 January 2015 to ensure that land is kept in Good Agricultural and Environmental Condition.

Consultation Questions

You may find the following questions useful in helping to structure your response.

1. Are the Good Agricultural and Environmental Condition standards achievable by farmers at a reasonable cost?
2. Are the measures sufficient to achieve Good Agricultural and Environmental Condition within the terms of the European framework?
3. Should any of the standards be changed and, if so, why?
4. Should any standards be added and, if so, why?
5. Are the standards readily understood?

Consultation responses should be forwarded to -

EU Area Based Reform Branch, Department of Agriculture and Rural Development,
Room 563, Dundonald House, Upper Newtownards Road, Ballymiscaw, Belfast BT4 3SB

Or to e-mail address - euarb@dardni.gov.uk

Table 1

Proposed GAEC Measures for each issue and requirement listed in Annex II of Council Regulation 1306/2013

Main Issue	Commission Requirement	Proposed NI Standards
The aim of these requirements is to protect water as a resource and also protect its quality.		
Water	GAEC 1: Establishment of buffer strips along water courses	<p>W1. You must not apply chemical fertiliser within 2 metres of a waterway</p> <p>W2. You must not apply organic manure within -</p> <ul style="list-style-type: none"> - 20 metres of lakes; or - 10 metres of any other waterway, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate. However this may be reduced to 3 metres, provided the land has an average incline of less than 10% towards the waterway, and the organic manures are spread by band spreaders, trailing shoe, trailing hose or soil injection; or where the adjoining area is less than one hectare in size, or not more than 50 metres in width; or - 50 metres of a borehole, spring or well; or - 250 metres of a borehole used for a public water supply; or - 15 metres of exposed cavernous or karstified limestone features (such as swallowholes and collapse features).
	GAEC 2: Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures.	<p>W3. If you are abstracting or impounding more than 10m³ but less than 20m³ in any 24 hour period you must have an authorisation and adhere to the requirements of the authorisation.</p> <p>W4. If you are abstracting or impounding more than 20m³ in any 24 hour period you must hold an abstraction licence and adhere to the requirements of the licence.</p>

Main Issue	Commission Requirement	Proposed NI Standards
	<p>GAEC 3: Protection of groundwater against pollution: prohibition of direct discharge into groundwater and measures to prevent indirect pollution of groundwater through discharge on the ground and percolation through the soil of dangerous substances, as listed in the Annex to Directive 80/68/EEC in its version in force on the last day of its validity, as far as it relates to agricultural activity.</p>	<p>W5. If you are disposing of hazardous substances or non-hazardous pollutants to land you must obtain and meet the conditions of a Groundwater Authorisation.</p> <p>W6. You must produce on request satisfactory records, as detailed in the Groundwater Authorisation.</p> <p>W7. There must be no evidence of the pollution of groundwater by hazardous substances or non-hazardous pollutants.</p> <p>W8. You must ensure the proper siting, operation and maintenance of a sheep dipper (as outlined in the Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil).</p> <p>W9. You must comply with any Notice served by NIEA under the Groundwater Regulations (Northern Ireland) 2009.</p>

Proposed GAEC Measures for each issue and requirement listed in Annex II of Council Regulation 1306/2013

Main Issue	Commission Requirement	Proposed NI Standards
<p>The aim of these requirements is to protect soil as a resource, limit soil erosion and ensure that carbon stock is maintained.</p>		
<p>Soil and carbon stock</p>	<p>GAEC 4: Minimum soil cover</p>	<p>S1. After harvesting a crop of cereals (other than maize), oil seeds, grain legumes (for example, peas or beans), you must ensure that from harvest until 15th January in the following year one of the following conditions is met on that land at any time:</p> <ul style="list-style-type: none"> - the stubble of the harvested crop remains in the land; or - the land is sown with a crop which will take up nitrogen. <p><i>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 5 standard on waterlogged soil) or because severe weather conditions make this impracticable. In either case, the land must be sown as soon as practicable.</i></p> <p>S2. Residues of crops harvested late (after 1st November), such as maize and potatoes, must be left undisturbed until just before sowing the following spring.</p>
	<p>GAEC 5: Minimum land management reflecting site specific conditions to limit erosion</p>	<p>S3. You must protect soils from erosion and maintain soil structure by preventing land from being severely trampled, poached or rutted.</p> <p>S4. You must not carry out any cultivations if water is standing on the surface, or if the soil is waterlogged. Cultivations include any mechanical field operation, for example, harvesting, manure spreading, ploughing or discing.</p> <p>Exceptions to S1 – S4 above: Exceptions will be granted where one or more of the following applies:</p> <ul style="list-style-type: none"> > 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;

		<ul style="list-style-type: none"> > 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. <p>S5. 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 runoff 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.</p> <p>S6. 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.</p>
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		<p>Exception to S5 and S6 above:</p> <ul style="list-style-type: none"> > Measures 5 and 6 do 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) and/or Agri-environment scheme agreement; > Measures 5 and 6 do 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 will be granted where it is necessary for the protection of animal welfare during periods of extreme weather conditions. <p>S7. You must not burn heather, gorse, whin or fern between 15 April and 31 August to prevent erosion [Game Law Amendment Act (Northern Ireland) 1951].</p>
	<p>GAEC 6: Maintenance of soil organic matter level through appropriate practices including ban on burning arable stubble, except for plant health reasons.</p>	<p>S8. On agricultural land you must not burn any of the following crop residues: cereal straw, cereal stubble, or residues of oil-seed rape, field beans harvested dry or peas harvested dry unless the burning is for the purposes of:</p> <ul style="list-style-type: none"> - 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; - the disposal of straw stack remains or broken bales; - education or research. <p>S9. You must comply with the DARD Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007. Do not plough, cultivate or intensify species-rich and semi-natural habitats so as to conserve organic matter and carbon levels in soils.</p>

Proposed GAEC Measures for each issue and requirement listed in Annex II of Council Regulation 1306/2013

Main Issue	Commission Requirement	Proposed NI Standards
<p>The aim of this requirement is to retain landscape features, ensure a minimum level of maintenance for their protection and prevent encroachment by invasive species.</p>		
<p><i>Landscape, minimum level of maintenance</i></p>	<p>GAEC 7: Retention of landscape features, including where appropriate, hedges, ponds, ditches, trees in line, in group or isolated, field margins and terraces, and including a ban on cutting hedges and trees during the bird breeding and rearing season and, as an option, measures for avoiding invasive plant species.</p>	<p>L1. 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.</p> <p><i>Exception to L1 above:</i> <i>This measure does not apply on land where these requirements conflict with the management required by:</i></p> <ul style="list-style-type: none"> > 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.doeni.gov.uk/niea for further information; > Scheduled archaeological sites. Contact NIEA Historic Monuments Unit on 028 9054 3168 or www.doeni.gov.uk/niea for further information; > Agri-environment scheme agreement. Contact DARD on 0845 3044502 for further information. <p>L2. You must not remove field boundaries (dry stone walls, ditches, hedgerows, earthbanks, trees in hedgerows) or coppice hedgerows except by prior written permission from DARD. This includes infilling or laying drainage pipes in open sheughs.</p> <p>L3. If you have received written permission from DARD to remove field boundaries (dry stone walls, ditches, hedgerows, earthbanks, trees in hedgerows) you must carry out the mitigating action set out in the written permission within the deadline set by DARD.</p>

		<p>Exceptions to L2 and L3 above:</p> <ul style="list-style-type: none"> > Hedgerow trees may be removed if there are health and safety reasons unless a tree preservation order is in place; > This measure does not apply to permanently dry sheughs/ditches or to field boundaries within, or marking the boundary of non-agricultural land (for example, a dwelling-house or building site). <p>L4. Hedge, tree or scrub cutting (including trimming and laying) is not permitted between 1 March and 31 August.</p> <p>Exception to L4 above:</p> <ul style="list-style-type: none"> > Hedge cutting between 1 March and 31 August will be permitted where health and safety is an issue, for example, roadside hedges. <p>L5. You must not damage Earth Science sites and trees protected under a Tree Preservation Order. You must also not damage archaeological features including not siting supplementary feeding sites/sacrifice areas within 10 metres of a feature or site.</p>
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Annex 1

Cross-Compliance Statutory Management Requirements applicable from 1 January 2015.

Statutory Management Requirements	Main Issue
Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (applicable Articles 4 and 5)	Water
Directive 2009/147/EC on the conservation of wild birds (Articles 3(1), 3(2)(b), 4(1), (2) and (4))	Biodiversity
Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (Articles 6(1) and (2))	
Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law (Articles 14, 15, 17(1), 18, 19 and 20)	Food Safety
Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists (Articles 3(a), (b) and (e) and Articles 4, 5 and 7)	
Council Directive 2008/71/EC on the identification and registration of pigs (Articles 3, 4 and 5)	Identification and registration of animals
Regulation (EC) No 1760/2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (Articles 4 and 7)	
Council Regulation No 21/2004 establishing a system for the identification and registration of ovine and caprine animals (Articles 3, 4 and 5)	
Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (Articles 7, 11, 12, 13 and 15)	Animal diseases
Regulation (EC) 1107/2009 concerning the placing of plant protection products on the market (Article 55, first and second sentences)	Plant protection products
Council Directive 2008/119/EC laying down minimum standards for the protection of calves (Articles 3 and 4)	Animal welfare
Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (Articles 3 and 4)	
Council Directive 98/58/EC concerning the protection of animals kept for farming purposes (Article 4)	

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