

## **Annex II E: England**

### **Country Report England**

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### **Contributed Paper**

**Good Farming Practice – Regional perspective of the administration in Northern Ireland, UK**

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## **Country Report England**

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### **A: Good farming practice: legal background**

#### **Introduction to GFP in England**

Definitions of good agricultural practice have been recognised for a long time in the UK. Codes of Good Agricultural Practice (CoGAPs) for the protection of soil, air and water were published some time before the Rural Development Plans were produced. These codes of good practice are voluntary and exceed legislative requirements.

In preparation for Agenda 2000 series of meetings was held by MAFF (now Defra) with environmental agencies during 1999 to discuss the possible content of the RDP definition of Good Agricultural Practice. In relation to the existing UK Codes, it was quickly realized that these contained a huge range of information and advice, only a proportion of which could be said to constitute a 'basic standard' for all farmers to achieve, and even less of which could be clearly 'verifiable' in the sense that the EC was interpreting this term. However, it had also become clear that the RDP could choose to make reference to broader codes of practice in the text discussing GFP, even though only specific measures might be detailed within this text and referred to as the 'verifiable standards' which would be the exact measures policed as part of the LFA and agri-environment compliance monitoring processes.

Thus in drafting the England Rural Development Programme, MAFF produced a short section on Good Farming Practice based on three elements. First, compliance with existing environmental legislation which is set out in detail; second, a list of 'verifiable standards' included as conditions for all new agri-environment agreements or LFA compensatory allowance payments. Thirdly, all farmers joining agri-environment schemes would be given copies of the MAFF Codes of Good Agricultural Practice for Air, Soil and Water. Only compliance with legislation and the additional 'verifiable standards' are subject to compliance monitoring under the RDP. Farmers are, however, required to retain copies of the 3 Codes of Practice throughout the life of their agreements, and encouraged to follow the recommendations and advice they contain. It is believed that the Pesticides Code was not specifically referred to in this way since a much greater proportion of its content is about existing environmental legislation which was already included, and the code of good upland management was not mentioned since its key provisions were already included in the list of 'verifiable standards' for agriculture and forestry management.

This approach to the definition of GFP was followed by all the devolved administrations for agriculture in the UK. Thus broadly similar provisions can be found in the RDPs for Scotland, Wales and Northern Ireland, although the Northern Ireland Plan makes no reference to CoGAPs and therefore only details legislation and additional verifiable standards.

## 1. Use and storage of fertilisers, slurry and manure.

### 1.1 Nitrates

EU-LAW	NATIONAL LAW	REGIONAL LAW IN NVZs	NATIONAL CONTROL	REG. 1259/1999	REG. 1257/1999
<p><b>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates</b> from agricultural sources ("Nitrate Directive") including Annex II and III of the Directive</p>	<p>The Protection of Water Against Agricultural Nitrate Pollution (England and Wales 1996) Regulations SI 1996 No. 888</p> <p>The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998 SI 1998 No. 1202</p>		Environment Agency	-	Action Programme included in RDP definition of GFP. Selected controls (see below).
<p>Member states may either implement action programmes in designated vulnerable zones for or throughout the national territory</p>	<p>England chose to designate 55% of its territory as NVZs in 2002 (under <b>Statutory Instrument No.2614 The Nitrate Vulnerable Zones (Additional Designations) (England) (No. 2) Regulations 2002</b>)</p>				-

<p>Member States shall:</p> <ul style="list-style-type: none"> <li>- establish a code or codes of good agricultural practice, to be implemented by farmers on a voluntary basis, which should contain provisions covering at least the items mentioned in Annex II</li> <li>- establish action programmes which shall consist of: <ul style="list-style-type: none"> <li>- the measures in Annex III;</li> <li>- those measures which have been prescribed in the code(s) of good agricultural practice except those which have been superseded by the measures in Annex III.</li> </ul> </li> </ul>	<p>The Protection of Water Against Agricultural Nitrate Pollution Regulations state that the existing MAFF (now Defra) <b>Code of Good Agricultural Practice for the protection of water</b>, published in 1991 (revised 1998 and 2002), will serve as the code required under Article 4 of the nitrates Directive.</p> <p>The action programme is laid down in 'The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998</p>			
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<b>CODE(S) OF GOOD AGRICULTURAL PRACTICE (ANNEX II):</b>	<b>Code of Good Agricultural Practice for the Protection of Water (Defra 1998, revised 2002)</b> (serves as Code of Good Agricultural Practice under the legislation implementing the nitrates Directive in England)	Not controlled	Not controlled	Included in RDP definition of GFP. These Codes are statutory and can be taken into consideration in court cases but are not mandatory and thus not controlled.
1. periods when the land application of fertiliser is inappropriate;	<p>Para 285 - Application of manure should be avoided in autumn and winter.</p> <p>Para 290 – Do not apply inorganic nitrogen fertiliser to fields in grass between 15 September and 1 February and to fields not in grass between 1 September and 1 February unless there is a specific crop requirement.</p>	-		
	<p>Para 284 – Do not apply more than 250 kg/ha of total nitrogen in organic manure in any 12 months.</p>	-		
2. the land application of fertiliser to steeply sloping ground;	<p>Para 293 – Inorganic fertiliser should not be applied to steeply sloping ground</p>	-		

<p>3. the land application of fertiliser to water-saturated, flooded, frozen or snow-covered ground;</p>	<p>Para 287 and 293 – Farmers should not apply livestock manures and other organic wastes or inorganic fertiliser when the soil is:</p> <ul style="list-style-type: none"> <li>● waterlogged;</li> <li>● flooded;</li> <li>● frozen hard;</li> <li>● snow-covered.</li> </ul> <p>Farmers should not apply these materials to steeply sloping fields or within 10 metres of surface water, including field ditches.</p> <p>Para 36 - Do not apply manure or other organic matter at times when:</p> <ul style="list-style-type: none"> <li>● fields are likely to flood</li> <li>● fields next to a watercourse, borehole or spring where the surface is compacted</li> <li>● fields next to a watercourse, borehole or spring that have a steep slope and the soil is at field capacity</li> <li>● fields next to a watercourse, borehole or spring that have a moderate slope, a slowly permeable soil and the soil is at field capacity</li> </ul>	-			
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<p>4. the conditions for application of fertiliser near water courses;</p>	<p>Para 29 – a buffer strip of 10 metres on both sides of watercourses should be left untreated.</p> <p>Para 30 – manure and other organic wastes should not be applied within 50 metres of a spring, well or borehole that supplies water for human consumption</p>	-	-	
<p>5. the capacity and construction of storage vessels for livestock manures and effluents from stored plant materials such as silage;</p>	<p>Para 285 – Additional storage may be required to comply with the closed season for manure application</p> <p>Sections 4 and 5 of the code give detailed guidance on the construction of storage facilities for slurry and dirty water.</p> <p>Para 57 includes the following requirements –</p> <ul style="list-style-type: none"> <li>• No part of the storage facility can be within 10 metres of a watercourse or field drain.</li> <li>• The storage tank must be able to hold at least 4 months' slurry (unless there is a safe year-round system in place).</li> </ul>	-		<p><b>Verifiable standard in RDP</b> – any farmers who constructs a new silage or slurry storage facility must notify the Environment Agency before starting to use it. Checks will be carried out to see that this notification has been given for any new stores</p> <p>i) Has a new storage facility been constructed since 1 September 1991?</p> <p>ii) If 'YES' could the agreement holder produce evidence of his/her notification to the Environment Agency?</p> <p>iii) Is there any evidence of slurry or silage effluent entering watercourses?</p>



<p>6. procedures for the application, including rate and uniformity of spreading, of both chemical fertiliser and livestock manure</p>	<p>Para 284 – Do not apply more than 250 kg/ha of total nitrogen in organic manure in any 12 months          Para 289 – To keep the amount of nitrate lost from soil as low as possible farmers should carefully work out the amount of nitrogen they need. Farmers should work out how much nitrogen is in the soil and how much the crops need, taking into account soil type, previous cropping and use of animal manure and other organic wastes          Para 292 – Inorganic fertiliser should be applied accurately, at the right rate and without applying it to uncropped areas, hedges and ditches. Machinery should be kept in good condition and adjusted according to the makers instructions. The spread pattern should be tested regularly and farmers should only use fertiliser of a quality that can be spread accurately and evenly.</p>			-					<p>3. i) Are any fertilisers being stored on the holding?          ii) If 'YES' did they appear to be stored safely?</p>	
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<p>7. land use management, including the use of crop rotation systems and the proportion of the land area devoted to permanent crops relative to annual tillage crops;</p>	<p>Para 282 – Solid and liquid manures should be spread as accurately and uniformly as possible. Application equipment should be suitable for the type of manure being spread and capable of producing an even distribution.</p> <p>Para 297 – Crop residues which do not contain much nitrogen should be incorporated into the soil as soon as possible. Those containing a lot of nitrogen should not be incorporated until just before the next crop is sown.</p> <p>Para 299 – Grazing levels should be kept to a minimum and, where possible, grazing cattle should not have access to watercourses.</p> <p>Para 300 – Ploughing up of unimproved grassland should be avoided.</p> <p>Para 301 – If grass leys are grown in rotation with arable crops it is best to sow the first crop as soon as possible after the crop has been ploughed up.</p>	-			
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8. the maintenance of a minimum quantity of vegetation cover during (rainy) periods	<p>Para 295 – Crops should be sown as early as possible. Preference should be given to crops sown in autumn as opposed to late autumn or spring as these take up more nitrogen. If possible cover/catch crops should be sown in fields that would otherwise be bare over autumn/winter. Cover crops need to be established in early autumn.</p>	-	-	
9. the establishment of fertilizer plans on a farm-by-farm basis and the keeping of records on fertilizer use;	<p>Section 3 of the code gives detailed guidance on establishing farm waste management plans.</p>	-		
10. the prevention of water pollution from run-off and the downward water movement in irrigation systems.	<p>Para 287 and 293 – Farmers should not apply fertiliser, manure or other organic matter to steeply sloping ground.          Para 302 – Use a reliable scheduling system to prevent using too much water or applying it unevenly to help avoid run-off.</p>	-		
<b>MEASURES TO BE INCLUDED IN ACTION PROGRAMMES (ANNEX III)</b>		<b>The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998 SI 1202</b>	Environment Agency	

1. periods when the application of certain types of fertiliser is prohibited;		<p>Article 4 – Inorganic fertiliser must not be applied between 15 September and 1 February on grassland and between 1 September and 1 February on any other land.</p> <p>Article 12 – Organic manure shall not be applied between 1 September and 1 November to grass or growing crops and between 1 August and 1 November on any other land.</p>			
2. specification of the capacity of storage vessels for livestock manure ,		<p>Article 13 – The capacity of storage vessels for livestock manure shall exceed the capacity required to store manure produced during the period when manure application is prohibited.</p>			See above for CoGAP
3. limitation of the application of fertilisers taking into account:		<p>Article 2 – Application of nitrogen fertiliser shall take into account local environmental factors, including:</p>			
(a) soil conditions, soil type and slope;		<p>Article 2 (2) (a) – soil condition, type and slope</p>			

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<sup>1</sup> this capacity must exceed that required for storage throughout the longest period during which application is prohibited except where it can be demonstrated to the competent authority that any quantity of manure in excess of the actual storage capacity will be disposed of in a manner which will not cause harm to the environment;

(b) climatic conditions, rainfall and irrigation;	Article 2 (2) (b) climatic conditions, rainfall and irrigation				
(c) land use and agricultural practices, including crop rotation systems; and to be based on a balance between:	Article 2 (2) (c) land use and agricultural practice				
(i) the foreseeable nitrogen requirements of the crops, and	Article 3 – Nitrogen fertilizer shall not be applied to any land in excess of the crop requirement				
(ii) the nitrogen supply to the crops from the soil and from fertilisation corresponding to:	-				
- the amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree (outstanding amounts at the end of winter),	-				
- the supply of nitrogen through the net mineralization of the reserves of organic nitrogen in the soil,	-				
- additions of nitrogen compounds from livestock manure,	-				

<p>- additions of nitrogen compounds from chemical and other fertilisers.</p>		-			
<p>These measures will ensure that the amount of livestock manure applied shall not exceed 170 kg N per hectare.<sup>2</sup></p>		-			

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<sup>2</sup> However:

- (a) for the first four years action programme Member States may allow an amount of manure containing up to 210 kg N;
- (b) Member States may fix different amounts from those referred to above. These amounts must be justified on the basis of objectives criteria, for example:
  - long growing seasons,
  - crops with high nitrogen uptake,
  - high net precipitation in the vulnerable zone,
  - soils with exceptionally high denitrification capacity.

		<p>(i) Article 14 (b) – Records should be made sufficient to enable any person inspecting the records to readily ascertain, for each field on the farm (in addition to farm size and stocking rates):</p> <p>(ii) the quantity of inorganic fertilisers applied to the field, the nitrogen content of that inorganic fertiliser and the date of application;</p> <p>(iii) the quantity of organic manure applied to the field and application of date;</p> <p>(iv) whether organic manure applied to the field was farmyard manure, poultry manure, slurry, sewage sludge or other organic manure;</p> <p>(v) the type of any crop grown and the date the crop is sown.</p>			
	<p><b>Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 as amended 1997</b></p> <p>Where a farmer stores silage, slurry or fuel oil, any structure built or substantially altered since 1991 must comply with criteria laid down in the Regulations</p>		<p>Environment Agency</p>	<p>Not controlled</p>	<p>Not controlled</p>

			<p><b>Cross-compliance on AAPS payments:</b></p> <ul style="list-style-type: none"> <li>during the set-aside period the only fertiliser that may be applied is manure or slurry produced on the same holding and only at times when there is green cover and at levels that will not destroy the green cover;</li> <li>set-aside land must not be used to store manure or slurry and must not be used for disposal of other waste; green cover must be established before the set-aside season in order to minimise nitrate leaching.</li> </ul> <p><b>RPA (IACS inspections)</b></p> <p>2.1 Were the details of the cover, management, and maintenance of environmental features found to be in compliance with the conditions of the scheme?</p>	Not controlled
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## 1.2 Potassium and Phosphate

EU-LAW	NATIONAL LAW	ADDITIONAL ASPECTS OF GOOD FARMING PRACTICE (RDP OR CROSS-COMPLIANCE)	NATIONAL CONTROL (FINED)	REG. 1259/1999 “horizontal”	REG. 1257/1999 “rural”
See requirements for manure and fertiliser management above	See requirements for manure and fertiliser management above				
		<p><b>Code of Good Agricultural Practice for the Protection of Water (Defra 1998, revised 2002)</b></p> <p>Para 305 – The risk of phosphorous pollution can be reduced by preparing and following a farm waste management plan and by following measures laid down in the Code for nitrates (see above).</p> <p>Para 306 – To minimise loss of phosphorous from agricultural land farmers should not apply amounts of phosphorous in excess of those recommended in MAFF Reference Book 209 <i>Fertiliser Recommendations for agricultural and horticultural crops</i>. Where organic manures are applied in fields at ADAS Soil P Index 3 and above, care should be taken to avoid total phosphorous inputs exceeding crop requirements.</p>	Not controlled	Not controlled	Not controlled
			-	-	-

## 2. Pesticide Use

EU-LAW	NATIONAL LAW	ADDITIONAL ASPECTS OF GOOD FARMING PRACTICE (RDP OR CROSS-COMPLIANCE)	NATIONAL CONTROL (FINED)	REG. 1259/1999 “horizontal”	REG. 1257/1999 “rural”
<p><b>Water Framework Directive 2000/60/EC (OJ L327 22.12.00)</b></p>	<p>Member States are to transpose the Directive by 22/12/03</p> <p><b>Part III of the Food and Environment Protection Act (FEPA) 1985</b> provides for the continuous development of means to: protect the health of humans, animals and plants; safeguard the environment; and to secure safe efficient and humane methods of controlling pests. The Act provides Ministers with the power to regulate the import, sale, supply, advertisement and use of pesticides. Ministers are also empowered to set maximum residue limits, to require information from dealers and manufacturers and to issue codes of practice for pesticide use on farms.</p>		-	-	-
<ul style="list-style-type: none"> <li>• pesticides are used in accordance with instructions</li> <li>• pesticides are used by a trained person (who may need to show a valid certificate)</li> <li>• farmers take reasonable precautions to protect ground water</li> </ul> <p>FEPA also includes requirements for</p>	<p>Part III FEPA requires that:</p> <ul style="list-style-type: none"> <li>• pesticides are used in accordance with instructions</li> <li>• pesticides are used by a trained person (who may need to show a valid certificate)</li> <li>• farmers take reasonable precautions to protect ground water</li> </ul> <p>FEPA also includes requirements for</p>	<p>Code of Practice for the Safe Use of Pesticides on Farms and Holdings</p> <p><b>Para 114 – An assessment of risks to the environment</b></p>	Environment Agency		Included in RDP definition of GFP but not controlled.

	<p>the aerial application of pesticides and the notification of certain bodies (see COPR requirements above)</p> <p>Under FEPA farmers must keep records of pesticide treatments for 3 years.</p>	<p><b>should be carried out before a pesticide is used.</b></p>	<p>Environment Agency</p>	<p>Not controlled</p>	<p>Water Resources Act and Groundwater Regulations included in RDP definition of GFP but NOT controlled.</p>
<p><b>Groundwater Directive 80/68/EEC (OJ L20 26.1.80)</b></p>	<p><b>Water Act 1989</b></p> <p><b>Water Resources Act 1991</b> makes it an offence for anyone to cause or knowingly permit any poisonous, noxious or polluting substance or any solid waste to enter controlled water. (Waste licensing aspects were transposed by Regulation 15 of the <b>Waste Management Licensing Regulations</b>)</p> <p>Infringement proceedings resulted in the <b>Groundwater Regulations 1998</b> (which provide for the authorisation of sheep dip disposal to land).</p>	<p>Code of Good Agricultural Practice for the Protection of Water</p> <p>Code of Practice for the Safe Use of Pesticides on Farms and Holdings</p>	<p>Enforced by Environment Agency. Fines of up to £20,000.</p>	<p>Not controlled.</p>	<p>Not controlled</p>
	<p><b>Groundwater Regulations</b> require that:</p> <ul style="list-style-type: none"> <li>• pesticides are used in accordance with instructions</li> <li>• pesticides are used by a trained person (who may need to show a valid certificate)</li> <li>• farmers take reasonable precautions to protect ground water</li> <li>• farmers do not mix pesticides</li> </ul> <p>Groundwater Regulations also demand that farmers must have authorisation from the Environment Agency to dispose of any chemicals from Annex II of the Groundwater Directive. The authorisations must be renewed every 4 years subject to an investigation by the</p>				

	Environment Agency of the likely effect of the discharge The Water Resources Act includes requirements for disposal of pesticides, packaging waste and pesticide washings. Discharge of pesticide waste to sewers requires a Trade Effluent Consent from the local Water Service Company. Washing of pesticide equipment should take place in an area where fluid cannot contaminate soil or ground or surface water. Packaging should be washed thoroughly before disposal.		Environment Agency	Not controlled	See above
<b>Bathing Water Directive 76/160/EEC (OJ L31 5.2.76)</b>	<b>Water Act 1989 (consolidated into the Water Resources Act 1991)</b> (see above)		Enforced by EA, HSE, Defra. Unlimited fines.		Plant Protection Products Regulations and FEPA are included in RDP definition of GFP but not controlled.
<b>Pesticide Authorisation Directive 91/414/EEC (OJ L230 19.8.91)</b>	<b>The Control of Pesticides Regulations (COPR) 1986 (requirements the same as under the Plant Protection Products (Basic Conditions) Regulations 1997 and the Plant Protection Products (as amended) Regulations 1995).</b> Implementation of <b>Part III FEPA</b>		Environment Agency, English Nature, Local Authority		
	Requires that any farmer planning to carry out aerial spraying of pesticides consult the following agencies or notify the following bodies before spraying: <ul style="list-style-type: none"> <li>English Nature where any part of an SSSI/Local Nature Reserve/Marine</li> </ul>				

	<p>Nature Reserve/National Nature Reserve lies within 1500 metres of the land to be sprayed;</p> <ul style="list-style-type: none"> <li>• Environment Agency if the area to be sprayed is within 250 metres of a water body;</li> <li>• Environment Agency if pesticide is to be applied for the purpose of controlling aquatic weeds on the banks of watercourses or lakes;</li> <li>• The appropriate reporting point of the local beekeepers' spray warning scheme;</li> <li>• The chief Environmental Health Officer for the district;</li> <li>• Occupants of property within 25 metres of spraying area;</li> <li>• Anyone in charge of an institution (such as school hospital etc.) within 150 metres</li> </ul> <p>Farmers intending to aerial spray pesticides must also put up signs within 60 metres of the land to be sprayed indicating time and place of intended aerial application.</p> <p>PPPR requires farmers to keep records of pesticide treatments for 3 years.</p>				
<p><b>Freshwater for Fish Directive 78/659/EEC (OJ L 222 14.08.78)</b></p>	<p><b>Environment Act 1995</b> (transferred responsibilities from NRA to EA)  <b>The Surface Waters (Fishlife) (Classification) Regulations 1997 SI 1331 (England and Wales)</b></p>	<p>Included in CoGAP for protection of water.</p>	<p>Environment Agency</p>	<p>Not controlled</p>	<p>Not controlled</p>
<p><b>Freshwater for Shellfish Directive 79/923/EEC (OJ L 281 10.11.79)</b></p>	<p><b>The Surface Waters (Shellfish) (Classification) Regulation 1997 SI 1332 (England and Wales)</b></p>	<p>Included in CoGAP for protection of water</p>	<p>Environment Agency</p>	<p>Not controlled</p>	<p>Not controlled</p>



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specctions)

2.1 Were the details of eligibility, cover, management, and maintenance of environmental features found to be in compliance with the conditions of the scheme?

### 3. Water Use (Abstraction)

EU-LAW	NATIONAL LAW	NATIONAL CONTROL (FINED)	REG. 1259/1999 "horizontal"	REG. 1257/1999 "rural"
Water Framework Directive 2000/60/EC (OJ L327 22.12.00)				
	<b>Water Resources Act 1991</b>	Environment Agency	Not controlled	Included in RDP definition of GFP but not controlled
	Farmers must have licences for water abstraction. Abstraction charges apply to those taking more than 20 litres a day	Upto £20,000 fine		
	<b>Water Act 1989</b>	Environment Agency	Not controlled	Not controlled

### 4. Soil Conservation

EU-LAW	NATIONAL LAW	ADDITIONAL ASPECTS OF GOOD FARMING PRACTICE (RDP OR CROSS-COMPLIANCE)	NATIONAL CONTROL (FINED)	REG. 1259/1999 "horizontal"	REG. 1257/1999 "rural"
Sewage Sludge Directive 86/278/EEC (OJ L181 4.7.86)					
	<b>Sludge (Use in Agriculture) Regulations 1989</b>		Environment Agency	Not controlled	Not controlled
	<b>Water Resources Act 1991</b> It is an offence to cause or permit any discharge of polluting substances or solid matter (including soil) into water bodies	-	Environment Agency. Any farmer who causes or permits discharge of any polluting substance or solid waste into a waterbody can be fined up to £20,000 in a Magistrates Court or	Not controlled	Included in RDP definition of GFP but not controlled



				an unlimited fine in the Crown Court. The Environment Agency can do work to prevent or clear up pollution and recover the cost from the person responsible.			
	Town and Country Planning Act 1990 <b>Planning permission is required for any development to extract minerals for sale.</b>			Local Authorities check that necessary permission has been received.		Not controlled	Not controlled
	<b>Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 as amended 1997</b>  Where a farmer stores silage, slurry or fuel oil, any structure built or substantially altered since 1991 must comply with criteria laid down in the Regulations	<b>Code of Good Agricultural Practice for Use of Sewage Sludge</b>		Environment Agency		Not controlled	Included in RDP definitions of GFP but not controlled
							<b>Verifiable standards under the RDP:</b> <ul style="list-style-type: none"> <li>• <b>overgrazing:</b> Agricultural land must not be grazed with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation on that</li> </ul>
							<b>Cross-compliance for livestock subsidy schemes:</b> Farmers receiving payments under any of the livestock subsidy schemes must comply with the verifiable standards as listed in the RDP for overgrazing and supple-

				<p>mentary feeding. (In the case of payments in LFAs overgrazing can lead to loss of all entitlement for LFA payments.)</p>	<p>land to a significant degree. (In LFAs failure to comply with these requirements can lead to loss of all entitlement to LFA payments.)</p> <ul style="list-style-type: none"> <li>• <b>supplementary feeding:</b> farmers must not provide supplementary feed in such a way that causes poaching of the ground by livestock or erosion as a result of vehicle tracks.</li> </ul> <p><b>RPA inspections</b></p> <p><b>6 (b)</b> Is there any evidence of overgrazing or undergrazing on agreement land?</p> <p><b>(c)</b> Is there any evidence of unsuitable supplementary feeding?</p> <p>Non-compliance with overgrazing requirements can lead to loss of all entitlement to LFA payments.</p>
	<p><b>The Highways Act 1980</b> In cases where severe soil erosion occurs across roads the Highways Agency has the power to fine the farmers for the cost of the clean-up operation.</p>		Highways Agency	Not controlled	Not controlled

		<p><b>Code of Good Agricultural Practice for the Protection of Soil Defra (1998)</b></p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• enhance soil <b>fertility</b> through crop rotation and matching lime and fertiliser application to plant needs;</li> <li>• avoid soil compaction during cultivation or arable crops and livestock grazing;</li> <li>• reduce soil erosion by maximising crop cover, increasing stability of soils, avoiding run-off, avoiding poaching of land by livestock (particularly by restricting access to water bodies)</li> <li>• avoid soil mixing by avoiding deep cultivation of soil</li> <li>• obtain analysis if there is reason to believe soil is contaminated; and</li> <li>• soils disturbed by mineral extraction should be restored.</li> </ul>			
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## 5. Animal housing/animal husbandry

EU LAW	NATIONAL LAW	NATIONAL CONTROL (FINED)	REG. 1259/1999 “horizontal”	REG. 1257/1999 “rural”
<p><b>Integrated Pollution Prevention and Control Directive 96/61/EC (OJ L257 10.10 96)</b></p> <p>Article 3: Member States shall take the necessary measures to ensure that the competent authorities ensure that installations are operated in such a way that:</p> <ul style="list-style-type: none"> <li>(a) all the appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;</li> <li>(b) no significant pollution is caused;</li> <li>(c) waste production is avoided in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste(11); where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;</li> <li>(d) energy is used efficiently;</li> <li>(e) the necessary measures are taken to prevent accidents and limit their consequences;</li> <li>(f) the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory</li> </ul>	<p><b>Pollution Prevention and Control Regulations 2000</b></p> <p>New or substantially altered installations over a certain size must apply for an operational permit from the environment agency.</p> <p>Qualifying sizes are:</p> <ul style="list-style-type: none"> <li>• intensive pig rearing with places for 750 sows or 2,000 production pigs over 30 kg;</li> </ul> <p>intensive poultry rearing with places for 40,000 birds.</p>	<p>Environment Agency</p>	<p>Not controlled</p>	<p>Not controlled</p>
<p>Conditions for permits under the PPC Regulations 2000 include criteria for nitrogen and phosphorous content of animal feeds; optimising water use; waste minimisation; carcass disposal (in accordance with the Animal By-Products Order 1999); feed delivery; storage of agricultural fuel oil and other materials, minimising pollution and emissions from animal housing; manure and slurry storage, treatment, use and disposal; measures for controlling odour; recording and monitoring requirements; and planning for emergencies and accidents.</p>				

<p>state.  <b>For the purposes of compliance with this Article, it shall be sufficient if Member States ensure that the competent authorities take account of the general principles set out in this Article when they determine the conditions of the permit.</b></p>			<p>Suspected cases of <b>overgrazing</b> inspected by English Nature and evaluated according to an ecological definition of overgrazing.</p>	<p><b>RPA (IACS inspections)</b>  2.12 (a) Is there any evidence of non-compliance with the verifiable standards of GFP?  (b) Is there any evidence of a possible breach of the environmental legislation requirements of GFP?</p>	<p><b>Verifiable standards under the RDP for overgrazing, under grazing and unsuitable supplementary feeding (see above)</b>  <b>RPA inspections</b>  <b>6 (b)</b> Is there any evidence of overgrazing or undergrazing on agreement land?  (c) Is there any evidence of unsuitable supplementary feeding?  Non-compliance with overgrazing requirements can lead to loss of all entitlement to LFA payments.</p>
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					<p><b>Cross-compliance for livestock subsidy schemes:</b> Farmers receiving payments under any of the livestock subsidy schemes must comply with the verifiable in LFAs overgrazing can lead to loss of all entitlement for LFA payments.)</p> <p>Where overgrazing occurs farmers are told to reduce stocking number but are also encouraged to make further reductions in return for agri-environment payments. standards as listed in the RDP for overgrazing, undergrazing and supplementary feeding.</p>	
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## 6. Landscape and biodiversity

EU-LAW	NATIONAL LAW	REGIONAL LAW IN NATURE PROTECTION AREAS	NATIONAL CONTROL (FINED)	REG. 1259/1999 "horizontal"	REG. 1257/1999 "rural"
Habitats Directive 92/43/EEC (OJ L206 22.7.92)	National Parks and Countryside Act 1949 introduced the concept of		English Nature Verifiable standard under the		5. (a) (i) Is there an SSSI on the holding? (ii) If 'YES', have all

<p><b>Birds Directive 79/409/EEC (OJ L103 25.4.79)</b></p>	<p>National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSIs) (important for their flora, fauna, geology or landform features) and conferred powers on local authorities to establish Local Nature Reserves.</p> <p>The contents of the National Parks and Countryside Act were then built upon by the <b>Wildlife and Countryside Act 1981</b> which strengthened the protection of SSSIs, providing additional safeguards for particular types of area and restricting the killing, taking from the wild or disturbance of priority species.</p> <p><b>The Conservation (Natural Habitats etc.) Regulations 1994</b></p> <p><b>Countryside and Rights of Way (CROW) Act 2000</b> builds on the two earlier acts to give additional protection for SSSIs and additional powers to English Nature to protect them.</p> <p>SACs and SPAs are first designated as SSSIs in</p>		<p>RDP – SSSIs: Engaging in damaging activities within an SSSI without consent from English Nature is liable to a £20,000 fine in magistrate's court or an unlimited fine in the Crown Court</p>	<p>the relevant scheme prescriptions been followed in relation to it (CCS and ESA only)? (iii) If 'YES', have any actions taken place which might damage it? (iv) If 'YES', was approval obtained from English Nature?</p>
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	England. So protection of SSSIs is relevant to Natura 200 sites in the UK.		<b>CROW Act 2000 Wildlife and Countryside Act 1981</b> Protection for SSSIs	English Nature £20,000 fine in Magistrate's Court or unlimited fine in Crown Court	Not controlled	Included in RDP definition of GFP but not controlled
<b>Habitats Directive</b>						
Article 2.2 Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest						
Article 6.2 Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of species for which the areas have been designated			<b>CROW Act, Section 28 K:</b> All land managers of SSSIs should have a statement of the proposed management requirements for the SSSI by January 2006. <b>CROW Act, Section 28 N:</b> This Act strengthens protection of SSSIs and, among other powers, gives English Nature powers of compulsory purchase where it is considered essential to maintain the special interest of the site.			
Article 6.4 Any plan or project likely to have a significant effect on a site shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent national authorities shall agree to			<b>CROW Act Section 28 E:</b> farmers are required to give written notice to English Nature before carrying out any activities which could damage the conservation interest of			



the project only after having ascertained that it will not adversely effect the integrity of the site concerned.		any SSSI.				
Article 12.1 Member States shall establish a strict protection system for flora and fauna listed in Annex IV	Under the <b>CROW Act 2000</b> farmers (or any other person) must NOT kill, injure, disturb, take or sell any protected flora listed in the UK Red Data Books					
<b>Birds Directive</b>						
<b>Article 3.3 The preservation, maintenance and re-establishment of biotopes and habitats shall include the following measures:</b> creation of protected areas; upkeep and management in accordance with the ecological needs of habitats inside and outside protected zones.		See requirements for SSSI management under CROW Act 2000 above.				
<b>Environmental Impact Assessment Directive 85/337/EEC (OJ L175 5.7.85)</b>	<b>Environmental Impact Assessment (Uncultivated Areas) (England and Wales) Regulations 2001</b>		Defra		Not controlled	Not controlled
	Requires an environmental impact assessment to be carried out on uncultivated or semi-natural land before it can be ploughed up or otherwise brought into intensive agricultural production.					

			<p><b>Ancient Monuments and Archaeological Areas Act 1979</b></p> <p><b>Ancient Monuments (Class consents) 1994</b></p> <p>Any work affecting a scheduled ancient monuments requires permission from the Secretary of State. Consent is required for change of land use within the scheduled area and for works such as tree or hedge planting or removal, stone clearance, track construction and agricultural developments otherwise permitted under development control regulations.</p> <p>Class Consent 1 of the AMCC Order 1994 gives permission for continuance of cultivation practices which have previously been undertaken. If cultivation ceases for more than 6 years any subsequent cultivation requires a new consent from the Secretary of State</p> <p><b>National Parks and Access to the Countryside Act 1949</b></p> <p>Any proposed development in a National Park has to be shown to be in the public interest before being allowed to proceed by the Local Planning Authority</p>	English Heritage	<p>Landscape features on or adjacent to set-aside land (AAPS) must not be damaged or removed and it is not allowed to remove or destroy archaeological remains.</p>	<p><b>RPA inspections</b></p> <p>5. (b) Is there any visual evidence of operations carried out on the site of a scheduled monument ie. Change of land use, tree/hedge planting, stone clearance, track or drain construction?</p>
				Local Planning Authority	-	-
				Local Authority	Hedges and	<b>Verifiable standard</b>

	<p><b>tions 1997</b> The Hedgerow Regulations make it illegal to remove hedgerows without prior approval from the local authority.</p>		<p>carries out visual checks. Penalty is either fine or conviction</p>	<p>other landscape features on or adjacent to set-aside land must not be damaged or removed. If a linear feature such as a hedge is damaged £1 per metre is withheld (subject to a minimum of £100)</p>	<p><b>under RDP:</b> removal or destruction of any hedges or stone walls on the farm will not be permitted except by special derogation and subject to any necessary consent under the Hedgerow Regulations 1997. Enforcement will be through visual assessment of any recent damage during field checks. <b>RPA inspection</b> 4 (a) (i) Is there evidence of the recent removal of stone walls or hedges by the claimant? (ii) If 'YES' did he/she confirm that local authority consent was obtained?</p>
	<p><b>Protection of Badgers Act 1992</b> It is an offence to interfere with, injure or kill badgers or to interfere with their sets (unless a licence has been obtained from a statutory authority).</p>		<p>Defra</p>	<p>Not controlled</p>	<p>Not controlled</p>
					<p><b>Verifiable standard under RDP:</b> hedgerows: trimming of</p>

					<p>hedgerows on the farm must not be carried out between 1 March and 31 July. Enforcement will be through visual evidence of recent damage during any checks carried out in these months.</p> <p><b>RPA inspection</b></p> <p>4. (b) Is there any visual evidence that hedgerows were trimmed between 1 March and 31 July?</p>
				<p><b>Cross-compliance under AAPS:</b></p> <p>During the set-aside period it is forbidden to destroy or re-move certain features sited on or immediately next to set-aside, including hedges, trees, watercourses, ditches, ponds, lakes and archaeological remains.</p> <p>If an environmental feature is damaged £100 is withheld for each feature.</p>	

## 7. Farm Management

EU-LAW	NATIONAL LAW	NATIONAL CONTROL (FINED)	REG. 1259/1999 "horizontal"	REG. 1257/1999 "rural"
	<p><b>Forestry Act 1967</b></p> <p>Anyone involved in felling trees must have a Felling Licence or approval under a Forestry Commission endorsed Grant Scheme. All work must be undertaken in accordance with the permission granted by the Forestry Commission.</p>	Forestry Commission		RPA inspection 6 (a) Is there any visual evidence of tree felling?
<p><b>Integrated Pollution Prevention and Control Directive 96/61/EC (OJ L257 10.10 96)</b></p>	<p><b>Pollution Prevention and Control Regulations 2000</b></p> <p>New or substantially altered installations over a certain size must apply for an operational permit from the environment agency.</p> <p>Qualifying sizes are:</p> <ul style="list-style-type: none"> <li>• intensive pig rearing with places for 750 sows or 2,000 production pigs over 30 kg;</li> <li>• intensive poultry rearing with places for 40,000 birds.</li> </ul>	Environment Agency Charges for permits		
<p>Article 3: Member States shall take the necessary measures to ensure that the competent authorities ensure that installations are operated in such a way that:</p> <p>(a) all the appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;</p> <p>(b) no significant pollution is caused;</p> <p>(c) waste production is avoided in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste(11); where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;</p> <p>(d) energy is used efficiently;</p> <p>(e) the necessary measures are taken to prevent</p>	<p>Conditions for permits under the PPC Regulations 2000 include criteria for nitrogen and phosphorous content of animal feeds; optimising water use; waste minimisation; carcass disposal (in accordance with the Animal By-Products Order 1999); feed delivery; storage of agricultural fuel oil and other materials, minimising pollution and emissions from animal housing; manure and slurry storage, treatment, use and disposal; measures for controlling odour; recording and monitoring requirements; and planning for emergencies and accidents.</p>			

<p>accidents and limit their consequences;  (f) the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state.  <b>For the purposes of compliance with this Article, it shall be sufficient if Member States ensure that the competent authorities take account of the general principles set out in this Article when they determine the conditions of the permit.</b></p>				
			<p><b>Cross-compliance under AAPS:</b>  During the set-aside period it is forbidden to destroy or remove certain features sited on or immediately next to set-aside, including hedges, trees, watercourses, ditches, ponds, lakes and archaeological remains.  If an environmental feature is damaged £100 is withheld for each feature.  If a linear feature such as a hedge is damaged £1 per metre is withheld (subject to a minimum of £100)</p>	

## 8 Other

EU-LAW	NATIONAL LAW	ADDITIONAL ASPECTS OF COGAPS	NATIONAL CONTROL (FINED)	REG. 1259/1999 "horizontal"	REG. 1257/1999 "rural"
	<b>Clean Air Act 1993</b>		Environment Agencies and Local Authorities	Not controlled	
	Farmers must not burn waste materials in the open if the burning produces dark smoke.		Local Authorities		2 (c) Is there any visual evidence of the claimant burning waste that produces dark smoke ie. old tyres?
	<b>Crop Residues (Burning) Regulations 1993</b>			Not controlled	
	It is illegal to burn crop residues of cereals (straw and stubble), dry harvested field beans and peas, and oil seed rape.		Environmental Health Officers of Local District Counties		2 (a) Is there any visual evidence of the claimant burning crop residues from cereals, oilseed rape, field beans or dry harvested peas?
	<b>Heather and Grass (Burning) Regulations 1986</b>			Not controlled	
	This regulation forbids the burning of heather, grass, gorse, bracken and vaccinium in most areas after 31		Local Authorities		2 (b) Is there any visual evidence of

	<p>March and in upland areas after 15 April. No burning without a licence is permitted after these dates, until 1 October in upland areas and 1 November anywhere else. Local Authorities can give permission for burning after these dates under special circumstances</p>				<p>the claimant burning heather or grass between 15 April to 1 October in upland areas or between 31 March and 1 November in other areas?</p>
	<p><b>Groundwater Regulations 1998</b></p> <p>Requires that any farmer wishing to dispose of spent sheep dip to land must get a permit from the Environment Agency.</p>	<p>Verifiable standards defined under RDP:</p> <ul style="list-style-type: none"> <li>• <b>Sheep dip:</b> any farmer proposing to dispose of sheep dip on his land must obtain prior authorisation from the Environment Agency. Checks will be made to see that either an authorisation has been obtained or that there is a reason why no authorisation is needed in that particular case.</li> </ul>	<p>Environment Agency</p>	<p>Not controlled</p>	<p>1 (b) (i) Does this applicant have sheep dip? (ii) If 'YES' is the dip disposed of on the holding? (iii) If 'YES', could the agreement holder produce correspondence from the Environment Agency authorising disposal of sheep dip?</p>



				-	-	-	Code of Good Agricultural Practice for the Protection of Air Defra 1998 Includes details of legislative requirements and guidance on limitation of odour, smoke, dust, greenhouse gases and other emissions from agriculture. Includes requirements for sitings and design of livestock housing, disposal and burning of farm waste and crop residues.	
				-	-	-	Groundwater Protection Code: Use and disposal of sheep dip compounds Defra 2001 Before dipping sheep farmers should: <ul style="list-style-type: none"> <li>• carry out suitable training;</li> <li>• ensure that dip baths and drainage pens are properly sited and constructed and in good working order;</li> <li>• ensure that you have suitable equipment and protective clothing;</li> <li>• consider how to dispose of used dip and obtain any necessary authorisation;</li> <li>• ensure that dip can be stored and transported safely.</li> </ul> Under no circumstances is used dip to be disposed of into ground or surface water and an authorisation from the Environment Agency must be obtained before disposal of dip to land.	

## B: Monitoring, control and enforcement

Area	Specific questions	Description
Changes of the legal framework	Short description of changes of environmental legislation ( <i>before and after Agenda 2000</i> )	<p>(<i>important changes or expected developments only</i>)            NVZ designation            Application of cross-compliance to all livestock schemes (as opposed to just HFA as at Agenda 2000)</p>
Monitoring and control: Institutions	Who is realising risk analysis, decision on and accomplishment of farm control (Departments involved: agricultural, environment, water ...), are there connections to technical advice and other functions?	<p>The <b>Environment Agency</b> is responsible for the majority of risk-analysis with regard to general environmental legislation. They do a certain amount of on-farm control but do not have a random system of inspection.</p> <p><b>English Nature</b> are responsible for risk-analysis in the case of overgrazing as it is defined according to ecological criteria not according to stocking density due to the great diversity of conditions to be found in different areas. English Nature are also responsible for drawing up management plans with farmers who have an SSSI on their land and consequently monitoring compliance with these management plans and assessing any potentially damaging operations that might be proposed by farmers for SSSIs.</p> <p>Other inspections for cross-compliance and for payments under Reg 1257/1999 are undertaken by the <b>Inspectorate of the Rural Payments Agency</b> (Department for Environment Food and Rural Affairs) who undertake general IACS inspections. Defra also provides farmers with advice and guidance and are responsible for producing CoGAPs.</p> <p>The <b>Health and Safety Executive</b> has responsibility for any offences affecting public health or safety.</p> <p><b>English Heritage</b> are responsible for controls on legislation relevant to cultural heritage and scheduled ancient monuments</p>
	Reg. (EC) 1259/1999 and national law	<p><b>National law:</b> Environment Agency, Defra, English Nature, Health and Safety Executive, Local Authorities  <b>Cross-Compliance:</b> Rural Payments Agency (Defra)</p>
	Reg. (EC) 1257/1999 and Reg (EC) Nr. 1750/1999 or Reg (EC) Nr. 445/2002	<p><b>Rural Payments Agency (Defra)</b></p>

<p><b>Procedures and Implementation</b></p>	<p><i>Reg. (EC) 1259/1999 and national law</i></p> <ol style="list-style-type: none"> <li>1. Frequency of control / risk analysis</li> <li>2. Number of farms controlled, % of all farms</li> <li>3. Random sample inspections or inspections for specific reasons (e.g. due to suspicion or due to complaint)</li> <li>4. Indicators for control (which indicators, appropriate for control, possibility to detect breaches)</li> <li>5. Statistics on breaching and sanctions</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>National legislation:</b> Farms within NVZs are inspected every 4 years. <b>Cross-compliance:</b> Inspections take place annually.</li> <li>2. <b>National legislation</b> – risk-based approach not a specific quota</li> <li>3. <b>Cross-compliance</b> - 5%. All livestock subsidy claimants are subject to a 10% annual inspection which include checks for signs of overgrazing or unsuitable supplementary feeding.</li> <li>3. <b>Cross-compliance:</b> random inspections. <b>National legislation:</b> risk-based</li> <li>4. See tables above</li> <li>5. <b>National legislation:</b> largely monitored by the environment agency in terms of pollution incidents. In 2001 there were 2507 pollution incidents of varying severity arising from agricultural activity. Of the most severe pollution incidents (category 1-2) resulting from agriculture 72% were to water, 12% to air and 16% to land.</li> </ol> <p><b>Cross-compliance:</b> There is currently no data on infringements of cross-compliance conditions for AAPS. Between 1997 and</p>
<p><b>Sanctions</b></p>	<p><i>Reg. (EC) 1257/1999</i></p> <ol style="list-style-type: none"> <li>1. Frequency of control / risk analysis</li> <li>2. Number of farms controlled, % of all farms</li> <li>3. Random sample inspections or inspections for specific reasons (e.g. due to suspicion or due to complaint)</li> <li>4. Indicators for control</li> <li>5. Statistics on breaching and sanctions</li> </ol>	<ol style="list-style-type: none"> <li>1. Annual</li> <li>2. 8,700 farms, 5% (minimum)</li> <li>3. Random. Additional inspections for suspected cases of overgrazing or unsuitable supplementary feeding</li> <li>4. See tables above</li> <li>5. Monitoring of compliance with GFP among agri-environment participants is still in the early stages in England because of delays and restricted access to farms resulting from the foot and mouth disease epidemic. The only data available is for overgrazing conditions on HFA (LFA) payments for which there were 86 complaints between 1997-2002 21% of which proved to be false alarms, 11% of which were addressed without further action and 16% of which ended with the farmers joining agri-environment schemes.</li> </ol>

	<ol style="list-style-type: none"> <li>1. Fines and reductions of premia for breaching mandatory requirements (amounts of money, share of premiums)</li> <li>2. Other sanctions or consequences</li> <li>3. higher probability of inspections after breaching</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>National legislation:</b> breaches of national legislation are generally subject to fines of, in most cases, up to £20,000 at a Magistrate's Court (for Groundwater Regulations) or unlimited (for Control of Pesticides Regulations 1986) at a Crown Court. In the case of new nature conservation legislation anyone harming priority species can be subject to criminal prosecution and possibly a prison sentence. <b>Cross-compliance:</b> non-compliance leads to loss of payment calculated according to severity of breach. An example for AAPS set-aside is that £1 of subsidy payment is deducted for every 0.01 ha on which the requirements are not followed (subject to a minimum of £100), £100 is withheld for any environment feature that is damaged and if a linear feature is damaged £1 per metre is withheld (subject to a minimum of £100).</li> <li>2. In cases of over-grazing farmers can be made to reduce stocking numbers. Once they have done so farmers are often encouraged to reduce stocking numbers further in order to join agri-environment schemes.</li> <li>3. With regard to national legislation offenders are more likely to be inspected in future as the Environment Agency is now starting to adopt a risk-based system. The Environment Agency is also planning to introduce an Environmental Management System which will record a host of regulation-relevant data about each farm and this will be used to assist in risk-based inspection planning. Farmers with EMS will be much less likely to be inspected.</li> </ol>
	<p><i>Reg. (EC) 1257/1999</i></p> <ol style="list-style-type: none"> <li>1. Fines and reductions of premia for breaching mandatory requirements (amounts of money, share of premiums)</li> <li>2. Other sanctions or consequences</li> <li>3. higher probability of inspections after breaching</li> </ol>	<ol style="list-style-type: none"> <li>1. Reductions of premia depend upon the severity of the breach, whether it is permanent or rectifiable as well as the number of offences/previous warnings. An example for damage to dry-stone walls ranges from no penalty for a first warning about rectifiable minor damage to 100% reduction in subsidy payment for a first warning about permanent serious damage or a third warning for any kind of damage.</li> <li>2. In cases of overgrazing farmers can be made to reduce stock numbers.</li> <li>3. For overgrazing cross-compliance on LFA payments and agri-environment schemes inspections will be targeted to areas whe-</li> </ol>

<p><b>Analysis of Impacts</b></p>	<p>– Comparison <i>before and after</i> Agenda 2000: Has the enforcement of mandatory requirements been improved?</p> <p>– Estimation of the number of farms affected by specific regulations</p>	<p>re overgrazing is known to be a widespread problem and on farms where farmers have a history of non-compliance.</p> <p>Copies of the CoGAPs were given to all farmers participating in agri-environment schemes and this would have increased knowledge of mandatory requirements under this group of farmers. However agri-environment schemes were in place before Agenda 2000. The Environment Agency feels that there has been a dramatic reduction in the number of severe pollution incidents since the early 90s – this however is not necessarily related to Agenda 2000.</p>
<p><b>National legislation:</b> There are a total of around 180,000 farms in <b>England and Wales</b>. A great deal of legislation is applicable to both England and Wales and all the farms therein.</p> <p><b>Certain legislation applies only within specific areas (NVZs) or only apply to certain types of farms (PPC)</b></p> <p>NVZ – 55%, 85,000 farms</p> <p>Various <b>charges</b> are imposed by the Environment Agency for different permits and licences in order to pay for some administration costs. Farms subject to these charges are:</p> <ul style="list-style-type: none"> <li>• PPC (IPPC) 10 large enterprises, 1,614 small enterprises</li> <li>• Discharge Consents (Control of Pollution Regulation) for general agriculture – 665 farms, for waste activities – 2 farms, pig and poultry – 6 farms and groundwater authorisations for the disposal of sheep dip affect 12,000 farms (sheep farmers used to benefit from a waiver of subsistence charges until 1 April 2003)</li> <li>• Abstraction charges (Water Resources Act) apply to 13,731 farms (13,268 general agriculture, 396 horticulture/nurseries, 4 orchards and 63 pig and poultry farms)</li> <li>• Waste management licences are held by 8,500 farms with 171,500 exemptions</li> <li>• 60,000 farms receive sludge to use as fertiliser on agricultural land.</li> </ul> <p><b>Cross-compliance:</b> AAPS – 59,192 farms (Set-aside area 567,212 ha)</p>		<p><b>National legislation:</b> There are a total of around 180,000 farms in <b>England and Wales</b>. A great deal of legislation is applicable to both England and Wales and all the farms therein.</p> <p><b>Certain legislation applies only within specific areas (NVZs) or only apply to certain types of farms (PPC)</b></p> <p>NVZ – 55%, 85,000 farms</p> <p>Various <b>charges</b> are imposed by the Environment Agency for different permits and licences in order to pay for some administration costs. Farms subject to these charges are:</p> <ul style="list-style-type: none"> <li>• PPC (IPPC) 10 large enterprises, 1,614 small enterprises</li> <li>• Discharge Consents (Control of Pollution Regulation) for general agriculture – 665 farms, for waste activities – 2 farms, pig and poultry – 6 farms and groundwater authorisations for the disposal of sheep dip affect 12,000 farms (sheep farmers used to benefit from a waiver of subsistence charges until 1 April 2003)</li> <li>• Abstraction charges (Water Resources Act) apply to 13,731 farms (13,268 general agriculture, 396 horticulture/nurseries, 4 orchards and 63 pig and poultry farms)</li> <li>• Waste management licences are held by 8,500 farms with 171,500 exemptions</li> <li>• 60,000 farms receive sludge to use as fertiliser on agricultural land.</li> </ul> <p><b>Cross-compliance:</b> AAPS – 59,192 farms (Set-aside area 567,212 ha)</p>

	<p>Livestock Schemes – 406,799 producers (320,799 Beef Special Premium Scheme, Suckler Cow Premium Scheme and Extensification Payment Scheme) (Sheep Annual Premium Scheme ~ 86,000)</p> <p><b>Agri-environment schemes:</b> LFA – 14% (13,000 claimants, 1.2 million ha)          AE – 1.25 million ha (ESAs – 10% UAA in England, 12,200 agreements) (CSS – 15,200 agreements) (Organic – 2,700 agreements)</p> <p>GFP applies to 8,700 farms</p>
<p>– Estimations of environmental impacts (comparison <i>before and after</i> Agenda 2000)</p>	<p><b>Overgrazing cross-compliance</b> (LFA, ag-env and livestock premia): since 1992 inspections have been largely confined to upland heathland habitats. No comparable assessment methodologies have been available for other vegetation types such as blanket bog, upland calcareous grassland and woodland. Further assessment methodologies are currently being devised by English Nature. It is felt that cross-compliance measures have successfully mitigated the most extreme cases of overgrazing and unsuitable supplementary feeding but the majority of less significant cases have remained un-investigated. The change to calculating HFA payments on an area basis has reduced the incentive to maximise stocking densities.</p> <p>Weaknesses, from an environmental perspective, that have been identified in the livestock regime overgrazing cross-compliance scheme include:</p> <ul style="list-style-type: none"> <li>• that the current scheme does not seek to remedy historic overgrazing, which is also a significant problem in many upland areas of the UK;</li> <li>• that a producer may continue to overgraze despite withdrawal of all subsidies (ie the penalties cannot force a cessation of the problem);</li> <li>• that overgrazing by animals not covered by payments (eg deer and ponies) cannot be addressed, which can be an issue in Scotland and SW England respectively.</li> </ul>

	<p><b>Set-aside cross compliance, AAPS:</b> Set-aside covers a large area of land, roughly half a million ha in the UK in 2000. It provides important winter feeding opportunities and summer nesting habitat for several species of farmland birds. Environmental management conditions for set-aside are restricted to avoiding environmental damage rather than being intended to make the most of potential wildlife opportunities. The main environmental benefits from maintaining green cover are in reducing nitrate leaching and binding the soil structure, thus preventing erosion. There has been little formal analysis of overall benefits of set-aside cross compliance. See additional information in Table 1: ‘How can well-managed set-aside benefit wildlife?’ below</p>
<ul style="list-style-type: none"> <li>– Effects on farmers acceptance, possible effects on participation in voluntary agri-environmental schemes</li> </ul>	<p>When a farmer has been found to be overgrazing his land he is then told to reduce stocking numbers. He is also encouraged to make additional reductions in order to join agri-environment schemes and receive incentive payments. Controls on overgrazing have undoubtedly contributed to participation in agri-environment schemes among sheep farms in LFAs.</p>
<p><b>Suggestions for improvement</b></p>	<ul style="list-style-type: none"> <li>– does the GFP cover the most important driving forces and environmental problems caused by agriculture?</li> </ul>
	<ul style="list-style-type: none"> <li>– appropriate indicators</li> </ul>
	<ul style="list-style-type: none"> <li>– design of control and sanctions</li> </ul>

## **General Overview**

Compliance with the majority of environmental legislation is monitored and enforced in England by the Environment Agency, and in certain cases by Local Authorities, English Nature and the Health and Safety Executive. The Rural Payments Agency (RPA) within the Department for Environment Food and Rural Affairs (Defra) is the paying agency in England and equivalent arrangements apply in the devolved administrations. The RPA (Field Inspectorate division) is also responsible for monitoring compliance with GFP and carrying out field inspections. Technical support is provided to the Field Inspectorate by the environmental agencies (eg. In England the Environment Agency, Countryside Agency, English Heritage and English Nature)

### **Inspection Procedures**

Inspections for compliance with environmental management requirements on set-aside land under the AAPS scheme that are undertaken by Defra Rural Payments Agency IACS Inspectors check only whether ‘the details of the cover, management, and maintenance of environmental features are in compliance with the conditions of the scheme’ and contain no more detailed points of control. Inspection of compliance on farms receiving livestock subsidies are more specific as they involve assessment of overgrazing. Inspections for compliance with GFP among farmers receiving ERDP payments are based on a more detailed checklist of points relating to thirteen different subjects but these do not include all aspects of GFP, merely the verifiable standards and a few other selected points that are practical to check and enforce.

### **Weaknesses of inspection process**

The biggest problem in the implementation of cross-compliance for livestock payments has been the significant time and resources needed to undertake assessments of ‘significant overgrazing’ in a way that makes decisions to reduce or remove payments legally defensible. The methods used require labour-intensive investigations by specialist staff and can usually only be undertaken at certain times of the year. These constraints have severely limited the number of cases that could be investigated. Capacity to deal with overgrazing through inspection of farms receiving Hill Farm Allowance Scheme (HFAS) is limited by insufficient administrative capacity. Currently 63% of open cases are awaiting formal investigation (see Livestock scheme section above).



**Table 1: How can well-managed set-aside benefit wildlife?**

**From ‘Application of article 3 of Regulation (EC) No. 1259/1999: Report by the UK on environmental measures adopted between 1 January 2000 and 31 July 2001, in accordance with Article 3 of Commission Regulation (EC) No 963/2001’.**

**How can well-managed set-aside benefit wildlife?**

A series of studies have shown:

In winter 5 out of 6 of the declining seed-eating birds were found in much higher numbers on set-aside land left as an over-wintered fallow with a naturally regenerated green cover, as compared to wider cropped farmland (Buckingham *et al* 1999. *Bird Study* 46: 157-169).

In summer, set-aside supported higher densities and more bird species than surrounding fields, with rotational set-aside preferred to non-rotational set-aside (Henderson *et al.* 2000; *Ecography* 23: 50-59 & *J. Applied Ecol* 37:335-347).

Set-aside management can be tailored to suit the particular needs of certain species (though this usually requires a derogation); for example, nesting plots for Stone Curlew - in 2000, 32 nesting attempts in Breckland were on set-aside resulting in 15 chicks being fledged; and winter feeding sites for Brent Geese (which has potential to alleviate local crop damage).

Under long-term set-aside management, the invertebrate community becomes increasingly richer and more diverse with specialised herbivores, more predators and more specialised pollinators. The resulting invertebrate community has a greater ecological value in the functioning of agricultural ecosystems as well as in terms of wildlife conservation. (Corbet, A., 1995. *Agriculture, Ecosystems & Environment* 53:201-217; Colston, A. & Perring, F. (Eds.) *Insects Plants and Set-aside*. BSBI. London.)

Overwintering density of ground beetles one year after the establishment of a beetle bank was already comparable with that of a typical hedgerow. (Thomas, M.B., 1990. In *stork, N.E. (Ed.). The role of ground beetles in ecological and environmental studies*. Intercept. Hants).

Butterfly numbers are greatest on field margins which were either uncut or cut in spring or autumn. (Feber, R., *et al.* 1996. *Journal of applied Ecology* 33:1191-1205).

The vegetation cover of field margins that most favours beneficial predatory arthropods is a dense low herb layer which additionally helps to exclude the aggressive annual agricultural weed species. (Dennis, P. & Fry, G., 1992. *Agriculture, Ecosystem & Environment* 40:95-115).

Uncropped field margins increase the overall arthropod diversity on farmland by providing a stable, complex habitat for species that cannot survive in a crop habitat. (Dennis, P. & Fry, G., 1992. *Agriculture, Ecosystem & Environment* 40:95-115).

Rotational set-aside is far better for arable plants of conservation concern than non-rotational set-aside. However, the potential arable plant interest is influenced by their existing distribution and past management. (ITE/ BTO research for MAFF, 1998. *Agronomic and environmental evaluation of set-aside under the EC arable area payments scheme*).

## **Abbreviations**

EA – Environment Agency

NRA – National Rivers Authority

AAPS – Arable Area Payments Scheme

Defra – Department for Environment, Food and Rural Affairs

NVZs – Nitrate Vulnerable Zones

FEPA – Food and Environment Protection Act 1985

PPC – Pollution Prevention and Control Regulations 2000

SSSI – Site of Special Scientific Interest

## **Excursus: Verifiable standards of Good Farming Practice in the UK**

*Heike Nitsch, FAL Braunschweig*

There are 4 Rural Development Plans in the UK for England, Wales, Scotland and Northern Ireland. Good Farming Practice (GFP) in the UK consists of verifiable standards as conditions for all new agri-environment agreements or LFA compensatory allowance payments and of environmental legislation. In addition, each farmer is given a booklet with the Codes of Good Agricultural Practice (GAP) and is encouraged to follow its advice.

The verifiable standards of Good Farming Practice are complementary to existing legislative requirements and capable of verification. They are often not based on legislation (e.g. standards concerning over- or undergrazing, supplementary feeding, hedgerows and field boundaries). Verifiable standards exist for the areas of water pollution, linear features, designated sites and agricultural/forestry management. There are no verifiable standards for fertilising or use of pesticides, but there is relevant legislation and recommendations in the Codes of GAP.

### **England**

- Silage and slurry stores: Any farmer who constructs a new silage or slurry storage facility must notify the Environment Agency before starting to use it. Checks will be carried out to see that this notification has been given for any new stores.
- Sheep dip: Any farmer proposing to dispose of sheep dip on his land must obtain prior authorisation from the Environment Agency. Checks will be made to see that either an authorisation has been obtained or that there is a reason why no authorisation is needed in that individual case.
- Field boundaries: Removal or destruction of any hedges or stone walls on the farm will not be permitted except by special derogation and subject to any necessary consent under the Hedgerow Regulations 1997. Enforcement will be through visual assessment of any recent damage during field checks.
- Hedgerows: Trimming of hedgerows on the farm must not be carried out between 1 March and 31 July. Enforcement will be through visual evidence of recent damage during any checks carried out in these months.
- Sites of Special Scientific Interest (SSSI): Farmers are required to notify English Nature of any intended operations that are likely to damage statutorily designated SSSIs. It will be a condition of the schemes that participants will not proceed with any such operations without having obtained prior approval from English Nature. Checks will be made to see that any damaging operations that appear to have been carried out have had approval from English Nature.

- **Overgrazing:** Because of the enormous variation in conditions that can arise, a single maximum stocking density as a determinant of GFP for the whole of England would not be appropriate. Instead, all farms eligible under the Hill Farm Allowance Scheme with a stocking density of 1.4 Livestock Units (LU)/ha or above will be subject to physical inspection in 2001, or in the year in which this threshold is first exceeded, and at least once every three years thereafter. Furthermore in areas where experience shows that overgrazing can occur at a lower stocking density, risk analysis used in determining the selection of farms for physical inspections will be weighted towards those farms with the highest stocking densities even if below 1.4 LU/ha. Where the physical inspection finds evidence of overgrazing, a professional site-specific appraisal will be made of whether overgrazing is occurring and will ascertain the causes. If overgrazing is occurring, a management regime including a maximum (and, where appropriate, a minimum) stocking rate to be observed on that site, will be prescribed. A follow-up visit will be undertaken no later than twelve months after the initial inspection to ensure compliance with the prescribed management regime and stocking limits. Failure to observe the stocking limits would be a breach of Good Farming Practice requirements and would lead to a loss of all entitlement to LFA payments.
- **Supplementary feeding:** In some cases no supplementary feeding is permitted under the terms of the agreement. Where it is permitted, the feed must be provided in such a way that the vegetation is not excessively trampled or poached by animals or rutted by vehicles used to transport feed. Cases of suspected unsuitable supplementary feeding will be investigated and failure to follow advice thereafter would be a breach of this condition.
- **Undergrazing:** In relation to participants in agri-environment schemes which involve livestock farming, there will be provisions to implement Article 12 of Regulation 1750/1999, i.e. to ensure that livestock are distributed across the farm in such a way that both overgrazing and under utilisation are avoided. Under-utilisation is defined as "Land where there is evidence of the annual growth not being fully utilised, or scrub or coarse vegetation is becoming evident, and such changes are detrimental to the environmental interest of the site". In addition, a minimum stocking density of 0.15 LU/ha will apply as a condition of receiving Hill Farm Allowance Scheme payments under the Programme unless otherwise required by agri-environment measures or other recognised environmental prescriptions e.g. on designated sites.

## **Scotland**

Scotland defines the same verifiable standards as England.

## **Wales**

Additional verifiable standards compared to England and Scotland are:

- Pollution: Where an inspection reveals that there is an obvious pollution problem on a holding or that the farmer has breached regulations in terms of waste disposal on land, the matter would be reported to the Environment Agency. (In England and Scotland this isn't mentioned as a verifiable standard, but the controlling agency as well carries out basic checks on compliance with legislation and will inform the relevant authority if they suspect any breaches)
- Scheduled Ancient Monuments: Damage or destruction of any scheduled ancient monuments will not be permitted. Evidence of such operations will be reported to the enforcement agency.
- Wales defines a general minimum stocking level of 0.10 LU/ha to prevent undergrazing but no clear maximum limit. The standard on hedgerows specifies slightly different dates.

## Northern Ireland

In contrary to England, Scotland and Wales, Northern Ireland doesn't define verifiable standards for silage and slurry storage. It allows a higher LU/ha (farms with more than 1.8 LU/ha, compared to 1.4 in England and Scotland, are subject to stricter inspection) and doesn't have a standard for undergrazing. Northern Ireland has got an additional standard for the protection of habitats, archaeological features and earth science sites and, like Wales, has specified a standard for pollution

## UK legislation and comparison of verifiable standards in England, Wales, Scotland and Northern Ireland:

	Legislation	Verifiable standards
Water pollution	<ul style="list-style-type: none"> <li>– Water Resources Act 1991 (England, Wales)</li> <li>– The Water Act 1972/ The Water Order 1999 (Northern Ireland)</li> <li>– The Control of Pollution Act 1974 (as amended) (Scotland)</li> <li>– Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (as amended)</li> <li>– The Groundwater Regulations 1998</li> </ul>	<ul style="list-style-type: none"> <li>– Storage of silage and slurry (England, Scotland, Wales)</li> <li>– Disposal of sheep dip (all)</li> <li>– Pollution (Wales, Northern Ireland)</li> </ul>
Air pollution	<ul style="list-style-type: none"> <li>– Clean Air Act 1993 (in Northern Ireland: Clean Air Order 1981)</li> <li>– Different regulations for burning heather, grass and crop residues</li> </ul>	None
Fertilisers/pesticides	<ul style="list-style-type: none"> <li>– The Action Programmes for NVZ Regulations 1998 and 1999</li> <li>– Plant Protection Products Regulations 1995</li> <li>– Part III of the Food and Environment Protection Act 1985 - The control of Pesticides Regulations 1986 (England, Scotland, Wales)</li> </ul>	None

Habitats, species, history	<ul style="list-style-type: none"> <li>– Wildlife and Countryside Act 1981(Northern Ireland: Wildlife Order 1985)</li> <li>– The Conservation (Natural Habitats etc.) Regulations 1994 and 1995</li> <li>– Nature Conservation and amenity Lands Order 1985 (as amended) (Northern Ireland)</li> <li>– Countryside and Rights of Way Bill (England, Wales)</li> <li>– Orders concerning Ancient Monuments and Archaeological Areas or Objects</li> </ul>	<ul style="list-style-type: none"> <li>– Site of Special Scientific Interest (all)</li> <li>– Ancient monuments (Wales)</li> <li>– Habitats, archaeological features and earth science sites (Northern Ireland)</li> </ul>
Hedges, walls,	<ul style="list-style-type: none"> <li>– Hedgerow Regulations 1997 (Removal of hedgerows) (only England and Wales)</li> </ul>	<ul style="list-style-type: none"> <li>– Trimming of hedgerows (all)</li> <li>– Field boundaries (all)</li> </ul>
Grazing	None	<ul style="list-style-type: none"> <li>– Overgrazing (all)</li> <li>– Undergrazing (England, Scotland, Wales)</li> <li>– Supplementary feeding (all)</li> </ul>

### References for the Excursus:

Department for Environment, Food and Rural Affairs (DEFRA): England Rural Development Programme 2000-2006

Scottish Rural Development Plan (Version2: 12.3.02)

The Department of Agriculture and Rural Development: The Rural Development Regulation Plan for Northern Ireland 2000-2006

The National Assembly for Wales: Rural Development Plan for Wales 2000-2006

# Good Farming Practice – Regional perspective of the administration in Northern Ireland, UK

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## **Background**

Northern Ireland is the smallest region in the UK, with 28,000 farmers. The majority of agricultural land (69%) is 'less favoured area' LFA. 43% of land is classified as Severely disadvantaged (SDA) and 26% 'disadvantaged' (DA). Extensive livestock farming dominates with an average farm size of 37ha. The countryside is typified by a patchwork of small fields bordered by hedges and dry stone walls.

Intensive agricultural production encouraged by past EU Common Agricultural Policy has resulted in a loss of biodiversity and reduced water quality. Capital grants were available until the mid 1980s to remove field boundaries, drain and reseed. Broadleaved woodland now covers less than 4% of NI, most of our flower rich meadows have been lost and many bird species are declining such as the curlew and lapwing with the corncrake almost extinct. Due to the financial incentives for farmers to maintain animals numbers to level of quotas and receive headage payments, this has resulted in problems of overgrazing particularly in the uplands resulting in loss of heather, reduction in grouse and mountain hare numbers.

## **Introduction of Agri-environment Schemes and Cross-compliance measures to livestock subsidies**

The first agri-environment scheme – The Mourne Environmentally Sensitive Area (ESA) Scheme was designated in 1988 Regulation 797/85. In 1992, the MacSharry Reform applied environment conditions to commodity support payments. With the introduction of EC regulation 2078 / 92 Member States were encourage to adopt agri-environment schemes. Five ESAs were designated, covering 20% of agricultural land, offering farmers annual payments in return for managing their whole farms in accordance with management practices required to maintain and enhance the wildlife, landscape and heritage fea-

tures on the farm. We now have 5, 000 participants accounting for over 65% of eligible farmed land.

Cross-compliance conditions attached to the Hill and Livestock Compensatory Allowance (HLCA) scheme were introduced in the UK in 1992. Cross-compliance conditions were designed to discourage overgrazing leading to environmental deterioration and or damage caused by trampling and vehicle tracking during process of supplementary feeding. Cross-compliance conditions (overgrazing/ supplementary feeding) were attached to other livestock subsidies under the Horizontal Measures 1259/1999. Set –aside was introduced for recipients of Arable Area aid payments (AAPS).

### **Good Farming Practice - Rural Development Regulation 1257/1999**

Good Farming Practice became a compulsory element under the Rural Development Regulation 1257/1999 for all agri-environment schemes, (Environmentally Sensitive Area Scheme 5,000 participants, The Countryside Management Scheme – 1,700 participants and the Organic Farming Scheme, 75 participants) and the Less Favoured Area and Compensatory Allowance Scheme.

Good Farming Practice has three elements. The first two elements are mandatory and if breached may incur financial penalties.

- a. Compliance with existing environment protection legislation. This legislation is enforced by a mixture of DARD and other Government Departments or Agencies.
  - b. ‘Verifiable standards’. These standards were chosen so that they are agriculturally practicable and otherwise beneficial throughout Northern Ireland (e.g. by preventing environmental damage).
- **overgrazing:** this is defined as ‘grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree’. Because of the enormous variation in conditions that can arise, a single maximum stocking density for the whole of Northern Ireland would not be appropriate. Instead, cases of suspected overgrazing which are identified in the course of inspections are referred to professional staff who investigate them using a standard methodology. They carry out a site-specific appraisal of whether overgrazing is occurring and ascertain



the causes. This appraisal is used to set a management regime including a maximum stocking rate to be observed on that site, for which no compensation is payable.

In relation to the LFA Compensatory Allowances the eligible forage area (from IACS) is automatically divided into the sum of paid livestock units in each scheme to obtain LU/ha of eligible land. The same calculation is used to identify farms with stocking densities above 1.8LU/ha for inspection in relation to possible overgrazing. All such farms identified at the start of the scheme in 2001 were inspected within 18 months. Thereafter all farms newly falling into this category were inspected within 12 months. All farms which continue to stock above 1.8 LU/ha are inspected at least every 3 years. Furthermore in areas where experience shows that overgrazing can occur at a lower stocking density, DARD ensures that the risk analysis used in determining the selection of farms for physical inspections is weighted towards those farms with the highest stocking densities even if below 1.8 LU/ha. Failure to follow this regime is a breach of this condition and may lead to a loss of all entitlement to LFA payments.

- **supplementary feeding:** no supplementary feeding is permitted on moorland, wetland, species-rich grassland, coastal habitats, broadleaved woodland/scrub habitats or archaeological features (\*see definitions) or adjacent to watercourses. Where supplementary feeding is permitted, the feed must be provided in such a way that the vegetation is not excessively trampled or poached by animals or rutted by vehicles used to transport feed. Cases of suspected unsuitable supplementary feeding are investigated.
- **field boundaries:** removal or destruction of any hedges or stone walls on the farm will not be permitted except by prior permission from the Department. Enforcement is through visual assessment of any recent damage during field checks.
- **Areas of Special Scientific Interest:** farmers are required to notify Environment and Heritage Service of any intended operations that are likely to damage statutorily designated ASSIs. It will be a condition of the schemes that participants will not proceed with any operations without having obtained prior approval from Environment and Heritage Service. Checks are made to see that any damaging operations that appear to have been carried out have had approval from EHS.

- **Pollution:** where an inspection reveals that there is an obvious pollution problem on a holding or that the farmer has breached regulations in terms of waste disposal on land, the matter is reported to the Environment and Heritage Service.
- **sheep dip:** any farmer proposing to dispose of sheep dip on his land must obtain prior authorisation from Environment and Heritage Service. Checks are made to see that either authorisation has been obtained or that there is a reason why no authorisation is needed in that individual case.
- **hedgerows:** trimming of hedgerows, hedge laying and coppicing on the farm must not be carried out between 1 March and 31 August. Enforcement is through visual evidence of recent damage during any checks carried out in these months.
- **Habitats, Archaeological Features and Earth Science Sites:** farmers are prohibited from any operations such as in-filling; reclamation; extraction of peat, sands or gravels without necessary permissions; woodland clearance; that are likely to damage wetland, moorland, broadleaved woodland/scrub, species-rich grassland and coastal habitats, archaeological features and earth science sites. Enforcement is through visual assessment of recent damage during field checks.

**\*Definitions:-**

“**moorland**”: areas of bog, dwarf shrub heath and montane habitats;

“**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/scrub**”: vegetation dominated by broadleaved trees and shrubs containing less than 15% conifers;

**“coastal habitats”**: areas of maritime cliff and slopes, sand dunes, vegetated shingle, saltmarsh and all areas below high water mark;

**“earth science sites”** are areas of bedrock or surface deposits that provide important evidence for the patterns, processes and dating of geological and biological events from the beginning of the Earth’s history to the present day;

**“archaeological features”** are those man-made parts of the environment which represent the physical effort, aspirations and achievements of all previous generations. They date from the earliest human presence in Ireland to the recent past and are a finite and non-renewable resource. These include megalithic tombs, standing stones, stone circles, cairns, barrows, hillforts, raths, cashels, churches and castles.

- c. The third element is one of encouragement whereby all farmers who are either joining agri-environment schemes or receiving LFA allowance payments are given an explanatory booklet on Good Farming Practice with regard to the environment and offered training. Farmers are required to retain copies of the Codes while they remain in an agri-environment scheme or continue to claim LFA payments. Farmers are encouraged to follow the recommendations and advice contained in these Codes as far as possible, but compliance is not be subject to 5% checks as the standards are not all verifiable and penalties are not applied.

## **Good Farming Practice Training Programme**

Farmers are invited to participate in workshops held on local Good Farming Practice host farms. Workshops are developed by DARD and delivered by self-employed trainers (farmers). The Host farms also receive payments for hosting workshops. The on-going training programme was launched in 2001 and over 2,000 farmers have attended.

## **Inspections for Good Farming Practice and Cross-compliance**

A minimum level of 5% inspections are carried out to check scheme compliance, 2% is based on random, 3% based on “risk analysis” with scores/weightings given to

- area of land farmed
- size of claim
- history of non-compliance
- new claimant

DARD inspectors are multi-skilled and complete the report form which contains questions to check for compliance with environmental legislation and environmental legislation. Suspected breaches are report to the Good Farming Practice (GFP) central liaison point for investigation. Any breaches of the legislation are forwarded to the relevant authority to carry out an inspection. In addition to the regular on the spot inspections, DARD investigate alleged breaches of the Good Farming Practice that come to its attention as a result of the activities of its staff or following reports from others. Also, authorities, which enforce this legislation notify DARD of any cases where farmers are convicted of offences under relevant provisions of this legislation or, in appropriate cases, against whom a statutory enforcement notice has been raised.

## **Penalties**

Breach penalties are applied by DARD in accordance with GFP breach procedure guidelines. Penalties applied are proportionate to the offence and the objectives of the scheme agreement. Penalties range from warning letters to 10% reduction in subsidies, to in extreme cases exclusion from the scheme.

A limited number of breaches have been identified and resulted in issuing of warning letters. Before the promotional campaign was launched, it was difficult to breach farmers before they were notified of Good Farming Practice conditions. This highlights the need for ongoing promotion of GFP.

Breach reports must be legally defensible and this presents time and resource problems to measure 'significant' damage. The UK is currently developing more rigorous assessment methods to assess overgrazing assisted by Nature Conservation agencies. National and local liaison structures for reporting and investigating breaches are being reviewed to increase their effectiveness.

### **Effect of Good Farming Practice on Rural Development Regulation Measures**

Good Farming Practice has increased farmers' environmental awareness. This has been achieved through farmers receiving the explanatory booklet and attendance at the locally based training programme. A video on Good Farming Practice has also been produced to raise farmers' awareness. However, some farmers still claim to be unaware of Good Farming Practice. Therefore continued action and promotion is required. Publication of a simple Good Farming Practice check list has been suggested.

The numbers participating in Agri-environment schemes are steadily increasing, with a target of 10,000 participants by 2006. The introduction of an Entry Level Agri-environment scheme is proposed in 2004, to enable more intensive farms to participate in environmentally friendly farming practices. However, with the potential to receive double/triple penalties if they breach Good Farming Practice, some farmers may view this as a disincentive to join agri-environment schemes, due to the increased chance of inspection if participating in a number of schemes.

### **Future ?**

The UK agrees in principle with the mid-term review proposals for cross-compliance, while highlighting the need for a flexible risk based approach to inspections. Members states should be able to define Annex IV – 'Good Agricultural Conditions' to address local environmental priorities. To achieve the environmental goals cross-compliance and Good Farming Practice aim to address, consideration must surely be given to having one set of cross-compliance rules. Separate Good Farming Practice and cross-compliance measures leads to confusion among farmers and among government/agency administrators and increased delivery and inspection costs.