

SCHEDULE

Regulation 4(1)

STANDARDS OF GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

Soil management

- 1.—(1) A farmer shall prevent soil from being poached, except where:
 - (a) poaching of soil is a necessary consequence of measures taken to ensure animal welfare during periods of extreme weather conditions;
 - (b) the waterlogged soil is within 5 metres of a gateway or other access point and access is required over the waterlogged soil to land that is not waterlogged;
 - (c) the waterlogged soil is on an established track to land that is not waterlogged;
 - (d) poaching of soil is a necessary consequence of harvesting a crop of fresh vegetables or fruit in circumstances where such produce would deteriorate if not harvested as a matter of urgency; or
 - (e) poaching of soil is a necessary consequence of works that are required to improve the drainage of the waterlogged soil.
- (2) A farmer shall ensure that during the period after harvest until the 1st March in the following year one of the following conditions is met in respect of cultivated land:
 - (a) the stubble of the harvested crop remains in the land;
 - (b) the land is sown with a temporary crop cover; or
 - (c) the land is left with a rough surface following ploughing or discing.

Supplementary feeding

- 2.—(1) A farmer shall ensure that no supplementary feeding site is located on any part of his land that constitutes part of a semi-natural habitat or a historic monument.
- (2) A farmer shall ensure that no supplementary feeding site is located within:
 - (a) 10 metres from a waterway;
 - (b) 50 metres from a borehole; or
 - (c) 250 metres from any borehole currently used to provide water intended for human consumption.
- (3) Without prejudice to paragraph 1(1)(a), a farmer shall rotate and manage supplementary feeding sites so as to prevent poaching on his land.
- (4) A farmer shall not permit sacrifice areas on land except where the land is improved grassland or arable land and where the gradient of the land does not permit liquid runoff.
- (5) Where a sacrifice area is permitted, the land on which it is located shall, either:
 - (a) be ploughed and sown in the following spring; or
 - (b) be allowed to regenerate naturally the following spring provided that the land has at least 90% grass coverage by the 31st May in that year.

Overgrazing

3. Without prejudice to paragraph 2(4), a farmer shall not permit land to be overgrazed, except where:
 - (a) the land is located within 5 metres from a gateway or laneway; or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) overgrazing is a necessary consequence of measures taken to ensure animal welfare during periods of extreme weather conditions.

Undergrazing

4.—(1) A farmer shall not permit land to be undergrazed.

(2) A farmer shall ensure that land is not degraded to the extent that the land is not capable of returning to agricultural production by the start of the next growing season by the presence of any of the following species of plant: rhododendron, gorse, giant hogweed, Japanese knotweed and any noxious weed within the meaning of Article 3 of the Noxious Weeds (Northern Ireland) Order 1977⁽¹⁾.

Field Boundaries

5.—(1) Except with the prior written approval of the Department, a farmer shall not permit:

- (a) the removal of any dry stone wall, hedge or earthbank;
- (b) the infilling of any open sheugh or ditch; or
- (c) the laying of a drainage pipe in any open sheugh or ditch.

(2) Without prejudice to sub-paragraph 1(a), where a tree is growing in a hedge removal of such tree is permitted without obtaining the prior written approval of the Department where:

- (a) its removal is necessary for reasons of human health or public safety; or
- (b) the tree is used for timber, provided that a sapling replaces the tree in the hedge within a reasonable time.

(3) A requirement to obtain the prior written approval of the Department at sub-paragraph 1(b) or (c) shall not be necessary in the case of a permanently dry sheugh or ditch.

(4) A farmer shall not permit the carrying out of hedge cutting, coppicing, or laying of hedges between the 1st March and 31st August, except where this is necessary for reasons of human health or public safety.

Protection of semi natural habitats and historic monuments

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

- (a) a semi-natural habitat;
- (b) a shelterbelt;
- (c) a historic monument.

Compliance With Statutory Provisions

7.—(1) A farmer shall comply with any stop notice served upon him under regulation 22(1) and any reinstatement notice served upon him under regulation 24(1) of the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001⁽²⁾.

(2) A farmer shall comply with any tree preservation order in force in relation to any tree on his land.

(1) S.I. 1977/52 (N.I. 1)
(2) S.R. 2001 No. 435

New Works

8. Except with the prior written approval of the Department, a farmer shall not undertake any new drainage works, or carry out any ploughing, clearing, levelling, re-seeding or cultivation, on previously uncultivated land or semi-natural habitats.

Burning of Ground Cover

9. A farmer shall not permit the burning of heather, gorse, or ferns between 15th April and 31st August.

Interpretation

10. In this schedule:

“arable land” means land on which cereal or oil-seed rape crops are grown;

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

“discing” means breaking up the surface of land mechanically by means of a thin flat revolving disc;

“earthbank” means a ridge constructed from soil which forms part of a field boundary;

“historic monument” has the same meaning as in Article 2(2) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(3);

“improved grassland” means grassland on which more than 20% of the sward is comprised of ryegrass, timothy, red fescue or white clover;

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

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

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

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

“semi-natural habitat” means an area which is not subject to an intensive farming regime, such as an area of moorland, scrub, heath, wetlands, species rich grassland, broadleaf woodland, a coastal habitat, or waterway. These examples are without prejudice to the generality of the expression;

“shelterbelt” means a row of trees planted on land to provide shelter from prevailing winds;

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

“tree preservation order” has the same meaning as in Article 65 of the Planning Order (Northern Ireland) 1991(4);

“undergrazing” means permitting the growth, quality or species composition of grazed vegetation to deteriorate significantly through the lack of, or through insufficient, grazing or management;

(3) S.I. 1995/1625 (N.I. 9) to which there are amendments not relevant to the subject matter of these Regulations

(4) S.I. 1991/1220 (N.I. 11); Article 65 has been amended by Article 26(1) of the Planning (Amendment) (Northern Ireland) Order 2003 S.I. 2003/430 (N.I. 8)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“waterway” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order 1999⁽⁵⁾.

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