



Guidance for Cross Compliance in England: Management of Habitats and Landscape Features

2011 edition

Other existing publications on cross compliance

Publication no.	Title
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PB13315	<i>Cross Compliance Guidance for Soil Management 2010 edition</i>
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This booklet (rpa176) has been produced as an electronic version only, you can print a copy from the RPA website: rpa.defra.gov.uk

Preface

This booklet gives advice on good practice and should be read with *The Guide to Cross Compliance in England 2011 edition*.

It replaces the 2008 edition of the *Single Payment Scheme Management of Habitats and Landscape Features: Guidance for Cross Compliance in England*, includes guidance on the new cross compliance standard which brings England's water abstraction licensing scheme into cross compliance, and updates guidance on some of the other standards. Defra has also taken the opportunity to raise awareness of the Campaign for the Farmed Environment in this booklet.

This booklet is available online only. Where there are any changes to the guidance in this booklet, or where legislation relating to cross compliance changes, we will put updates on the Rural Payments Agency (RPA) website at rpa.defra.gov.uk.

Legal notice

This guide provides a general, user-friendly, summary of the Good Agricultural and Environmental Condition (GAEC) cross compliance rules and outlines why you need to meet these rules. **It is not a statement of the law.** The specific cross compliance rules are set out in European and UK legislation. You should refer to this legislation to find out exactly what you must do. This legislation and more information are available from the cross compliance section of the RPA website at rpa.defra.gov.uk/crosscompliance.

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Introduction

Please take a little time to read this guidance, which will help you understand the reasons for the Good Agricultural and Environmental Condition (GAEC) standards. It also advises you on good practice and offers tips to help you meet the standards. It signposts sources of more information and gives you links to Rural Development Programme for England scheme options (including Environmental Stewardship) that offer financial support.

This document is for guidance only, it is not a statement of the law.

Your responsibilities

You should read this guidance with:

- the *Soil Protection Review 2010* and the *Cross Compliance Guidance for Soil Management 2010 edition* which cover guidance for GAEC 1. This standard now brings together the 4 soils GAECs (including GAEC 4 Crop residue burning restrictions, which was previously covered in this guidance) into a single GAEC; and
- *The Guide to Cross Compliance in England 2011 edition*, which outlines cross compliance rules and helps explain how you must manage habitats and landscape features to meet the GAEC rules under cross compliance.

The specific cross compliance rules are set out in European and UK legislation and you should refer to this legislation to find out exactly what you must do. This legislation, and more information, are available from the cross compliance section of the RPA website at rpa.defra.gov.uk/crosscompliance. A helpline is available to give technical advice and support for farmers, other land managers, their advisers and agricultural contractors. You can telephone 0845 345 1302 for technical advice or visit www.crosscompliance.org.uk.

Cross compliance covers all agricultural activities and you must meet the rules across the whole agricultural area of your holding, regardless of the amount of land you entered into the Single Payment Scheme (SPS), other direct payment or rural development schemes. This includes common land over which you exercise or hold rights of common, including rights in gross. If you break cross compliance rules and you are directly responsible, you may have your Single Payment Scheme payment, other direct payments and payments under certain land based rural development schemes (such as Environmental Stewardship) reduced. The RPA, Natural England and/or the Forestry Commission will advise you of any reduction to your payments.

Cross compliance rules apply in addition to your underlying obligations under European and UK legislation. Cross compliance reductions will be applied independently of any other sanctions you may face under this legislation.

Layout of this guidance

Throughout this guidance, we have used a standard series of headings, including examples of good practice and bad practice, for each GAEC.

Why do we need this standard and what are we trying to achieve?

This section describes the environmental reason for the standard, how it applies to your farm, and the management and environmental results we are aiming to achieve.

Good practice – what you should do to help get the best results

This section gives details on what you should consider doing so that you can achieve the environmental aims. To meet each GAEC you do not need to do everything we have shown. However, a key aim of this guidance is to encourage you to do as much as is reasonable to benefit the environment. The list we have shown is not exhaustive, but contains the examples of good practice that the environment would benefit from most.

Bad practice – what you should avoid doing

This section gives clear details on what you should not do. If you do any of these, you may not meet GAEC standards and could have your SPS payment, other direct payments and certain rural development payments reduced. You should read the relevant legislation and *The Guide to Cross Compliance in England 2011 edition* to help you understand the basic rules which you must meet.

Exceptions

This section explains the main circumstances where there are exceptions for certain GAECs, as identified in *The Guide to Cross Compliance in England 2011 edition*. This section also describes where you can apply to RPA for an exemption or derogation. Remember that you should wait for written permission before proceeding, to avoid not meeting the standards and risking having your payment reduced.

You can apply for an exemption or derogation by writing to the RPA Customer Service Centre. Please make sure that any application is supported by adequate evidence, such as advice from an agronomist. Give all of the land parcel numbers for any affected fields for which you want an exemption or derogation. You can support your application with photographic evidence or explanatory diagrams. All letters and e-mails requesting exemptions and derogations should be clearly headed 'Cross Compliance Derogation'. Send e-mails about exemptions or derogations to csc@rpa.gsi.gov.uk or write to Rural Payments Agency, PO Box 300, Sheffield S95 1AA.

Opportunities under Rural Development for England schemes

This section gives details of other environmental measures available and paid for in Rural Development Programme for England schemes (including Environmental Stewardship).

Other legislation and codes of good practice you should follow

This section gives information about any other legislation that supports the aims of each GAEC, and which you should meet. Codes of practice can be advisory or, occasionally, compulsory but you should follow them where needed to support the GAEC. In the Appendix, you can read a short outline of some key pieces of legislation and codes of practice mentioned here.

More information

This section gives titles of publications and internet sources for more guidance. Links to internet sources are correct at the time that this guidance is written. *The Guide to Cross Compliance in England 2011 edition* gives lists of useful telephone numbers, websites and e-mail addresses including those to help you get copies of key publications.

Visit rpa.defra.gov.uk/crosscompliance/farmerguidance. You can also visit the Useful contacts electronic appendix to *The Guide to Cross Compliance in England 2011 edition* on the RPA website at rpa.defra.gov.uk/crosscompliance/appendices.

Relationship between GAECs and rural development

The GAEC standards give a baseline of environmental protection for soils, habitats and landscape features and the protection and management of water. Payments under Environmental Stewardship are to support activities that go beyond the rules of the GAECs. You can read information on Environmental Stewardship and how to apply at www.naturalengland.org.uk/ourwork/farming/funding/es/default.aspx.

If your agreement under certain rural development schemes (including Environmental Stewardship) started in 2007 or later, you must meet the rules of the scheme and you must meet cross compliance rules to get your full payment. If your requirements under certain land based rural development schemes conflict with GAEC standards, the rural development scheme requirements will generally take priority. If you are not sure, you should e-mail RPA at csc@rpa.gsi.gov.uk or write to Rural Payments Agency, PO Box 300, Sheffield S95 1AA.

Campaign for the Farmed Environment (CFE)

The Campaign for the Farmed Environment, which was launched in November 2009, aims to retain and exceed the environmental benefits that were previously provided by set-aside. Although not part of cross compliance, Defra has taken the opportunity to raise awareness of the Campaign for the Farmed Environment in this guidance. It promotes environmental action by farmers to encourage farmland birds and other wildlife and to protect natural resources. Participation in the Campaign by farmers and land managers is voluntary, and it has been developed in partnership by the farming industry, conservation groups and Government. Delivery is being led by the industry.

Set-aside ended in 2007. While it was introduced to help prevent over-production, the land taken out of production also provided incidental environmental benefits such as resource protection (for example, improved water and soil quality); habitat for farmland birds (for example, skylarks and lapwings); and habitats for other farmland wildlife (for example, brown hares, bees, butterflies, newts, bats and water voles). These benefits to the environment may be lost without measures in place to maintain and promote them.

The Campaign has set key targets to be achieved by June 2012, which include retaining current levels of uncropped land, increasing the uptake of key in-field options under Entry Level Stewardship (ELS) and getting farmers to implement some agreed environmental measures on a voluntary basis (not as part of an agri-environment agreement). Partners are regularly monitoring progress towards meeting targets. A list of the measures which you can undertake is below. The Campaign is targeted at arable farmers (who farm at least 10 hectares of arable land).

The Campaign is run by a national coordinator with a number of local coordinators. They run local activities at county level to promote the Campaign to farmers. If you want to find out about events, participate in the Campaign and/or want more information, please contact the Campaign coordinator, telephone 024 7685 8892 or e-mail cfeonline@nfu.org.uk.

The voluntary measures which the Campaign asks farmers to adopt, outside of any agri-environment agreement, are:

- C1 Grass buffers alongside temporary and permanent water courses.
- C2 Grass areas to prevent erosion and run-off.
- C3a Reverted arable areas.
- C3b Reverted arable areas with scrub management.
- C4 Skylark plots.
- C5 Fallow plots/Uncropped, cultivated areas for ground-nesting birds on arable land.
- C6 Overwinter stubble followed by spring/summer fallow.
- C7a Overwintered stubble.
- C7b Overwintered stubble on vulnerable soils.
- C8 Uncropped, cultivated margins (not GAEC 14 margins).

- C9 Wild bird seed mixture (arable/grassland areas).
- C10 Game strips.
- C11 Unharvested cereal headlands.
- C12a Pollen & nectar mixtures (arable/grassland areas).
- C12b Pollen & nectar mixtures for horticultural crops.
- C13 Sown wildflower headlands.
- C14 Selective use of spring herbicides.
- C15 Enhanced management of Short Rotation Coppice (SRC) (willow or poplar only – not miscanthus).

These measures could be subject to change, visit the Campaign website for updates. More information about all of these measures is provided in a farmers' guide, which is available at www.cfeonline.org.uk, or from the CFE coordinator, telephone 024 7685 8892 or e-mail cfeonline@nfu.org.uk.

Defra has introduced new flexibility into the standard for agricultural land not in agricultural production (GAEC 12) to make sure that farmers can undertake the measures they choose. Where certain voluntary measures (C1, C2 and C12a/b in the current list) are undertaken on land out of production, the cutting rules of GAEC 12 do not apply where cutting is necessary to establish and/or manage that measure. If you believe there may be a conflict with other cross compliance rules in establishing particular voluntary measures, please contact the Cross compliance advice line on 0845 345 1302.

Permanent pasture in England

Under the Single Payment Scheme, European Union member states have to retain permanent pasture. Many species of birds, mammals and insects need a network of grassland habitats for food and shelter. Grasslands managed with low amounts of fertiliser can have a particularly wide range of grasses and wildflowers. Retaining permanent pasture will help to maintain the variety of these grasslands across different soil types and farming systems, and could help ecosystems and species adapt to climate change. Permanent grassland is also less at risk of soil erosion than cultivated land, and has greater potential for carbon storage.

1. Permanent pasture is land that:
 - is used to grow grasses or other herbaceous forage, either self-seeded or sown and has not been included in the crop rotation for 5 years or longer;
 - has not been set-aside during this 5 year period under the Single Payment Scheme options; and
 - has not been taken out of production under certain agri-environment schemes.
2. In future years there may be a cross compliance standard to maintain the appropriate ratio of permanent pasture to agricultural land.
3. You should:
 - accurately record on the Single Payment Scheme application the area of permanent pasture on your farm;
 - understand your obligations under the Environmental Impact Assessment legislation (read GAEC 5); and
 - be aware of any other responsibilities that you have to meet, such as those under:
 - GAEC 6 Sites of Special Scientific Interest (SSSIs).
 - GAEC 7 Scheduled monuments.
 - GAEC 9 Overgrazing and unsuitable supplementary feeding (on natural or semi-natural vegetation).
 - Statutory Management Requirement (SMR) 4 – Nitrate Vulnerable Zones (NVZs). For details of maps showing NVZs visit the ADAS website (for Defra) at <http://web.adas.co.uk/defra/>.
 - SMR 5 Habitats and species (Special Areas of Conservation).
 - Rural development schemes (including Environmental Stewardship).
4. It is good practice to leave land in permanent pasture on steep fields and flood plains as this can help reduce erosion and soil loss during periods of heavy rain and flooding.

5. To help lessen the impact of your farming operations on the environment, where possible, on permanent pasture, **do not** carry out the following:
 - change the plant species present or damage the habitat;
 - overgraze or undergraze;
 - damage soil structure and archaeological features;
 - pollute ground and surface waters;
 - poach; or
 - use unsuitable supplementary feeding.
6. You can get detailed guidance on managing pasture by contacting Natural England or at www.naturalengland.org.uk/information_for/farmers_and_land_managers/default.aspx.
7. You can get detailed guidance on managing archaeological features by contacting English Heritage or at www.english-heritage.org.uk/caring/listing/what-can-we-protect/scheduled-monuments/.
8. Payments are available under Environmental Stewardship for managing permanent pasture when you meet specific stocking, fertiliser and grassland management requirements as part of achieving agreed environmental results. Permanent pasture of high environmental interest, such as that which supports certain species or is on, or next to, a Site of Special Scientific Interest, may be suitable for entry into Higher Level Stewardship.

Environmental Impact Assessment (EIA)

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to take into account the environmental importance of uncultivated land and semi-natural areas. It applies to you if you intend to increase the productivity of land that either has not been cultivated within the last 15 years or is semi-natural.

1. This standard supports the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006 and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Environmental Impact Assessment of uncultivated land and semi-natural areas

Why do we need this standard and what are we trying to achieve?

2. The Environmental Impact Assessment process identifies uncultivated land and semi-natural areas of particular importance to the environment. It also considers the effects of increasing the productivity of this land for agricultural purposes before work begins.

Good practice – what you should do to help get the best results

3. You should apply to Natural England for an Environmental Impact Assessment screening decision if you are planning work which will:
 - take place on 2 hectares or more of uncultivated land or semi-natural area; and
 - increase the productivity for agriculture of that land.

The Environmental Impact Assessment guidance gives a full list of projects or operations including, for example, ploughing, drainage and the spreading of fertiliser or lime (read More information on page 11). The types of land covered by the regulations will either:

- not have been cultivated (physically or chemically) in the last 15 years; or
 - be a semi-natural area as defined in Annex 1 of the Environmental Impact Assessment guidance. You can carry out an assessment yourself to find out if the land you are looking at falls under Environmental Impact Assessment regulations.
4. The 2 hectare threshold also applies where several small projects, with a combined area of 2 hectares or more, are planned on a single holding. You will need permission for work involving more than 2 hectares of relevant land, even if the work is carried out in stages over a long time, or if it involves different types of work, such as ploughing in one area or using fertiliser in another.
 5. If you are not sure of the environmental value of the land you are assessing, or if the work you are planning could be considered as a project, you can discuss this with the Environmental Impact Assessment Unit at Natural England, Bristol (read More information on page 11 for contact details). If your project falls under the regulations, you should only start it if you have approval from the Environmental Impact Assessment Unit.

Bad practice – what you should avoid doing

6. Ignoring the Environmental Impact Assessment process, or carrying out an incorrect assessment, could result in Natural England taking action to stop any work and you having to return the land to how it was before you started the work. They may even prosecute through the courts.

Exceptions

7. Although in general the rules of this GAEC standard apply to land of 2 hectares or more, Natural England has the power to serve screening notices on areas of land smaller than 2 hectares.

Other legislation and codes of good practice you should follow

The Environmental Impact Assessment process does not replace, duplicate or affect other statutory requirements that may restrict operations on the land

More information

General information on Environmental Impact Assessment relating to uncultivated land or semi-natural areas is available from the Environmental Impact Assessment Unit at Natural England. Use the freephone helpline 0800 028 2140, or e-mail eia.england@naturalengland.org.uk

The Environmental Impact Assessment guidance is available at www.naturalengland.org.uk/ourwork/regulation/eia/default.aspx

Environmental Impact Assessment of forestry**Why do we need this standard and what are we trying to achieve?**

8. Removing or planting trees can have a significant impact on the environment. Landscape is most obviously affected, but wildlife habitats and individual species can be affected too. The landscape character of an area and sites of archaeological value can be damaged or destroyed by inappropriate tree removal or tree planting. You must make sure that you complete the necessary Environmental Impact Assessment process before starting any project or operation that will affect tree and woodland areas on your farm.

Good practice – what you should do to help get the best results

9. If you are planning any woodland planting or removal, or work to create or maintain forestry roads, or any quarry works associated with forestry roads, contact the Forestry Commission, which has to consider them under the Environmental Impact Assessment Forestry Regulation and can offer you advice.
10. If the project does not require an Environmental Impact Assessment, you should still check with the Forestry Commission to see whether you need a felling licence before starting any work (read GAEC 16).
11. The forestry Environmental Impact Assessment process does not encourage converting woodland to other land uses. It is important to check with the Forestry Commission before you start to convert any woodland areas, including those where trees have invaded other natural habitats or important sites and are causing damage. You will still need to meet felling licence and Tree Preservation Order rules.

Bad practice – what you should avoid doing

12. Do not ignore the Environmental Impact Assessment process if it applies to your land and the project you are planning.
13. Tree species and woodland areas planted in the wrong place, and badly sited roads or quarries, can all have a significant negative impact on local landscape, archaeology and wildlife. Therefore, you should plan your planting carefully, and get professional advice if you are not sure.

Exceptions

14. There are several thresholds for Environmental Impact Assessment of forestry. You can read full details on the Forestry Commission website at www.forestry.gov.uk/forestry/infd-6df155.

Other legislation and codes of good practice you should follow

Forestry Act 1967

Forestry (Felling of Trees) Regulations 1979

GAEC 16 Felling of trees

GAEC 17 Tree Preservation Orders (TPOs)

More information

General information on Environmental Impact Assessments of forestry is available from the Forestry Commission or at www.forestry.gov.uk/forestry/infd-6df155

Sites of Special Scientific Interest (SSSIs)

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to help protect, manage and maintain Sites of Special Scientific Interest (SSSIs) because they are important for rare species, habitats, geology and landscapes. It applies to you if you are an owner, an occupier, or a manager of land that is designated as an SSSI.

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Sites of Special Scientific Interest are nationally important for their habitats, plant and animal species, geology and landform. Special Protection Areas are of European importance for birds, while Special Areas of Conservation are of European importance for other species and habitats. Ramsar sites (wetlands designated under the Ramsar Convention) are of international importance. Most Sites of Special Scientific Interest need to be managed to maintain their features of conservation interest, but they can be damaged if wrongly managed or neglected.
3. If you have a Site of Special Scientific Interest on, or next to, your land you may have an important part to play in maintaining it in good condition. The GAEC requires farmers, landowners and managers to not carry out 'operations likely to damage' (OLDs) on Sites of Special Scientific Interest, without the necessary consent. It also requires them to not intentionally or recklessly destroy or damage any of the special interest features of the Site of Special Scientific Interest, or disturb any fauna that is a special interest feature. They must also comply with any management notices on these sites.

Good practice – what you should do to help get the best results

4. Find out as much as you can about any Sites of Special Scientific Interest on your holding directly from Natural England or visit the Natural England website at www.naturalengland.org.uk (read More information on page 14).



(photo credit: Richard Rallings)
Long Mynd SSSI, Shropshire

5. Natural England will be happy to discuss any issues relating to the Site of Special Scientific Interest, including any specific site requirements and notifications. Natural England will also be able to advise you on what you can do to help protect and maintain any Sites of Special Scientific Interest that are on or next to your land.
6. Speak with Natural England when you are in the planning stage for any work that may affect the Site of Special Scientific Interest, rather than just before you start the work. Make sure all workers and contractors are aware of the Sites of Special Scientific Interest on your land.

Bad practice – what you should avoid doing

7. Do not start any operations likely to damage a Site of Special Scientific Interest without prior consent from Natural England. Operations likely to damage a site will vary, depending on the site features, condition, management history and current threats. Some examples of operations likely to damage the sites are:

- cultivation and re-seeding;
- grazing and stock feeding;
- application of manures, fertilisers, lime and pesticides;
- burning or drainage; or
- vehicle use.

Exceptions

8. You will not break the rules if you have a reasonable excuse. A reasonable excuse may include:

- You have planning permission to carry out the work.
- You have permission from a public body or statutory authority which has consulted Natural England before giving the permission. You should check this with Natural England before you start the work.
- It was an emergency operation and was notified to Natural England as soon as possible after the emergency.

Also, you do not need to obtain consent if the work is covered by your management agreement under the rural development schemes, including Environmental Stewardship.



(photo credit: Robert Goodison)
Belted Galloway grazing on SSSI limestone grassland

Opportunities under Rural Development for England schemes

9. Funding to encourage positive management of Sites of Special Scientific Interest may be available under Higher Level Stewardship options. Funding for specific projects is currently available through Natural England.

Other legislation and codes of good practice you should follow

SMR 1 Wild birds, where the site is a Special Protection Area (read *The Guide to Cross Compliance in England 2011 edition*)

SMR 5 Habitats and species, where the site is a Special Area of Conservation (read *The Guide to Cross Compliance in England 2011 edition*)

More information

Sites of Special Scientific Interest (SSSIs): England's Special Wildlife and Geological Sites (2008) is available from Natural England Publications or at www.naturalengland.org.uk/information_for/sssi_owners_and_occupiers/default.aspx

To find out why an SSSI is of special interest visit www.sssi.naturalengland.org.uk/Special/sssi/search.cfm and enter the name of the SSSI
 Or call Natural England on 0845 600 3078

Scheduled monuments

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to help preserve scheduled monuments because they are important landscape features. It applies to you if you have a scheduled monument on your land.

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Archaeological and historical sites are an important part of our landscape and cultural heritage. They are a valuable record and resource for the education and the benefit of future generations. Some 5% of these sites are protected as scheduled monuments, which are chosen for their national importance and represent many of the most significant remains, even though many have already been damaged by agricultural operations. There are many other sites that are worth protecting for their regional or local importance.
3. You need to get written consent from English Heritage before carrying out works on scheduled monuments, and you must comply with conditions attached to any consent. Local Government Archaeological Officers keep a register for their area of all known archaeological sites, including scheduled monuments. These are known as Historic Environment Records.

Good practice – what you should do to help get the best results

4. It is important that you contact your Local Government Archaeological Officer to identify the requirements which are specific to any scheduled monuments on your farm. You can use different farming practices to meet many of these requirements. For example:
 - Make sure all workers and contractors are aware of the scheduled monuments on your farm.
 - Monitor the condition of your scheduled monuments for signs of damage caused by overgrazing or poorly positioned additional feeding, remove the cause of the damage and give the land time to recover.
 - Make sure that tracks and access points avoid scheduled monuments.
5. On scheduled monuments:
 - Avoid creating ruts or other soil disturbance whatever the land is used for.
 - Avoid putting up new fences.



(photo credit: Neil Harris)
Mosaic lying beneath arable land in the Cotswold Hills

- Avoid digging ponds or scrapes.
 - Leave tree stumps in place.
 - Keep scrub under control.
 - Plough no deeper than you do currently. Reduce plough depth in areas where there may be fragile archaeological features.
6. Where possible, protect land surrounding scheduled monuments as this may also contain valuable archaeological features.
7. Contact your Local Government Archaeological Officer for guidance on the impact that your farming might have on any nearby scheduled monument not on your land. You can also get advice about protecting other important historic features on your land. Contact your English Heritage regional office for guidance about your responsibilities for scheduled monuments.

Bad practice – what you should avoid doing

8. You should avoid any damage to scheduled monuments by making sure that you get written consent from English Heritage before you start any work. For example, you **should not**:
- Dump on, cover up, remove, repair or alter, add to or flood the monument without consent from English Heritage.
 - Allow metal detecting or the removal of finds without a licence from English Heritage.

Exceptions

9. You will not have broken these rules if any of the points below apply:
- you took all reasonable precautions, and exercised all due diligence, to prevent any damage to the monument (this applies to work resulting in the demolition or destruction of, or damage to, a scheduled monument);
 - you did not know, and you had no reason to believe, that the monument was in an area affected by the works, or that the monument was scheduled (this applies to work resulting in the demolition or destruction of, or damage to, a scheduled monument or work for the purpose of making alterations or additions to a scheduled monument, or part of one); or
 - the works were urgently necessary in the interests of health and safety and you gave written notice to English Heritage of the need for the works as soon as reasonably possible.

Opportunities under Rural Development for England schemes

10. Scheduled monuments and other historical features can be supported by management options in Environmental Stewardship.

Other legislation and codes of good practice you should follow

Ancient Monuments and Archaeological Areas Act 1979

Schedule to Ancient Monuments (Class Consents) Order 1994

GAEC 5 Environmental Impact Assessment (EIA), where the scheduled monument is on uncultivated land or a semi-natural area

More information

For a copy of *Scheduled Monuments: A Guide for Owners and Occupiers* (English Heritage, 2004), or for details of English Heritage offices, contact English Heritage or visit www.english-heritage.org.uk/publications/scheduled-monuments-guide-for-owners-and-occupiers/

For more information on scheduled monuments visit www.magic.gov.uk

Contact details for your local Historic Environment Record (HER) can be found on the:

- Association of Local Government Archaeological Officers website at www.algao.org.uk
- Heritage Gateway at www.heritagegateway.org.uk/Gateway/CHR/
- English Heritage website at www.english-heritage.org.uk/publications/scheduled-monuments-guide-for-owners-and-occupiers/

For information on managing historic places visit www.helm.org.uk/server/show/nav.19661

Public rights of way

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to keep public rights of way open and accessible because they are important landscape features. It applies to you if you have any visible public rights of way on your land.

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. There are thousands of miles of public rights of way in England, all of which should be kept in an open and accessible condition. However, some may be problematic and can lead to misunderstandings between users and landowners.
3. The Highways Act 1980 (as amended by the Rights of Way Act 1990) requires you to keep all rights of way on your land open, unobstructed to their full width and on their legal line. You should maintain stiles and gates where they are your responsibility and reinstate cross-field footpaths and bridleways where they are disturbed by agricultural activities such as ploughing.
4. Where a 2 metre protection zone (as required by GAEC 14) is centred on a hedgerow or watercourse, and there is already an existing public right of way alongside these features, the access should continue along its current line and can be on the same land as the protection zone. You must not redirect the public right of way. Where the access is well used and results in bare soil developing, the rules under GAEC 14 apply as far as is practical.

Good practice – what you should do to help get the best results

5. Find out whether you have any rights of way on your farm, where they go, and what width they should be, by asking your local highway authority, which holds the Definitive Map and Statement for your area. Your local highway authority may also provide some financial help or materials to help you to maintain stiles and gates.
6. Where possible, work with local partners and access groups to make good relationships that will help you and the general public to enjoy the countryside more.



(photo credit: Richard Pett, Rotherham MBC)
Good field-edge access route

7. If the line of the path is becoming difficult to see, cut back overhanging vegetation, as well as that growing through the surface of the path. The highway must be kept open by law. If the vegetation is a hedgerow, you should cut it at the appropriate time (for example, not during the bird breeding season, read GAEC 15), making sure that the way is passable. The highway authority is responsible for maintaining the surface of public rights of way and controlling vegetation (other than crops) on the surface of paths, but this does not stop you from controlling weeds. However, if the field is subject to the rules of GAEC 12, you must not cut vegetation on the land (including the 1 and 2 metre protection zones) between 1 March and 31 July (inclusive), unless you are covered by one of the GAEC 12 exemptions.
8. Provide suitable bridges across new or widened ditches, where permission has been given by your local highway authority for these ditches.
9. You should warn the public of hidden dangers from cliffs and other coastal features. Hazards such as old quarries and mine shafts should be fenced off or made safe, otherwise you may be liable for any injuries caused.
10. You may plough a footpath or bridleway if it runs across a field, but only if you cannot conveniently avoid doing so. If you do, you must restore the surface to a required standard, within a set time limit, as set out under GAEC 8 in *The Guide to Cross Compliance in England 2011 edition*.
11. As a responsible land manager, you should be aware of the minimum and maximum widths of your rights of way, as stated in the Definitive Statement, but in the absence of any recorded width, the minimum and maximum widths apply (shown below), as set out in Schedule 12A of the Highways Act 1980.

	Minimum width	Maximum width
Cross-field footpath	1.0 metre	1.8 metres
Field-edge footpath	1.5 metres	1.8 metres
Cross-field bridleway	2.0 metres	3.0 metres
Field-edge bridleway	3.0 metres	3.0 metres
Other highway	3.0 metres	5.0 metres

12. Check the Definitive Statement for these and any other types of way, to find out if any of them have set widths, and apply them.
13. When applying pesticides to crops or other areas to be treated, you must not let your pesticide drift onto areas or routes where the public have access, whether people are using them at the time or not. Where required, place warning signs at all points where paths enter the sprayed area, saying 'Sprayed: please keep on the path'. Notices should be placed where everyone can see them from where they are allowed to go. But if you are going to put a notice actually on the right of way you will need permission from the highway authority.

Bad practice – what you should avoid doing

14. You must not keep an animal known to be a risk to the public in a field which the public have access to.

15. You must not keep a recognised dairy breed bull over 10 months old in a field crossed by a public right of way. Any bull of a non recognised dairy breed over 10 months old must be accompanied by cows or heifers.
16. Field-edge footpaths and bridleways, byways open to all traffic, and restricted byways should never be cultivated.
17. You should not disturb a cross-field footpath when you can reasonably avoid it. You should reinstate a cross-field footpath within the set time.
18. You must not put up misleading signs that might discourage a person from using a right of way or land classed as access land under the Countryside and Rights of Way Act 2000 (CROW).
19. You should not alter the surface of a right of way without contacting the local highway authority, which is responsible for the surface. If you want to repair the surface yourself, the authority may give permission and offer advice or practical help.

Exceptions

20. The rules of this standard state that you must not disturb the surface of a public right of way so that it becomes inconvenient to use, and you must not wilfully obstruct the free passage along a public right of way. If you do either of these, you will not break the rules if you have lawful authority or excuse. This includes times when you need to disturb the surface of a footpath or bridleway across a field to plough the land or to bring it into agricultural use and it would be inconvenient and difficult to avoid disturbing the surface of the path. In this case there are rules for making good the surface, detailed in *The Guide to Cross Compliance in England 2011 edition*.

Opportunities under Rural Development for England schemes

21. There are permissive access options available in Environmental Stewardship where payments are made for new access, such as providing circular routes or links to national trails and CROW access land. Existing rights of way are not eligible for these payments.

Other legislation and codes of good practice you should follow

Countryside and Rights of Way Act 2000 (on designated land)

Wildlife and Countryside Act 1981

Highways Act 1980

More information

To get general information on public rights of way visit the Business link website at www.businesslink.gov.uk or telephone Defra on 0117 372 6274

For general information on public rights of way, including *Countryside Code – Code for Land Managers* visit www.naturalengland.org.uk/ourwork/enjoying/countrysidecode/default.aspx

Detailed advice on all aspects of managing public access is in *Managing Public Access – A Guide for Land Managers CA210*, which is available at www.naturalengland.org.uk/publications

Overgrazing and unsuitable supplementary feeding

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to help protect important habitats that contain natural or semi-natural vegetation by preventing overgrazing and unsuitable supplementary feeding. It applies to you if you keep livestock on natural or semi-natural vegetation.

1. You need to comply with the rules of this standard to meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Overgrazing and unsuitable supplementary feeding can damage important wildlife habitats that contain natural vegetation (often unmanaged) and semi-natural vegetation (not intensively managed). Both natural and semi-natural vegetation may be found in upland and lowland situations, including wetland, woodland, unimproved grassland, sand dune, moor and heathland habitats, and are described as being made up of self-seeded or self-propagated vegetation characteristic of the area in which the land is situated.
3. This GAEC encourages the use of appropriate grazing and supplementary feeding practices that do not reduce the diversity of these important wildlife habitats. It also helps to reduce poaching, compaction and loss of vegetation that reduce the ability of land to absorb heavy rain and that can contribute to local flooding and impact on water quality.
4. You must make sure that you do not damage, by inappropriate grazing or unsuitable supplementary feeding, any natural or semi-natural vegetation habitats on land that you farm. If overgrazing or unsuitable supplementary feeding is thought to be taking place, you may be contacted by advisers from Natural England. They may visit the area and check the vegetation to confirm whether it is natural or semi-natural and, if so, look for signs of heavy grazing pressure or unsuitable supplementary feeding damage.
5. If, without a change from current management practices, overgrazing or unsuitable supplementary feeding is thought likely to happen, Natural England may seek to agree changes with you in how you manage the area, such as inviting you to enter Environmental Stewardship. It is a general requirement of Environmental Stewardship (and other agri-environment schemes) that overgrazing and unsuitable supplementary feeding are avoided. Also, RPA may issue specific guidance about avoiding damage. Where a compliance inspection has confirmed overgrazing or unsuitable supplementary feeding has taken place, your payments may be reduced. RPA may also issue written directions to prevent further damage.

Good practice – what you should do to help get the best results

6. Avoid overgrazing:
 - do not allow grazing pressure to exceed the carrying capacity of sensitive habitats within a set grazing area. The carrying capacity is the level of grazing above which growth, quality or diversity of vegetation is adversely affected;

- avoid overstocking in autumn and winter, when vegetation growth is slow or has stopped. This standard will also help control soil erosion and run-off; and
 - undertake shepherding on a regular basis throughout the management unit.
7. Avoid unsuitable supplementary feeding. If feeding is necessary:
- avoid feeding stock or driving vehicles over vegetation that is susceptible to poaching, such as flushes, mires and blanket bog;
 - move feeding locations on a regular basis to minimise poaching and nutrient enrichment;
 - make sure feeders are placed more than 10 metres from a watercourse to reduce the risk of eroded soil entering the watercourse. Feeders should not be placed on or near scheduled monuments;
 - feed with loose hay instead of silage to distribute grazing pressure; and
 - avoid feeding large numbers of stock at one site, especially at field entrances.
8. Where you have rights to grazing on common land, work with those who also have rights, to avoid overgrazing.

Bad practice – what you should avoid doing

9. If overgrazing is taking place, the visible signs will include:
- short grass sward heights (typically less than 3 to 5 centimetres in uplands);
 - heather with misshapen, dense growth, with little or no flowering shoots;
 - high dung density;
 - uprooted and pulled vegetation, including less palatable plant material; or
 - areas of bare or poached ground.



(photo credit: Mark Darlaston)
Overgrazed lowland heath



(photo credit: Natural England)
Overgrazed woodland

10. Visible signs of unsuitable supplementary feeding will include:
- poached and rutted ground around feed sites;

- surplus or inappropriate feed left to rot on the ground; or
- invasion by plants that indicate that the soil has been enriched by nutrients, such as thistles, docks and nettles.



(photo credit: Mark Darlaston)
**Unsuitable supplementary feeding
 in woodland**



(photo credit: Tom Holland)
**Unsuitable supplementary feeding on
 lowland grassland**

Exceptions

11. Unsuitable supplementary feeding can be carried out where needed for animal welfare during periods of extreme weather conditions.

Opportunities under Rural Development for England schemes

12. Payments relating to grassland management options will cover management above this cross compliance baseline, but may include additional grazing and supplementary feeding criteria on your land to help achieve the environmental results agreed with Defra.

Other legislation and codes of good practice you should follow

You should note the rules of the following GAECs:

- GAEC 5 Environmental Impact Assessment (EIA)
- GAEC 6 Sites of Special Scientific Interest (SSSIs)

More information

Guidance on stocking rates for lowland heath: *A practical guide to the restoration and management of lowland heathland* (RSPB, 2003)(24-187) is available at www.rspb.org.uk/ourwork/publications.aspx

Grazing your landscape – A guide to grazing under Cross compliance and keeping your land in Good Agricultural and Environmental Condition is available at www.naturalengland.org.uk/publications

More advice from Natural England is available at www.naturalengland.org.uk/ourwork/regulation/overgrazing/howareovergrazingandunsuitablefeedingassessed.aspx

Heather and grass burning

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to maintain moorland and heathland landscapes and habitats. It applies to you if you carry out heather or grass burning practices on your holding.

1. This standard supports existing legislation. By complying with the burning season and safety requirements of the *Heather and Grass etc. Burning (England) Regulations 2007* you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Periodic burning of heather and grass can be helpful for agriculture, game management and wildlife conservation, particularly on dry heathland and some grasslands. It can produce a diversity of vegetation that is suitable for a variety of wildlife, including upland birds such as red grouse. However, burning too frequently can damage wildlife habitats, as well as being dangerous. Some habitats and sensitive areas should not normally be burnt (read Bad practice at paragraph 9). Complying with the regulations and following this GAEC will help to make sure that burning is safe and controlled, and that habitats and wildlife are conserved.

Good practice – what you should do to help get the best results

3. Always comply with the *Heather and Grass etc Burning (England) Regulations 2007*.
4. Follow good practice as described in the *Heather and Grass Burning Code 2007* and associated best practice guides (read More information on page 26).
5. Burning should always be carried out in accordance with a written burning plan (read the *Heather and Grass Burning Code 2007* and Best Practice Guide 1, for details read More information on page 26) which should include:
 - mapping of sensitive areas (read paragraph 9);
 - mapping of other no-burn areas and areas needing particular care;
 - identifying the area to be burnt;
 - identifying the burning rotation; and
 - communication and cooperation.
6. Decide overall management objectives and draw up a programme of essential burning on a rotational basis. Consider vegetation types and their age/height/condition, manpower availability, safety requirements and weather conditions in planning the size, shape and frequency of burns.
7. Choose natural boundaries for the burn, wherever possible. Otherwise create firebreaks first, as soon as possible in the season.



(photo credit: Tom Holland)
Ensure sufficient beaters are on site

8. Also, follow the good practice described in the burning code on burning safely and responsibly including planning how and where to burn, equipment, skills and training, and communicating with others.

Bad practice – what you should avoid doing

9. Generally you should not burn the following sensitive areas:

- woodland,
- woodland edges and scrub (except gorse and broom);
- peat bog and wet heathland;
- areas where there is soil erosion;
- areas where the soil is very thin (less than 5 centimetres deep);
- steep hillsides and gullies (greater than 1 in 2 or 1 in 3 on blanket mire and wet heath);
- mountain habitats (above the natural tree line typically around 600 metres above sea level);
- areas of heavily grazed vegetation;
- areas within 5 metres of watercourses;
- summits, ridges and other areas which are particularly exposed to the wind (or salt spray); and
- areas of late-mature/degenerate heather (read the *Heather and Grass Burning Code 2007* and Best Practice Guide 3, for details read More information on page 26).



(photo credit: Peter Dullaghan)
White patches of scorched moss after burn of blanket bog

10. Particular care should be taken when burning:

- anywhere in a Site of Special Scientific Interest;
- areas where bracken is present;
- lowland, coastal and maritime heathland; and
- areas with archaeological remains.

11. Do not burn when the direction of the wind is likely to cause a hazard or annoyance from smoke or smut.

Exceptions

12. Licences can be issued to burn outside the burning season or to carry out operations that would normally be prohibited in the burning regulations. Contact Natural England for guidance on how to apply for these licences.

Opportunities under Rural Development for England schemes

13. Options and supplements to encourage good burning practice may be available under Environmental Stewardship.

Other legislation and codes of good practice you should follow

Wildlife and Countryside Act 1981

Ancient Monuments and Archaeological Areas Act 1979

Environmental Protection Act 1990

Clean Air Act 1993

Highways Act 1980 (as amended by the Rights of Way Act 1990)

Provision and Use of Work Equipment Regulations 1998

Health and Safety at Work etc Act 1974 and Management of Health and Safety at Work Regulations 1998

Water Resources Act 1991

More information

For the *Heather and Grass Burning Code, 2007 version* (PB12650) visit the Defra website at www.defra.gov.uk or visit Natural England at www.naturalengland.org.uk/ourwork/regulation/burning/default.aspx. The Natural England website also contains associated Best Practice Guides currently covering: How to produce a burning plan (1); Identifying sensitive areas (3); Burning lowland heathlands (4); and Burning reedbeds (5)

Prescribed Burning on Moorland. Supplement to the Muirburn Code: A Guide to Best Practice (Scottish Executive, 2001) is available at www.scotland.gov.uk/library3/environment/msup-00.asp

Upland Management Handbook SC26 (English Nature, 2001) is available at www.naturalengland.org.uk/publications

A practical guide to the restoration and management of lowland heathland (RSPB, 2003) (24-187) is available at www.rspb.org.uk/ourwork/publications.aspx

Control of weeds

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to control the spread of specified invasive non-native weeds and injurious weeds that can damage habitats, agricultural land and in some cases can pose a risk to the welfare of horses and other grazing animals, and to people. It applies to you if you have specified invasive non-native weeds or injurious weeds.

1. This standard supports existing legislation and also covers 4 invasive non-native species.

Why do we need this standard and what are we trying to achieve?

2. Control of unwanted and invasive non-native weeds is necessary as these weeds can cause severe agricultural problems for you and your neighbours. Common ragwort in particular can be a risk to the health and welfare of grazing animals, especially horses, if left unchecked. Invasive non-native weeds can also threaten the survival of many UK native species and can have a negative impact on some important and vulnerable ecosystems. Once established, these weeds can be difficult to control, and afterwards removing them may not be possible.
3. It should be an important goal of all farmers to minimise the areas of injurious and invasive non-native weeds on their farms.

Good practice – what you should do to help get the best results

4. If you have ragwort on your holding it is important that you read the *Code of Practice on How to Prevent the Spread of Ragwort* and understand your responsibilities under it.
5. You can control injurious weeds by using a number of chemical and/or cultural methods. Care should be taken to choose the best method of weed control for each appearance of weeds so as to target the weeds at their most vulnerable growth stages.
6. Make sure that you control injurious and invasive non-native weeds when they appear on your farm to prevent any seed or viable material from spreading to neighbouring land. Failure to do so may lead to prosecution under the Weeds Act 1959 in the case of injurious weeds or under the Wildlife and Countryside Act 1981 in the case of invasive non-native weeds.
7. Any collected plant material should be disposed of correctly, through burning or burial at landfill sites, where allowed.
8. The Environment Agency may treat some material to be disposed of as controlled waste. For example, in the case of soil containing Japanese knotweed, all parts of the plant and any soil contaminated with it are classified as controlled waste and must legally be removed and disposed of by a licensed waste control operator. If material is being taken to landfill, rules may apply and the site operator may need to know what you are disposing of. Contact the Environment Agency to find out what conditions apply.
9. Reassess problem weed sites on a regular basis to keep on top of weed regrowth and newly germinated plants.
10. Careful and focused management of weed populations alongside river corridors will help to reduce the risk of spread.

11. You must comply with any enforcement notice served on you to control injurious weeds as specified under the Weeds Act 1959.

Bad practice – what you should avoid doing

12. Not disposing of collected weed material effectively can lead to further spread of seeds or viable material.
13. Not controlling weeds at an optimum growth stage may allow their seeds or viable material to re-infest areas of your farm and those of your immediate neighbours.



(photo credit: Mike Green)
Seeding docks, thistles and ragwort

Exceptions

14. None.

Opportunities under Rural Development for England schemes

15. Control of injurious and invasive non-native weeds is a legal requirement for all land owners, including those with environmental scheme agreements. For Environmental Stewardship you must satisfy your legal responsibilities under the Weeds Act 1959 to control injurious weeds.

Other legislation and codes of good practice you should follow

Weeds Act 1959

Wildlife and Countryside Act 1981

Code of Practice for Using Plant Protection Products is available at www.pesticides.gov.uk/safe_use.asp

Code of practice on how to prevent the spread of ragwort (PB9840) is available at www.defra.gov.uk/wildlife-pets/wildlife/management/weeds/pdf/cop_ragwort.pdf

More information

Guidance on the disposal options for common ragwort (PB11050) is available at www.defra.gov.uk/wildlife-pets/wildlife/management/weeds/pdf/ragwort-dispose.pdf

Identification of Injurious Weeds (PB4192) is available at www.defra.gov.uk/wildlife-pets/wildlife/management/weeds/pdf/identify.pdf

Guidance on section 14 of the Wildlife and Countryside Act, 1981 is available at www.defra.gov.uk/wildlife-pets/wildlife/management/non-native/documents/section-14-guidance.pdf

Identification sheets for the invasive non-native weeds are available on the GB Non Native Species Secretariat website at www.nonnativespecies.org/

For more useful guidance on non-native weeds visit the Environment Agency website at www.environment-agency.gov.uk/homeandleisure/wildlife/31350.aspx

Managing invasive non-native plants in or near fresh water is available at www.environment-agency.gov.uk/research/library/publications

Agricultural land which is not in agricultural production

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to avoid encroachment of unwanted vegetation, to protect habitats and to maintain land not in production in good agricultural and environmental condition. It applies to all land that is no longer in production.

1. This standard helps to maintain agricultural land in a condition that can be returned to agricultural production when needed. It also provides some benefit to the environment from land not in production. You will need to comply with these rules to meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Any area of agricultural land which is not being used for cropping or grazing, together with its environmental features, must remain capable of being returned to production, even though you do not have to grow or manage a crop on it to receive your SPS payment. The benefits to the environment from maintaining a cover of green vegetation (a green cover), include minimising soil erosion which can act as a potential source of pollution. However, too much weed and scrub build-up can jeopardise neighbouring land and put future cropping options at risk.
3. You should remember that GAEC 12 applies to all agricultural land which is not being used for agricultural production. *The Guide to Cross Compliance in England 2011 edition* provides details of how to decide if these rules apply to you.

Good practice – what you should do to help get the best results

4. Establish a ground cover on the land as soon as possible after agricultural production ends. Natural regeneration is the most practical way to establish cover on light or shallow soils and can provide a winter feeding ground for seed-eating birds. The varied flora that develops will also support a range of insects and insect-eating birds.
5. Chopping and spreading straw will help establish ground cover and discing or shallow cultivating (less than 6 centimetres) can encourage germination.
6. On heavy soils or where there is a long history of intensive management and major weed problems are likely, it is better to sow grass cover. In these cases, sowing a slow growing grass mix at a low seed rate can produce a tougher cover, particularly where you intend resting the land for more than one season. Including some wild flowers and native legumes may increase the cost but will make the area more attractive to invertebrates, particularly where you continue the cover for several seasons.



(photo credit: Andrew Sherrott)
Sown cover including legumes
and some wild flowers

7. It is preferable for this land to have green cover when not in use. Weeds and scrub can be allowed to develop, but you should control them by carefully planned cutting and/or grazing. To protect ground-nesting birds, you must not cut between 1 March and 31 July inclusive, except where this is necessary to meet GAEC 11 or for other reasons listed in the Exceptions section at paragraphs 12 to 17. This restriction may favour annual grass weeds, particularly during the first year. If this happens, you may need to apply certain graminicides to prevent blackgrass, wild oats or brome species from returning seed and having a negative impact on future crops. The cross compliance *Soil Protection Review 2010* and its guidance sets out options for soil protection measures to be taken on this land. These include maintaining vegetative cover and/or establishing green cover, maintenance of drainage and measures to prevent and/or deal with compacted soil.
8. You must not cut more than 50% of your land which is not in agricultural production in any 12 month period. This helps to maintain a wide range of habitat on land not in production, which is of benefit to wildlife.
9. You do not need to cut your land every year if it is not in agricultural production. But to avoid scrub encroaching on land which is not in production for long periods you must make sure that all of this land is cut at least once every 5 years.

Cutting practices

10. Using wildlife friendly mowing practices, such as cutting the field from the centre outwards or mowing from one side of the field to the other, can benefit ground-nesting birds with chicks and other wildlife.

Bad practice – what you should avoid doing

11. Disturbing wildlife with unnecessary farm vehicle access to the land.



(photo credit: Mike Green)
Poor ground cover can lead to soil erosion



(photo credit: Andrew Sherrott)
Scrub build-up can jeopardise future cropping

Exceptions

12. The rules of this GAEC standard do not apply where land is a Site of Special Scientific Interest and your responsibilities under your Site of Special Scientific Interest conflict with the rules of this GAEC.

13. The rules for cutting at least once every 5 years and no more than 50% in any 12 month period, and not cutting in the main bird breeding season (1 March to 31 July inclusive), do not apply if they conflict with those of the GAEC standard to protect scheduled monuments (GAEC 7).
14. The restrictions on cutting GAEC 12 land have a number of exemptions:
- you need to cut to meet the GAEC rules on the control of weeds (GAEC 11);
 - you are managing the land to control an infestation of blackgrass (*Alopecurus myosuroides*), couch (*Agropyron repens*), creeping thistle (*Cirsium arvense*) or dock (*Rumex* species) for the first 15 months from the date of harvest;
 - cutting is needed for you to establish grassy areas to prevent erosion and run-off, or to cut pollen and nectar mixtures sown to provide food resources for wildlife, such as required by certain voluntary environmental management options under the Campaign for the Farmed Environment (CFE) or to establish a buffer strip alongside a watercourse for water resource protection;
 - you are creating a bare surface to establish plots of up to approximately 2 hectares for ground-nesting birds such as stone-curlews or lapwings; or
 - you are actively bringing the land back into production.
15. You can apply inorganic fertiliser or manure or slurry to GAEC 12 land if the land is known to be used as, and is managed as, a geese feeding area in winter.
16. You can apply to RPA for a derogation from the rules of this standard for reasons relating to livestock or crop production, or the enhancement of the environment.
17. If you are in an Environmental Stewardship agreement and the management requirements in your agreement conflict with any part of GAEC 12 you should follow the requirements in your stewardship agreement.

Non-agricultural use

18. Some non-agricultural activities are allowed on agricultural land for limited periods each year. These are in line with the conditions for all Single Payment Scheme eligible land. For more information on the types of activities that can be carried out and the restrictions in place, read the SPS Handbook for England. If you carry out any non-agricultural activities on your land you must use the *Soil Protection Review 2010* to record any damage and plan any remedial action necessary.

Opportunities under Rural Development for England schemes

19. Options to develop more environmental benefits while agricultural land is not in agricultural production may be available under Environmental Stewardship.

Other legislation and codes of good practice you should follow

Cross Compliance Guidance for Soil Management 2010 edition (PB 13315) is available from the RPA Customer Service Centre on 0845 603 7777, or at rpa.defra.gov.uk/crosscompliance/farmerguidance

The Weeds Act 1959 (read GAEC 11)

More information

The Scrub Management Handbook: Guidance on the management of scrub on nature conservation sites, ISBN 1 85716 745 7 is available from Natural England, or at www.naturalengland.org.uk/publications

For *A farmer's guide to voluntary measures* visit the Campaign for the Farmed Environment at www.cfeonline.org.uk/

The *Single Payment Scheme Handbook for England* is available from the RPA Customer Service Centre on 0845 603 7777 or at rpa.defra.gov.uk. This handbook gives details on the types of activities that can be carried out and the restrictions in place

Information on placement and management of buffer strips for water protection can be found in the *Cross Compliance Guidance for Soil Management 2010 edition* which is available from the RPA Customer Service Centre on 0845 603 7777 or at rpa.defra.gov.uk/crosscompliance/farmerguidance

Stone walls

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to encourage the retention of stone walls because they are an important landscape feature. It applies to you if you have stone walls.

1. You need to comply with the rules of this standard to meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?



(photo credit: Simon Huguet)
Traditional stone walls enhance the landscape

2. Stone walls are an important part of our countryside, but many have fallen into a state of disrepair or have been removed as farming practices have become more mechanised and less labour intensive. Walls are important in defining the landscape and historic character of some areas, particularly in the uplands, as well as providing valuable wildlife corridors. This GAEC encourages you to retain stone walls, including stone-faced banks, for the benefit of the landscape, wildlife and future generations.

Good practice – what you should do to help get the best results

3. If the wall is on a holding that is receiving agri-environment scheme funding, there may be additional conditions that restrict or prevent the removal of stone. These schemes include the Environmental Stewardship, Countryside Stewardship and Environmentally Sensitive Areas schemes. For more advice, contact your Natural England local team adviser.
4. If you are thinking of removing stone from a derelict wall to repair another wall or footpath, or thinking of widening a gap in an existing wall, consider its historic and landscape importance first. You can ask for advice from the historic environment, archaeological or landscape officer in your local authority. What may look like a poor quality wall could be of greater historic importance than it appears, so it is always best to make enquiries.



(photo credit: Simon Huguet)
Derelict walls should be retained where they are of landscape or historic value

5. When carrying out work to allow machinery or livestock to pass through an existing gap in a wall, consider carefully the minimum amount you will need to remove, but in all cases the gap should not be more than 10 metres. Try to remove as little as possible for your immediate needs, leaving as much of the wall as possible. When removing stone to make repairs elsewhere, make sure you remove only the minimum needed to make the repair. Wall foundations ideally should not be removed.

Exceptions

6. You can widen an existing gateway in a wall to allow machinery or livestock access. But if you want to widen an existing gap to more than 10 metres you must get permission from RPA, giving an environmental or agronomic reason.
7. You can remove a stone wall, or you can remove stone from a stone wall, to repair another stone wall on your land which is in a better condition than the one which stone is removed from. Or you can also use this stone to make minor repairs to a public footpath on your land.
8. To take stone from a derelict wall, for wall repairs under a capital works programme within an agri-environment scheme, you must get prior permission from Natural England. (You do not need permission for this from RPA.)
9. You may apply to RPA for a derogation from the rules of this standard for reasons relating to livestock or crop production, enhancement of the environment or to improve agricultural or livestock access.

Opportunities under Rural Development for England schemes

10. Environmental Stewardship has options for the maintenance and restoration of stone walls.

Other legislation and codes of good practice you should follow

Wildlife and Countryside Act 1981 (where there may be stone walls on a Site of Special Scientific Interest)

Ancient Monuments and Archaeological Areas Act 1979 (where stone walls are classed as a scheduled monument)

More information

Dry Stone Walling: A Practical Handbook (Alan Brooks and Sean Adcock. 1999, British Trust for Conservation Volunteers, ISBN 0 946752 19 2) is available at <http://shop.btcv.org.uk/shop/level2/59/level>

Dry Stone Walling Techniques and Traditions (Dry Stone Walling Association of Great Britain, 2004, ISBN 0 9512306 8 9) is available at www.dswa.org.uk/index.asp

The *Defining stone walls of historic and landscape importance* final report is available from the cross compliance section of the RPA website at rpa.defra.gov.uk/crosscompliance/farmguidance

Protection of hedgerows and watercourses

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to protect sensitive field boundaries and their associated habitats. It applies to you if you have hedgerows or watercourses on, or adjoining, your land.

1. You need to comply with the rules of this standard to meet your responsibilities under this GAEC.
2. This standard covers land alongside hedgerows and watercourses, including field ditches. It does not apply to fields of 2 hectares or less, or to hedgerows which are less than 5 years old. Environmental Stewardship buffer strips must be positioned outside these protection zones. The hedge and ditch management options in Entry Level Stewardship can overlap with compulsory protection zones. Where a field-edge public right of way already exists over the area where you have created a protection zone, there is no requirement for you to create a new access route next to the protection zone.

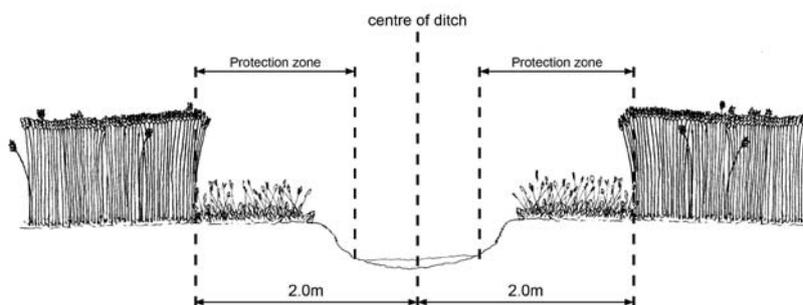
Why do we need this standard and what are we trying to achieve?

3. Pesticide contamination and nutrient and soil run-off are threats to watercourses. Hedgerow and watercourse habitats are particularly prone to damage caused by close ploughing, fertiliser enrichment and spray drift. Protection zones buffer these areas and their habitats from the damaging impacts of some in-field farming operations. These habitats are valuable for invertebrates, birds and mammals, and help keep invasive weeds under control in the hedgerow base.

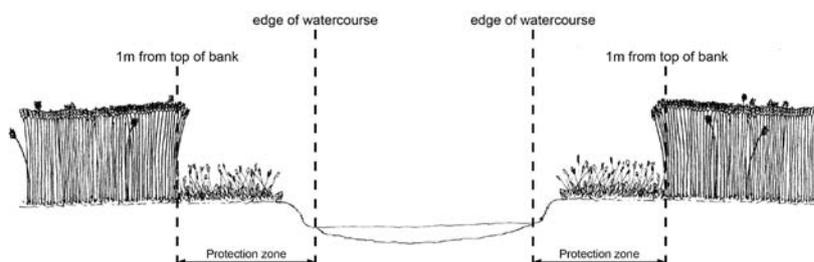
Good practice – what you should do to help get the best results

4. For new protection zones, establish a dense, grassy cover, which may include some wild flowers. You can do this either by sowing a mix of native grasses (and, where appropriate, plants of value to crop pollinators, such as red clover and bird's-foot trefoil) or by allowing natural regeneration to take place. Close mowing while the protection zone is being established will benefit both approaches. Cutting is particularly important for natural regeneration, where you must control problem annual weeds such as sterile brome and other undesirable weeds.
5. Cutting may be required in later years as a means of controlling injurious weeds and invasive non-native species (read GAEC 11), and woody growth to prevent scrub encroaching (read GAEC 12). Where you identify a need to cut, avoid doing so where you may disturb ground-nesting birds. If the field is subject to the rules of GAEC 12, you must not cut vegetation on the land, including the 1 and 2 metre protection zones, between 1 March and 31 July (inclusive) unless you are covered by one of the GAEC 12 exemptions.
6. In established protection zones, cutting can be done annually to favour wild flowers or once every few years to create a tussocky grass structure. Cutting or grazing established protection zones on a 2 or 3 year rotation will provide winter food and nesting habitat for birds, increase numbers of beneficial insects and provide habitat for small mammals. Although there is no requirement to avoid cutting protection zones in mown fields, leaving them unmown and grazing them (together with the cuttings following the final cut) will provide valuable wildlife habitat during the summer.

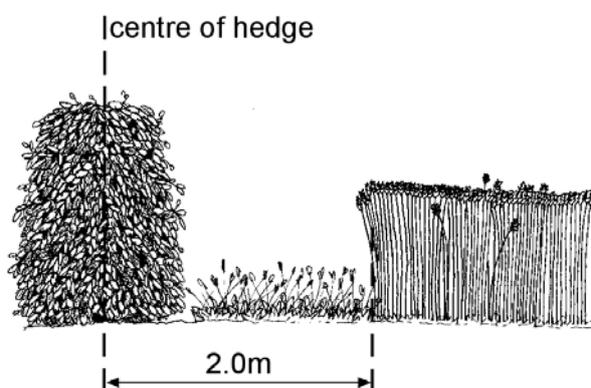
7. Where the field is currently grass, protection zones can be established simply if you stop using manure, fertiliser and pesticide within the designated distance from the hedgerow, ditch centre or top of the bank. The zones can be grazed or cut. Fencing these zones is not required.
8. In areas where rare arable plants have been recorded, consider applying for a derogation from RPA to lightly cultivate and encourage their germination.
9. Where the green cover within a protection zone has failed to establish satisfactorily through natural regeneration, or has been severely infested with weeds, consider applying for a derogation from RPA to cultivate and sow native grass with the aim of establishing a dense cover.
10. Allowing your hedgerows to grow out over the protection zone will increase nesting and feeding habitat for farmland birds, but you should take care to make sure that there is still some grassy area between the edge of the crop and the edge of the hedge, to provide habitat for butterflies and other important foraging animals.



Watercourse buffered by protection zone



Watercourse buffered by protection zone



Hedgerow buffered by protection zone

11. Next to watercourses you may want to consider creating a buffer strip to prevent or reduce surface run-off. If watercourses are silted up this may indicate that wider buffer strips will be better and could reduce the need to dredge ditches. You can find more information on establishing and managing buffer strips in the *Cross Compliance Guidance for Soil Management 2010 edition* (PB 13315) at rpa.defra.gov.uk/crosscompliance/farmerguidance.



(photo credit: Andrew Sherrott)
Arable crop drilled right up to the hedgerow base



(photo credit: Andrew Sherrott)
Arable crop drilled next to the top of the watercourse bank

Bad practice – what you should avoid doing

12. Avoid contaminating protection zones. It is important to use accurate machinery for applying fertilisers or pesticides, and to make sure that it is calibrated with the correct boundary spreading option. Avoid applying in unsuitable weather conditions where it is not possible to control drift.
13. You should avoid poaching the ground cover of a protection zone or using the protection zones as common access routes. When using a protection zone to get access to or maintain boundaries, you should not damage the ground cover or compact the soil.
14. Avoid cutting all your protection zones in one year. They should be cut as part of a rotation. Ideally, you should cut them in the autumn to avoid the bird breeding season.

Exceptions

15. The rules of this standard say you must not apply pesticides inside the protection zones. You will not break these rules if you use pesticides for spot application only, so that you can meet the GAEC standard on the control of weeds (GAEC 11), or you cultivate land for one of the following reasons:
- to establish a green cover where one does not exist and the land is part of a field which is being newly created (whether by merger or division); or
 - to establish a green cover where one does not exist and the land was previously outside the scope of cross compliance.

16. The rules of this standard do not apply to:
- land either side of a hedgerow which was planted on or after 1 January 2005 and which is less than 5 years old (you will need to keep supporting documents to prove this);
 - land forming part of a parcel of 2 hectares or less;
 - hedgerows within the curtilage of a dwelling-house;
 - the side of any hedgerow facing a dwelling-house when the hedgerow marks the boundary of the curtilage of the dwelling-house; or
 - casting up a traditional hedgebank between 1 August and the last day of February.
17. You can apply to RPA for a derogation from the rules of this standard for reasons relating to livestock or crop production, or to enhance the environment.

Opportunities under Rural Development for England schemes

18. This cross compliance standard is in line with the hedgerow and ditch management options in Entry Level Stewardship.
19. Additional 6 metre grass buffers under Entry Level Stewardship, or as a voluntary measure under the Campaign for the Farmed Environment (CFE), placed next to any on-farm watercourse, will increase its protection. And will also fully or partially satisfy any buffer zone and Local Environment Risk Assessment for Pesticides requirements under pesticides regulations.

Other legislation and codes of good practice you should follow

Local Environment Risk Assessment for Pesticides

More information

Arable Field Margins (RSPB Publications leaflet 24-154) is available at www.rspb.org.uk/ourwork/farming/advice/

Field Margins on Grasslands (RSPB Publications leaflet 24-161) is available at www.rspb.org.uk/ourwork/farming/advice/

Guidelines for the management of field margins (Game & Wildlife Conservation Trust fact sheet 2) is available from the Game & Wildlife Conservation Trust, Fordingbridge, Hampshire SP6 1EF

Devon field boundaries: restoration standards for agri-environment schemes (TIN039) is available from Natural England at <http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN039>

Information about the Campaign for the Farmed Environment is available from the CFE coordinator, telephone 024 7685 8892, or e-mail cfeonline@nfu.org.uk or visit the CFE website at www.cfeonline.org.uk/

Hedgerows

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to protect the habitat, particularly for nesting birds, as well as the landscape feature provided by hedgerows. It applies to hedgerows growing in, or adjacent to, any of your land.

1. This standard supports existing legislation and also covers hedgerow cutting and trimming.

Why do we need this standard and what are we trying to achieve?

2. Hedgerows are important refuges for wildlife. They provide corridors for wildlife to move between fragmented habitats and are a vital resource for many farmland birds, providing nesting habitat and food. Hedgerows are highly valuable landscape and historic features. They are part of local landscape character and provide a record of land use for the future.
3. Trimming of hedgerows outside the main bird breeding season (1 March to 31 July) will minimise disturbance to nesting birds and support breeding in hedgerows. It should also help to reverse the decline in farmland bird numbers.

Good practice – what you should do to help get the best results

4. Cut hedgerows as late as possible in the winter months, ideally during January and February, to leave the fruit and nuts for insects, birds and mammals. Try to move away from trimming every year and cut hedgerows on rotation every second or third year, to make sure there is a continuous food supply for wildlife. Entry Level Stewardship pays grants for this type of management.



(photo credit: Mike Green)

3rd year growth on mature hedge in new leaf

5. Allow hedgerows to become slightly taller and wider by leaving more growth at each cut. Try not to trim hedgerows to below 1.5 metres in height, but keep this in the context of the character of the local area. Create a range of hedgerow sizes across your farm, including hedgerows that are allowed to grow uncut for laying or coppicing in future years. Generally, the larger the volume of a hedgerow, the more valuable it is to wildlife. Establishing other grass margins next to those needed by GAEC 14 will provide more habitat and allow you access to trim hedgerows after new field crops have been sown. Grants for grass margins (other than those required by GAEC 14) are available under Entry Level Stewardship.

6. Make sure that flail hedgerow cutters are in good working order and used correctly. Start at the top of the hedgerow and work downwards, which will prevent material which is already cut from being chopped and mulched again. To reduce tearing of older growth, use a circular saw blade or rotating knife attachment rather than a mechanical flail.

Bad practice – what you should avoid doing

7. Do not spread manures, fertilisers or pesticides into the base of the hedgerow, as they will harm the hedgerow and basal hedgerow flora. You will also break the GAEC 14 rules if you do this.
8. Cutting a hedgerow back to the same height year after year can weaken it and lead to gaps forming at the base of the hedgerow shrub, creating the typical 'mushroom' effect. Too much trimming can encourage weed species such as elderberry and sycamore to dominate, leading to gappy hedgerows.



(photo credit: Emily Ledder)

Poor management will lead to gappy hedgerows

Exceptions

9. The rules of this GAEC do not apply to hedgerows within, or marking the boundary of, the curtilage of a dwelling-house.
10. The cutting or trimming rules of this standard apply unless the work is necessary because:
 - the hedgerow overhangs a highway, road or footpath over which there is a public or private right of way, and the overhanging hedgerow obstructs the passage of, or is a danger to, vehicles, pedestrians or horse riders;
 - the hedgerow is dead, diseased, damaged or insecurely rooted and is likely to cause danger by falling on to a highway, road or footpath; or obstructs the view of drivers or the light from a public lamp;
 - hedge laying or coppicing is to be carried out during the period 1 March to 30 April (inclusive); or
 - a newly laid hedgerow is to be trimmed by hand, within 6 months of it being laid.
11. You may apply to RPA for a derogation from the cutting or trimming rules of this standard for reasons relating to livestock or crop production, enhancement of the environment or to improve public or agricultural access.
12. Where a hedgerow is part of an existing agri-environment scheme, such as Environmental Stewardship, the management prescriptions for that scheme take priority over those in this GAEC.

Opportunities under Rural Development for England schemes

13. Environmental Stewardship pays grants for the management of existing hedgerows, hedgerow planting and restoration, as well as additional grass buffer strips to protect hedgerow habitats from agricultural operations.

Other legislation and codes of good practice you should follow

Hedgerows Regulations 1997

Wildlife and Countryside Act 1981

GAEC 14 Protection of hedgerows and watercourses

GAEC 16 Felling of trees

GAEC 17 Tree Preservation Orders (TPOs)

More information

Information about hedgerow management and conservation is available at www.hedgeline.org.uk

More information about hedgerow management is available at www.businesslink.gov.uk

Hedging: A Practical Handbook (Alan Brooks and Elizabeth Agate, 1998, British Trust for Conservation Volunteers, ISBN 0 946752 17 6) is available at <http://shop.btcv.org.uk/shop/level2/59/level>

Hedgerow management (RSPB) (24-160) is available at www.rspb.org.uk/ourwork/publications.aspx

Protecting hedgerows for birds (RSPB) (22-377) is available at www.rspb.org.uk/ourwork/publications.aspx

The Hedgerows Regulations 1997: A Guide to the Law and Good Practice and *The Hedgerow Regulations: Your Questions Answered* are both published by Defra. And you can get them by e-mailing farmland.conservation@defra.gsi.gov.uk

Felling of trees

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to protect trees because they are important habitat and landscape features. It applies to you if you need a licence to fell trees on your land.

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Trees, especially old and ancient ones, often have biological, historic, cultural and landscape importance. They are part of our heritage and are important habitat and landscape features.
3. Their protection through this GAEC will help to make sure that they live for many years. It is important that you only fell farmland and woodland trees if you have a valid licence, so they can continue to be of benefit to the environment.

Good practice – what you should do to help get the best results

4. Make sure you apply for a felling licence from the Forestry Commission. You should do this when a licence is required, and also if you are not sure whether you need one.
5. Contact the Forestry Commission where you think it is necessary to remove a tree to prevent danger or nuisance. They will advise you on how to minimise the danger.
6. If you fell a tree which is not dangerous, although you thought it was, this is not covered by any exemption and will not meet this GAEC.

Bad practice – what you should avoid doing

7. If you are not replanting, you may need to complete an Environmental Impact Assessment (GAEC 5). You will not meet the GAEC rules if you do not comply with any replanting requirements within an Environmental Impact Assessment.

Exceptions

8. There are certain cases where you do not need a felling licence, you should contact the Forestry Commission for more information.

Opportunities under Rural Development for England schemes

9. Options to protect and restore trees and woodlands are available under Environmental Stewardship. The English Woodland Grant Scheme gives grants for managing existing woodlands and creating new ones.

Other legislation and codes of good practice you should follow

GAEC 5 Environmental Impact Assessment (EIA)

GAEC 17 Tree Preservation Orders (TPOs)

More information

You can get general information about felling licences from the Forestry Commission at www.forestry.gov.uk/website/forestry.nsf/byunique/inf-d-74adb6

You can get information on ancient trees from the Woodland Trust at www.woodland-trust.org.uk/ancient-tree-forum

Tree Preservation Orders (TPOs)

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to protect trees because they are important landscape features. It applies to you if you have any trees on your holding that are covered by a Tree Preservation Order (TPO).

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Tree Preservation Orders make it an offence to wilfully damage, destroy, fell, top, lop or uproot trees without prior permission from the local planning authority. Tree Preservation Orders are made by local authorities to protect trees, groups of trees and woodlands that make an important contribution to their local surroundings, particularly where the trees are in immediate danger of being removed. Tree Preservation Orders can be placed on all types of trees, including hedgerow and orchard trees, but not hedges, bushes or shrubs.

Good practice – what you should do to help get the best results

3. If you don't know which trees on your farm have Tree Preservation Orders, ask your local authority. Once you have identified these trees, you should record them on your farm plan, and farm staff and contractors should be reminded that they are protected.
4. If you are planning to carry out work on any trees, consult your local authority as soon as you can to check whether any Tree Preservation Orders apply, and to obtain their consent before you start work.
5. Trees should be inspected for evidence of bats or their roosts before you start work. If a tree is used as a roost by bats, you must consult Natural England, as bats are a European protected species, and both they and their resting places are protected under the Habitat Regulations.

Bad practice – what you should avoid doing

6. Do not carry out any work on a tree that is subject to a Tree Preservation Order without prior permission from the relevant local authority.

Exceptions

7. Exceptions may be considered for the felling of trees that may be a danger (because they are dead or dying) or a nuisance. Get advice from your local authority on whether and how this danger can be minimised. If you fell a tree which is not dangerous, although you thought it was, this is not covered by any exemption and does not meet this GAEC.

Opportunities under Rural Development for England schemes

8. Environmental Stewardship has options to protect and restore trees and woodlands.

Other legislation and codes of good practice you should follow

Forestry Act 1967

Forestry (Felling of Trees) Regulations 1979

GAEC 5 Environmental Impact Assessment (EIA)

GAEC 16 Felling of Trees

Section 211 of the Town and Country Planning Act 1990 (which relates to trees in conservation areas where no Tree Preservation Order is in force)

More information

Contact your local planning authority for general information or visit www.communities.gov.uk/planningandbuilding/planningenvironment/

Water abstraction

The aim of this GAEC, as set out in *The Guide to Cross Compliance in England 2011 edition*, is to protect water resources by licensing abstraction of water for irrigation. It applies to you if you abstract more than 20 cubic metres (4,400 gallons) of water in a period of 24 hours from inland water (such as a river or stream) or an underground source (such as a well or borehole) for irrigation.

1. This standard supports existing legislation. By complying with the requirements of that legislation, you will meet your responsibilities under this GAEC.

Why do we need this standard and what are we trying to achieve?

2. Water is a precious resource. The Environment Agency licenses abstraction to protect the environment from over-abstraction, and to protect those taking the water who already hold a licence. If you take more than 20 cubic metres (4,400 gallons) in a period of 24 hours for irrigation, you should talk to the Environment Agency about whether you need a licence. Holding a licence and complying with the conditions helps protect the environment, other water users, and gives you a right to abstract water.

Good practice – what you should do to help get the best results

3. If you're planning to dam (impound) or abstract water, talk to the Environment Agency about whether you need a licence. If you do hold a licence, make sure you are familiar with the conditions, and can comply with them. If you don't understand any part of your licence, contact the Environment Agency immediately.
4. There are links at the end of this section about how to save water and get the most out of the water you use. If you don't take all the water your licence allows you to, you may be able to get a reduction in your annual bill or you may be entitled to trade your licence with other farmers. Contact the Environment Agency and ask if you qualify for a two-part tariff agreement, or about any proposed licence application or trade.

Bad practice – what you should avoid doing

5. If you don't comply with the specific conditions on your abstraction licence, you may damage the environment, be liable to enforcement action from the Environment Agency and not meet the rules of this GAEC.

Exceptions

6. You do not need an abstraction licence if you take 20 cubic metres (4,400 gallons) or less in a period of 24 hours.

Other legislation and codes of good practice you should follow

Water Resources Act 1991

Water Act 2003

Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003
SI 2003/164

More information

The Environment Agency website has general information about abstraction licensing and water saving advice. The following publications are available by visiting the Environment Agency website and searching the Publications catalogue at www.environment-agency.gov.uk/research/library/publications:

- *Abstracting water: A guide to getting your licence*
- *Abstraction metering good practice manual*
- *Waterwise on the farm*
- *Optimum use of water for industry and agriculture: phase 3 best practice manual*
- *Assessing optimum irrigation water use: additional agricultural and non-agricultural sectors*

Defra and ADAS have produced 4 best practice guides for irrigators which are available from ADAS, Bosworth, telephone 01954 268214:

- *Water management for field vegetable crops, a guide for vegetable grower*
- *Water management of soil and substrate-grown crops, a guide for top and soft fruit growers*
- *A guide for container-grown ornamentals*
- *Irrigation best practice: Water management for potatoes - a guide for growers*

For *Irrigation Best Practice - A Water Management Toolkit for Field Crop Growers* visit www.ukia.org/defra.htm

Appendix

Glossary of some terms, codes of practice and legislation used in this guidance.

Terms

Buffer

1. To protect by absorbing and reducing the harmful effects of pollution; to shield from physical damage.

Casting up

2. A method of maintaining traditional hedgebanks by moving material from the base towards the top, restoring the profile and height of the bank.

Curtilage

3. An area of land attached to a house and forming one enclosure with it.

Environmental Stewardship

4. Environmental Stewardship was launched in England in 2005 to replace the agri-environment schemes (Environmentally Sensitive Areas, Countryside Stewardship and Organic Farming Schemes). These are all currently managed by Natural England. The key aim of Environmental Stewardship is to reward good land management and secure benefits to the environment that go beyond the requirements of cross compliance. Environmental Stewardship includes Entry Level Stewardship and Higher Level Stewardship.

Favourable

5. 'Favourable' is one of several grades of condition that may be given to part of a Site of Special Scientific Interest after its condition has been assessed. Favourable condition means that the Site of Special Scientific Interest is being adequately conserved and is meeting its conservation objectives, but there is scope for improving the site.

Local Environmental Risk Assessment for Pesticides (LERAP)

6. Certain pesticides have an aquatic buffer zone requirement when applied by horizontal boom or broadcast air-assisted sprayers. If you want to reduce this aquatic buffer zone, there is a legal obligation to carry out and record a Local Environmental Risk Assessment for Pesticides (LERAP).

Permissive access

7. Access to footpaths and bridleways permitted by landowners for public use where there are no rights of way.

Recovering

8. 'Unfavourable Recovering' is one of several grades of condition that may be given to part of a Site of Special Scientific Interest after its condition has been assessed. Unfavourable recovering condition is often known simply as 'recovering'. Recovering means that parts of the Site of Special Scientific Interest are not yet fully conserved, but all the necessary management measures are in place. Provided that the recovery work is sustained, the Site of Special Scientific Interest will reach favourable condition in time.

Refuge

9. A place of safety from danger.

Rural Development for England schemes

10. The Rural Development Programme for England aims to safeguard and enhance the rural environment, improve the competitiveness of the agricultural and forestry sectors and foster competitive and sustainable rural businesses and thriving rural communities. It includes the England Woodland Grant Scheme and Environmental Stewardship Schemes such as Entry Level Stewardship and Higher Level Stewardship. The Rural Development Programme for England is jointly funded by the European Union, through the European Agricultural Fund for Rural Development, and the Government. In England, we also make use of voluntary modulation.

Screening notice

11. Screening notices can be used by Natural England to remove thresholds from a particular area of land. For example, uncultivated land projects would normally only need screening permission if they affect an area of 2 hectares or more, but a screening notice could remove the threshold and require that projects on any area of uncultivated land need permission.

Viable material

12. Parts or pieces of a plant, for example, root fragments, that are able to grow into a new plant.

Wildlife corridor

13. An area of habitat connecting wildlife populations separated by human activities such as agriculture and development.

Codes of practice and legislation

Code of Good Agricultural Practice

14. *Protecting our Water, Soil and Air: A Code of Good Agricultural Practice* for farmers, growers and land managers (the 'CoGAP') consolidates and updates the earlier 3 separate codes for water, soil and air. The publication offers practical interpretation of legislation and provides good advice on best practice. 'Best practice' means a practice that minimises the risk of causing pollution while protecting natural resources and allowing economic agriculture to continue.

Code of Practice on How to Prevent the Spread of Ragwort

15. This code provides comprehensive guidance on how to develop a strategic approach to weed control. It gives advice on identification, priorities for control, control methods, environmental considerations and health and safety issues.

Control of Pesticides Regulations 1986 and Plant Protection Products Regulations 2003

16. This requires pesticide users to follow the instructions and conditions set out by the product label; to be properly trained to apply pesticides; to take all reasonable precautions to protect the health of people, creatures and plants; and to safeguard the environment and avoid polluting water. Guidance on how to meet these requirements is set out in the *Code of Practice for Using Plant Protection Products*. If you do not follow the guidance contained in the Code this is not in itself an offence, but the code is admissible as evidence in criminal proceedings and will be taken into account in determining any question arising in the proceedings where relevant.

Countryside and Rights of Way Act 2000

17. The Countryside and Rights of Way Act 2000 extends the public's ability to enjoy the countryside while also providing safeguards for landowners and occupiers. It creates a statutory right of access to open country and registered common land, modernises the rights of way system, gives greater protection to Sites of Special Scientific Interest, provides better management arrangements for Areas of Outstanding Natural Beauty, and strengthens wildlife enforcement legislation.

Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006

18. These regulations require that Natural England must give permission before work is started to increase the productivity for agriculture of uncultivated land and semi-natural areas. The rules would apply to any of this work, for example, from increasing levels of fertiliser through to ploughing. Normally the rules would only apply to work concerning more than 2 hectares of this land. The Environmental Impact Assessment Unit at Natural England, Bristol offers advice and guidance on Environmental Impact Assessment.

Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

19. These regulations require that the Forestry Commission must give permission before work is started on any project for planting (afforestation) or felling (deforestation) on agricultural land.

Forestry Act 1967

20. This Act protects Britain's forests, making it necessary to have a felling licence from the Forestry Commission to fell trees. It is an offence to fell trees without a licence, if you are not covered by an exemption.

Heather and Grass etc Burning (England) Regulations 2007

21. These apply to the burning of heather, grass, bracken, gorse and vaccinium (a range of shrub species including bilberry/blueberry). The regulations state that burning may only take place in the burning season unless under licence from Natural England. Burning must be carried out safely, with care for people, property, the environment, and natural resources. The *Heather and Grass Burning Code* (available from Natural England) gives more information.

Hedgerows Regulations 1997

22. This legislation identifies which hedgerows are covered by the regulations and are referred to in GAECs 14 and 15 of *The Guide to Cross Compliance in England 2011 edition*. It offers protection for important hedgerows that are of significant historic, wildlife or landscape value. In most cases it is against the law to remove a hedgerow without permission from the local planning authority.

Highways Act 1980 (as amended by the Rights of Way Act 1990)

23. This act is the law governing the approval and management of highways maintainable at the public expense and covers their creation, protection and maintenance.

Nitrates Directive and Action Programme Regulations

24. Council Directive 91/676/EEC, concerning the protection of waters against pollution caused by nitrates from agricultural sources (EC Nitrates Directive), seeks to reduce or prevent the pollution of water caused by the application and storage of inorganic fertiliser and manure on farmland. It is designed both to safeguard drinking water supplies and to prevent wider ecological damage, such as the eutrophication of freshwater and marine waters generally. Land in these zones must be managed to restrict the run-off and leaching of nitrates from soils. (Read SMR 4 in *The Guide to Cross Compliance in England 2011 edition* for more information.)

The Crop Residues (Burning) Regulations 1993

25. Prevents the burning of crop residues, except for the purposes of education or research, disease or pest control or to dispose of broken bales.

Tree Preservation Orders

26. Tree Preservation Orders are made by local authorities to protect trees. They prevent the felling, topping, lopping or uprooting of hedgerow trees without prior permission from the local planning authority.

Water Resources Act 1991 (as amended by the Water Act 2003)

27. The Water Resources Act 1991 allows the Environment Agency to regulate water abstraction and impoundment in England and Wales via a system of licensing.
28. The Water Act 2003 builds upon previous legislation to further the sustainable use of water resources, strengthen the voice of water consumers, increase the opportunity for competition in the supply of water and promote water conservation. It aims to improve protection of the environment and to provide a more flexible process of regulation, and should be fully implemented by 2012.

Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 SI 2003/164

29. These regulations apply the Environmental Impact Assessment to projects abstracting more than 20 cubic metres (4,400 gallons) of water in a period of 24 hours, or impounding water in connection with water management projects for agriculture, including irrigation, where the activity would result in significant adverse effects on the environment, regardless of any current exemptions from licence control or exempt areas.

Weeds Act 1959

30. This covers the control of 5 injurious weeds. These weeds are spear thistle, creeping or field thistle, curled dock, broadleaved dock and common ragwort. The main responsibility for control of these weeds lies with the occupier of the land on which the weeds are growing. Natural England can provide advice on the Weeds Act and how it applies in practice.

Wildlife and Countryside Act 1981

31. This legislation offers protection to a number of plants, birds, mammals, amphibians and reptiles. Under this Act it is against the law to intentionally take, damage or destroy the nest or egg of any wild bird while that nest is in use or being built. It is also an offence to intentionally or recklessly disturb any wild bird included on Schedule 1 of this Act while it is building a nest or is in, on or near a nest containing eggs or young, or to disturb the dependent young of such a bird. It is an offence to plant (or cause to grow) in the wild any listed non-native plants such as Japanese knotweed, giant hogweed and rhododendron. The Act also provides for the notification of Sites of Special Scientific Interest. These are notified by reason of their flora, fauna, or geological or physiographical features. It also contains measures for the protection and management of Sites of Special Scientific Interest.

Produced by the Rural Payments Agency and
the Department for Environment, Food and
Rural Affairs

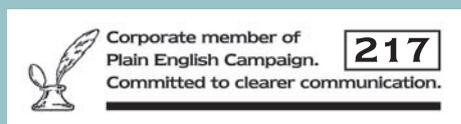
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