

Tir Gofal Verifiable Standards

Verifiable standards and guidelines for classification of failures of
Tir Gofal in Wales

Version 1.0 2013



Llywodraeth Cymru
Welsh Government

Requirement			
1.a) Traditional field boundaries such as hedges, stone walls, earth banks, slate fences, stone gate posts, individual trees, sheep creeps and pounds, stone ladder stiles and associated features should be retained and undamaged.			
Description of Breach	Severity	Extent	Permanence
<p>Traditional field boundaries and associated features (see 1.a above for list) have been removed or damaged.</p> <p>New gateways or other openings should not be created without prior approval.</p> <p>Do not remove any parts of existing traditional field boundaries as mentioned above, even where these are in a derelict condition, without prior approval.</p>	Cross Compliance or GFP		
<p>Evidence that traditional boundaries and associated features (see 1.a above) marked on map 1 of the agreement, which are stock-proof at the time of entering into the agreement, have not been maintained in a stock-proof condition by replacing and repairing using appropriate local traditional materials and styles of work.</p> <p>N.B. Check the following Repair of resulting small gaps in walls by rebuilding with stone, laying and / or replanting with stock of local provenance.</p> <p>Erosion from stock and farm machinery, removal of wall, hedge, earth bank, slate fences, stone gate posts, individual trees, sheep creeps, stone ladder stiles under the Tir Gofal Agreement has occurred, therefore they are not been maintained as stock-proof.</p>	<p>On individual lengths</p> <p>Low: Up to 10m individual or accumulation of gaps reaching above 20m</p> <p>Medium: 11 – 50m individual or accumulation of gaps reaching above 50m</p> <p>High: > 50m individual or accumulation of gaps reaching above 100m</p>	<p>Extent 1</p>	<p>Rectifiable 1 e.g. rebuilding of a wall, stone ladder or slate fence.</p> <p>Permanent</p>

<p>Evidence that hedgerow trees exceeding 10cm (4'') diameter at breast height have been removed without prior consent.</p> <p>Note: a Forestry Commission felling licence may be required and consultation from any National Park or Local Authority.</p> <p>Baseline requirement : Tree felling and Tree Preservation - GAEC J</p>	<p>Low: tree diameter between 4 and 12 inches</p> <p>Medium: tree diameter greater than 12 inches and less than 36 inches</p> <p>High: tree diameter greater than 36 inches</p> <p>High: where felling license not obtained or a breach of the Tree Preservation Order</p>	<p>Extent 1 = 1 tree</p> <p>Extent 2 = 2-3 trees</p> <p>Extent 3 = 4-5 trees</p> <p>Extent 4 = 6+ trees</p>	<p>Rectifiable 2 = trees were 4-6 inches in diameter</p> <p>Permanent = trees were 6 inches + in diameter</p>
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Description of Breach	Severity	Extent	Permanence
<p>Failure to leave 25% of trimmed hedgerows untrimmed in any one year.</p> <p>Over 75% of the hedges on the farm have been trimmed and they were not next to roadsides and therefore did not require annual trimming.</p>	<p>Low = Between 15-25% left uncut</p> <p>Medium = All hedges trimmed or less than 15% left uncut</p>	<p>Extent 1</p>	<p>Rectifiable 1</p>
<p>Evidence that hedge restoration, laying or coppicing has been carried out between closed period of 31st March - 31st August without exceptions for training and competitions.</p> <p>GAEC E – Boundaries if signed post 01/01/2007</p>	<p>Low: where one length of hedge restoration, laying or coppicing has been carried out.</p> <p>Medium: where more than one length of hedge restoration, laying or coppicing has been carried out.</p> <p>High: Continued with hedge restoration, laying or coppicing after a stop notice. This could be treated as Intentional.</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>Permanent: if hedge has died</p>
<p>Evidence that tractor mounted flails have been used to trim hedges with growth exceeding 2.5cm (1”) in diameter.</p>	<p>Low</p>	<p>Extent 1</p>	<p>Rectifiable 2</p> <p>Permanent</p>
<p>Evidence that Relict hedges have not been allowed to grow into lines of mature shrubs and or shelterbelts where agreed.</p>	<p>Low</p>	<p>Extent 1</p>	<p>Rectifiable 1</p>

1.b) Field Boundary / Buffer Zone - This is the 1 metre strip of land alongside traditional field boundaries.

Do not plough or cultivate, use fertilisers, herbicides, pesticides or apply lime.

Do not apply lime or any substance that alters soil acidity

Do not apply any inorganic or organic fertiliser.

Do not apply any herbicide or other pesticides unless carrying out selective treatment of nettles, spear thistle, creeping thistle, curled dock, broad-leaved dock, ragwort, Japanese knotweed, rhododendron or Himalayan balsam using either spot treatment or weed wiper.

Description of Breach	Severity	Extent	Permanence
<p>Evidence that there is failure to maintain the 1m buffer strip.</p> <p>Ploughing and cultivation has taken place on field boundary/buffer zones of traditional boundaries.</p> <p>Note: Potential Cross Compliance breach GAEC N: - Retention of Landscape Features post 01/01/2007</p> <p>Or Lime and other substances that alter the soil acidity have been applied.</p> <p>Or Inorganic and Organic fertilisers have been applied.</p> <p>Or Herbicides and pesticides have been applied and it wasn't for the purpose of selective treatment.</p>	<p>Low: 1 parcel</p> <p>Medium: 2 or more parcels</p>	<p>Extent 1</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>

1.c) Trees

Individual trees including within hedgerows and small groups of trees, must be retained

Dead trees must also be retained unless they cause a hazard or an obstruction.

Damage should not be caused to trees and associated wildlife as part of other farm operations such as spray drift, fires and machinery damage.

Description of Breach	Severity	Extent	Permanence
Evidence that Individual trees within hedgerows and within small groups of trees have been cut / damaged.	Low: tree diameter between 4 and 12 inches Medium: tree diameter greater than 12 inches and less than 36 inches High: tree diameter greater than 36 inches	Extent 1 = 1 tree Extent 2 = 2-3 trees Extent 3 = 4-5 trees Extent 4 = 6+ trees	Rectifiable 2 Permanent: if trees have died
Evidence of a removal of trees that are not a hazard or obstruction. E.g. away from a track in a wooded area.	Low: tree diameter between 4 and 12 inches Medium: tree diameter greater than 12 inches and less than 36 inches High: tree diameter greater than 36 inches	Extent 1 = 1 tree Extent 2 = 2-3 trees Extent 3 = 4-5 trees Extent 4 = 6+ trees	Permanent
Evidence that damage has been caused to trees and associated wildlife from operations such as spray drift, fires and so on.	Low: tree diameter between 4 and 12 inches Medium: tree diameter greater than 12 inches and less than 36 inches High: tree diameter greater than 36 inches affected and/or Wildlife disturbed	Extent 1 = 1 tree Extent 2 = 2-3 trees Extent 3 = 4-5 trees Extent 4 = 6+ trees	Rectifiable 1 Rectifiable 2 Permanent

1.d) Rock features and landforms (including cliff, scree, rocks and shingle banks in rivers).

Geological features and landforms are important landscape features that help us understand the climatic and geological changes and are of importance to wildlife.

No extraction of rock, scree, sand, shingle, gravel, clay or peat should take place without prior approval from the Project Officer, Planning permission and any National Park permission

Any manure's or other farm wastes should not be stored on shingle, scree or rock outcrops.

Any inorganic or organic fertiliser, lime, herbicides or other pesticides should not be applied within 2 metres of any rock outcrop, shingle or scree unless carrying out spot treatment of notifiable weeds.

Description of Breach	Severity	Extent	Permanence
Evidence of extraction of protected rock features and landforms has occurred without prior approval from Tir Gofal or the relevant Authority.	Low	Extent 1	Rectifiable 1 Rock feature can be restored/replaced Permanent
Evidence that manure and other farm wastes have been stored on rock features and landforms.	Low	Extent 1	Rectifiable 1 Rectifiable 2 Permanent
Evidence that Inorganic or organic fertiliser, lime, herbicide or other pesticides have been applied within 2 metres of rock features and landforms and it wasn't for the purpose of spot treatment.	Low	Extent 1	Rectifiable 1 Rectifiable 2 Permanent

1.e) Rubbish

The farm must be kept free from rubbish, litter, derelict machinery and equipment and must be removed in a responsible manner from the farm (i.e. to a scrap yard or landfill site).

In order to ensure the release of management payments (within the 1st year) all items marked with a red E on map 1 of the agreement should have been cleared from the farm

Description of Breach	Severity	Extent	Permanence
Evidence of rubbish on the farm that is not stored awaiting disposal.	Low: Up to 9 parcels affected Medium: more than 9 parcels affected	Extent 1	Rectifiable 1 Items can be removed and disposed of within a suitable given timescale.
Items marked with a Red E on map 1 of the agreement have not been cleared.	High	Extent 1	Rectifiable 1 Items can be removed and disposed of within that first agreement year within a suitable timescale.

2.) Water Features- such as ditches, streams, rivers, ponds and lakes usually abound in wildlife, are often of landscape and archaeological / historical importance and may be of economic importance providing water to both agriculture and humans and because of their importance as fisheries. It is essential that the water supply be kept in as good a condition as possible.

No application of fertiliser, off-farm waste, lime, pesticides or any other chemicals should be made within 1 metre of water features.

No application of slurry, farmyard manure or other organic manure should be made within 10 metres of the water features.

Description of Breach	Severity	Extent	Permanence
<p>Water features not maintained and/or protected from damage, (such as leaching from manure, fertilisers, other chemicals and spray drift).</p> <p>GFP prior to 01/01/07 - Scheme Breach post 01/01/07</p>	<p>High</p>	<p>Extent 1</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>The water features, banks and waterside vegetation have been poached or suffered other stock damage (feeding), with the exception of those watering points previously agreed with the Project Officer.</p> <p>Baseline requirement: GAEC B – Soil run off into watercourses due to poaching</p> <p>Signed post 01/01/07 Cross compliance</p>	<p>Low: Up to 10m</p> <p>Medium: 10 – 50m</p> <p>High: 50m+</p> <p>High: evidence of soil run off into watercourse due to poaching</p>	<p>Extent 1</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>

Description of Breach	Severity	Extent	Permanence
<p>Evidence of application of fertilisers, off farm waste, pesticides and other chemicals has occurred within 1 metre of a water feature.</p>	<p>High</p>	<p>Extent 1</p>	<p>Rectifiable 1 No evidence of flora or fauna mortality and no signs of eutrophication.</p> <p>Rectifiable 2 Evidence of flora or fauna mortality and or signs of eutrophication.</p> <p>Permanent</p>
<p>Evidence of application of slurry, farmyard manure or other organic manure has occurred within 10 metres of a watercourse.</p> <p>Signed post 01/01/07Cross compliance</p>	<p>High</p>	<p>Extent 1</p>	<p>Rectifiable 1 No evidence of flora or fauna mortality and no signs of eutrophication.</p> <p>Rectifiable 2 Evidence of flora or fauna mortality and or signs of eutrophication.</p> <p>Permanent</p>
<p>Evidence of Pollution of watercourses including surface waters, underground aquifers and cave systems has taken place.</p> <p>Note: Potential Cross Compliance Breach</p>	<p>High</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>Rectifiable 2 Will recover in time if no other breach occurs during lifetime of agreement.</p> <p>Permanent</p>

3.) Stocking Rate – Overall stocking rates on land subject to the agreement should not be increased above the levels carried prior to entry into Tir Gofal.			
Description of Breach	Severity	Extent	Permanence
Evidence that livestock numbers have exceeded the permitted livestock numbers stipulated in the whole farm section of the agreement.	<p>Low: Up to 25% (not including 25%) of prescribed total Lus/ha</p> <p>Medium: 25-50% of prescribed total Lus/ha</p> <p>High: >50% of prescribed total Lus/ha</p>	Extent 4	<p>Rectifiable 1</p> <p>Excess livestock numbers must be sold within a suitable timescale unless permission granted from Welsh Assembly Government for revised levels.</p>
<p>Evidence that the agreed stock reduction in the Management plan has not been implemented within the first 6 months of the agreement.</p> <p>Note: This should be verified through a check of flock records, BCMS printouts and movement licences.</p>	<p>Low: Up to 25% (not including 25%) of prescribed total Lus/ha</p> <p>Medium: 25-50% of prescribed total Lus/ha</p> <p>High: >50% of prescribed total Lus/ha</p>	Extent 4	<p>Rectifiable 1</p> <p>Excess livestock numbers will need to be disposed of within 6 weeks.</p>

3.1 Habitat Management and Stocking rates			
List of allowed animals: Dairy Cows: Beef Animals: Suckler Cows: Sheep: Horses			
Description of Breach	Severity	Extent	Permanence
<p>Evidence that other stock are present on the farm that are not listed in section 3.1 above which were grazing habitats and no prior approval had been given.</p> <p>N.B. It is perfectly acceptable to graze other livestock such as pigs, chickens, goats, deer etc. on improved land-provided this land has not been entered into one of options 24-43.</p>	Measurable	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>

4. Protected Species (Badgers, Dormice, Bats, Birds, Water Voles, Otters and protected plants).

Confirm that no evidence of illegal disturbing, killing, taking or injuring protected species, has occurred.

Confirm that no evidence of illegal damage, obstruction or destroying of access to places that they use for shelter or protection has occurred.

Description of Breach	Severity	Extent	Permanence
<p>Evidence of illegal disturbing, killing, taking or injuring protected species has been found during a visit.</p> <p>N.B: Disturbing relates to evidence of damage, obstruction and destroying of access to places used for shelter or protection by protected species has been found during a visit.</p> <p>Cross compliance breach for agreements signed post 01/01/07 if authorised or not. Should be recorded as Cross compliance and Scheme if before 01/01/07.</p> <p>Inspector Note: Check with Cross Compliance legislation. Will need to be reported to authorities.</p>	High	Extent 1	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>

Non Native Species

Description of Breach	Severity	Extent	Permanence
<p>Evidence of non-native plant, bird or other animal being introduced without approval from Tir Gofal project officer.</p> <p>Baseline: GAEC C – where reasonable steps have not been taken to control the spread of invasive weeds.</p> <p>Cross compliance breach for agreements signed post 01/01/07 if authorised or not. Should be recorded as Cross compliance and Scheme if before 01/01/07.</p>	<p>High</p> <p>High: where invasive weeds are introduced</p> <p>Report to competent authority</p>	Extent 1	<p>Rectifiable 1 If easily resolved and controlled to eradicate</p> <p>Rectifiable 2 Can be resolved/ controlled over a number of years</p> <p>Permanent Cannot be easily eradicated/resolved</p>

Animal Welfare

<p>Evidence that the guidelines and regulations covering animal, bird and plants welfare have not been complied with.</p>	<p>Report to competent authority: review agreement based on findings</p>		
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Code of Good Farming Practice.			
Evidence that the Codes of Good farming practice for Air, Soil and Water are not being adhered to.	GFP or Covered by Cross Compliance		
Public Access – Scheme participants must allow public access on foot to Open Access areas provided by the Countryside and Rights of Way Act or any other entitlement, e.g. Birmingham Water Corporation Act in the Elan Valley.			
Description of Breach	Severity	Extent	Permanence
Evidence that all legal responsibilities relating to existing Public Rights of Way and land defined as Open Country under the provisions of the Countryside Rights of Way Act 2000 are not being complied with. Note: Routes should be free of obstruction at all times as well as being re-instated after any ploughing.	Low	Extent 1	Rectifiable 1

FARM PLANS

The basic Resource Management plan must be completed within 6 months from the start date of the agreement

The plans must accurately reflect the current enterprises and management practices on the farm: Sections 3 & 4 of Plan may require the completion of a Manure / Nutrient Management Plan before being completed. If this is the case, only the rest of the Resource Management Plan needs to be completed within 6 months.

If appropriate a manure management plan and a nutrient management plan must be completed within 12 months from the start of the agreement

The plans must accurately reflect the current enterprises and management practices on the farm

Description of breach	Severity	Extent	Permanence
The Resource Management plan is not fully completed or kept up to date	<p>Low: if not up to date (been completed but not updated following changes in farming practices or circumstances.)</p> <p>Medium: if not completed to the required standard e.g. not completed all relevant questions and actions.</p>	Extent 4	Rectifiable 1
The Resource Management plan has not been completed within 6 months of the start of the agreement.	<p>High: if not completed at all or not presented at inspection between 6 and 12 months of start of agreement..</p> <p>if not completed at all or not presented at inspection.</p>	Extent 4	Rectifiable 1 Permanent
The Manure management or the Nutrient Plan is not fully completed or kept up to date	<p>Low: if not up to date (been completed but not updated following changes in farming practices or circumstances. e.g. increase in livestock numbers or decrease in land area)</p> <p>Medium: if not completed to the required standard e.g. not completed all relevant questions and actions.</p>	Extent 4	Rectifiable 1
Manure management or Nutrient Plan not completed within 12 months from the date of entering the scheme	<p>High: if not completed at all or not presented at inspection between 12 and 18 months of start of the agreement.</p> <p>if not completed at all or not presented at inspection.</p>	Extent 4	Rectifiable 1 Permanent

Legal Requirements			
Description of Breach	Severity	Extent	Permanence
<p>Evidence that the agreement holders are not complying with all the relevant legal requirements.</p> <p>See Annex – “Legislation Relevant to Agriculture”.</p> <p>N.B. Consideration needs to be given to decide if legislation is included under cross compliance before breach recorded for the scheme post 01/01/07, before 01/01/07 record for both scheme and cross compliance if applicable.</p>	<p>Low: Informing that suspected non-compliance with legal requirements will be reported to the competent authority and may lead to further Scheme penalties, depending on the response from the competent authority – using relevant verifiable standard.</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>
<p>Evidence that the agreement holder has caused damage or destruction to an SSSI.</p> <p>N.B. This information must be passed on to the relevant staff in CCW district team.</p>	<p>GFP/Cross Comp</p>		

Consultation-			
Is there any evidence that the following developments / activities have been carried out without prior consultation with the Project Officer.			
Description of Breach	Severity	Extent	Permanence
<p>Evidence of erecting new buildings, altering existing buildings or modifying traditional buildings other than the farmhouse itself occurring without prior consultation with relevant officers.</p> <p>Inspector note: If on habitat land need to check for breaches on the habitat land</p>	<p>Low: If planning approved but no consultation with competent scheme authority.</p> <p>Medium: No Planning consent if required.</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>As notification is made at inspection.</p>

Description of Breach	Severity	Extent	Permanence
<p>Evidence of Construction of tracks, roads, yards, hard-standings or any new structure without prior consultation with relevant officers.</p> <p>Inspector note: If on habitat land need to check for breaches on the habitat land</p>	<p>Low: If planning approved but no consultation with competent scheme authority.</p> <p>Medium: No Planning consent if required.</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>As notification is made at inspection.</p>
<p>Evidence of Construction of new hedges, earth-banks, walls or fences without prior consultation with relevant officers.</p> <p>Inspector note: If on habitat land need to check for breaches on the habitat land</p>	<p>Low</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>As notification is made at inspection.</p>
<p>Work has occurred without prior consultation with relevant officers.</p> <p>Realigning, dredging, or damming watercourses, creating a new water abstraction point, increasing the level of an existing abstraction, or altering existing water levels.</p> <p>Using any land, or open water within the agreement holder's control for organised and / or commercial sporting or recreational activities, which may be in conflict with the environmental objectives of the Scheme.</p> <p>Clearing any areas of scrub, felling any trees, or planting any shrubs or trees, together with any work in woodland not covered by an agreement under the Woodland Grant Scheme or the Better Woodland for Wales Scheme.</p> <p>Controlling of Bracken, or the control of bracken covered by the capital works programme.</p> <p>Excavating or depositing spoil and disposing of any off farm wastes. (EA issues as well. Possibly Agricultural waste Regs)</p> <p>Establishing any new supplementary feeding areas.</p> <p>New water troughs have been installed without permission.</p>	<p>Low: No consent.</p> <p>EA requirements may be breached here.</p>	<p>Extent 1</p>	<p>Rectifiable 1</p> <p>As notification is made at inspection.</p>

B2) Historic earthworks, stone structures, archaeological sites, traditional buildings, parks and gardens must all be retained and protected. (Marked on map 1 of the agreement or in the HE2 Archaeological report provided).			
Description of Breach	Severity	Extent	Permanence
Evidence that damage has been caused to historic earthworks, stone structures, archaeological sites, traditional buildings, parks and gardens. Note: Check if <ul style="list-style-type: none"> • There is any evidence that material has been removed from these sites? • all sites free from farm waste, rubbish or spoil. • grazing levels causing damage to these sites? • contractors and workers on the farm aware of the historic environment features, and taken appropriate measures to avoid accidental damage and comply with the requirements of this agreement. 	High	Extent 1	Rectifiable 1 Rectifiable 2 Permanent
Evidence that surface archaeological finds, discovered during the lifetime of the agreement, have not been notified to the relevant Archaeological Trust.	Low	Extent 1	Rectifiable 1 As notification is made at inspection.
The agreement holder has carried out or permitted an operation and has failed to adhere to the terms of consent for work undertaken on a SAM. Work of this nature has occurred without prior consultation with relevant officers.	Cross comp/GFP		
i) Protection and Maintenance of Archaeological and Historic Features (marked on Map 1 of the agreement or in the HE2 Archaeological report provided).			
Description of Breach	Severity	Extent	Permanence
Evidence that dead, unstable trees and scrub which may potentially cause damage to the site have not been removed off site or have been removed off site in an in-appropriate manner.	Low: Dead, unstable trees and scrub which may potentially cause damage to the site have not been removed off site High: Dead, unstable trees and scrub has been removed off site in an in-appropriate manner	Extent 1	Rectifiable 1 Rectifiable 2 Permanent

ii) Traditional Buildings (marked on map 1 of the agreement).			
Description of Breach	Severity	Extent	Permanence
Evidence that Traditional Buildings marked on map 1 are not being maintained in a weatherproof condition.	<p>Low: minor neglect requiring limited maintenance, e.g. repairing slating, guttering etc.</p> <p>Medium: Severe neglect effecting structure of building</p> <p>High: Building beyond repair</p>	Extent 1	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>
Evidence that Traditional materials and methods of construction have not been used to maintain Traditional Buildings that have not been modified.	Low	Extent 1	<p>Rectifiable 1</p> <p>Permanent</p>
iii) Historic Parks and Gardens			
Description of Breach	Severity	Extent	Permanence
Evidence that original Historic Parks and Gardens features identified in the agreement have not been retained and maintained appropriately.	High	Extent 1	<p>Rectifiable 1</p> <p>Permanent</p>

Wildlife Habitats and Other Environmental Commitments- All are marked on map 2 of the agreement. The following must not be done without being permitted by the relevant section of the management plan or subsequently approved in writing by a project officer.			
Description of Breach	Severity	Extent	Permanence
<p>Evidence that unauthorised ploughing, cultivation, re-seeding has taken place.</p> <p>Note: Potential Cross Compliance breach</p> <p>Baseline requirement: GAEC I - EIA consent required</p>	<p>Measurable</p> <p>High: where EIA consent required but not obtained</p>	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>
<p>Evidence that rolling or chain harrowing during the prohibited period or without approval.</p>	Measurable	Measurable	Rectifiable 1
<p>Evidence that unauthorised drainage or ditching work has been undertaken.</p> <p>Baseline requirement: GAEC I - EIA consent required</p> <p>Note: Potential Cross Compliance breach</p>	<p>Measurable</p> <p>High: where EIA consent required but not obtained</p>	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent – Including where more damage would occur to rectify then the benefits of rectifying.</p>
<p>Evidence of unauthorised or inappropriate application / storage / spreading of inorganic fertilisers, purchased organic fertilisers, slurry, FYM, poultry or pig manure.</p>	Measurable	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>
<p>Evidence of unauthorised or inappropriate application / storage / spreading of lime, basic slag, calcified seaweed, waste paper sludge, other substances that could alter the soil acidity and other on or off farm wastes.</p>	Measurable	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>
<p>Evidence of burning where the breach has an effect above the normal burning codes without project officer consent or failed to adhere to consent.</p> <p>Baseline requirement: GAEC H Heather and Grass Burning</p>	<p>Measurable</p> <p>High: where burning management plan or burning closed periods not complied with.</p>	Measurable	<p>Rectifiable 1</p> <p>Rectifiable 2</p> <p>Permanent</p>

<p>Evidence of supplementary feeding on habitat or additional commitment areas without project officer approval.</p> <p>Baseline requirement: GAEC D Supplementary feeding</p>	<p>Measurable</p> <p>High: where damage will not be restored to its original condition by the end of the growing season.</p>	<p>Measurable</p>	<p>Rectifiable 1</p>
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Description of Breach	Severity	Extent	Permanence
<p>Evidence of inappropriate / unauthorised application of herbicide/pesticides or cutting, mowing, topping or removing of any living or dead vegetation, unless for the control of spear thistle, creeping thistle, curled dock, broad-leaved dock, ragwort, Japanese knotweed, rhododendron and Himalayan balsam</p> <p>Baseline requirement: SMR 9 Restrictions on the use of plant protection products</p> <p>N.B. Work of this nature has occurred without prior consultation with relevant officers.</p>	<p>Measurable</p> <p>High: where inappropriate use of pesticides is a breach of the Code of Practice for Using Planting Protection Products.</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>Evidence that Damage has been caused to anthills, which was not permitted under exemptions.</p>	<p>Medium</p>	<p>Extent 1</p>	<p>Rectifiable 2 Permanent</p>
<p>Evidence that appropriate grazing periods and/or stocking rates or stipulated livestock types have not been observed on habitats.</p> <p>N.B. Check for SPA / SAC management plans</p>	<p>Measurable</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>Where a woodland management plan has been produced, the plan has not been started prior to year 8.</p>	<p>Low: if within first 2 months of year 8 / Otherwise out of the scheme.</p>	<p>Extent 4</p>	<p>Rectifiable 1</p>
<p>Evidence that the scrub Management Plan has not been followed where applicable.</p>	<p>Measurable</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>Evidence that the Orchard Management plan for semi-improved and improved grassland is or has not been followed where applicable.</p>	<p>Measurable</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>

<p>Evidence that the Parkland Management plan on semi-improved, improved grasslands and arable is or has not been followed.</p>	<p>Measurable</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>Description of Breach</p>	<p>Severity</p>	<p>Extent</p>	<p>Permanence</p>
<p>An appropriate grazing diary has not been produced.</p>	<p>Low: if not up to Date (been completed but not updated following changes in farming practices or circumstances.)</p> <p>Medium: If not sufficiently detailed to verify annual stocking rates.</p> <p>High: If no stocking diary has been kept.</p>	<p>Extent 4</p>	<p>Rectifiable 1</p>
<p>There is no evidence of cattle grazing such as trampling, hoof indentations, bovine dung pats and ungrazed course vegetation.</p>	<p>Measurable</p>	<p>Measurable</p>	<p>Rectifiable 1 Rectifiable 2 Permanent</p>
<p>Evidence of overgrazing or under-grazing.</p> <p>Specific numbers are highlighted in Appendix 1 of the grazing plan. No overgrazing should occur on habitats that are co-grazed with improved land, even if no management prescription is in place for that piece of land.</p> <p>There was evidence of overgrazing and under-grazing of habitats OR Habitats where a management prescription is set, And on habitat land where there is no specific numbers</p>	<p>Cross Comp/GFP</p>		

Description of Breach	Severity	Extent	Permanence
Evidence that encroaching vegetation has not been managed appropriately.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that Hay meadows were not closed off for 8 weeks prior to cutting.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that pasture rushes have been topped without consent, or not in accordance with the consent. N.B. Pasture rushes may be topped after the 15 th of July to remove coarse growth. At least 10% of the grassland / rushes must be left uncut or whatever % stated in the agreement as could be different. Consent maybe required.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that appropriate water levels are not being maintained Or The ditch casting programme is or has not been followed	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent

Evidence that Broad-leaved Woodland has not been established appropriately or has not been maintained.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that Streamside Corridors do not extend at least 6 metres beyond the 1 metre Whole Farm Section buffer strip.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that New reed-beds / swamps establishment plan is not being followed.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that New heath-land on improved grassland are or have not been established appropriately.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that New salt marshes / Reed-beds are or have not been established appropriately.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent

Description of Breach	Severity	Extent	Permanence
Evidence that New Sand Dunes are or have not been established appropriately.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that a grassy strip of 1 metre width at the base of each field boundary has not been established and maintained for any boundary not covered under the traditional boundaries whole farm section.	Low: 1 parcel Medium: 2+	Extent 1	Rectifiable 1 (Likely to be ploughed only no seed bed) Rectifiable 2 Permanent
Evidence that an inappropriate main crop has been sown and/or has been undersown with an inappropriate crop.	Measurable	Measurable	Rectifiable 2 Permanent
Evidence that Option 28 (Rough Grass Margin) is not being maintained in a permanent location.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent

Evidence that areas receiving arable option payments (apart from wildlife cover crops) have been used for regular machine access or as track-ways.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence of machine access to Wildlife Cover Crops.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that Habitat creation options stated in the agreement have not been established. Inspector Note: Also over declaration penalty	Measurable	Measurable	Rectifiable 2 Permanent
Evidence that uncropped Fallow Margins have not been cultivated during the appropriate periods.	Measurable	Measurable	Rectifiable 1 Rectifiable 2 Permanent
Evidence that straw has not been removed off site after harvesting of a cereal, linseed or rape crop.	Measurable	Measurable	Rectifiable 1
Evidence that the appropriate arable establishment and harvesting dates have not been observed.	Measurable	Measurable	Rectifiable 2 Permanent In last year

Additional Permissive Public access – Additional to existing public rights of way requirements			
Description of Breach	Severity	Extent	Permanence
Evidence that additional permissive public access site has not been adequately marked/signposted.	Low	Extent 4	Rectifiable 1
Evidence that new access facilities for additional Permissive Public access are not being made available free of charge.	High: Potential termination of scheme.	Extent 4	Permanent
Evidence that there is inappropriate on site information for the control of dogs.	Low	Extent 1	Rectifiable 1
Evidence that the Additional Permissive Public access site is not open to the public at all times (except when exemptions allow)	High	Extent 4	Rectifiable 1
Evidence that the Additional Permissive Public access site agreed closures have not been appropriately implemented	Low	Extent 4	Rectifiable 1
Record of educational visits have not been kept N.B: Beneficiary should retain Educational Access visit assessment forms for each visit being claimed (Up to 6).	Admin Check Where less than 6 Educational Access visit assessment forms have been received, payment should be made on a <i>pro rata</i> basis.		
An appropriate educational pack has not been produced N.B. Beneficiary should produce printed educational information to assist groups visiting the farm.	Low: If not yet claimed as part of capital works program.	Extent 4	Rectifiable 1

Requirement to notify sale/ transfer of land.			
Description of Breach	Severity	Extent	Permanence
Commitment requires sales and transfers to be notified within 30 days.	Low: Notification received, but not within 30 days.	1	Rectifiable 1
	Medium: No notification received.	1	Rectifiable 1
Commitment requires sales and transfers to be notified within 3 months.	Low: Notification received, but not within 3 months.	1	Rectifiable 1
	Medium: No notification received.	1	Rectifiable 1

Retention of land under commitment	
Breach	Recovery Action
Area taken out of agreement results in area remaining being less than the minimum required area to be eligible for the Scheme.	Recover all payments made and terminate agreement. For scheme is continuing beyond a review date, only recover back to the date of review.

Artificially creating the conditions required to obtain the payments	
Breach	Recovery Action
Evidence that conditions have been artificially created to obtain the payments.	Do not pay for the scheme in the year that the claim was made.

ANNEX 1:

Legislation

The table shows the appropriate national legislation that has relevance to agricultural activity.

Listed in the Code of Good Agricultural Practice (COGAP)

Statutory Provision	Implementing Body
WASTES	
Environmental Protection Act 1990 The main objectives of Part 1 are: a) To prevent or minimise the release of agreed substances and to render harmless any such substances which are released; b) To develop an approach for pollution control from industrial processes to all media in the context of the effect on the environment as a whole.	WAG / Local Authorities
The Waste Management Licensing (England and Wales) 1994 (Amended 2005) The Waste Management Licensing (WML) Regulations (1994) contain provisions for certain activities to be exempt from the requirement of a waste licence and support valuable waste recovery options that are sustainable, economically attractive and environmentally sound.	WAG / Environment Agency
Hazardous Waste Regulations 2005 Defines hazardous wastes as set out by EU and requires registration of sites producing HW and conditions for those handling HW.	WAG / Environment Agency
Landfill (England & Wales) Regulations 2002 Ensures that landfill sites are appropriately located & managed etc	EA
Animal By-Products (Wales) Regulations 2006 Regulates the disposal of animal carcasses and by-products not for human consumption	Local Authority

ANIMAL WELFARE	
<p>Animal Welfare Act 2006 Owners and keepers have a legal duty to ensure that the welfare needs of their animals are met as required by 'good practice'.</p>	WAG
<p>The Welfare of Farmed Animals (England) Regulations 2000 (Amended for Wales) 2001 - 2007 Implements community legislation concerning the protection of animals kept for farming purposes and minimum standards for the protection of various species. The Regulation is made under section 12 of the Animal Welfare Act 2006</p>	WAG
<p>Veterinary medicines Regulations 2006</p>	WAG / OCVO

WATER	
<p>The Water Resources (Environmental Impact Assessment EIA) (England and Wales) Regulations 2003 EIA must be carried out for water management projects for agriculture, including irrigation projects, which could have significant environmental effects</p>	EA
<p>Reservoirs Act 1975 This act provides the legal framework to ensure the safety of UK reservoirs that hold at least 25,000cu m of water</p>	Environment Agency
<p>Water Resources Act 1991 Regulates the activities of the Environment Agency with respect to the water environment. The Agency is obliged to prevent pollution of a watercourse or groundwater, to establish water quality objectives for controlled waters, and to issue consents to make discharges to watercourses. The act enables the Agency to set up water protection zones and designate nitrate vulnerable zones (NVZs).</p>	Environment Agency

<p>The Groundwater Regulations 1998 Protect groundwater by controlling the discharge or disposal of potentially harmful & polluting materials</p>	Environment Agency
<p>The Control of Pollution (Silage, Slurry & Agricultural Fuel Oil) Regulations 1991 (as amended 1997) Control of diffuse pollution from these sources</p>	Environment Agency
<p>The Pollution Prevention and Control (England and Wales) Regulations 2000, as amended 2002, S The PPC regulations, made under the <i>Pollution Prevention and Control Act 1999</i>, provides for a new pollution control system known as Integrated Pollution Prevention and Control (IPPC)., being introduced to industry including agriculture between 2000 and 2007..</p>	EA

AIR	
<p>Environment Protection Act 1990 Section 8, prevents the pollution from emissions to air ,land or water from scheduled processes</p>	Local authority Environmental health department
<p>Clean Air Act 1993 Applies to pollution by smoke, grit & dust from fires and processes not covered by other laws</p>	WAG

SOIL	
<p>The Sludge (use in agriculture) Regulations 1989 Standards for use of sewage sludge in agriculture. The Regulations give effect to Council Directive 86/278 EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.</p>	EA

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HABITATS & SPECIES	
<p>The Wildlife and Countryside Act 1981 (as amended 1991) Is the principle mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/FFC) are implemented in Great Britain</p>	WAG / CCW
<p>Protection of Badgers Act 1992 Protects badgers and their setts. It is an offence to kill, injure or take a badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.</p>	WAG / CCW
<p>Environmental Impact Assessment (Uncultivated Land and Semi- Natural Areas) (Wales) Regulations 2002 Provision to consider whether proposed agricultural changes on semi-natural land will seriously affect the environment before giving consent to the changes in order to protect land of special environmental importance</p>	WAG

PESTICIDES	
<p>Part III Food and Environment Protection Act (FEPA) 1985 Part III of FEPA 1985 licensing of pesticides and related products for the purposes of protecting human, animal and plant health, safeguarding the environment and securing safe, efficient and humane methods of controlling pests.</p>	WAG
<p>The Control of Pesticides Regulation (COPR) 1986 Requires any person using a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water</p>	WAG
<p>Plant Protection Products Regulations 1997 (amended 2005) Defines condition for selling, supplying, storing, advertising and using pesticides approved under the Regulation.</p>	WAG

HEALTH & SAFETY	
<p>Management of Health & Safety at Work Regulation 1999</p> <p>Oblige employers to improve H & S management and explain requirements.</p>	Health & Safety Executive
<p>Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended)</p> <p>Control of chemicals or other hazardous substances in the workplace.</p>	Health & Safety Executive
<p>Personal Protective Equipment at Work Regulations 1992</p> <p>Sets out principles for ensuring PPE is suitable for the user and risk it protects against</p>	Health & Safety Executive
<p>Health & Safety at Work Act 1974</p> <p>Employers must reasonably protect H, S & W of employees at work, employees must safeguard their own health and substances must be used safely</p>	Health & Safety Executive
<p>Highways Act 1980 (as amended by the Rights of Way Act 1990)</p> <p>The amendment amends the law relating to rights of way and the disturbance and restoration of the surface of land over which rights of way pass; to keep the line of rights of way clear of crops; to enable local authorities to act in connection therewith; and for connected purposes.</p>	Local Authority
<p>Town & Country Planning Act 1990</p> <p>Regulates all planning procedures</p>	Local Authorities

Legislation Referred to in Cross Compliance Guidance

Statutory Provision	Implementing Body
<p>Wildlife & Countryside Act 1981 (amended 1991)</p> <p>Is the principle mechanism for the legislative protection of wildlife (including game) in Great Britain. The means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/FFC) are implemented in Great Britain</p>	<p>Countryside Council for Wales</p>
<p>Environmental Impact Assessment Regulations for the use of Uncultivated Land and Semi-natural Areas 2002.</p> <p>Provision to consider whether proposed agricultural changes on semi-natural land will seriously affect the environment before giving consent to the changes in order to protect land of special environmental importance</p>	<p>Welsh Assembly Government</p>
<p>Groundwater Regulations 1998</p> <p>Environmental protection measure, which completes transposition of the Groundwater Directive (80/68/EEC) and provides enhanced protection of groundwater against pollution.</p>	<p>Environment Agency</p>
<p>European Nitrates Directive 1991</p> <p>Measure designed to reduce water pollution by nitrate from agricultural sources</p>	<p>Environment Agency</p>
<p>Sludge (Use in Agriculture) Regulations 1989 amended 1990</p> <p>Standards for use of sewage sludge in agriculture. The Regulations give effect to Council Directive 86/278 EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.</p>	<p>Environment Agency</p>
<p>Food Hygiene Regulations 2006</p> <p>Measures to ensure that those involved in food production take all appropriate steps to control potential food hazards at every stage – applies to all food producers including farmers and growers and those producing animal feeds</p>	<p>WAG / Local Authorities</p>
<p>The Crop Residues (Burning) Regulations 1993 - Stubble Burning Regs.</p> <p>Controls risk of causing air pollution by smoke from burning of crop residues on agricultural land.</p>	<p>WAG / EA</p>

<p>Injurious Weeds Act 1979 Control of the 5 invasive weed species injurious to agricultural production and animals.</p>	WAG
<p>Hedgerow Regulations 1997 Provision to consider whether removal of a hedgerow will have significant impact on the environment or historic landscape.</p>	Local Authority
<p>Ancient Monuments and Archaeological Areas Act 1979 Protection and Preservation of Scheduled Ancient Monuments</p>	CADW
<p>Heather & Grass etc (Burning) Regulations 1986 Control of the burning of heather, rough grass, bracken, gorse and <i>Vaccinium</i> in England & Wales</p>	WAG
<p>Town and Country Planning (Tree Preservation Order) Regulations 1969. (as amended 1975, 1981 and 1988) Protection of trees of historic, landscape & environmental significance</p>	Local Authorities
<p>Forestry Act 1967 (Part II) as amended by the Trees Act 1970 and the Forestry Acts 1979 and 1986. The Forestry (Felling of Trees) Regulations 1979 (as amended 1987). The Forestry (Exceptions from Restriction of Felling) Regulations 1979 (as amended 1985, 1988). The Forestry (Modifications of Felling Restriction) Regulations 1985. Regulation of tree felling and licensing.</p>	Forestry Commission Wales