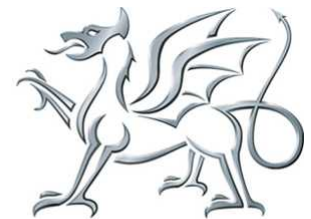


Guidance for Rural Development Inspectors

Verifiable standards and guidelines for classification of failures of
Good Farming Practice in Wales



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Requirement	Description of breach	Extent [Impact limited / not limited to an on-farm effect]	Severity [Minimum, Low, Medium or High]	Permanence [Rectifiable or Permanent]
LINEAR FEATURES				
<p>All stone walls, stone faced banks, hedges and earth banks, slate fences, gateposts and traditional stiles must be retained. Their removal or destruction on land subject to will not be allowed without consent form the relevant authority.</p> <p>In these rules, a field boundary, is:</p> <p>A continuous length of at least 10 metres regardless of condition; or</p> <p>A continuous length of less than 10 metres and meeting (whether by intersection or junction) another field boundary at each end, or forming a small enclosure.</p> <p>You must not:</p> <p>Remove a stone wall from your land; or</p> <p>Remove stone from a stone wall on your land, except for the following purposes:</p> <p>i) it is necessary to widen an existing gap in a wall to enable machinery or livestock access. No more of the stone wall should be removed than is necessary for the purpose</p>	<p>Removal of a traditional boundary such as a stone wall or stone from a stone wall if under a Rural Development Agreement. Other than for creating or increasing an access point up to 5m</p>	<p>Limited to an on-farm effect</p>	<p>Minimum up to-1 metres</p> <p>Low up to – 10m which has a greater impact than a warning letter.</p> <p>Medium 10 – 50m</p> <p>High greater than 50m</p>	<p>Rectifiable or Permanent</p>

	<p>Illegally cut or trim hedges within the closed period, outside allowable exemption (between 1st March and 31st August)</p> <p>(Allowance for arable crops that need planting in August).</p>	<p>On Farm</p>	<p>Minimum : Where one length has been illegally cut within any one parcel. Low: Where one or more length has been illegally cut within any one parcel with greater effect than a warning letter. Medium: Where multiple lengths have been illegally cut within either multiple parcels or any whole parcel. High: Where more than one whole parcel has been illegally cut.</p>	<p>Rectifiable</p>
<p>Designated Sites</p>				

<p>These rules reinforce existing rules on Sites of Special Scientific Interest (SSSIs) in the Wildlife and Countryside Act 1981.</p> <p>On any land which is in an SSSI, you must not do any of the following:</p> <ul style="list-style-type: none"> ○ Carry out any operation specified in the notice designating the land as an SSSI, unless you have obtained Countryside Council for Wales's consent, or the operation is covered by the terms of a management agreement, notice or scheme; ○ Knowing that the land is an SSSI, intentionally or recklessly destroy or damage any of the plants, animals, geological or other landscape features which led to the land being designated as an SSSI, or intentionally or recklessly disturb any of those animals. You may only breach this rule if you have planning permission to carry out the work or if there is an emergency (provided that you notify Countryside Council for Wales as soon as possible after the emergency). <p>➔ Fail to comply with a management notice which has been served on you by Countryside Council for Wales, or with a restoration order issued by a court.</p>	<p>The farmer has carried out or permitted an operation for which no notice and consent has been given or</p> <p>The farmer has carried out or permitted an operation and has failed to adhere to the terms of a consent.</p>	<p>In most cases: Limited to an on-farm effect</p> <p>In cases of a far reaching impact: Not limited to an on-farm effect</p>	<p>Low – No damage caused</p> <p>Medium Minimal damage caused</p> <p>High - Severe damage caused To be set according to the consequences of the non- compliance</p>	<p>Rectifiable or Permanent</p>
<p>It is your responsibility to ensure that you have identified the location and extent of all scheduled and unscheduled monuments on your farm holding.</p> <p>The farmer should have been notified of any such monuments when they received their Rural Development agreement, but if they were unsure they should of contacted the Historic Environment Record held by their Local Authority or archaeological trusts.</p>	<p>A scheduled monument has been damaged.</p>	<p>on-farm or Off farm</p>	<p>Medium Damage does not affect integrity of feature.</p> <p>High Damage effects the integrity of the feature</p>	<p>Rectifiable Or Permanent</p>

	A scheduled monument has been <u>completely destroyed</u>.	on-farm or Off farm	High	Permanent
	Non consented work carried out on scheduled monuments	on-farm or Off farm	Low : No damage caused High : Damage caused	Rectifiable or permanent
WATER POLLUTION				
	Failure to notify the Environment Agency of a new silage or slurry store	On or Off Farm	Low	Rectifiable
<i>Protect all water features – lakes, ponds, rivers, streams and ditches – from damage due to leaching of manure, fertilisers, other chemicals and spray drift from adjacent fields.</i>	Failure to protect water features Lakes, ponds, rivers, streams and ditches from damage due to leaching of manure, fertilisers, other chemicals and spray drift from adjacent fields	On/Off Farm	High	Rectifiable or Permanent

<p>For the purpose of Good Farming Practice 'groundwater' means all water below the surface of the ground that is in the zone of saturation (that is, below the water table) and in direct contact with the soil or subsoil.</p> <p>In this context a 'permit' constitutes either a Waste Management Licence, an authorisation under the Groundwater Regulations 1998, a consent to discharge under the Water Resources Act 1991 or a permit under the Pollution Prevention and Control (England and Wales) Regulations 2003.</p> <p>Claimants must:</p> <ul style="list-style-type: none"> ➔ Only dispose of substances listed in Appendix 2d, such as spent sheep dip and pesticide washings, to land, with a permit from the Environment Agency (EA); ➔ Comply with notices and authorisations served by the EA for the protection of groundwater. 	<p>Unauthorised disposal of waste sheep dip or pesticide washings or other list I substances.</p>	<p>Can have a on-farm or off-farm effect</p>	<p>Medium High</p>	<p>In most cases: Rectifiable</p> <p>In extreme cases: Permanent</p>
	<p>Failure to comply with the conditions of a groundwater Authorisation</p>	<p>Can have a on-farm or off-farm effect</p>	<p>Low – Cat 3 & 4 Medium – Cat 2 High – Cat 1</p> <p>Severity relates to cat 1 to 4 in the EA working instructions.</p>	<p>In most cases: Rectifiable</p> <p>In extreme cases: Permanent</p>

AIR POLLUTION

<p>In these rules, 'crop residue' means straw or stubble or any other crop residue remaining on the land after harvesting of the crop grown on that land.</p> <p>Prohibition on burning This rule applies to the following crop residues:</p> <ul style="list-style-type: none"> ➔ Cereal straw; Cereal stubble; and ➔ Residues of oil-seed rape, field beans harvested dry, and peas harvested dry. <p>You must not burn any of these crop residues unless the burning is for:</p> <ul style="list-style-type: none"> ➔ Education or research; ➔ Disease control or the elimination of plant pests where a notice has been served under the Plant Health (Great Britain) Order 1993; or ➔ The disposal of straw stack remains or broken bales.; <p>Restrictions on burning There are restrictions on burning:</p> <ul style="list-style-type: none"> ➔ Linseed residues; ➔ The crop residues listed above for (i) education or research; and (ii) other crop residues for disease control or the elimination of plant pests where a notice has been served under Article 22 of the Plant Health (Great Britain) Order 1993. <p>You must not burn any of the crop residues listed above under 'Prohibition on burning', in breach of any of the restrictions.</p>	<p>Burning, that contravenes these rules (other than accidental or caused by arson), has been carried out.</p>	<p>In most cases: Limited to an on-farm effect</p> <p>In extreme cases: Not limited to an on-farm effect</p>	<p>Medium</p>	<p>In most cases: Rectifiable</p> <p>In extreme cases: Permanent</p>
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	Evidence of waste being burnt that produced dark smoke	On Farm	Minimum (low if intentional)	<i>Rectifiable</i>
FERTILISERS AND PESTICIDES				
<p>You can find out if your land is in a Special Area of Conservation by contacting Countryside Council for Wales (CCW).</p> <p>On land classified as a Special Area of Conservation, you must comply with requirements a, b, c and d which apply to Special Protection Areas under the Wild Bird Directive</p> <p>Those requirements should be read here as applying to land classified as a Special Area of Conservation rather than a Special Protection Area.</p>	<p>The farmer has carried out an operation for which no notice/consent has been given; or</p> <p>The farmer has carried out an operation and not adhered to the terms of consent (at a technical level).</p>	<p>In most cases: Limited to an on-off farm effect</p> <p>In cases of a far reaching impact: Not limited to an on-farm effect</p>	<p>Low: No damage</p> <p>Medium: minimal damage caused</p> <p>High: Severe damage caused</p>	<p>Rectifiable or Permanent</p>
	The farmer has caused damage or destruction of the special interest or disturbance of the fauna (that is also an interest feature of the SAC)	<p>In most cases: Limited to an on-farm effect</p> <p>In cases of a far reaching impact: Not limited to an on-farm effect</p>	<p>Medium or High</p> <p>To be set according to the consequences of the non-compliance</p>	<p>Permanent</p>

AGRICULTURAL / FORESTRY MANAGEMENT				
Tree Preservation Orders The applicant must not have breached any Tree Preservation Order (TPO)	The farmer has cut down or is destroying a tree covered by a Tree Preservation Order.	On Farm	High	Permanent
	The farmer has failed to replace a protected tree as a condition of permission to fell a protected tree.	On Farm	Medium	Rectifiable
	The farmer has failed to replant following a breach of an Order.	On Farm	High	Rectifiable
Felling of trees The applicant must not have felled a tree without a licence, where such a licence was required. They must not have failed to comply with a restocking notice or other conditions or directions served under the Forestry Act, unless as a result of a lawful reason.	The farmer has felled licensable trees or trees without the necessary Felling Licence.	On Farm	Medium In extreme cases: High	Rectifiable or Permanent
	The farmer has unlawfully failed to comply with the conditions of a Felling Licence or failure to comply with a felling direction.	On Farm	Medium In extreme cases: High	Rectifiable or Permanent
	The farmer has unlawfully failed to comply with a Restocking or Enforcement notice.	On Farm	High	Rectifiable or Permanent

<p>In these rules:</p> <p>'Overgrazing' means grazing land with so many livestock that the growth, quality or diversity of natural or semi-natural vegetation is adversely affected.</p> <p>Where a management prescription has been set by the Secretary of State on overgrazed land arrangements on your holding, you must not breach that prescription.</p> <p>Where no management prescription is in place on your holding you must not:</p> <p>Overgraze the natural and semi-natural vegetation on your holding; or</p> <p>Carry out unsuitable supplementary feeding</p>	<p>Overgrazing of natural or semi natural habitat where there is no existing management prescription set</p>	<p>Limited to an on-farm effect (including grazing of common land)</p>	<p>Minimum Unless extreme</p> <p>Low (intentional)</p> <p>must be assessed by field survey, and if found to be in breach, a management prescription must be set</p> <p>High – In extreme cases must be assessed by field survey, and if found to be in breach, (more than 90% of all sample points indicating heavy grazing) a management prescription must be set</p>	<p>Rectifiable</p> <p>In extreme cases : Permanent</p>
	<p>The farmer has allowed livestock onto a grazing unit under a management prescription resulting in a breach.</p>	<p>Limited to an on-farm effect (including grazing of common land)</p>	<p>Minimum up to 5% of prescribed total livestock units Lus</p> <p>Low 5% - 25% of prescribed total Lus</p> <p>Medium greater than 25 up to 50% of prescribed total Lus</p> <p>High greater than 50% of prescribed total Lus</p>	<p>Rectifiable</p> <p>In extreme cases : Permanent</p>
	<p>The farmer has allowed livestock onto a grazing unit under a management prescription during a closed period.</p>	<p>Limited to an on-farm effect (including grazing of common land)</p>	<p>Minimum up to 5% of prescribed total livestock units Lus</p> <p>Low 5% - 25% of prescribed total Lus</p> <p>Medium greater than 25 up to 50% of prescribed total Lus</p> <p>High greater than 50% of prescribed total Lus</p>	<p>Rectifiable</p> <p>In extreme cases : Permanent</p>

<p>On eligible land which is not used for agricultural production, you must (as a minimum) do the following:</p> <ul style="list-style-type: none"> ➔ Cut scrub, and cut or graze rank vegetation on the whole area at least once every five years, with no more than 50% of the land area on a holding being cut or grazed in year four or five. Where no cutting or grazing has occurred for three years, you should ensure that 50% of the land area is cut or grazed in year four. ➔ Following harvest, establish and maintain a green cover as soon as possible after 1 March in the following year. This can be achieved either through seeding or through natural regeneration. However, you do not need to establish a green cover if you can show that you intend to return the land to agricultural production by 15 May. ➔ The green cover may be ploughed in preparation for an arable crop or reseeded. <p>In addition, you must not:</p> <ul style="list-style-type: none"> ➔ Cut vegetation on this land between 1 March and 31 July (in order to avoid disturbance to nesting birds), unless this is necessary in order to meet GAEC C or for set-aside purposes in accordance with the set-aside rules; ➔ Use the land for non-farm vehicular use; or ➔ Apply or store manure or slurry on the land except in preparation for a following crop (up to a maximum of two months before sowing). 	<p>No cutting or grazing has taken place in a 5 year period.</p>	<p>Limited to an on-farm effect</p>	<p>Medium</p>	<p>Rectifiable</p>
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<p>Avoid supplementary feeding if this causes damage to the vegetation and poaching of the soil</p>	<p>Unsuitable Supplementary feeding, of natural or semi-natural habitat where it will not be restored to its original condition by the end of the growing season</p>	<p>On Farm</p>	<p>Minimum: Up to 0.05ha The farmer has carried out unsuitable supplementary feeding which seriously affects up to 0.05ha of land. (Low if intentional)</p> <p>Low Up to - 0.125 ha which has a greater impact than a warning letter.</p> <p>The farmer has carried out unsuitable supplementary feeding which seriously affects from 0.05 to 0.125 ha of land. (not including 0.125 ha.)</p> <p>Medium greater than 0.125 up to 0.5ha The farmer has carried out unsuitable supplementary feeding which seriously affects greater than 0.125 up to 0.5 ha of land.</p> <p>High Greater than 0.5ha The farmer has carried out unsuitable supplementary feeding which seriously affects over 0.5ha of land.</p>	<p>Rectifiable In Extreme cases permanent</p>
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ENVIRONMENTAL PROTECTION LEGISLATION

<p>These are legislation requirements that are listed within the Rural Development Plan for Wales. They are policed by various agencies.</p>	<p>Evidence of breaching environmental protection legislation</p>	<p>On or Off Farm</p>	<p>Low, Medium, High Depending on the severity of the breach</p>	<p>Rectifiable or Permanent</p>
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