

SCHEDULE 1

Regulation 13(1)

Standards for Good Agricultural and Environmental Condition

Establishment of buffer strips along water courses

1.—(1) Manufactured nitrogen fertiliser must not be spread within 2 metres of surface water.

(2) Plant Protection Products must not be applied within 2 metres of surface water other than to control invasive non-native species and only where a permit has been granted in accordance with the Control of Pesticides Regulations 1986(1).

(3) Organic manure must not be spread within 10 metres of surface water unless precision spreading equipment is used, in which case organic manure must not be spread within 6 metres of surface water.

(4) Livestock manure (other than slurry and poultry manure) may be spread in the areas covered by sub-paragraphs (1), (2) and (3) if—

(a) it is spread on land managed for breeding wader birds or as a species-rich semi-natural grassland and the land is—

(i) notified as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981; or

(ii) subject to an agri-environment commitment entered into under the Rural Development Regulation;

(b) it is spread between 1 June and 31 October, both dates inclusive;

(c) it is not spread directly on to surface water; and

(d) the total annual amount does not exceed 12.5 tonnes per hectare.

(5) Organic manure must not be spread within 50 metres of a borehole, spring or well.

(6) Sites where supplementary feeding for livestock is provided must not be located within 10 metres of a watercourse on any land.

(7) For the purposes of this paragraph—

“livestock” (“*da byw*”) means cattle, chickens, deer, ducks, goats, horses, ostriches, pigs, sheep and turkeys;

“manufactured nitrogen fertiliser” (“*gwrtaiith nitrogen a weithgynhyrchwyd*”) means any nitrogen fertiliser (other than organic manure) manufactured by an industrial process;

“nitrogen fertiliser” (“*gwrtaiith nitrogen*”) means any substance containing one or more nitrogen compounds used on land to enhance growth of vegetation and includes organic manure;

“organic manure” (“*tail organig*”) means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure;

“precision spreading equipment” (“*cyfarpar taenu manwl*”) means a trailing shoe, dribble bar or injector system;

“phosphate fertiliser” (“*gwrtaiith ffosffad*”) means any substance containing one or more phosphorous compounds used on land to enhance growth of vegetation and includes organic manure;

“poultry” (“*dofednod*”) means chickens, ducks, ostriches and turkeys;

(1) S.I. 1986/1510; amended by S.I. 1997/188; there are other amendments but none is relevant.

Status: This is the original version (as it was originally made).

“slurry” (“*slyri*”) means excreta produced by livestock (other than poultry) while in a yard or building (including any bedding, rainwater or washings mixed in with it) that has a consistency that allows it to be pumped, or discharged by gravity (in the case of excreta separated into its liquid and solid fraction, the slurry is the liquid fraction);

“spread” (“*taenu*”) includes the application to the surface of the land, injection into the land or mixing with the surface layers of the land but does not include the direct deposit of excreta on to land by animals.

Abstraction of water for irrigation

2. The abstraction of water for irrigation purposes must comply with section 24 (Restrictions on abstraction) of the Water Resources Act 1991(2).

Protection of groundwater

3.—(1) A beneficiary must not cause, or knowingly permit, a groundwater activity except under and to the extent authorised by an environmental permit in accordance with regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(3).

(2) A beneficiary must comply with the requirements relating to groundwater activities in accordance with regulation 35(2)(p) of, and Schedule 22 to, the Environmental Permitting Regulations (England and Wales) 2010.

(3) For the purposes of this paragraph—

“groundwater activity” (“*gweithgaredd dŵr daear*”) has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010;

“environmental permit” (“*trwydded amgylcheddol*”) has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010.

Minimum soil cover

4.—(1) A beneficiary must protect all soil by ensuring that all land is covered by crops, stubbles, residues or other vegetation at all times, except where establishing such cover would mean breaching any of the requirements of paragraph 5.

(2) Where land has been harvested using a combine harvester, forage harvester or mower, a beneficiary must ensure that, throughout the period beginning with the first day after harvest and ending on the first day of March in the following year, one of the following conditions is met on that land at all times—

(a) the stubble of the harvested crop remains in the land; or

(b) the land is prepared as a seedbed for a crop or temporary cover crop within 14 days, and

(i) the crop, or temporary cover crop, is sown within a period of 10 days beginning with the day after final seedbed preparation, or

(ii) if sowing within that 10-day period would mean breaching the requirement in paragraph 6(1), the crop, or temporary cover crop, is sown as soon as is practicable after the land ceases to be waterlogged.

Minimum land management reflecting site specific conditions to limit erosion

5.—(1) A beneficiary must—

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- (2) 1991 c. 57. Section 24(1) was amended by section 120 of, and paragraph 128 of Schedule 22 to, the Environment Act 1995 and article 4(1) of, and paragraph 270(a) of Schedule 2(1) to, the Natural Resources Body for Wales (Functions) Order 2013.
- (3) S.I. 2010/675; amended by S.I. 2012/630; there are other amending instruments but none is relevant.

- (a) not allow, on any land, poaching and rutting to occur at a level which causes soil erosion down slope or off-site to a watercourse or road; and
- (b) either chisel-plough or install sediment fencing, to limit soil erosion if it is not possible to sow a cover crop on land which has been late harvested or where a forage or root crop has been grazed out.

(2) In this paragraph—

“off-site” (“*oddi ar y safle*”) means any area beyond the boundary of a field on a holding, including another field that is part of the same holding;

6.—(1) A beneficiary must not carry out a mechanical field operation on waterlogged soil unless—

- (a) the soil is within 20 metres of the access point to an area of soil which is not waterlogged;
- (b) the soil forms part of a track to an area of soil which is not waterlogged;
- (c) the mechanical field operation is necessary—
 - (i) to improve the drainage of the soil, or
 - (ii) to incorporate gypsum into the soil following an intrusion of saltwater, or
 - (iii) for reasons of animal welfare or human safety, or
 - (iv) in order to harvest a crop of fruit or vegetables—
 - (aa) in order to meet contractual obligations, or
 - (bb) where the quality of the crop would deteriorate if it was not harvested;
- (d) the Welsh Ministers have, in accordance with their obligations under sub-paragraph (2), published written directions stating, with reasons—
 - (i) that in their opinion an area of Wales is affected by exceptional weather conditions,
 - (ii) that in their opinion those weather conditions justify the suspension or variation of the requirement in this paragraph, taking into consideration the economic impact of the weather conditions and the environmental effects of any variation or suspension of the requirements,
 - (iii) the details of the suspension or variation, and
 - (iv) the period during which the suspension or variation will apply, provided that the period does not last more than two months,

in which case any beneficiary in the area of Wales concerned must comply with the requirement as varied in the directions, or in the case of a suspension of the requirement, need not comply with the requirement, during the period stated.

(2) The Welsh Ministers must publish such directions, in such a way as they consider appropriate to bring to the notice of those likely to be affected by them, whenever they consider it justified in consequence of such weather conditions to do so.

(3) In this paragraph—

“mechanical field operation” (“*gwaith maes mecanyddol*”) includes any harvesting, cultivation or spreading operation (including the spreading of manure or slurry) and all vehicle activity over the land in question.

Maintenance of soil organic matter

7.—(1) Subject to sub-paragraph (2), a beneficiary must not, on any agricultural area, burn any crop residue of a kind specified in Schedule 1 to the Crop Residues (Burning) Regulations 1993⁽⁴⁾ unless the burning is for the purposes of—

- (a) disease control or the elimination of plant pests where a notice has been served under article 32 of the Plant Health (Wales) Order 2006⁽⁵⁾;
- (b) education or research; or
- (c) the disposal of straw stack remains or broken bales.

(2) A beneficiary must obtain the consent of the Welsh Ministers prior to commencing burning for the purposes of sub-paragraph (1)(b) or (c).

8. A beneficiary must not, on any agricultural area, burn—

- (a) any crop residue of a kind specified in Schedule 1 to the Crop Residues (Burning) Regulations 1993 to which an exemption specified in paragraph 7(1)(a) or (b) applies;
- (b) any linseed residues;

other than in accordance with the restrictions and requirements set out in Schedule 2 to those Regulations.

Heather and grass burning

9.—(1) A beneficiary must not commence burning heather, rough grass, bracken, gorse or vaccinium on any land between sunset and sunrise.

(2) A beneficiary must not burn heather, rough grass, bracken, gorse or vaccinium unless—

- (a) a burning plan has been prepared and the proposed burning is in accordance with the provisions of that plan;
- (b) there are, where the burning is taking place, sufficient persons and equipment to control and regulate the burning during the entire period of the operation;
- (c) the beneficiary takes, before commencing burning and during the entire period of the operation, all reasonable precautions to prevent injury or damage to any adjacent land, or to any person or thing on that land;
- (d) the beneficiary has, not less than 24 hours and not more than 72 hours before commencing burning on any land, given notice in writing of the date or dates, time and place at which, and the extent of the area on which it is the intention to burn—
 - (i) to any person who has an interest in that land either as an owner or an occupier, and
 - (ii) except in the case of any burning carried out on railway land, to any other person whom is known, or could with reasonable diligence have been discovered, to be in charge of any land adjacent to that on which the burning is to take place.

(3) A beneficiary must not burn heather, rough grass, bracken, gorse or vaccinium—

- (a) on land which is within an upland area, during the period within any year from 1 April to 30 September, both dates inclusive; or
- (b) on all other land, during the period within any year from 16 March to 31 October, both dates inclusive,

⁽⁴⁾ S.I. 1993/1366.

⁽⁵⁾ S.I. 2006/1643 (W. 158) as last amended by S.I. 2014/2368 (W. 231).

except under and in accordance with a licence granted pursuant to regulation 7 of the Heather and Grass etc. Burning (Wales) Regulations 2008⁽⁶⁾.

Environmental impact assessment

10.—(1) A beneficiary must not begin or carry out an uncultivated land project or a restructuring project—

- (a) in breach of regulation 4 of, or
- (b) in breach of regulation 8 of,

the EIA (Agriculture) Regulations.

(2) A beneficiary must not breach a stop notice that has been served on him under regulation 24 of the EIA (Agriculture) Regulations.

(3) A beneficiary must not, without reasonable excuse, fail to comply with any requirement of a remediation notice served on him under regulation 26 of the EIA (Agriculture) Regulations.

(4) In this paragraph, “uncultivated land project” (“*prosiect tir heb ei drin*”) has the meaning given to it by regulation 2(1) of the EIA (Agriculture) Regulations.

(5) In this paragraph, “the EIA (Agriculture) Regulations” (“*y Rheoliadau AEA (Amaethyddiaeth)*”) means the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007⁽⁷⁾

11.—(1) A beneficiary must not carry out, on any land, work or operations relating to a relevant project unless—

- (a) consent has been granted for that project by the appropriate forestry body or by the appropriate authority; and
- (b) the project is carried out in accordance with the consent (including any conditions to which the consent is subject).

(2) A beneficiary must not carry out work in relation to a relevant project in contravention of a requirement to discontinue that work in an enforcement notice served in accordance with regulation 20 of the EIA (Forestry) Regulations.

(3) Subject to sub-paragraph (2), a beneficiary on whom an enforcement notice has been served in accordance with regulation 20 of the EIA (Forestry) Regulations must not fail, within the period specified in the enforcement notice, to carry out any measure required by the enforcement notice.

(4) In this paragraph—

- (a) “the appropriate authority” (“*yr awdurdod priodol*”) and “the appropriate forestry body” (“*y corff coedwigaeth priodol*”) have the meanings given to them by regulation 2(1) of the EIA (Forestry) Regulations, and “relevant project” (“*prosiect perthnasol*”) has the meaning given to it by regulation 3(1) of those Regulations; and
- (b) “the EIA (Forestry) Regulations” (“*y Rheoliadau AEA (Coedwigaeth)*”) means the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999⁽⁸⁾.

⁽⁶⁾ S.I. 2008/1081 (W. 115).

⁽⁷⁾ S.I. 2007/2933 (W. 253) amended by S.I. 2013/755 (W. 90).

⁽⁸⁾ S.I. 1999/2228. Regulation 2(1) was amended by article 4(2) of, and paragraph 99(2) of Schedule 4 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)). There are other amendments but none which are relevant.

Retention of landscape features - scheduled monuments

12.—(1) Subject to sub-paragraph (3), a beneficiary must not, without consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979⁽⁹⁾, execute any of the following works—

- (a) any works resulting in the demolition or destruction of, or any damage to, a scheduled monument;
- (b) any works for the purpose of removing or repairing a scheduled monument or any part of it;
- (c) any works for the purpose of making any alteration or additions to a scheduled monument or any part of it;
- (d) any flooding or tipping operations on land in, on or under which there is a scheduled monument.

(2) Subject to sub-paragraph (3), if a beneficiary executes any works to which a scheduled monument consent relates, the beneficiary must comply with all conditions attached to that consent.

(3) Sub-paragraphs (1) and (2) do not apply where a beneficiary can show that—

- (a) in relation to works prohibited under sub-paragraph (1)(a), that beneficiary took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument;
- (b) in relation to works prohibited under sub-paragraph (1)(a) or (c), that beneficiary did not know and had no reason to believe that the monument was within the area affected by the works or, as the case may be, that it was a scheduled monument; and
- (c) in relation to any works under sub-paragraph (1) or (2), the works were urgently necessary in the interests of safety or health and that notice in writing of the need for the works was given to the Welsh Ministers as soon as reasonably practicable.

(4) In this paragraph, “scheduled monument” (“*heneb gofrestredig*”) has the meaning given to it in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 and “scheduled monument consent” (“*caniatâd heneb gofrestredig*”) is to be construed in accordance with sections 2(3) and 3(5) of that Act.

Retention of other landscape features

13.—(1) Except where sub-paragraph (2) or (3) apply, a beneficiary must not remove, destroy or damage stone walls, stone faced banks, hedges, earth banks, slate fences, ponds or ditches without the prior consent of—

- (a) the Welsh Ministers,
- (b) another authority, by or under any enactment, as shall be notified to the beneficiary by the Welsh Ministers when the beneficiary applies to them for consent.

(2) A beneficiary may remove, or remove stone from, a stone feature—

- (a) to widen an existing gap in the stone feature to no more than 10 metres in order to provide access to the land for machinery or livestock, but the ends of the feature created by the widening operation must be finished with a vertical face; or
- (b) if the Welsh Ministers have given the beneficiary written permission to do so because they consider that the removal is necessary in the circumstance of the particular case.

(3) A beneficiary may widen an existing gap in a hedge, earth bank or ditch to no more than 10 metres in order to provide access to the land for machinery or livestock but the end of the hedge, earth bank or ditch created by the widening operation must be finished with a vertical face.

(9) 1979 c. 46.

(4) A beneficiary must not cultivate land within 1 metre of a hedge, earth bank or watercourse adjacent to an agricultural area.

(5) A beneficiary must not remove a hedgerow in breach of regulation 5(1) or (9) of the Hedgerows Regulations 1997⁽¹⁰⁾.

(6) A beneficiary must not, in breach of a tree preservation order made under section 198(1) of the Town and Country Planning Act 1990⁽¹¹⁾—

(a) cut down, uproot or wilfully destroy a tree; or

(b) wilfully damage, top or lop a tree in such a manner as to be likely to destroy it.

(7) In this paragraph—

“ditch” (*ffos*) includes a dry ditch;

“hedge” (*perth*) means any hedgerow with a maximum width of 10 metres or less;

“pond” (*pwll dŵr*) means a body of water occurring naturally, or created under a rural development commitment, up to 0.1 hectare surface area;

“rural development application” (*cais datblygu gwledig*) means an application to the Welsh Ministers to enter into a rural development commitment;

“rural development applicant” (*ceisydd datblygu gwledig*) means any person who makes a rural development application;

“rural development commitment” (*ymrwymiad datblygu gwledig*) means an undertaking by a rural development applicant to the Welsh Ministers to comply with any requirement which is a condition of receiving a rural development payment;

“rural development payment” (*taliad datblygu gwledig*) means any payment made by the Welsh Ministers under Title III of the Rural Development Regulation;

“stone feature” (*nodwedd gerrig*) includes a stone wall, a stone faced bank and a slate fence;

“stone wall” (*wal gerrig*) means a traditional stone wall and includes Penclawdd walls and Pembrokeshire hedges;

“Penclawdd wall” (*wal Penclawdd*) and “Pembrokeshire hedge” (*perth Sir Benfro*) means an earth bank with two constructed stone faces;

“stone faced bank” (*clawdd cerrig*) means an earth bank with one constructed stone face.

Retention of landscape features - ban on cutting hedges and trees

14.—(1) Except where sub-paragraphs (2), (3), (4) or (5) apply, a beneficiary must not cut or trim any hedgerow or tree on a holding during the period beginning on 1 March and ending on 31 August, both dates inclusive.

(2) A beneficiary may cut or trim a hedgerow or tree at any time if—

(a) it is necessary to cut or trim it because it—

(i) overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians;

(ii) obstructs or interferes with the view of drivers of vehicles or the light from a public lamp;

(iii) overhangs a highway so as to endanger or obstruct the passage of horse-riders; or

(b) it is necessary to cut or trim it because—

(i) it is dead, diseased, damaged or insecurely rooted, and

⁽¹⁰⁾ S.I. 1997/1160. There are amendments, none of which are relevant.

⁽¹¹⁾ 1990 c. 8.

Status: This is the original version (as it was originally made).

- (ii) because of its condition it, or part of it, is likely to cause danger by falling on the highway road or footpath; or
 - (c) the cutting or trimming is carried out in order to maintain a ditch; or
 - (d) the tree is in an orchard,
- and the beneficiary does not disturb any birds nesting in the hedgerow or tree.
- (3) A beneficiary may carry out hedgerow-laying and hedgerow and tree coppicing—
 - (a) during the period beginning on 1 March and ending on 31 March if the beneficiary does not disturb any birds nesting in the hedgerow or tree; or
 - (b) during the period beginning on 1 March and ending on 30 April if the Welsh Ministers have given the beneficiary written permission to do so because the Welsh Ministers consider it necessary for purposes of a competition or training event.
 - (4) A beneficiary may trim a hedgerow by hand during a period of six months beginning with the first day after the hedge was laid.
 - (5) A beneficiary may cut or trim a hedgerow or tree on arable land during August if the beneficiary is planting winter arable crops on that land as part of the beneficiary's normal farming practice and the beneficiary does not disturb any birds nesting in the hedgerow or tree.

Retention of landscape features - felling of trees

- 15.**—(1) A beneficiary must not fell a tree without the authority of a felling licence, in circumstances where a felling licence is required under section 9(1) of the Forestry Act 1967⁽¹²⁾.
- (2) A beneficiary must not, without reasonable excuse, fail to take any steps required by a notice given to him or her under section 24 of the Forestry Act 1967 (notice to require compliance with conditions or directions)⁽¹³⁾.

⁽¹²⁾ 1967 c. 10, as amended by section 46(3) of, and paragraph 2 of Schedule 4 to, the Countryside and Rights of Way Act 2000 (2000 c. 37) and article 4(1) of, and paragraph 53 of Part 1 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)) in relation to Wales.

⁽¹³⁾ As last amended by article 4(1) of, and paragraph 64 of Part 1 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)).