

Agricultural Development Scheme

CROSS COMPLIANCE AND PENALTIES FOR BREACHES

In order to receive a payment from the Agricultural Development Scheme, applicants must meet the Cross Compliance standards. Failure to comply with the Standards may lead to the imposition of penalties, leading to a loss of payment from the Scheme.

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CROSS COMPLIANCE STANDARDS

Details of the Statutory Management Requirements (SMRs) and Standards of Good Agricultural and Environmental Condition (GAECs) are set out in Government Circulars:

- No 61/08 Cross Compliance Penalties
- No 62/08 Cross Compliance Standards

These can be downloaded from the Agricultural Development Scheme website.

Cross Compliance applies to **all** land within your agricultural business, even if the land is not eligible to receive payment. You will be responsible for Cross Compliance for 12 months (1st April to 31st March), whether you own or rent the land. If you claimed on an area which you will be renting for some months of the Scheme year, you should be aware that any cross compliance breaches found on the land when your tenancy is not in place, but within the Scheme year, will result in penalties being applied to **your** payments. You should therefore consider whether the agreement that you have with the landowner is appropriate and adequate to ensure other users of the land take responsibility for meeting your Cross Compliance obligations.

The SMRs do not replace or alter existing legislation but they do identify specific legislation that you should be complying with. Where other Authorities inspect in accordance with legislation, they should notify the Department of any concerns or evidence of breaches found and, conversely, Department officers will inform the relevant authorities of the results of inspections. A farmer might therefore face prosecution for breach of legislation, plus the imposition of a penalty under the Agricultural Development Scheme, or the latter only.

Please note that this Handbook can only provide **guidance** on Cross Compliance matters. The actual outcome of an inspection will depend on the conditions found on the farm at the time of the inspection. For further advice on dealing with Cross Compliance, please contact the Field Officer team at agriculture@gov.im

INSPECTIONS

In most circumstances, you will be given 48 hours' notice of a Cross Compliance inspection. An inspector will telephone to notify you of this and the deadline will apply from the time of the conversation with you. The agreed date and time will be confirmed in writing thereafter and the letter will explain what information you should have available for the Inspector and indicate the extent of the farm to be visited. Examples of the required information might include: livestock records, pesticide use record, medicine records. You are welcome to accompany the Inspector for all or part of the inspection and the Department would recommend that you do so.

In some circumstances, a visit may be made without giving prior notice or by giving a shorter period of notice. This will only happen in exceptional circumstances, for example, where the Department believes that a breach of Cross Compliance has occurred or the terms of the Scheme are not being met. If other Cross Compliance issues are noted a full Cross Compliance inspection may be implemented.

Inspectors will be randomly assigned to inspections and cannot be changed unless a conflict of interest is declared. Inspectors will be required to state this when the situation arises.



The Department's officers will, within reason, seek to make appointments at mutually convenient times and will take into account on-farm activities which cannot easily be changed or circumstances beyond your control, for example, the death or serious injury of a close relative or a previously arranged holiday. As long as the visit takes place within 6 weeks of the notification, no penalties will apply. In exceptional circumstances, the Department may extend this time period without imposing a penalty. If the inspection does not take place within the 6 week period, you should expect to lose all payment for the Scheme year.

The Agricultural Development Scheme requires applicants to the Agricultural Development Scheme to permit entry and inspection at all reasonable times and to render reasonable assistance in relation to the inspection.

CIRCUMSTANCES IN WHICH CROSS COMPLIANCE REQUIREMENTS MAY BE SUSPENDED

The Department can suspend the requirement to meet one or more Standards in the event of exceptional circumstances adversely affecting farmers across the Island. The circumstances could include a prolonged spell of bad weather or the outbreak of serious disease. Penalties would be suspended for a specified period of time. The Department would notify all applicants of any suspension – suspensions will not be provided to individual farmers.



STATUTORY MANAGEMENT REQUIREMENTS (SMR'S)

These are requirements relating to EC Directives and Regulations which are specified by the European Commission. Under Protocol 3, all of these conditions are legally binding on farmers in the Isle of Man.

SMR 1 - WILD BIRDS

The aim of these rules is to protect wild birds, their eggs and nests.

Wild birds are legally protected and you must follow the requirements set out in relevant nature conservation legislation. Pay particular attention to potential impacts on protected sites, including Ramsar sites, Areas of Special Protection for Birds, Bird Sanctuaries and to important bird habitats in the wider countryside. In addition to any Cross Compliance penalties, you may face criminal charges if you damage protected sites or harm protected wildlife.



Contact DEFA Agriculture for further advice on nature conservation matters. Details of the bird control licences can be found on the DEFA website.

Some of the most important responsibilities for farmers are listed below but please note that these do not provide a definitive statement of the law surrounding wild birds.

You must:

- Meet the terms of:
 - any management agreement with the Department, relating to bird conservation.
 - any Agri-Environment agreement relating to bird conservation.
 - any restoration order under Section 28 on an ASSI.
 - any licence under which you are permitted to take action against wild birds (e.g. to prevent serious damage to crops).
- Obtain consent from the Department before carrying out certain operations on land within any Area of Special Scientific Interest (ASSI) which is important for wild birds. The operations relevant to your holding will have been notified to you by the Department.
- Take necessary steps to minimise the spread of non-native bird species in the wild.
- Meet other formal nature conservation conditions intended to protect wild birds or areas with statutory conservation protection (e.g. conditions imposed in connection with planning consent).

You must not:

- Intentionally or recklessly damage a protected site (such as an Area of Special Protection for Birds, a Ramsar site or an ASSI which is of importance for wild birds).
- Intentionally or recklessly kill, injure, take, keep or sell any wild bird without authorisation; or intentionally or recklessly disturb specially protected bird species.
- Hunt, take or kill quarry species (e.g. game birds or wildfowl) during the close season.
- Commit other criminal offences involving birds, such as destroying nests, taking eggs or using illegal traps or poisons.



- Cause or permit criminal offences involving birds, even if you do not yourself commit the illegal act.

SMR 2 - FLORA AND FAUNA

The aim of these rules is to protect species of flora and fauna.

Various wild animals and wild plants are specially protected and you must meet the requirements set out in relevant nature conservation legislation. You should pay particular attention to potential impacts on protected sites such as Ramsar sites and Areas of Special Protection for Plants or Animals. In addition to any Cross Compliance penalties, you may face criminal charges if you damage protected sites or harm protected wild animals and plants.



Contact DEFA Agriculture for further advice on nature conservation matters. The protected plants and animals list (including birds) can be found on the DEFA website.

Some of the most important responsibilities for farmers are mentioned below. Please note that this guidance does not provide a definitive statement of the law regarding protected wild animals and plants.

You must:

- Meet the terms of:
 - any management agreement that you have with the Department that relates to plant or animal conservation.
 - any Agri-Environment Scheme agreement.
 - any licence that gives you permission to take action against protected wild animals or carry out operations which affect certain plants.
- Get consent from the Department before carrying out certain operations on land within a relevant ASSI. The Department will have informed you which operations are relevant to your holding. You must also meet the terms of any restoration order under Section 28 on an ASSI.
- Take necessary steps to minimise the spread of non-native plant and animal species in the wild.
- Meet other formal nature conservation conditions that are in place to protect wild animals and plants, or areas with statutory conservation protection (e.g. conditions imposed in connection with planning consent).

You must not:

- Intentionally or recklessly damage a protected site (such as an Area of Special Protection for Animals or Plants, a Ramsar site or a relevant ASSI).
- Commit criminal offences involving protected fauna and flora, such as deliberately or recklessly killing, injuring or taking wild animals, cutting, uprooting or destroying wild plants.
- Cause or permit criminal offences involving protected animals or plants, even if you do not yourself commit the illegal act.



SMR 3 - GROUNDWATER

The aim of these rules is to protect groundwater by controlling the discharge of potentially harmful and polluting materials.

“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 land or subsoil.

“Surface water” is that water which flows above ground but is often fed by groundwater from springs and seepages.

There is a statutory obligation to avoid water pollution. Land managers are expected to observe ‘The Water Act of 1991’ and ‘The Water Pollution Act 1993’. Farmers should also ensure that water is not polluted when dipping and spraying operations are being carried out, or when applying slurries or manures to the land.



The full list of dangerous substances and further advice can be gained from DEFA’s Environmental Protection Unit (EPU).

The ‘Code of Good Agricultural Practice for the Protection of Water’ is a practical reference guide and can be obtained from the DEFA website.

The Dangerous Substances Directive (67/548/EEC) lists certain toxic persistent substances, the discharge of which should be carefully controlled. Where these substances are used, manufactured, stored or handled, farmers will be expected to comply with relevant legislation, codes of practice or other relevant good practice.

Examples of listed dangerous substances are:

- Spent sheep dip and pesticide washings
- Mineral oils and hydrocarbons such as diesel, petrol and heating oil
- Lead
- Copper



MATRIX FOR THE CALCULATION OF THE SEVERITY OF BREACHES OF SMR 3 BY POLLUTION

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] <i>PIC = Pollution incident category</i>	Permanence [Rectifiable or Permanent]
<p><i>Disposing of (A) hazardous substances such as spent sheep dip and pesticide washings, to land</i></p> <p><i>or (B) non-hazardous pollutants,</i></p>	<p>A) Disposal of waste sheep dip or pesticide washings or other hazardous substances has been carried out in breach of the appropriate code of practice</p>	On-farm	Minimum Site suitable for disposal substance not adequately diluted	Permanent
		Off-farm	Medium Site partially suitable for disposal	
		Off-farm	High Site unsuitable for disposal	
		Off-farm	Very High Site unsuitable for disposal	
	<p>B) Disposal of <i>non-hazardous pollutants</i> has been carried out.</p>	On-farm	Minimum Site suitable for disposal	Permanent
		Off-farm	Medium Site partially suitable for disposal	
		Off-farm	High Site unsuitable for disposal	
	<p><i>Siting, operation and maintenance of dipper (carrying out or allowing an activity that causes entry of hazardous substances or pollution by indirect entry of non-hazardous pollutants)</i></p>	<p>3.3.5 Siting, operation or maintenance of dipper poses risk of GW pollution</p>	On-farm	<p>Minimum Dipper is cracked which poses a low risk of groundwater pollution but no evidence of this having occurred OR unsealed drain hole / removable bung in dipper which poses a risk of groundwater pollution but no evidence of this having occurred</p>



Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] <i>PIC = Pollution incident category</i>	Permanence [Rectifiable or Permanent]
<p><i>Dipper must be impermeable</i></p> <p><i>Dipper must not pose a risk of groundwater pollution</i></p> <p>NOTE <i>if unsealed or bunged drain hole leads to an impermeable storage tank with no outlet then NOT a GW risk</i></p>		Off-farm	<p>Medium/High Low/High PIC Dipper is cracked which poses a risk of groundwater pollution and evidence of this having occurred (Low or Medium PIC) OR unsealed drain hole / removable bung in dipper which poses a risk of groundwater pollution and evidence of this having occurred (Low or Medium PIC)</p> <p>Very High Unsealed drain hole / removable bung in dipper which poses a high risk of groundwater pollution and evidence of this having occurred (High PIC), Dipper is cracked which poses a risk of groundwater pollution and evidence of this having occurred (High PIC)</p>	Permanent
<p>Evidence of groundwater / Surface water pollution / discharge (carrying out or allowing an activity that causes entry of hazardous substances or pollution by indirect entry of non-hazardous pollutants)</p> <p><i>There must be no evidence of discharges of hazardous substances to groundwater / surface water</i></p> <p><i>There must be no evidence of pollution of groundwater / surface water by a non-hazardous pollutant</i></p>	An activity that causes entry of a hazardous substance or pollution by indirect discharge of a non-hazardous pollutant has been carried out. This is to include badly maintained dippers, leaking containers and leaking storage tanks.	On Farm	<p>Minimum Slurry store etc overflow contained within 10 metres</p> <p>Medium Pollution contained before it reaches a stream/river</p> <p>Medium Low PIC</p> <p>High Medium PIC</p> <p>Very High High PIC</p>	Rectifiable Rectifiable / Permanent Rectifiable / Permanent



POLLUTION INCIDENT CATEGORY (PIC) DEFINITIONS

Low (PIC)

A minor incident resulting in localised environmental impact only. Some of the following may apply:

- notification of abstractors not necessary
- fish kill of less than 10 fish (species of no particular importance to the affected water)
- no readily observable effect on invertebrate life
- water not unfit for stock watering
- bed of watercourse only locally contaminated

minimal environmental impact and amenity value only marginally affected

Medium (PIC)

A significant pollution incident involves one or more of the following:

- notification to abstractors necessary
- significant fish kill (10-100)
- measurable effect on invertebrate life
- water unfit for stock
- bed of watercourse contaminated
- amenity value to the public, owners or users reduced by odour or appearance

High (PIC)

A major incident involves one or more of the following:

- potential or actual persistent effect on water quality or aquatic life
- closure of potable water, industrial or agricultural abstraction necessary
- extensive fish kill (greater than 100)
- excessive breaches of consent conditions
- extensive remedial measures necessary
- major effect on amenity value



SMR 4 - SEWAGE SLUDGE

The aim of these rules is to make sure that when sewage sludge is used in agriculture there is no risk to human, animal or plant health and no harmful effects on soil.

Sewage sludge contains nitrogen, phosphorus, trace elements and organic matter. As a fertiliser, it can have a similar value to that of animal manure and slurries. However, untreated sewage sludge can also contain pathogens and heavy metals which, if in high concentrations, could be harmful to human, animal and plant health.

Sludge producers and the farmers applying sludge or sludge products on their land are advised to follow the **Safe Sludge Matrix**. The Matrix covers the testing of the sludge products and the receiving soils. Note that the application of appropriately treated sewage sludge to land for the purpose of fertilising or otherwise beneficially conditioning the land is an activity for which a disposal exemption is required. Particulars relating to the land and the person carrying out the activity must be provided to the Department in advance. DEFA may then provide an exemption certificate.

The application of untreated sewage sludge to agricultural land is not permitted.



DEFA Environment is the monitoring authority and should be contacted if an exemption certificate is required.
The ['Safe Sludge Matrix'](#) offers clear guidance.

The treatment of agricultural land with sewage pellets will normally be supported by professional advice from the Department, as to the nutrients supplied, timing and method of application.

SMR 5 - NITRATE VULNERABLE ZONES (NVZs)

The Isle of Man does not currently have any areas subject to Nitrate Vulnerable Zones under current EU criteria.

This SMR is a domestic requirement relating to EC Directives and Regulations which are specified by the European Commission. Under Protocol 3, all of these conditions are legally binding on farmers in the Isle of Man and must therefore be included for future reference if NVZ's were required on the Isle of Man.



SMR 6 - IDENTIFICATION AND REGISTRATION OF ANIMALS

You must comply with the domestic legislation regarding the identification, registration and traceability of animals, including sheep, goats, pigs, cattle and bees including where appropriate:

- Registration of Holding and Animals;
- Ear tag identification;
- Record keeping.

By following the existing or subsequently amended animal identification, registration and traceability legislation, you are complying with this SMR.

CATTLE:

The aim of these rules is to maintain a system for the identification and registration of cattle to make possible their traceability, in particular in the event of a disease outbreak.

The Department's Cattle Passport Centre operates the Bovine Identification and Tracing System (BITS). If you keep cattle, please ensure your cattle holding is registered with DEFA.



Requirements for the identification and traceability of cattle are set out in the guidance leaflets issued to all keepers, also available on the DEFA website. This section is covered by the 'Bovine Identification & Traceability Order 2007'.

Cross Compliance - Cattle Identification Inspections (CII)

The purpose of these inspections is to examine cattle, their eartags, passports and the farm records to check that all cattle identification requirements are being met. Farm records can be in computer form or movement record books. Inspections will not normally be announced more than 48 hours in advance.

The inspector will check:

- farm records to determine which animals are present on the holding;
- that births, movements and deaths have been correctly recorded;
- that all animals are correctly tagged, and match the animal's passport;
- that all animals are present and correct;
- that deadlines for identifying cattle and keeping records have been met;
- that all passports for animals disposed of have been passed on to the new owner or returned to the Cattle Passport Centre.

Farms are selected on a basis of 'risk analysis' (i.e. late birth applications, errors on birth applications, discrepancies found at the Meat Plant). You are likely to be inspected more frequently if problems have been found during a previous inspection.

There is an annual cycle of inspections, based on 5% of active cattle holdings. The number of farms to be visited each year depends in part on how well the rules for cattle identification and record keeping are being followed across the Island. Good practice will result in fewer inspections.



Helpful Links:

CII Guidance Notes: https://www.gov.im/media/1177819/information_leaflet_cii_v1.4.pdf

CII Statistics:

<https://www.gov.im/categories/business-and-industries/agriculture/cattle/cattle-identification-inspections/>

For full information please see the 'Bovine, Identification and Traceability Order 2007':
<https://www.gov.im/media/1347180/bit-order-2007-as-amended-2016.pdf>

Cattle - Required Records, Identification and Tracing:

<https://www.gov.im/categories/business-and-industries/agriculture/cattle/required-records-id-and-tracing-cattle/>

Discrepancies found at inspection will result in CII failure codes being allocated. The codes, their relative severity scores and extents are identified below.

Code	Explanation	Severity	Extent – Animal on holding	Extent – Animal no longer on holding
NF	Mandatory information missing from farm records	1.0	On farm	On farm
FM	Failure to report movement	1.0	On farm	On farm
TG2	Animal without tags (Note a missing flag is considered a lost tag)	1.0	On farm	n/a
DB	Registered with an incorrect date of birth	0.7	On farm	Off farm
DD	Animal dead and passport/ not returned to Cattle Passport Centre prior to inspection	0.7	On farm	On farm
NA	Documents present but animal not found	0.7	Off farm	Off farm
ID	Dam identification error (other than space or leading zero issues)	0.7	On farm	Off farm
NP	Animal found with no passport	0.7	On farm	Off farm
TG	Animal Incorrectly tagged	0.4	On farm	n/a
MV	Animal Movement details incorrectly reported to Cattle Passport Centre	0.4	On farm	On farm
OP	Other passport discrepancy (such as wrong breed or sex)	0.0	On farm	n/a
IP	Invalid passport	0.0	On farm	n/a
LZ	Less serious Dam identification errors	0.0	On farm	n/a

What happens next?

The inspector will tell you what they've found. They will fill in a Inspection Report Form (IRF) form which will be used to:

- see if any reductions or penalties need to be applied to your ADS Scheme payment
- report any cross compliance issues (these may be followed up as a targeted inspection)

If your CRF calculates breaches of 20% or higher, then the inspector will give you a 'whole herd movement restriction' notice.

The inspector will report any welfare issues to the Animal Health team.



This matrix will apply to late applications:

- submitted by the keeper;
- late applications as a result of a Cattle Identification Inspection and also;
- where the Department is in receipt of a BVD tissue sample result (without a corresponding timely registration on BITS).

Failure to register also risks prosecution under the BITS Order 2007.

The fixed penalty is per calf not per application. For example: a single 2nd incidence late application would be £50, a batch of ten 2nd incidence late applications would be 10 x £50.

The late warning letter system continues alongside this, to ensure we retain compliance with the BITS Order.

All reasonable evidence will be considered before any cross compliance penalties are applied.

SHEEP

The aim of these rules is to maintain a system for the identification and registration of sheep to make possible their traceability, in particular in the event of a disease outbreak.

If you keep sheep, please ensure your sheep holding is registered with DEFA.



Guidance on the requirements you must meet for sheep identification and traceability is available from the DEFA website.

This section is covered by the 'Sheep & Goats Identification Order 2000' and the 'Sheep and Goats (Records, Identification and Movement) Order 2015'.

To deal with errors in, partial or no sheep records, the following penalty matrix will apply:

Description of Breach	Extent	Severity	Permanence
No records kept or records incomplete	On-farm	Medium: missing information or errors that can be rectified and a full assessment is possible.	Rectifiable
		High: partial records / incomplete records. Only sufficient information to allow a partial assessment.	Permanent – if there are no records or if records cannot be corrected.
		Very High: no records.	



Cross Compliance - Sheep Identification Inspections (SII)

The purpose of these inspections is to examine sheep, their eartags, both farm and ScotEID records to check that all sheep identification requirements are being met. Farm records can be in computer form or movement record books. Inspections will not normally be announced more than 48 hours in advance.

The inspector will check:

- you are registered with DEFA to keep sheep;
- your animals have been tagged and recorded correctly;
- your records are complete and up-to-date;
- you have notified sheep movements to ScotEID (if applicable);
- you have completed an annual record of sheep numbers through the Census.

Farms are selected at random and also on the following basis of 'risk analysis':

- the number of animals (a variety of different-sized flocks will be inspected);
- animal health considerations;
- new holdings.

There is an annual cycle of inspections, based on 3% of active sheep holdings. The number of farms to be visited each year depends in part on how well the rules for sheep identification and record keeping are being followed across the Island. Good practice will result in fewer inspections.

Helpful Links:

Guidance Notes: <https://www.gov.im/media/1351595/eid-movement-reporting-guidance-notes-may-2016.pdf>

For full information please see the 'Sheep & Goats (Records, Identification and Movement) Order 2015: <https://www.gov.im/media/1360366/sheep-goats-records-identification-movement-order-2015.pdf>

Flock Record Template:

https://www.gov.im/media/196597/sheep_movement_record_template.pdf

Movement Reporting Document:

<https://www.gov.im/media/1351594/sheep-goat-movement-reporting-doc.pdf>

ScotEID link:

<http://www.iomeid.com/>



ISLE OF MAN SHEEP IDENTIFICATION SUMMARY:

All animals must be tagged by 9 months of age or before they leave the birth holding; whichever is the earliest
All ON/OFF movements including deaths, must be recorded in the flock register
Animals born before 1st Aug 2010 should already be tagged with yellow or green flockmark tags

BORN	ON ISLAND	EXPORT	REPLACING LOST ID
After 1 Aug 2010	<p><u>Lambs direct to slaughter only:</u> Single Purple EID Tag. Flockmark and individual number. OR double tagged as below including one Yellow EID</p> <p>Double tag to include one Yellow EID tag. Flockmark and individual number. EID match-up tags can be any colour except red or black.</p>	<p>Double-tag to include one Yellow EID + corresponding visual tag with flockmark and individual number. The visual tag must not be red or black.</p>	<p><u>IOM-born animals:</u> You may order a replacement EID set pair from Shearwell <i>or</i> replace with new Yellow EID set pair and cross-reference new and previous ID in flock register.</p> <p><u>UK and Foreign-born animals:</u> Replace with new Yellow EID set pair and cross-reference new and previous ID in flock register.</p>
Between 2001 - 31/7/2010	Single Yellow flockmark tag	<p>Double tag to include one Yellow tag + corresponding visual tag with identical flockmark and individual number. EID optional</p>	<p>If the original ID is known, replace with Yellow flockmark tag. EID optional</p>
Before 2001	Single Green flockmark tag	<p>Double tag to include one Green tag + corresponding visual tag with identical flockmark and individual number. EID optional</p>	<p>If the original ID is known, replace with Green flockmark tag. EID optional</p>

Sheep of unknown origin must be retagged with a **Red** flockmark tag, they are not eligible for export

Slaughter tags must be sourced from Shearwell: <http://www.shearwell.co.uk/>

New tags can be purchased from Allflex <https://www.allflex.co.uk/> or Shearwell.



GOATS:

The aim of these rules is to maintain a system for the identification and registration of goats to make possible their traceability, in particular in the event of a disease outbreak.

If you keep goats, please ensure your goat holding is registered with DEFA.



Guidance on the requirements you must meet for goat identification and traceability is available from the DEFA website.

This section is covered by the 'Sheep & Goats Identification Order 2000' and the 'Sheep and Goats (Records, Identification and Movement) Order 2010'.

PIGS:

The aim of these rules is to reduce the risk of disease spreading through controlling movements and improving traceability.

If you keep pigs, please ensure your pig holding is registered with DEFA.



Guidance concerning the identification and traceability of pigs can be obtained from the DEFA website.

This section is covered by the 'Pigs (Records, Identification and Movement) Order 2007'.

BEEES:

The aim of these rules is to reduce the risk of disease spreading through controlling movements and improving traceability.

If you keep bees, please ensure your bee holding is registered with DEFA. It is the responsibility of the bee-keeper to ensure the hives are registered.



Guidance concerning the identification and traceability of bees can be obtained from the DEFA website.

This section is covered by the 'Bee Diseases and Pest Control (Isle of Man) Order 2008'.



SMR 7 - RESTRICTIONS ON THE USE OF PLANT PROTECTION PRODUCTS

The aim of these rules is to make sure that plant protection products are used correctly and to minimise their risk to humans and the environment. These requirements apply if you use Plant Protection Products on your holding.

Plant protection products include herbicides, insecticides, fungicides and growth regulators.

You **must not** use any plant protection product unless:

- it has been approved under the Plant Protection Products Regulations 2005 ("PPPR") or the Control of Pesticides Regulations 1986;
- it is used in accordance with any requirement or condition which is:
 - specified in the approval or in any extension of use; or
 - required by the approval or extension of use to be on the labelling.
- it is used in accordance with the principles of good plant protection practice; and
- whenever possible, it is used in accordance with the principles of integrated control.

Bunded stores: if there is no bunded chemical store on farm, 28 days will be given to rectify the situation. If on re-inspection, no remedial work had been completed, then a penalty will be applied. Bunding may be achieved by standing your pesticides within a metal container of sufficient capacity, e.g. a redundant water tank.

LERAP – if you use a pesticide with a buffer-zone requirement on its label but have not completed a required 'Local Environment Risk Assessment for Pesticides' (LERAP) the Inspector will provide a Guidance Note so that you can complete this task. If on a future inspection, it is found that this matter has not been remedied, a penalty will be applied.



Details of approved products are recorded by the 'Chemicals Regulation Directorate' (CRD) under the pesticide product names at www.pesticides.gov.uk 'LERAP' Guidance can be downloaded from the DEFA website.



Restrictions on the use of plant protection products - PPPs (SMR 7)

The aim of these requirements is to ensure that plant protection products (PPPs) are used correctly and to minimise their risk to humans, animals and the environment. They apply to you if you use these products on your land.

SMR Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity	Permanence
PPP's should be used in accordance with the principles of integrated control.	The farmer has used PPPs in a manner that is not in accordance with the principles of integrated control, where this was possible (e.g. has not considered the need for treatment or the use of alternatives including non-chemical means of control)	Limited to an on-farm effect Not limited to an on-farm effect: dependent on non-compliance	Minimum	Permanent or Rectifiable
You must not use any PPP unless it has been approved under relevant legislation	The farmer has used an unapproved product (e.g. an older product that is no longer approved, an imported product that is not labelled in English)	Limited to an on-farm effect Not limited to an on-farm effect: where environmental contamination or residues in foodstuffs arises from illegal use <i>Impact of the use of an illegal product will vary dependant on the product but may pose a risk to human health or the environment</i>	Very High	Permanent
You must use approved PPPs in accordance with any requirement or condition which is: specified in the approval or in any extension of use; or on the label of the product as required by the approval or extension of use	The farmer has used an approved product but has not complied with requirements or conditions of approval, e.g. <ul style="list-style-type: none"> ••Product not approved for intended use, crop, land or situation ••Product not approved for intended method of application ••Maximum dose/concentration exceeded number of permitted treatments/total dose exceeded ••Application dates/harvest intervals not observed ••Access restrictions for workers and/or livestock ignored ••Notifications not given where appropriate (e.g. to inform beekeepers where necessary and neighbours when aerial spraying) 	Limited to an on-farm effect Not limited to an on-farm effect: where there is environmental contamination and/or damage to human health as a result of the non-compliance	High : where the breach is technical in Nature Very High: where the breach may have consequences for human health or the environment	Permanent



SMR Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity	Permanence
<p>You must use PPPs in accordance with the principles of good plant protection practice and, whenever possible, in accordance with the principles of integrated control, as explained in the <i>Code of Practice for Using Plant Protection Products</i></p>	<p>The farmer has used PPPs in a manner that is not in accordance with the principles of good plant protection practice as set out in the Code of Practice</p> <p>Important requirements of the code include:</p> <ul style="list-style-type: none"> • Use of the pesticide is carefully and properly planned, including completion of appropriate risk assessments, e.g. LERAP • Product application/use by competent operators and where appropriate holders of certificates of competence (NPTC, SSTS, PA 1,2 etc) • Application equipment is maintained in good working order to ensure accurate application of pesticide, e.g. current test certificate is held, no obvious leaks, drips, damaged pipe work. • Application is confined to the target area, crop, land, etc <p>Buffer zones, grass margins and conservation headlands are maintained.</p> <ul style="list-style-type: none"> • Appropriate measures for preventing and controlling spillage and leakage, e.g. during mixing and filling of equipment • Plant protection products are stored safely • Suitable PPE is available or where spraying is observed appropriate PPE is used • Adequate arrangements for washing and cleaning equipment after use • Emergency action plan prepared and equipment available 	<p>Limited to an on-farm effect Not limited to an on-farm effect: where, for example, there is contamination of water catchments</p>	<p>High: where the breach is technical in nature Very High: where the breach may have consequences for human health or the environment</p>	<p>Permanent or Rectifiable</p>



SMR 8 - RESTRICTIONS ON THE USE OF SUBSTANCES HAVING HORMONAL OR THYROSTATIC ACTION AND BETA-AGONISTS IN FARM ANIMALS

The aim of these rules is to stop the illegal use in stock farming of substances that have a hormonal or thyrostatic action and beta-agonists, and to prevent the residues that these substances leave in meat and other foodstuffs from entering the human or animal or food chain.

Domestic legislation prohibits most uses of such substances in all species of farm animals. However, administration of some of these substances is permitted under veterinary control for a very limited range of uses.

You must not:

- Store substances related to beta-agonists that are for induction purposes in the treatment of tocolysis, or products containing these substances on the farm.
- Use hormonal substances for growth promotion.

You must:

- Use only authorised veterinary medicinal products for their authorised purposes.
- Obtain 'Prescription Only Medicines - Veterinarian' (POM-V) through a veterinary surgeon or a registered pharmacy and follow the instructions for use.
- Update medicines records whenever these substances are used on the farm.
- Follow the withdrawal periods as laid out in the product's instructions for use or veterinary prescription.

The types of substances whose uses are limited by SMR 8 include:

- androgens, such as testosterone.
- gestagens, such as melengestrol acetate.
- beta-agonists, such as salbutamol and clenbuterol.

Examples of products that might contain these substances include - PRID, Planipart and Ventipulmin.



Your veterinarian will be able to advise you on where use of these substances might be allowed.

The Compendium of Data Sheets for Animal Medicines lists nearly all authorised veterinary medicinal products, see: <http://www.noahcompendium.co.uk>



SMR 9 - Food and Feed Legislation

The aim of these rules is to make sure that the production of food for human consumption and food or feed that is fed to food-producing animals is safe.

For the purposes of Cross Compliance, you must comply with Articles 14, 15, 17(1), 18, 19 and 20 of Regulation (EC) No 178/2002 (which lays down the requirements of food law) covered by the Food Act 1996, as far as they relate to an agricultural activity which you carry out, or to agricultural land on your holding.



Any queries on the Food and/or Feed Hygiene Regulations should be directed to DEFA's Food Safety Unit (FSU).

There are record keeping requirements for pesticides – a template is available on the DEFA website.

You must not:

- place food on the market if it is unsafe.
- place unsafe feed on the market or feed it to food producing animals.

You must:

- have in place, and maintain, traceability systems and procedures in the form of adequate records and documentation of both inputs *to* and outputs *from* your business. In summary you will need to be able to supply evidence of:
 - any person or business from whom you have been supplied with a food, a feed, a food-producing animal or any substance that will be incorporated into a food or feed; and
 - any businesses that you have supplied with any of your products.
- immediately initiate procedures to withdraw food from the market and inform the Food Safety Unit at DEFA of your actions if you consider or have reason to believe that a food that you have produced does not satisfy food safety requirements and it has left your control.
- immediately initiate procedures to withdraw feed from the market and inform the competent authorities of your actions if you consider or have reason to believe that a feed that you have produced does not satisfy the feed safety requirements. In addition, where any such feed is part of a batch, lot or consignment of feed of the same class or description, you must destroy the batch, lot or consignment unless the competent authority is satisfied otherwise.
- inform the competent authorities immediately if you consider or have reason to believe that a food, which you have placed on the market, may be injurious to human health or if a feed, which you have placed on the market, may not satisfy the feed safety requirements. You must also inform the competent authorities of the action you have taken to prevent risks to the final consumer or risks arising from the use of that feed. You must not prevent or discourage any person from co-operating with the competent authorities where this may prevent, reduce or eliminate a risk arising from a food or feed.
- ensure that you comply with all Food Law as it relates to your agricultural land or agricultural activities.



Food Hygiene Regulations:

The 'European Communities (Food Hygiene laws) (Application) Order 2007' which lays down the general principles of food hygiene legislation will extend to **all farms** engaged in the production of food and feed.

The Food Hygiene regulations include:

- obligations covered by Cross Compliance which mean that you will need to take steps to prevent contamination arising from water, soil, feed, veterinary products, pesticides, waste etc. You will need to prevent animals and pests from causing contamination and you will need to take account of results from tests relevant to animal and human health.
- apply to all feed businesses that make, use or market animal feed, which amount, in the main, to fairly basic hygiene procedures.
- includes obligations which are covered by Cross Compliance, for example, keeping appropriate records in relation to feed, the nature and origin of your animal feedstuffs.

Additional rule for egg producers:

- Keep eggs clean, dry, free of strong odour, effectively protected from shocks and out of direct sunlight.

Penalty matrix for breaches under SMR 9 Food & Feed Legislation

Description of Breach	Extent	Severity	Permanence
No records kept or records incomplete	On-farm	Medium: missing information or errors that can be rectified and a full assessment is possible.	Rectifiable
		High: partial records / incomplete records. Only sufficient information to allow a partial assessment.	Permanent – if there are no records or if records cannot be corrected.
		Very High: no records.	



SMR 10 - PREVENTION AND CONTROL OF TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (TSE)

The aim of these rules is to minimise and control the risk posed to human and animal health by certain transmissible spongiform encephalopathies (TSEs), i.e. BSE and Scrapie.



You must immediately notify the Chief Veterinary Officer of any animal suspected of being infected by a TSE e.g. BSE or Scrapie. Further information and advice can be obtained from DEFA Agriculture.

You must:

- On notification of a TSE suspect or confirmed case, fully comply with movement restrictions, including any order to slaughter and destroy the animal(s), or any other notices served by an inspector imposing measures concerning that animal or animals under the TSE Regulations 2007.
- Use the following proteins for non-ruminant use only for feed production, or use or store complete feed containing them:
 - Fishmeal / blood products / blood meal, only where fed to farmed fish;
 - dicalcium phosphate and tricalcium phosphate of animal origin, (mineral-derived versions are permitted for all livestock and are most commonly used - feed labels not specifying 'animal origin' can be taken to be mineral).

and only use them where:

- authorised by DEFA to use derogated proteins to produce non-ruminant feed (e.g. on-farm mixers - authorisation is always required where ruminants are present);
- registered by DEFA to use derogated proteins to produce non-ruminant feed where no ruminants are present (e.g. on-farm mixers).
- registered* by DEFA to use feed products containing derogated proteins on premises where ruminants are present.

* this registration requires farmers to confirm adequate on-farm measures, including storage and feeding arrangements, to ensure that feed containing derogated proteins are not fed to ruminants and kept adequately separated from ruminant feed. An inspection by a GVO will confirm permission to use such products on the premises in line with EU requirements.

You must not:

- feed to ruminants, any animal protein or any feeding stuff, which contains animal protein, except (subject to required processing):
 - milk, milk-based products and colostrums / eggs & egg products / gelatine from non-ruminants,
 - hydrolysed proteins derived from non-ruminants or from ruminant hides and skins.
- feed products containing the following to farmed animals (ruminants or non-ruminants), directly or in feedstuffs:
 - processed animal protein (includes mammalian meat and bone meal, poultry meal, feather meal etc) / gelatine from ruminants.



SMR 11 - CONTROL OF FOOT AND MOUTH DISEASE (FMD)

The aim of these rules is to maintain control of, prevent, and eradicate foot and mouth disease. They apply to you if you keep livestock of a susceptible species (cattle, sheep, goats & pigs).



You must notify the Chief Veterinary Officer if you know or suspect that an animal or carcass in your possession or under your charge is infected with foot and mouth disease. Further information and advice can be obtained from DEFA Agriculture.

You must keep animals infected with foot-and-mouth disease or animals suspected of being infected, away from places where other animals of susceptible species are at risk of infection or contamination.



SMR 12 - CONTROL OF NOTIFIABLE and OTHER ANIMAL DISEASES

The aim of these rules is to control and eradicate specified animal diseases. They apply to you if you keep livestock of a susceptible species.



You must notify the Chief Veterinary Officer if you know or suspect that an animal or carcass is infected with any of the following diseases or any other notifiable disease.

Further information and advice can be obtained from DEFA Agriculture.

- African Swine Fever, Anthrax, Aujeszky's Disease, Bluetongue, Brucellosis (*B. abortus*), BVD, Classical Swine Fever, Contagious Bovine Pleuropneumonia, Enzootic Bovine Leucosis, Foot and Mouth Disease, Goat Pox, Lumpy Skin Disease, Pest de Petits Ruminants, Rabies, Rift Valley fever, Rinder Pest (Cattle Plague), Sheep Pox, Swine Vesicular Disease, Teschen Disease, Tuberculosis, Vesicular Stomatitis, Warble Fly, Parasitic Mange or Sheep Scab.
- Avian Influenza – poultry

Tuberculosis (TB) Control Measures

Failure to comply with a request to test within 6 weeks of the due date is an offence under the Tuberculosis (Control & Testing) Order 2001.

Having taken 10 years to achieve 'Official TB Free' (OTF) status, the Department requires an improved mechanism to encourage keepers to complete their TB tests on time: when reducing the level of tests it becomes more important to ensure compliance in order to maintain OTF status.

We have adopted a less severe approach than our counterparts in England & Wales (due to the respective lower levels of TB incidence):

Test Overdue By	Penalty Reduction
>30-60 days and is undertaken within this time-frame (i.e. first day of 2-day test has commenced)	1%
>60-90 days and is undertaken within this time-frame (i.e. first day of 2-day test has commenced)	5%
Subsequent delays to test will be dealt with as INTENTIONAL	
Test Overdue By	Penalty Reduction
>90-120 days and is undertaken within this time-frame (i.e. first day of 2-day test has commenced)	50%
>120 days + also risks prosecution under the Animal Health Act	100%



This will apply to the following TB tests:

- **routine whole herd,**
- **post-import,**
- **inconclusive retests,**
- **part & whole herd clearing tests.**

Cattle keepers should notify DEFA Agriculture at the **earliest** opportunity, if they think they will not be able to complete their herd test on time. Clearly, if there are reasons beyond the keeper's control for example, the veterinary surgeon is ill then the farmer would get a Form A (being overdue), but cross-compliance penalties would not be initiated unless and until further failures to arrange test/present animals occur.

We would emphasise the **earlier** the communication from the keeper the sooner matters can be resolved and costs avoided. If there are extenuating circumstances (i.e. hospital etc) preventing the completion of the testing within the notified testing window, evidence of these circumstances must be provided in writing to DEFA Agriculture as soon as possible, and no later than 10 days after the testing window closes.

N.B. In the event of death of an owner – the sale of stock could not take place until the test had been carried out. All evidence will be considered in every case, before any cross compliance penalties are applied.

Bovine Viral Diarrhoea (BVD) Control Measures

Following the introduction of the BVD Order 2013 and to make further progress we introduced BVD penalty matrices from 01 September 2017. The objective is to tighten up registration and testing and to provide farmers with additional information so they can make informed choices about which holdings to buy in / hire from to minimise the risk to their own holding.

Failure to attain a BVD result within the appropriate timescales:

	1 st Incidence	2 nd Incidence	3 rd Incidence	Each Subsequent Incidence
Failure to take a BVD tissue sample from a calf within 20 days of birth <i>i.e. DEFA must have received the initial result by the time the calf is 50 days of age.</i>	Warning Letter	£20	£40	£50
Failure to resample within 10 days of receipt of button tag if sample is deemed inadequate (e.g. missing /no sample / not fit to test) <i>i.e. DEFA must have received the subsequent result by the time the calf is 90 days of age.</i>	Warning Letter	£20	£40	£50



NB. Calves can only move if a negative BVD result is received or under licence by DEFA.

If no result is forthcoming for an animal that we know exists (either through registration on the BIT system, through an initial inadequate BVD result or through identification at a cattle inspection), this also risks prosecution under BVD Order 2013.

Please also see **SMR 6** (page 14) for details on the penalty matrix for **Late Calf Registrations** – as this applies where the Department is in receipt of a BVD tissue sample result (without a corresponding timely registration on BITS).

Moving a BVD Unknown (born or after 1/1/14 or a breeding bull):

	1 st Incidence	2 nd Incidence	3 rd Incidence	Each Subsequent Incidence
<p>*Moving or causing/permitting another person to move a bovine animal born/imported on or after 1/1/14 or a breeding bull that has not tested negative i.e. of unknown BVD status</p> <p>(except direct to slaughter, for disposal as an animal by-product or under written permission from the Department)</p>	£100	£250	£400	£500

Moving a BVD Positive animal:

	1 st Incidence	2 nd Incidence	3 rd Incidence	Each Subsequent Incidence
<p>*Moving or causing/permitting another person to move a bovine that has tested POSITIVE</p> <p>(except direct to slaughter, for disposal as an animal by-product or under written permission from the Department)</p>	£500	£750	£1,500	£2,500

Movements are deemed a shared responsibility, please note that for movement penalties,

***BOTH** keepers will be liable, i.e. holding of origin and holding destination.

NB. all reasonable evidence will be considered before any cross compliance penalties are applied. In the case of force majeure, we strongly advise that you make contact with DEFA at your earliest opportunity.

Movement Exemptions: The movement of foster calves to suckler herds already has an exemption process i.e. the keeper requests a 'Notice to Move an Animal with an Unknown BVD status' from DEFA. Penalties will only be waived **IF** an application for a Notice has



been received in a timely manner (685844 answer-phone / agriculture@gov.im email if outside working hours).

Lists containing holding numbers of BVD-affected premises will be available on BITS Online Services, once you have logged-in. For non-online users, please contact DEFA for either an email or printed copy (to be collected from Thie Slieau Whallian) Tel: 685844 or agriculture@gov.im

There will be two lists:

Holdings with Live BVD Virus Test Positive Animals currently on the holding - this is the list of holdings with live positive animals on

Holdings which have had a BVD Virus Test Positive Animal on their holding in the last 6 weeks - this list will include animals

- a) on the list above
and animals which have:
- b) tested positive and died in the last six weeks (the date of their most recent positive test will be displayed)
- c) tested positive initially within the last 6 weeks and subsequently retested negative* (the date of their original positive test will be displayed)

* If you have an animal which tests positive then retests negative 21-42 days after the initial result – this demonstrates that virus is/was circulating on your holding.

- We advise you to view these lists before purchasing **any** stock or hiring bulls. Be aware that the lists do not cover all risk factors in relation to BVD. The actual levels of risk depend on many factors some relating specifically to the husbandry of your holding. Keepers should therefore seek advice from their private veterinary surgeon on the factors relevant to their particular circumstances.

Both lists will be updated as and when we receive new test results.



SMR 13 - CONTROL OF BLUETONGUE (BTV)

The aim of these rules is to control and eradicate Bluetongue. They apply to you if you keep livestock of a susceptible species.



You must notify the Chief Veterinary Officer if you know or suspect that an animal or carcass is infected with Bluetongue. Further information and advice can be obtained from DEFA Agriculture.



SMR 14 - WELFARE OF FARMED ANIMALS

The aim of these rules is to protect the welfare of farmed animals by setting minimum standards for their care and husbandry. They apply to you if you keep any species for farming purposes.

You must comply with relevant national legislation, the Welfare of Farmed Animals Order 2002 [as amended]. You are required by law to ensure that whoever directly attends to the animals is familiar with the provisions of the relevant welfare code and can readily refer to them as necessary.



Further information on your legal obligations and advice on animal husbandry can be found in the Department's 'Codes of Recommendations for the Welfare' of cattle, sheep, pigs and domestic fowls, which can all be downloaded from the DEFA website.

Field Officers rarely see any dead sheep on inspection. When they do, it's 1-2 at most and Officers request the keeper to arrange immediate collection by the Fallen Stock team, to the Animal & Waste Processing Plant (AWPP).

Failure to correctly dispose of carcasses is an offence under the **Dogs Act 1990**:

22 Disposal of carcasses

Any person who without reasonable excuse permits the carcase of any livestock belonging to him or under his care to remain in a field or other place to which dogs can gain access shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.¹¹

Where the number of carcasses are significantly higher than the 1-2 sometimes seen at inspection, then the Chief Veterinary Officer advises that penalties should be imposed for this welfare breach, calculated using the 'Negligent' penalty table in this Handbook e.g.

Negligent - On farm - Minimum - Rectifiable = 1% reduction

This is using the standard 'Negligent' table on this Handbook.

This breach may also lead to a conviction under the Dogs Act 1990.



STANDARDS OF GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION (GAECs)

These are rules of the scheme which define management standards and reflect good practice, much of which you may already be following.

Some of the Standards of Good Agricultural and Environmental Condition will only be relevant in certain environments - for example, standards relating to cultivation will not be relevant to upland rough grazing. For the most part, the relevance of particular measures to particular environments should be self-evident, but the 'guidance' sections aim to clarify the action necessary to comply with the standards.

The standards have been developed to ensure that they are reasonable for land managers and they adequately safeguard the land in Good Agricultural and Environmental Condition. In doing so we have:

- Followed existing codes of good practice (e.g. Good Farming Practice and the General Environmental Conditions for participants in Agri-environment Schemes) where appropriate;
- Incorporated standards of management which we believe most farmers would regard as reasonable good practice; and
- Used the framework flexibly so that we do not unnecessarily constrain changes in land use and land condition where these are environmentally benign.

The Standards of Good Agricultural and Environmental Condition of agricultural land are intended to be as comprehensible as possible. We recognise, however, that land managers may wish to take advice from the Department on whether their current practice fits within Cross Compliance standards.

Applying for Departmental approval for permission to carrying out work on your holding

There are a number of circumstances where the Department's approval will be required before you carry out work. In most cases, the Department will need to complete an Environmental Impact Assessment (EIA) and will base its response on the outcome of this.



To apply for permission to carry out work you need to complete a 'Works Approval' (WA) form available to download from the Agricultural Development Scheme website: <https://www.gov.im/ads/forms>

You will receive an initial response within 5 weeks of the Department receiving your Works Approval form. Depending on the works applied for, this response may be an approval or it may be advising you that an EIA is required, which can only be carried out during certain time periods.

If the works require an EIA which can only be completed at a particular time of the year, permission for an activity will be delayed until it can be completed. Therefore, allow plenty of



time for this process to occur. Examples of circumstances where an EIA will be required include:

- Before applying fertiliser, manure, herbicides, pesticides or liming materials to any rough grazing land, moorland, unimproved pastures, wetlands or other semi-improved areas. With regard to herbicides, spot applications to control injurious weeds as defined in the Weeds Act 1957 can be made without the Department's approval.
- Before removing or destroying boundary features such as stone walls (complete or dilapidated), turf and stone-faced banks (including Manx sod hedges) and hedges, hedges and hedgerow trees, boundary trees or watercourses.
- Before undertaking new drainage works, ploughing, clearing, levelling, re-seeding or cultivation on un-cultivated land or semi-natural habitats.

Once approval for the work has been given, you will have 12 months in which to complete it, otherwise you must seek the Department's consent again. If there are any other time-constraints, they will be detailed in the application outcome letter. If you carry out the work without gaining permission, a penalty may be applied and you will lose payment from the Scheme. In some cases, this may be a large percentage of your claim.

Please see the table below for further information regarding when/if completing a WA is required

Reason	Time of Year	Process	Permission required?
Roadside hedge trimming in the interest of road safety.	Any	Can be made without the Department's approval. However, you must be able to justify a clear Health & Safety reason. <i>See Note 1.</i>	No
Before removing or destroying boundary features such as stone walls (complete or dilapidated), turf and stone-faced banks (including Manx sod hedges) and hedges, hedges and hedgerow trees, boundary trees or watercourses. Before creating a new gateway or widening an existing gateway to more than 6m. Before undertaking new drainage works, ploughing, clearing, levelling, re-seeding or cultivation on un-cultivated land or semi-natural habitats.	Any	Complete a 'Works Approval' form and submit to the Dept. Form can be downloaded from Agricultural Development Scheme website. Some work has the potential for requiring an EIA to be carried out.	Yes



Before applying fertiliser, manure, herbicides, pesticides or liming materials to any rough grazing land, moorland, unimproved pastures, wetlands or other semi-improved areas.			
With regard to herbicides , spot applications to control injurious weeds (as defined in the Weeds Act 1957) to any rough grazing land, moorland, unimproved pastures, wetlands or other semi-improved areas.	Any	Can be made without the Department's approval. <i>See Note 1.</i>	No
Permission for hedge trimming inside of the non-cutting period i.e. 1 Mar – 31 Aug must be applied for first.	1 Mar – 31 Aug	Complete a 'Works Approval' form and submit to the Dept. Form can be downloaded from Agricultural Development Scheme website. <i>See Note 1.</i>	Yes
Hedge trimming work can be carried out 1 Sep – end February without Department permission.	1 Sep - end Feb	Can be made without the Department's approval. <i>See Note 1.</i>	No
Light trimming by hand	Any	Protruding branches/bramble can be trimmed by hand (including by a chainsaw) at any time regardless of where it occurs. <i>See Note 1.</i>	No

Note 1: in all cases you should ensure that work does not contravene the Wildlife Act 1990, particularly with reference to nesting birds.



Standards to reduce soil erosion: Standards 1 to 7

Management behaviour is a key factor in minimising soil erosion as soil erosion can:

- Cause damage to crops
- Block waterways with silt and contaminate them with soil nutrients
- Cause public nuisance through soil deposition on roads
- Lead to gradual loss of top soil
- Damage aquatic life and diminish water quality
- Cause damage to archaeological heritage sites

Reducing the risk of soil erosion can be achieved by following the appropriate GAEC requirements.

GAEC Standard 1 - POST-HARVEST MANAGEMENT OF LAND

The aim of these rules is to maintain soil structure and organic matter and to prevent erosion, compaction and damage to landscape features.

Requirement

Over winter, all previously cropped land must, where post harvest conditions allow, have crop, grass or stubble cover; or have a ploughed or roughly cultivated surface. Fine seedbeds must only be created very close to sowing. A roughly cultivated surface is a surface created by the use of discs or tines (or equivalent machinery).



For the purpose of this Standard, winter is the period that begins on the day after harvest and ends on the last day of February in the following year.

Cultivating land and planting crops before the end of the winter period e.g. growing early potatoes is allowed under this measure, provided the prevailing agronomic or weather conditions and the condition of the soil are favourable.

Turfing operations are likely to leave a fine soil surface which will be prone to erosion. Where turfing occurs, there must either be crop, grass or stubble cover, or a ploughed or roughly cultivated surface created, as soon as practical after the turf is lifted.

Field operations should be carried out under favourable weather conditions especially in late autumn and early spring.

Benefits:

- Crop cover, retention of stubbles or a roughly cultivated surface can significantly reduce the risk of erosion, siltation of drains and nutrient loss to streams and ditches.
- The risk of soil erosion is reduced.
- Nutrient leaching is reduced.
- Soil structure is improved/maintained.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non- compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
All cropped land over the following winter must, where soil conditions after harvest allow, have either: crop cover, grass cover, stubble cover, ploughed surface or a roughly cultivated surface. Fine seedbeds must only be created very close to sowing.	<u>Soil erosion</u> <1 acre	On farm / Off farm	Minimum	Rectifiable
	>1 acre but <12 acres	On farm / Off farm	Medium	Rectifiable
	>12 acres	On farm / Off farm	High	Rectifiable



GAEC Standard 2 - WIND EROSION

The aim of these rules is to maintain soil structure and organic matter and to prevent erosion, compaction and damage to landscape features. To reduce the risk of erosion in Spring as a result of cropping practices.

Requirements

In areas prone to wind erosion you must take reasonable steps to reduce the risk of soil loss in the spring by maintaining a crop cover, using coarse seedbeds, shelter belts, nurse crops, or take other appropriate measures that have an equivalent effect. You should apply all or some of these measures if there is a risk of soil erosion by the wind. You should consider using minimum cultivation techniques and mulches. In addition, using a Cambridge roller instead of a flat roller could help to reduce wind blow.



For the purpose of this Standard, Spring is defined as the period 1st March to 31st May in any calendar year and it is only within these dates that the measure is applicable.

Benefits:

- Soil erosion is reduced
- Soil fertility is maintained
- Soils maintain structure
- Soil fertility and rooting depth is maintained
- Avoids the need to re-sow crops, saves money and later sowing usually results in reduced yields

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non- compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
In areas prone to wind erosion you must take reasonable steps to reduce the risk of soil loss in spring by maintaining crop cover, using coarse seedbeds, shelter belts or nurse crops, or use other appropriate measures with an equivalent effect.	<u>Wind erosion identified no steps taken to reduce soil loss:</u> <1 acre	On farm / Off farm	Minimum	Rectifiable
	>1 acre but <12 acres	On farm / Off farm	Medium	Rectifiable
	>12 acres	On farm / Off farm	High	Rectifiable



GAEC Standard 3 - SOIL CAPPING

This measure is designed to protect soil from water erosion caused by capped surfaces on cultivated land.

Requirement

On sites where capping is a problem, you must form a coarse seedbed or break any cap that forms, to avoid erosion.

A capped surface is the result of soil particles running together when wet and drying out to form a crust. This is more likely in fine sandy and silty soils and results in water infiltration being reduced to the extent where there is an observable run-off, the formation of rills and gullies and/or soil deposition at the sides of fields, on roads or in watercourses and ditches. As well as increasing the risk of erosion, capping can lead to poor crop establishment and reduced yields. When the soil dries out the cap can be broken by light harrowing or the use of a Cambridge roller.

Benefits:

- Free draining well structured soils improve crop performance
- Soil remains free draining therefore reducing the risk of flooding and the loss of soil particles
- Reduces the risk of capping
- Soil fertility and rooting depth is maintained
- Avoiding the need to re-sow crops saves money and later sowing usually results in reduced yields

Standards to maintain soil structure

Soils can be physically damaged, perhaps irreversibly, by livestock trampling, compaction, topsoil removal and erosion. Compaction of both topsoil and subsoil can seriously damage overall structure, restrict root growth and reduce the air and water carrying capacity of the land. Physical damage to the soil can be reduced or even avoided completely by taking appropriate steps.

Soil compaction can be seen in various forms e.g. water standing in tramlines would indicate capping or compaction of the soil, pools of water on headlands and areas of high machinery traffic would indicate compaction. Heavy poaching around feeders would also suggest damage to the soil structure by smearing and compaction.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non- compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
On sites where capping is a problem you must form a coarse seedbed or break any cap that forms to avoid erosion.	Capping identified but no remedial action taken: <1 acre	On farm / Off farm	Minimum	Rectifiable
	>1 acre but <12 acres	On farm / Off farm	Medium	Rectifiable
	>12 acres	On farm / Off farm	High	Rectifiable



GAEC Standard 4 - WATERLOGGED SOILS

This measure is designed to protect soil when it is waterlogged and more susceptible to damage.

You must not carry out (or allow) any mechanical field operations on an area of waterlogged soil unless exceptions apply.

Guidance

Mechanical field operations includes any harvesting, cultivation or spreading operations, including those for manures or slurry, and all other vehicle activity; and normal common-sense definitions of 'waterlogged' apply.

You must not carry out (or allow) any mechanical field operations on an area of waterlogged soil unless one or more of the following exceptions applies:

- The area of waterlogged soil subject to mechanical operations is within 20 metres of a gateway or other access point and access is required to an area of land that is not waterlogged.
- The area is an established track to land that is not waterlogged.
- Mechanical operations are necessary to improve the drainage of the land.
- Mechanical operations are necessary for the safety of humans or animal welfare.
- It is essential to harvest a crop to meet contractual deadlines, or where the quality of the produce would deteriorate if not harvested/lifted.

Saturation is indicated by the appearance of water from the soil when pressure is applied e.g. from the equivalent of a footprint. Low ground pressure tyres or dual wheels should be used when necessary. The repeated use of power driven cultivation equipment, especially when the soil is wet, should be avoided.

Benefits:

- Soil structure is maintained
- Free draining well structured soils produce higher yields
- The availability of plant nutrients is greater on soils showing good structure and the possibility of run off and pollution is reduced
- Extra cultivations which may be needed to level out the soil are avoided
- Flooding risks are reduced by avoiding erosion
- Soil fertility and rooting depth is maintained
- Avoiding the need to re-sow crops saves money and later sowing usually results in reduced yields



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
The farmer has used, or permitted the use of, motorised vehicles on waterlogged soil without one of the permitted conditions applying to the situation.	Where use of a motorised vehicle has been attempted, but abandoned due to soil condition.	On farm / Off farm	Minimum (minor)	Rectifiable
	Where a motorised vehicle has been used on waterlogged soil.	On farm / Off farm	Minimum	Rectifiable
	where a motorised vehicle has been continuously used on waterlogged soil.	On farm / Off farm	Medium	Rectifiable
The farmer has carried out mechanical field operations on waterlogged soil without one of the permitted conditions applying to the situation.	Where an operation has been attempted, but abandoned due to soil condition.	On farm / Off farm	Minimum (minor)	Rectifiable
	Where an operation has been carried out.	On farm/ Off farm	Minimum	Rectifiable
	Where multiple operations have been carried out in a waterlogged field, e.g. ploughing and drilling in separate passes.	On farm/ Off farm	Medium	Rectifiable
	Where multiple operations have been carried out in multiple fields.	On farm/ Off farm	High	Rectifiable



GAEC Standard 5 - BURNING OF CROP RESIDUES

The aim of these rules is to protect the environment.

You must gain prior approval from the Department before burning these residues: cereal straw, cereal stubble, residues of oilseed rape, residues of field beans harvested dry or residues of peas harvested dry.

Guidance

You will not break this rule if the burning is for:

- Education or research;
- Disease control or the elimination of plant pests where a notice has been served under the Plant Health Order 2011; or
- The disposal of straw stack remains or broken bales.



Any farmer with a need to burn crop residue must have a sound agricultural requirement **and** gain permission from DEFA Agriculture.

Benefits:

- Air pollution is reduced.
- Soil organic matter is retained.
- Reduced risk of damage / destruction to neighbouring crops and habitats.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Prior approval must be sought from the Department before burning these residues: cereal straw, cereal stubble, residues of oilseed rape, residues of field beans harvested dry or residues of peas harvested dry.	Evidence of burning crop residue on land <2 acres.	On farm / Off farm	Minimum	Rectifiable
	Evidence of burning crop residues on land which is >2 acres in size but <12 acres.	On farm/ Off farm	Medium	Rectifiable
	Evidence of burning crop residue on land which is >12 acres in size.	On farm/ Off farm	High	Rectifiable



GAEC Standard 6 - THE HEATH BURNING CODE

The aim of these rules is to ensure that heathland is managed to protect wildlife and to benefit agriculture.



Burning of Registered Heath is only allowed between September 1st and March 15th, except by special agreement with DEFA Forestry.

You must follow the latest edition of the Heath Burning Code on Registered Heath and follow the Heath Burning Code guidelines as best practice elsewhere. Protected species and habitats can be harmed significantly by improperly controlled heather burning.



The 'Heath Burning Code' issued by DEFA can be downloaded from the website.

Before burning:

- Identify areas that are exempt from burning such as sites used for nesting by legally protected birds of prey, for example, Hen Harrier;
- Produce a plan of where and how burning will be carried out;
- Ensure staff are adequately trained and that emergency plans are in place. It can be dangerous to those involved and to others if it is not carried out correctly and responsibly.

Once all preparatory work has been completed:

- Avoid burning when it is too dry - when the moss and plant litter on the ground surface has completely dried out;
- Avoid burning uphill on steep slopes;
- Avoid burning on blanket bogs (areas of peat which are more than 19ins or 50cm deep), in exposed areas or in areas with thin soils;
- Consult with the Department as necessary, if protected species are present in an ASSI or other protected designation.

Benefits

- Compliance with the Heath Burning Code will help to avoid extensive erosion on steep sites through burning.
- Periodic burning of heather and grass can be advantageous for agriculture and wildlife conservation.
- Well-managed hill lands that contain a mosaic of heathers at different growth stages adds to an attractive environment both visually and ecologically for the benefit of users of the countryside and wildlife alike.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm / Off farm	Severity - Minimum / Medium / High	Permanence - Rectifiable (minor) / Rectifiable / Permanent
You must follow the latest edition of The Heath Burning Code on Registered Heath (available from the Department) and follow the Heath Burning Code guidelines as best practice elsewhere.	Soil erosion due to non compliance with the Heath Burning Code: - burning unsuitable areas.	On farm / Off farm	Minimum	Rectifiable
	- burning in unsuitable weather conditions e.g. windy conditions.	On farm / Off farm	Medium	Rectifiable
	- out of control fire.	On farm / Off farm	High	Rectifiable



GAEC Standard 7 - EROSION CAUSED BY LIVESTOCK

This standard aims to prevent the erosion of land and in particular banks of watercourses, at watering points and feeding areas from overgrazing, heavy trampling or heavy poaching by livestock.

Requirement

You should prevent the erosion of land and in particular banks of watercourses, watering points and feeding areas from overgrazing, heavy trampling or heavy poaching by livestock.

Where erosion occurs, action should be taken to rectify the problem anytime during the growing season in the calendar year that follows the date that the problem has occurred. This may involve, for example, reducing stock numbers or removing stock altogether for a period of time.

Where erosion is identified, by the Department or the farmer, a management regime to deal with the erosion must be approved by the Department and observed on the site in question.

Guidance

This condition does not apply to areas that are within 10 metres of a gateway and 3 metres of farm tracks necessarily used during wet-periods. However, every effort should be made to minimise any effect of soil erosion. For example, in severe weather conditions, consideration should be given to the use of an alternative gateway.

Livestock should be managed appropriately according to ground and climate conditions to ensure soil erosion does not occur. Remove livestock from any area which starts to show signs of severe trampling or poaching. Some areas of watercourses that are prone to erosion by livestock may need fencing off.

Areas of conservation interest should not be used for feeding sites. Sacrificial feeding areas may be more desirable on improved grassland/arable land provided that the risk of soil erosion is very low.

When supplementary feeding outdoors, it is preferable to rotate feeding sites and make sure feed rings are suitably positioned, in other words well away from water courses and not on ground sloping towards a watercourse. Please see Standard 12 – Supplementary Feeding.

Grazed forage cropped fields, e.g. stubble turnips or kale that has been grazed to destruction should be ploughed or sown as soon as ground conditions allow.

On peaty soils this action will need to be taken earlier than on other soils due to the fragile nature and increased susceptibility of the soil to erosion.

Where action involves works that may affect a watercourse (whether or not designated as a 'Main River'), e.g. riverbank engineering/protection; installation of bridges and pipes, consent must be sought from the MUA. Consent must also be sought before constructing anything or planting trees/shrubs within 30' either side of a watercourse designated a 'Main River' under the Land Drainage Act 1934.



'Water course' includes all rivers, streams, ditches, open drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority) and passages through which water flows.

Benefits

- Flooding risks are reduced by avoiding erosion.
- Avoiding the need to re sow grass swards saves money and later sowing usually results in reduced yields and performance.
- Extra cultivations which may be needed to level out the soil are avoided.
- Soil fertility and rooting depth is maintained.
- Soil structure is maintained.
- The risk of damage to the freshwater environment through sedimentation is minimised.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non- compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Prevent erosion of land, particularly, banks of watercourses, watering points and feeding areas from overgrazing, heavy trampling or heavy poaching by livestock. Where this occurs reduce stock until the land has recovered. All problems should be rectified at any time during the next growing season after the period that the problem has occurred. This measure does not apply to areas within 10m of a gateway and 3m of farm tracks necessarily used during wet-periods.	Erosion caused by livestock from overgrazing, heavy trampling or heavy poaching: <1 acre	On farm / Off farm	Minimum	Rectifiable
	>1 acre but <12 acres	On farm / Off farm	Medium	Rectifiable
	>12 acres	On farm / Off farm	High	Rectifiable

Penalty matrix:

Definition	Extent of Damage	Severity	Permanence
Damage to bank of watercourse due to livestock activity.	<5% of total of riparian length	Minimum	Rectifiable
	>5% and <10% of riparian length	Medium	Rectifiable
	>10% and <25% of riparian length	High	Rectifiable
	>25% of total riparian length	Very High	Rectifiable



Standards to maintain soil organic matter: Standard 8 to 9

Maintaining soil organic matter in the topsoil influences its physical, chemical and biological properties, particularly its ease of cultivation, water retention capacity and nutrient availability to plants. If the level of organic matter falls, it can restrict the soil's ability to support plant growth. Conditions to maintain soil organic matter levels can be achieved by following the appropriate GAEC requirements.

GAEC Standard 8 - ARABLE CROP ROTATION STANDARDS

This standard recognises the value of organic matter in agricultural soils and how continuous cropping can cause levels to fall quickly if there is no return of plant or organic manures to the soil.

Requirements

On arable land:

- Use suitable break crops in an arable rotation; and/or
- Optimise the use of organic materials by basing the rate of application on soil and crop needs.
- Where you do not use break crops a record must be kept for 5 years of organic materials and the quantities applied to arable land.

Guidance

Cultivation increases the rate of decomposition of organic matter. Therefore, organic matter levels are most likely to fall under continuous cropping where there is little return of plant residues or animal manures.

Adding manures, incorporating crop residues or sowing out in grass can increase the levels of organic matter. Where organic manure is applied, the spreading rate should be matched to the nutrient requirement of the crop and the needs of the planned crop rotation. Where straw is to be incorporated, it should be done evenly, and it should be chopped.

Where it is chosen to introduce a rotation then typically the proportion of your acreage required to be in a rotation would be 16%, which is a one year in six rotation.

Benefits

- The organic matter of soil is a key indicator of soil quality. It is a food supply and habitat for micro-organisms, maintains soil structure, holds and recycles nutrients.
- It also retains pesticides such as sheep dip and other chemicals allowing some to be broken down biologically.
- If levels of organic matter fall, it can restrict the soil's ability to support plant growth.
- Land that is continually cropped may be at risk from the loss of soil organic matter. Adding animal manures, incorporating crop residues or sowing out in grass can increase the levels of organic matter.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
On arable land: (i) Use suitable break crops in an arable rotation; or (ii) Optimise the use of organic materials by basing rates of application on soil and crop needs. Where break crops are not used, a record should be kept for 5 years of organic materials and quantities applied to arable land.	Use of organic materials - no records	On farm	Minimum	Rectifiable
	No break crop and no use of organic materials	On farm	High	Rectifiable



GAEC Standard 9 - ARABLE STUBBLE MANAGEMENT

To ensure that organic manures are applied to arable stubbles in such a way as to minimise the risk of pollution. This measure only applies to Arable Stubble not grassland or stubbles under sown with grass.

Requirements

All organic manures applied to stubble must be done in such a way as to minimise the risk of pollution. Please refer to SMR 3 - *protection of groundwater and surface water against pollution*.



The 'Code of Good Agricultural Practice for the Protection of Water' gives further guidance.

Benefits

- Well timed incorporation of livestock manures can help to maintain soil organic matter and guard against nutrient loss and minimise environmental pollution.
- Timely incorporation of manures and slurry can reduce fertiliser use and help in matching those requirements to plant needs.
- Correctly sited field middens provide inexpensive storage means that reduce potential nutrient loss and minimise environmental pollution.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
All organic manures applied to stubble must be done in such a way to minimise the risk of pollution. Use correctly sited field middens to reduce the risk of pollution.	Follow the Guidelines contained in the 'Code of Good Agricultural Practice for the Protection of Water'.	On farm/ Off farm	High	Rectifiable

Standards of Minimum Levels of Maintenance: Standards 10 to 18

Many of the wildlife areas, birds and other animals on the Isle of Man are dependant on grazing livestock, field boundaries and other species rich semi-natural habitats, all of which contribute to both the landscape character and the wildlife value of the Isle of Man. Archaeological features also provide a link to the past within the countryside.

Due to the variations in conditions that occur in the Isle of Man, land managers are required to manage the land according to land type and climatic conditions specific to that land so that the history, character, wildlife and agricultural production capability is maintained. The minimum levels of maintenance required can be achieved by following the appropriate GAEC requirements.



GAEC Standard 10 - UNDERGRAZING

To ensure that agricultural land has not been abandoned but is being managed so as to ensure that its' environmental and agricultural value is being maintained.

Land abandonment is not permitted under Cross-Compliance.

You must use appropriate grazing or cutting management (for the purposes of harvesting livestock feed) to avoid undergrazing to a level where the growth of scrub or coarse vegetation is detrimental to the environmental or agricultural interest in the field.



Scrub should not be cut or burnt during the bird nesting season from 1 March to 31 August.

The land must be capable of returning to agricultural production anytime during the growing season in the following calendar year. Land must be able to be grazed by livestock or mowed/cut using a tractor.

Undergrazing or encroachment of scrub will only be permitted where it is required for environmental benefit, for example, as part of an Agri-environment Scheme.

Avoid infestation by species such as Gorse, Giant Hogweed, Japanese Knotweed, Himalayan Balsam and injurious weeds. Injurious weeds include all weeds listed under Weeds Act of 1957.

Guidance

Undergrazing may be identified as allowing the growth, quality or species composition of grazed vegetation to deteriorate significantly through the lack of, or insufficient grazing management. Invasive scrub such as Rhododendron, Gorse, Giant Hogweed, Japanese Knotweed, Himalayan Balsam and/or other injurious weeds may take over the whole field, making it inaccessible for grazing livestock and impossible to cut the underlying grass sward.

Undergrazing must be avoided by using appropriate grazing or cutting management (for the purposes of harvesting livestock feed), except where it is deemed necessary for environmental management, for:

- Areas of Special Scientific Interest.
- Agri-Environment Scheme agreement.
- Section 30 Management agreements from DEFA.

Control the spread of injurious weeds by cutting before they set seed. Injurious weeds can be treated with appropriate approved chemicals; spot spraying is recommended. Japanese Knotweed must not be cut as this enhances its ability to spread. Advice on appropriate control measures should be sought from the Department.

Graze livestock in sufficient numbers to prevent land being taken over by, for example, gorse but ensure livestock are not causing overgrazing. If your stock numbers decrease significantly, then your land may be at a greater risk from under grazing and you may need to increase grazing or cutting.



It is important to consult with the Department (Senior Biodiversity Officer) where any land affected by under grazing forms part of an ASSI. Changes in stocking density in such areas require prior Department agreement. Support may be available for certain grazing regimes which are of conservation benefit.

Keep scrub encroachment from extending beyond current levels by grazing or cutting/mowing. Gorse can be controlled by cutting and treating stumps with an appropriate herbicide. Burning of Gorse is not recommended as this causes seed germination and leads to the further spread of new growth of Gorse.

If land is not being grazed, the land may need to be cut/mowed for the purposes of harvesting livestock feed at least once a year. In such a case, the cut material must only be of a level that allows the land to return to agricultural production in the following year.

Benefits:

- Many of the wildlife areas, birds and other animals in the Isle of Man are dependent on grazing livestock, particularly cattle.
- Continuing to graze and/or cut your grass will also avoid land being infested by weeds and/or scrub to such an extent that it could no longer be farmed.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non- compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
i) Avoid undergrazing at a level where the growth of scrub or coarse vegetation is detrimental to the environmental or agricultural interest in the field. ii) Where undergrazing is identified, a management regime to be observed on that site must be approved by the Department.	Undergrazing to the detriment of the environmental or agricultural interest in the field: - Undergrazing up to 2% of the holding.	On farm	Minimum	Rectifiable (minor)
	- Undergrazing >2% but <10% of the holding.	On farm	Minimum	Rectifiable
	- Undergrazing >10% but <20% of the holding.	On farm	Medium	Rectifiable
	- Undergrazing >20% of the holding.	On farm	High	Rectifiable
	Management regime not followed by end of next growing season: - agreed stocking not met by up to 5%.	On farm	Minimum	Rectifiable (minor)
	- agreed stocking not met by >5% but <25%.	On farm	Minimum	Rectifiable
	- agreed stocking not met by >25% but <50%.	On farm	Medium	Rectifiable
	- agreed stocking not met by >50%. - topping not carried out.	On farm	High	Rectifiable



GAEC Standard 11 - OVERGRAZING

To protect the growth, structure and species composition of vegetation from overgrazing by livestock.

You must not overgraze with livestock in such numbers as to adversely affect the growth, structure or species composition of vegetation on the land. The only exception to this is where vegetation is normally grazed to destruction to a significant degree (e.g. grazed forage brassicas).

Guidance

Land will not be considered to be overgrazed provided the land is capable of returning to agricultural production anytime during the growing season in the following calendar year.

Where overgrazing is as a result of an unexpected and unpredictable incursion of wild or feral animals (e.g. rabbits, geese) and it can be shown that appropriate action had been taken to deal with the problem, you will not be held accountable for overgrazing caused as a result of this infringement.

Where overgrazing is attributable to wild or feral animals you will be expected to provide evidence of the use of available control methods.

Where overgrazing is identified a management regime to be observed on that site must be approved by the Department.

It is important to consult DEFA where any land affected by overgrazing forms part of an ASSI or is part of an Agri-Environment Scheme. Changes in stocking density in such areas may require DEFA agreement and may affect payments due under management agreements. Support may be available for certain grazing regimes which are of conservation benefit.

The common indicators of overgrazing are:

- Clear evidence due to grazing pressure that the growth, quality or species composition of the vegetation is deteriorating to a measurable extent e.g. signs of overgrazing include: vegetation chewed back to the previous year's growth; heavily trampled; absence of flowering; large bare patches of poached soil; a lack of regeneration; or visible damage to trees and saplings in woods.
- Evidence of poor condition of the vegetation combined with evidence of poor animal condition.
- Over-reliance on supplementary feed.

Benefits:

- Maintains habitats in good condition which benefits wildlife and stock.
- Maintaining adequate vegetation will help prevent soil erosion.
- Animal welfare and nutrition problems less likely to occur.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
<p>i) Avoid overgrazing with livestock and other species in such numbers as to adversely affect the growth; structure; or species composition of vegetation on the land. The only exception to this is where vegetation is normally grazed to destruction to a significant degree (i.e. land that is to be cultivated immediately after grazing by livestock, which remove the entire crop).</p> <p>ii) Where overgrazing is as a result of an unexpected and unpredictable incursion of wild or feral animals (e.g. rabbits, geese) and it can be shown that appropriate action had been taken to deal with the problem then you will not be held accountable for overgrazing caused as a result of this infringement.</p> <p>iii) Where overgrazing is attributable to wild or feral animals you will be expected to provide evidence of use of available control methods.</p> <p>iv) Where overgrazing is identified, a management regime to be observed on that site must be approved by the Department.</p>	<p>Overgrazing adversely affecting the growth, structure or species composition of the vegetation on the land. Semi-natural habitats a) Overgrazing <2% of the holding.</p>	On farm	Minimum	Rectifiable (minor)
	<p>b) Overgrazing >2% but <10% of the holding.</p>	On farm	Minimum	Rectifiable
	<p>c) Overgrazing >10% but <20% of the holding.</p>	On farm	Medium	Rectifiable
	<p>d) Overgrazing >20% of the holding.</p>	On farm	High	Rectifiable
	<p>Management regime not followed: - agreed stocking exceeded by up to <5%.</p>	On farm	Minimum	Rectifiable (minor)
	<p>- agreed stocking exceeded by >5% but <25%.</p>	On farm	Minimum	Rectifiable
	<p>- agreed stocking exceeded by >25% but <50%.</p>	On farm	Medium	Rectifiable
	<p>- agreed stocking exceeded by >50%.</p>	On farm	High	Rectifiable



GAEC Standard 12 - SUPPLEMENTARY FEEDING

To ensure that supplementary feeding sites are managed to protect land from erosion, and water ways from run-off, caused by excessive trampling, poaching or vehicle rutting.

Requirements

Supplementary feeding sites must be managed to prevent land, and especially semi-natural vegetation, from excessive trampling, poaching or vehicle rutting to minimise soil erosion and to avoid run off to water ways.

Feeder locations must be situated more than 10 metres from watercourses. You must rotate feed locations on a regular basis. You must not leave surplus feed on the ground to rot. You must not put supplementary feed on vegetation that is sensitive to poaching damage e.g. on wet areas, blanket bog or woodland. On enclosed rough grazing you must feed loose hay rather than silage.

Guidance

Supplementary feeding is a traditional part of stock management providing essential nutrients at certain times of the year and would include feed blocks, mineral licks, forage (hay, straw, silage, etc.) in ring feeders or feed trailers and creep feeders.

Where a management prescription has been set as part of an Agri-Environment Scheme or other Management Agreement with the Department (e.g. Section 30 agreements) you must not breach that prescription.

Severe poaching is defined as the cutting up of turf by the trampling of livestock to the destruction of the underlying vegetation leading to a predominately muddy surface.

'Water course' includes all rivers, streams, ditches, open drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority) and passages through which water flows.

The grass/vegetation must be capable of returning to agricultural production anytime during the growing season in the following calendar year.

Exceptions from the above measure will only be permitted where it is necessary for the protection of animal welfare during periods of extreme weather conditions.

Benefits

- Vegetation will recover within a growing season, providing more livestock feed.
- Maintains habitats in good condition to the benefit of wildlife.
- Reduced risk of overgrazing.
- Reduced risk of poaching, damage to soil structure and soil erosion.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Supplementary feeding sites must be managed to prevent land, and especially semi-natural vegetation, from excessive trampling, poaching or vehicle rutting to minimise soil erosion and to avoid run off to water ways.	Unsuitable Supplementary Feeding, on natural or semi natural habitat where it will not be restored to its original condition by the end of the growing season in the following calendar year: < ½ acre	On farm	Minimum	Rectifiable
	>½ acre but <1 acre	On farm	Medium	Rectifiable
	>1 acre	On farm	High	Rectifiable



GAEC Standard 13 - LANDSCAPE, LITTER, WASTE AND SCRAP

To keep the farmed landscape of Isle of Man free of waste and rubbish, reducing the risk of injury to wildlife and improving its appearance for visitors and residents to enjoy.

Requirements

Do not discard (or store) waste: plastic, paper, wood, timber, wire, fencing materials, feed containers, scrapped machinery or vehicles, building materials or any other litter, waste or scrap on agricultural land or in woodlands, ponds and other areas of habitat.

Guidance

Discarded machinery or vehicles (plus any other metal), old silage wrappings and old fencing materials pose a risk to animal welfare and can damage habitats and wildlife, as well as being unsightly and reducing the landscape value of the Isle of Man.

Waste plastics, containers, paper and other wastes should be disposed of in an environmentally sound manner, and recycled where possible.



Contact DoI for further information on waste disposal and recycling.

Benefits

- The scenic value of the Isle of Man is very important to everyone living in the Island, as well as visitors to the Island. The countryside is enjoyed and utilised by all.
- Waste, such as discarded farm machinery or vehicles, old silage wrappings, old fencing materials are unsightly and pose a risk to animal and human welfare and can damage habitats and wildlife.
- A tidy, safe and visually attractive countryside for everyone.

Tenants should note that they are responsible for all materials found in fields. If such materials belong to the Landlord and agreement cannot be reached about their removal, please report this to the Department as these areas may need to be excluded from your eligible acreage.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Do not discard (or store) waste: plastic, paper, wood, timber, wire, fencing materials, feed containers, scrapped machinery or vehicles, building materials or any other litter, waste or scrap on agricultural land or in woodland, ponds or other areas of habitat.	Waste: plastic, paper, wood, timber, wire, feed containers, fencing materials and building materials.	On farm	Minimum (minor)	Rectifiable
	Waste: scrapped machinery and vehicles.	On farm	Minimum	Rectifiable
	Waste: Chemical, Pesticide or Medicine containers not disposed of appropriately.	On farm	High	Rectifiable



Breach level determination table

Severity Option	Waste plastic, wood, building materials etc. as by-products of Agricultural activity	Imported Waste materials, plastic, wood, building materials etc	Redundant vehicles and farm machinery	Waste pesticide or medicinal containers	
	Number of land parcels affected				
	A Boundary	B Body			
Non Negligent	1	1*	N/A	1	N/A
Minimum	2	2*	N/A	2	N/A
Medium	3-4	3-4	1**	3	N/A
High	5	5	2	4	Farm Steading
Very High	6+	6+	3+	5+	1 Field / Pond

A: Area affected limited to land parcel boundaries

B: Main body of field parcel affected

* If the field contains a significant amount of scrap and animals have access to it, a medium severity breach would be deemed to have taken place.

** Intentional (if rectifiable this would equate to a 20% payment deduction)

Non-Farm Generated Waste

The importation of non-farm generated waste onto a claimant's holding is deemed an intentional breach. Please see the penalty matrix at the end of this chapter.

If non-farm generated waste is found on any part of the agricultural unit, a medium severity breach will be deemed to have occurred. If this breach is rectifiable a deduction of 20% from the claimants CCS payment will be made; if the breach were to be deemed permanent then a deduction of 30% will be made.

The interpretation of severity reflects the risk of injury posed to livestock by the presence of waste material in fields to which they have access. Therefore there will be situations where the presence of waste/scrap in only one field will lead to the imposition of a medium severity breach deduction.

NB. A repeat breach under the Intentional matrix leads to an automatic 100% reduction.



GAEC Standard 14 - PROTECTION OF HABITATS, WILDLIFE AREAS, NON-PRODUCTIVE LANDSCAPE FEATURES AND ARCHAEOLOGICAL SITES

To protect and conserve areas of natural heritage or historical importance.

You must:

- Retain all semi-natural habitats (rough grazing, woodland, scrub, moorland, wetlands, species-rich grasslands), ponds, shelterbelts, trees protected under the Tree Preservation Act and archaeological features.
- Ensure that you have identified the location and extent of all recorded archaeological heritage sites on your land and that all (or any part of) are not demolished, destroyed, removed, damaged, altered, added to or flooded etc unless authorised by Manx National Heritage or any other appropriate body or an exceptional circumstance occurs. The Manx Museum and National Trust Act 1959-86 makes damage to such sites a criminal offence.
- Adhere to the Fisheries Act 1976, and the Flood Risk management Act 2013 when undertaking any works in or near watercourses.

If you are unsure whether a feature on your land falls within the above definitions, please contact DEFA Agriculture for guidance.

Planning and Building Control Division in DOI - if you wish to infill any of his land with soil, spoil, hard core or any waste material.

EPU - to obtain a Waste Licence, if necessary before commencing this activity.

DEFA Forestry - to gain written consent from before any work is carried out on a tree registered under the Tree Preservation Act 1993.

DEFA Inland Fisheries - in advance of any proposed works on or near any watercourse.

MUA – to gain written consent prior to conducting any works in or adjacent to any watercourse. A useful guide to river management can be found here:

<https://www.manxutilities.im/media/1302/watercourse-management-iom.pdf>

MNH – for details of archaeological sites

Details on pond eutrophication can be downloaded from the DEFA website.



You must not:

- Undertake new drainage works, ploughing, clearing, levelling, re-seeding or cultivations on uncultivated land or semi-natural habitats without prior written approval from the Department. New drainage work on uncultivated land or semi-natural habitats requires permission from MUA.
- Allow the deterioration of non-productive landscape features which are part of the agricultural unit, such as shelter belts, copses and ponds.
- Cut down, wilfully damage or destroy, uproot or prune a tree registered under the Tree Preservation Act 1993, without the written consent of the DEFA Forestry.
- Introduce, keep or grow Genetically Modified Organisms.



- Injure, alter, damage, remove or destroy any object, building or site listed on the National Heritage Record.

Guidance

Rough grazings and other semi-natural areas refers to land containing semi-natural vegetation, including heathland, heather moorland, bog, unimproved and rough grassland which is used or is suitable for grazing.

With regard to archaeological heritage sites, an exceptional circumstance would occur if it can be proven that all reasonable precautions were taken, and that all due diligence to prevent any damage to the site was exercised.

Identify all semi natural habitat sites on the farm and ensure all workers or contractors are aware of such areas. Monitor sites regularly to ensure no damage is occurring.

Identify the archaeological sites on your farm and ensure all workers or contractors are aware of such features. Regularly check sites for signs of damage, particularly trampling damage by livestock and take appropriate measures to remove the cause of any damage and give the land time to recover.

New drainage works and modification of existing drains could cause a lowering of the water table and result in the loss of wetland plant communities and their associated fauna.

Severe poaching is defined as the cutting up of turf by the trampling of livestock to the destruction of the underlying vegetation leading to a predominately muddy surface.

Landscape features include trees, shelterbelts, copses and ponds.

Any tree with a diameter of 8 centimetres when measured at a height of 1.52 metres is automatically protected under the Tree Preservation Act 1993. Written consent may be obtained from DEFA Forestry, under certain circumstances to remove or prune a tree registered under the Act.

The prohibition of Genetically Modified Organism's is a precautionary approach aimed at avoiding the risk of adverse effects on native biodiversity.

Deterioration is defined as:

- Not maintaining functional stock proof fences around shelter belts and copses.
- Severe poaching where feeding and/or other husbandry practices of livestock occur in copses and shelterbelts. Land will not be considered to be severely poached if it can recover to the extent that there is no longer a predominately muddy surface by anytime during the growing season in the following calendar year.
- Poaching, erosion or other damage to archaeological heritage sites by farming practices.
- Failure to maintain ponds on the holding e.g. eutrophication, drainage.
- The source of water for these non productive landscape features must not be deliberately diverted or removed.

Under the Fisheries Act 2012, free river passage for freshwater fish is safeguarded, and all life stages of fish and their habitats are protected from disturbance and pollution. You must contact DEFA Inland Fisheries, well in advance of any proposed works on or near any watercourse.





Works likely to disturb the channel or destabilise banks should be avoided from October to June inclusive, in order to protect spawning and juvenile salmon and trout.

With the exception of routine vegetation management, written consent from the MUA must be obtained prior to conducting any works in or adjacent to any watercourse, including bank repairs or erection of structures such as cross-channel barriers, culverts or bridges. Watercourses designated under the Flood Risk Management Act as 'Main Rivers' are maintained by the MUA such as to prevent flooding. Within a Main River corridor, which legally extends 30' either side of each bank, consent is required for planting of trees and shrubs or the erection of any structure.

Benefits

- Archaeological heritage sites are an attractive and valued part of the local landscape.
- Trees and semi-natural habitats contribute to both the landscape character and the wildlife value of the countryside.
- It is believed there may be reduced risk of unfavourable genetic modification of native species by limiting exposure to Genetically Modified Organisms.
- Protecting trees and woodlands helps maintain and conserve biodiversity and the landscape of the Isle of Man.
- Non-productive landscape features can provide valuable habitat for both flora and fauna.
- Protecting freshwater habitats helps maintain and conserve native fish species.

How to find out about Archaeological Heritage Sites:

Manx National Heritage (MNH) maintain a National Heritage Record of all archaeological heritage sites on the Island.

If you are unclear about whether or not you have such a site on your land and what is required to look after them, you should contact the Inspector of Ancient Monuments at MNH in writing, giving your name, address and contact number. Please enclose an OS map clearly marked with your fields, at a scale no smaller than 1:25,000 and allow a month for a response. It is a legal requirement on the Isle of Man to report finds of archaeological objects and MNH can advise about these and any suspected discoveries of archaeological sites.

In some circumstances, a specialist survey may be required in order to give appropriate advice. The cost of this must be met by the applicant and the work must be carried out by a Department approved/accredited body.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Retain all semi-natural habitats (rough grazing, woodland, scrub, moorland, wetlands, species-rich grasslands), ponds, shelterbelts, trees protected under the Tree Preservation Act 1993 and archaeological features.	Functional stock proof fences around shelter belts and copses have not been maintained.	On farm	Minimum	Rectifiable
	Severe poaching in copses or shelter belts.	On farm	Medium	Rectifiable
Ensure that you have identified the location and extent of all archaeological heritage sites listed on the National Heritage Record on your land and that all (or any part of) are not demolished, destroyed, removed, damaged, altered, added to or flooded etc unless authorised by Manx National Heritage or any other appropriate body or an exceptional circumstance occurs.	Eutrophication of pond.	On farm	Medium	Rectifiable
	Pond has been drained.	On farm	High	Permanent
	Damage or destruction of any archaeological heritage site.	On farm	Range from Minimum to High	Rectifiable/ Permanent

Penalty matrix: Poaching

Severity Option	Shelter Belts Copses	Ponds / Dubs	Protected Habitats	Ancient Monuments
Non Negligent	N/A	N/A	N/A	N/A
Minimum	Non functional fences	Non functional fences	Non functional fences	Non functional fences
Medium	Limited poaching	Limited poaching	Limited poaching	Damage observed
High	Severe poaching	Severe poaching / Eutrophication	Severe poaching	20% of site feature affected
Very High	Habitat effectively destroyed	Pond drained	Habitat effectively destroyed	Feature effectively destroyed



GAEC Standard 15 - APPLICATION OF LIME, FERTILISERS AND PESTICIDES TO ROUGH GRAZINGS AND/OR SEMI-NATURAL AREAS

To protect and maintain the biodiversity of rough grazing and semi-natural land.

Requirements

Do not apply any fertilisers, manures, pesticides, or liming materials to any rough grazings, moorland, unimproved pastures, wetlands, or other semi-improved areas. In some circumstances you may obtain prior written permission from the Department, in which case you must comply with any conditions contained within the written permission including the outcome of an Environmental Impact Assessment.



Please contact DEFA Agriculture for further guidance.

Guidance

Rough grazings and other semi-natural areas refer to land containing semi-natural vegetation, including heathland, heather moorland, bog, unimproved and rough grassland which is used or suitable for grazing.

Exceptions are allowed in the following circumstances:

- Herbicides may be applied to control injurious weeds (Spear Thistle, Creeping or Field Thistle, Curled Dock, Broadleaved Dock and Ragwort) as defined in the Weeds Act 1957, and with the prior written approval of the Department for the control of other plants e.g. Japanese Knotweed, Himalayan Balsam and Giant Hogweed.
- For the control of Bracken with approved herbicides.
- Where a valid and approved Environmental Impact Assessment is submitted to the Department.
- The Department should be consulted if it is intended to use a pesticide within 5m of a watercourse.

Benefits

- Protection and maintenance of the biodiversity of ponds, wetlands and watercourses which are important natural habitats in the Isle of Man.
- Rough grazings and semi natural areas are some of the most valuable and visible land types in the Isle of Man. Not spreading any liming materials, pesticides or fertilisers on these areas will help to protect the biodiversity of these important habitats.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Do not apply any fertilisers, manures, pesticides, or liming materials to any rough grazings, moorland, unimproved pastures, wetlands, or other semi-improved areas. In some circumstances, you may obtain prior written permission from the Department, in which case you must comply with any conditions contained in the permission.	Pesticides, lime or fertiliser applied to rough grazing and semi-natural areas: - up to 1 acre	On farm	Minimum	Rectifiable
	>1 acre but <12 acres	On farm	Medium	Rectifiable
	>12 acres	On farm	High	Rectifiable



GAEC Standard 16 - FIELD BOUNDARIES

Protection of boundary features because they are of agricultural and environmental importance and contribute to the landscape value of the Manx countryside.

You must take all reasonable steps to maintain green cover on the margins throughout the year.

You must not damage, nor without the prior written agreement of the Department and any other appropriate statutory bodies remove or destroy any of the following boundary features: dry stone, turf and stone-faced banks and hedges, walls complete or dilapidated, hedges and hedgerow trees, boundary trees or watercourses.

You must not cultivate or apply fertilisers, dredgings, slurry, manures or pesticides to land within 1 metre (margin) of the centre of a hedgerow or land within 1 metre (margin) of the top of the bank of a watercourse. The 1 metre margin should not be used for the storage of materials, for example bales or dredgings.



No hedge trimming is permitted between 1st March and 31st August, as specified in the Manx Hedgerow Management Code of Best Practice except for roadside hedge trimming required in the interest of road safety, unless prior Department approval is gained. Minor trimming by hand is permitted during this time but you should ensure that the work does not contravene the Wildlife Act 1990, particularly with reference to nesting birds. Please see Table on page 21.



Guidance can be found in the Manx Hedgerow Management Code of Best Practice issued by DEFA. The Department should be consulted if it is intended to use a pesticide within 5m of a watercourse or, a LERAP assessment (Local Environment Risk Assessment for Pesticides) must be carried out. Works Approval forms can be downloaded from the website.

Farm Lanes

1 March - 31 August Non-cutting period

You may use any means to remove the tips of new growth.

If you wish to cut the hedge back harder during this period, you will need works approval from DEFA. The removal of more mature growth with a tractor-mounted machine without prior permission would be considered a potential breach of cross compliance.

It is an offence under the Wildlife Act to intentionally or recklessly disturb or damage the nest of any wild bird. Lizards are also protected under the Wildlife Act.

You are able to trim all hedges outside of this period without notifying the Department, although hedge removal requires prior works approval from DEFA

The spot application of herbicides may be applied to control injurious weeds (Spear Thistle, Creeping or Field Thistle, Curled Dock, Broadleaved Dock and Ragwort) as defined in the Weeds Act 1957, and with the prior written approval of the Department for the control of other plants e.g. Japanese Knotweed and Giant Hogweed. Written approval is not required where you propose to widen field entrances up to 6m to enable access for livestock or farm machinery. NB. Planning permission is required if it opens onto a highway. Please liaise with the Highways Division. Gateway faces, posts / pillars must be fully restored as appropriate.



Other examples of potentially damaging activities include:

- The canalisation or culverting of watercourses.
- The cutting of bankside vegetation between the dates specified in the Manx Hedgerow Management Code of Best Practice except for the control of injurious weeds (as defined in the Weeds Act 1957), Bracken and Giant Hogweed and the control of Japanese Knotweed (which should not be by cutting).

Benefits

- Traditional field boundaries provide valuable shelter for stock, nesting cover for birds and a variety of habitats and food for wildlife. They are significant features in the landscape and the older boundaries may form part of ancient enclosure patterns of archaeological or historical interest.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
<p>You must not damage, nor without the prior written agreement of the department and any other appropriate statutory bodies remove or destroy any of the following boundary features: turf and stone-faced banks and hedges, any type of walls complete or dilapidated, hedges and hedgerow trees, boundary trees or watercourses.</p> <p>You must not cultivate or apply fertilisers, dredgings, slurry, manures or pesticides to land within 1 metre (margin) of the centre of a hedgerow or land within 1 metre (margin) of the top of the bank of a watercourse.</p> <p>Hedge trimming must be carried out in accordance with the Manx Hedgerow Code of Best Practice.</p>	<p>Damage to any type of walls, turf and stone-faced banks, walls, hedges and hedgerow trees, boundary trees and watercourses.</p>	<p>On farm</p>	<p>Minimum</p>	<p>Rectifiable</p>
	<p>Removal of poor quality walls, turf and stone-faced banks, or hedges.</p>	<p>On farm</p>	<p>Medium</p>	<p>Permanent</p>
	<p>Removal of good quality walls, turf and stone-faced banks or hedges.</p>	<p>On farm</p>	<p>High</p>	<p>Permanent</p>
	<p>Removal of hedgerow trees, boundary trees and watercourses.</p>	<p>On farm</p>	<p>High</p>	<p>Permanent</p>
	<p>Hedges trimmed in contravention of the Manx Hedgerow Code of Best Practice.</p>	<p>On farm</p>	<p>Medium</p>	<p>Rectifiable</p>



Penalty matrix: 1 metre margin

The percentage figures in the table below refer to percentage of land parcel boundary affected.

Severity Option	Area cultivated but no further activity	Area cultivated but no further activity	Area cultivated and ongoing management	Area cultivated and ongoing management	Storing bales/ dredgings (loss of green cover)	Traffic (loss of green cover)
Code	A	B	C	D		
Remaining Margin	0.5-1m	<0.5m	0.5-1m	<0.5m		
Non Negligent	Up to 10%	Up to 5%	Up to 5%	-	Odd bale	Up to 5%
Minimum	>10% and <15%	>5% and <10%	>5% and <10%	Up to 5%	Up to 2.5%	>5% and <10%
Medium	>15% and <20%	>10% and <15%	>10% and <15%	>5% and <10%	>2.5% and <5%	>10% and <15%
High	>20% and <25%	>15% and <20%	>15% and <20%	>10% and <15%	>5% and <7.5%	>15% and <20%
Very High	Over 25%	Over 20%	Over 20%	Over 20%	Over 7.5%	Over 20%

Unauthorised Hedge Removals

All unauthorised hedge removals will be treated as an intentional breach which can result in payment reductions of up to 100%. Depending on the quality and visual importance of the removed hedge in the local landscape, there may also be a requirement to reinstate it to the satisfaction of the Department.

The correct procedure for requesting the removal of a hedge is to download and fill in a 'works approval' application form from our website. This requires a sketch map (including field numbers) and reason for hedge removal. The Department will then assess this request based on environmental and visual factors and approve or decline based on these. In many cases a compromise position can be reached, where an equivalent length of hedge is reinstated or repaired. In many cases the reason for hedge removal is to allow better vehicle access through narrow gateways. Widening of an existing gateway up to 6m will be permitted without a site inspection. All permissions are usually subject to seasonal restrictions to prevent disturbance or damage to birds and their nests.

If you are thinking about removing a hedge please contact the Department in the first instance.



Penalty Matrix: Hedgerow / Wall Damage and Removal

Severity Option	Hedge trimming inside closed period	Stone removal (metres)	Removal of good quality hedge or wall	Removal of poor quality hedge or wall
	Cumulative Length affected			
Non Negligent	N/A	nil	nil	nil
Minimum	N/A	<5m	<3m	<5m
Medium	One length within one parcel	>5 and <20m	>3 and <5m	>5 and <20m
High	Multiple lengths within 1 parcel or single lengths within multiple parcels	>20m	>5 and <20m	>20 and <50m
Very High	1 or more whole parcel	>50m	>20m	> 50m

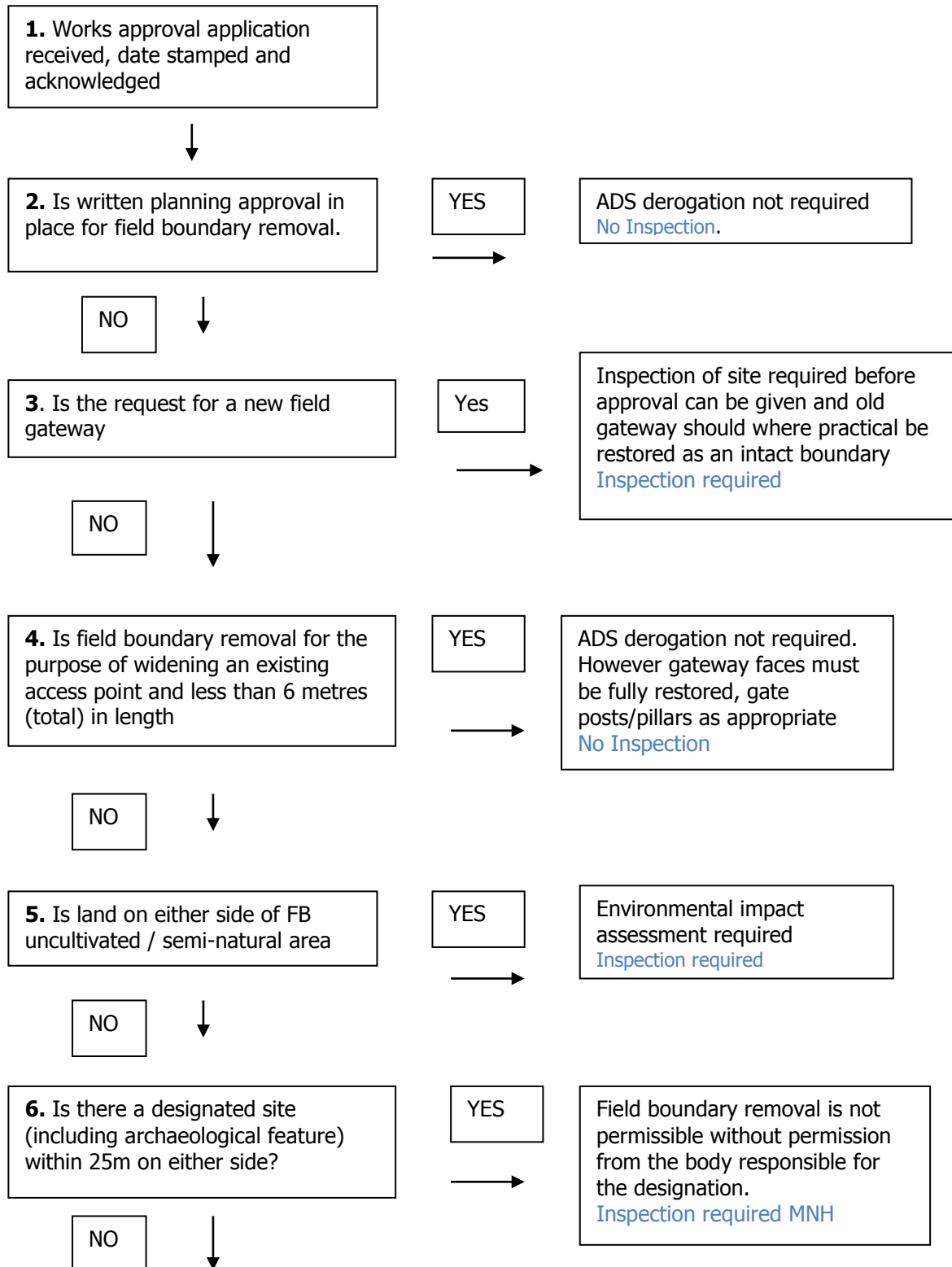
Penalty matrix: Unauthorised Tree Removal

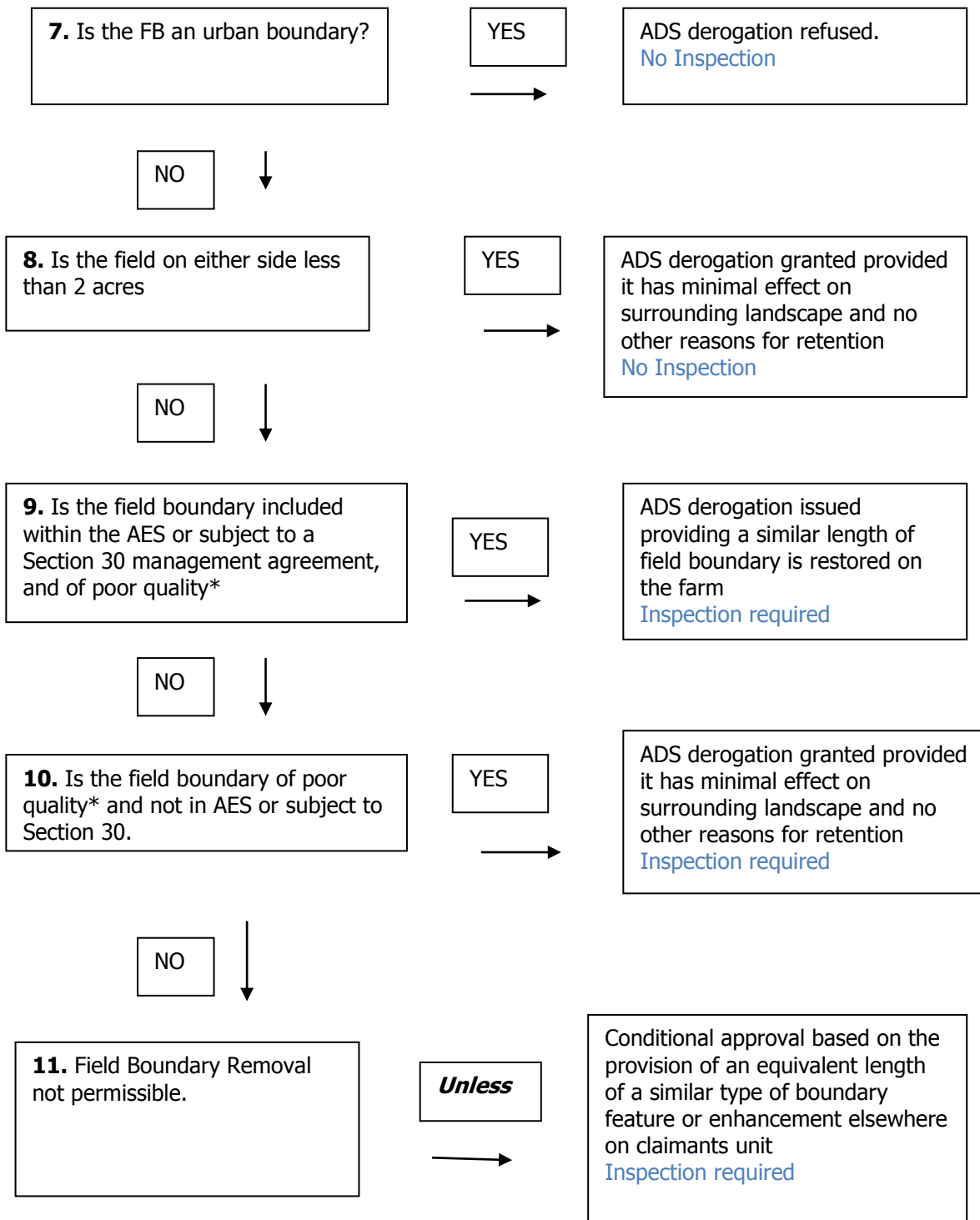
Severity Option	Trees in individual Land parcel	Land parcels affected
Non Negligent	N/A	N/A
Minimum	N/A	N/A
Medium	N/A	N/A
High	1 tree	1 land parcel
Very High	2-10 trees	1 tree >1 land parcels



Agricultural Development Scheme Field Boundary (FB) Removal Assessment Criteria

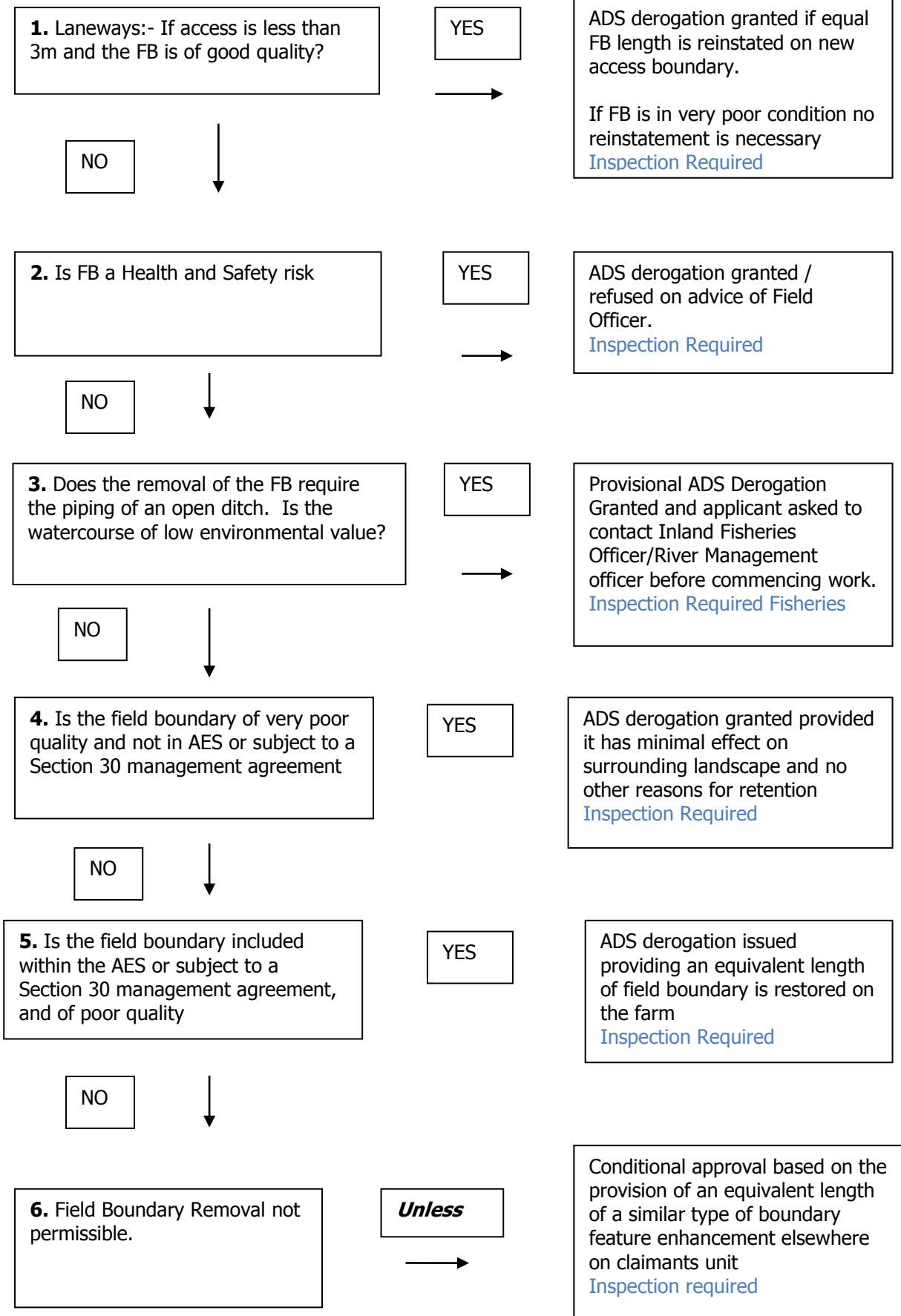
For Applications involving laneways / ditches go to page 52





* for the definition of a 'good quality' boundary please see the 'Hedge Quality Definition' document on our website: www.gov.im/ads/farmershandbook

Laneways / ditches / steeply sloping fields:



GAEC Standard 17 - ENCROACHMENT OF UNWANTED VEGETATION

To ensure that encroachment of unwanted vegetation is not allowed to degrade the agricultural and environmental value of land.

Requirements

You must not allow the encroachment of unwanted vegetation which degrades the agricultural and environmental value of the land to the extent that the land is not capable of returning to agricultural production by any time during the growing season in the following calendar year.

Guidance

Taking the above into account, the encroachment of native species is allowed in the following instances:

- Re-colonisation of trees across the boundary line from native woodland.
- Reversion of land to wet grassland or wetland.

Patterns of ecological succession will be regarded as consistent with the standard of Good Agricultural and Environmental Condition provided that:

- They are consistent with maintaining the ecological status of protected areas (e.g. ASSIs).
- The growth of scrub is easily reversible through regular cutting, use of approved herbicides or grazing.

Through appropriate grazing, topping or other permissible methods of control, land managers can prevent the severe encroachment of unwanted vegetation which is both agriculturally and environmentally degrading, including Rhododendron, Bracken, Gorse and weeds covered by the Weeds Act 1957, Japanese Knotweed, Giant Hogweed and Himalayan Balsam.

Benefits

- Land is retained as capable of agricultural production.
- Unwanted vegetation which is both agriculturally and environmentally degrading is controlled.

GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
Avoid the encroachment of unwanted vegetation which degrades the agricultural and environmental value of the land to the extent that the land is not capable of returning to agricultural production at any time during the growing season in the following calendar year.	Land infested with unwanted vegetation and not returning to agricultural production at any time during the growing season in the following calendar year: Up to 20% of a field.	On farm	Minimum	Rectifiable
	>20% but <50% of a field.	On farm	Medium	Rectifiable
	>50% of a field.	On farm	High	Rectifiable



Penalty matrix: Scrub encroachment

Severity Option	Percentage of individual Land parcel affected	Land parcels affected
Non Negligent	<2%	N/A
Minimum	<10%	3 parcels >2% affected
Medium	>10 and <20% of parcel	3 parcels >2 <10% affected
High	>20% and <50% of parcel	3 parcels >10 <20% affected
Very High	>50% of parcel	3 parcels >20 <50% affected

Penalty matrix: Unauthorised Habitat Destruction

Severity Option	Percentage of individual Land parcel affected	Land parcels affected
Non Negligent		
Minimum	<2%	
Medium	<10% of parcel	3 parcels >2% affected
High	>10% and <50% of parcel	3 parcels >2 <10% affected
Very High	>50% of parcel	3 parcels >10 <50% affected

Penalty matrix: Injurious weeds

Severity Option	Percentage of an individual Land parcel affected		Percentage of and number of Land parcels affected	
	Scattered infestation	Severe infestation >2 plants /sq m	Scattered infestation	Severe infestation > 2 plants /sq m
Non Negligent	<20%	<2%	2 parcels <10%	
Minimum	<50%	<10%	2+ parcels <20% 4+ parcels <10%	2 parcels >2 <5% affected
Medium	>50%	>10 and <20% of parcel	2+ parcels <40% 4+ parcels <20% 6+ parcels <10%	2 parcels >5 <10% affected 4 parcels >2 <5% affected
High		>20% and <50% of parcel	2+ parcels <60% 4+ parcels <40% 6+ parcels <20%	2 parcels >10 <20% affected 4 parcels >5 <10% affected
Very High		>50% of parcel	2+ parcels <60% 4+ parcels <40% 8+ parcels <20% 10+ parcels <10%	2 parcels >20 <50% affected 4 parcels >10 <20% affected



GAEC Standard 18 - PUBLIC RIGHTS OF WAY

To aim of these rules is to keep public rights of way open and accessible because they are important landscape features. 'Public rights of way' is an umbrella term for all legal rights of way, including footpaths, bridleways and roads used as public footpaths and byways open to all traffic.

Requirements

You must not without lawful authority or excuse disturb the surface of a public right of way that crosses your land so as to render it inconvenient to pass over it, or block the free passage along a right of way (such as by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences).

Guidance

You are permitted to disturb the surface of a footpath or bridleway across a field (that is, not a field-edge footpath or bridleway) in order to plough the land, or to bring the land into agricultural use when it would not be convenient to avoid disturbing the surface of the path. However, if you do this, you must make good the surface of the path or bridleway to not less than its minimum width, and indicate the route to members of the public; and do this within 14 days of the first disturbance if you are sowing a crop, or within 24 hours in all other circumstances.

Where maintenance is your responsibility, you must:

- Maintain any stile, gate or similar structure across a footpath or bridleway that you are responsible for in a safe and usable condition.
- Trim hedges and other growth to facilitate access, taking due account of other regulations. Where a conflict may occur, advice should be sought from the Department.

Benefits

- Public rights of way are very important to the Isle of Man, providing both residents and visitors access to the countryside. Maintaining access in good and passable condition aids everyone's enjoyment of the countryside, and reduces the risk of wilful damage occurring.
- By maintaining Rights of Way, users are encouraged to use them rather than stray onto other areas of land.



GAEC Standard Requirements	Definition - Examples and Measurement of the Extent of non-compliance	Extent - On farm /Off farm	Severity - Minimum / Medium /High	Permanence - Rectifiable (minor) /Rectifiable /Permanent
You must not without lawful authority or excuse disturb the surface of a public right of way that crosses your land so as to render it inconvenient to pass over it, or block the free passage along a right of way such as by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences.	A stile and/or a gate for which the farmer is responsible has not been maintained to a standard of repair which ensures it is reasonably easy to use.	On farm	Minimum	Rectifiable
	The surface of a visible cross-field footpath or bridleway has been disturbed and has not been reinstated within the specified time.	On farm	Medium	Rectifiable

Penalty matrix: Footpath Obstruction

Severity Option	Footpath obstruction
Non Negligent	Nil
Minimum	Obstructed / removed signage
Medium	Stile unserviceable
High	Gate locked / footpath temporarily obstructed
Very High	Footpath permanently obstructed



CROSS COMPLIANCE AND PART OCCUPANCY

The Agricultural Development Scheme recognises that the occupancy of land will change from that declared on the May 4th. It also states that the applicant declaring the land as being at their disposal on May 4th is responsible for Cross Compliance for the duration of the Scheme year.

To further clarify this, the Department is adopting an approach used elsewhere which separates responsibility for land-based Cross Compliance Standards from those associated with livestock. Thus a new occupier of land since May 4th would be penalised if, for example, the livestock for which they are responsible are on this land and do not have the required ear tags. However, the previous tenant would be penalised if there were plastics and scrap metal around the fields.

PENALTIES

Penalties will be defined according to their intent, extent, severity, permanence or repetition and these will be assessed at inspection and penalties calculated according to the tables provided below. Payments will be deducted or reclaimed from the amount due to an applicant from the Agricultural Development Scheme.

Basic principles of the penalty framework

Where non-compliance is identified, the breach will be assessed in terms of:

- intent
- extent
- severity
- permanence
- repetition

The assessment of each of these principles will be used to determine whether a penalty is applied and at what level. A guide for determining each of these principles is set out below.

Negligent This is where a farmer has breached a SMR or GAEC measure as a result of failing to take reasonable care, skill or foresight. An example of this would be a farmer who causes pollution by spreading slurry near a watercourse. For the first breach in the case of negligence, payments may be reduced by up to 5%. If there is more than one negligent breach of the same type within the same SMR or GAEC the penalties will accumulate, but the overall reduction will not exceed 5%. (This does not apply when dealing with repeat breaches as explained later). However, if there is more than one negligent breach across different SMRs and / or GAECs then the penalty reductions will be added together. In some situations where there is a minor or technical violation of the Cross Compliance rules the penalty may be reduced to 1% or a warning letter.

Intentional Intentional non-compliance has been defined as being the same as its legal meaning within criminal and civil law. Very broadly, an intentional non-compliance is where the applicant has knowingly breached the rules that are set out with an understanding of what he was doing and the likely



consequences of his actions. An example of an intentional non-compliance would be a farmer removing a hedge after his application for consent had been turned down.

In cases of intentional non-compliance, there is a minimum penalty of 15% and a maximum penalty of 100% and may even result in exclusion from the Agricultural Development Scheme in the following Scheme year.

Extent The 'extent' of non-compliance will be determined by taking into account, whether the non-compliance has a far-reaching impact or whether it is limited to the farm itself.

Extent in this context is whether the effects of a breach will be felt On-farm or Off-farm. For example, to assess the impact of soil erosion, we must consider whether the effects have been confined to the farm or have spread to the wider environment e.g. downstream watercourses or deposition onto a neighbours field or public road.

Severity The 'severity' of non-compliance shall depend, in particular, on the importance of the consequences of the non-compliance, taking account of the aims of the requirement or standard concerned. In other words, what effect has the particular breach had in relation to what the measure or requirement is intended to achieve? The severity is assessed under five headings – Minimum (minor), Minimum, Medium, High or Very High.

Permanence Whether non-compliance is of 'permanence' shall depend in particular, on the length of time for which the effects last or the potential for terminating those effects by reasonable means.

Taking the above into account, the permanence of a breach will be classed as either rectifiable (minor), rectifiable or permanent. Permanent breaches attract higher penalties than rectifiable breaches due to their longer term effect. Again guidance set out in Table 3 helps to categorise the permanence of a breach.

Repetition If non-compliance with the same requirement or standard is identified within a period of three years, it will be considered to be a repeat breach. Most of the GAEC standards relate to one standard. For example, GAEC 1 relates to the prevention of soil erosion over the winter period. If soil erosion under GAEC 1 is identified in year 1 and again in year 2 or 3, then this would be considered a repeat breach.

Some GAEC standards as well as the SMRs relate to more than one standard or requirement. For example, GAEC 16 relates to the retention of a range of boundary features. To be considered a repeat the farmer has to have breached the same requirement within the standard. For example, if in year 1 a farmer removes a hedge and in year 2 trims a hedge outside the dates specified in the relevant codes of practice, this would not be considered to be a repeat since the breaches relate to different requirements within the standard. Equally, under the livestock identification and traceability SMR 6, there are a range of different requirements including: correct tagging, reporting movements, correct dates of birth and reporting deaths. Consequently if incorrect dates of birth are found in year 1, and a non



notified death is found in year 2 or 3 then this would not be considered a repeat breach.

Once a repeat breach has been identified the associated penalty must be considered. Where repeated breaches have been determined, the percentage penalty will be three times the penalty applied to the first breach.

Penalty rates

Where a penalty is applied, the relevant amount will be deducted from the amount due to the applicant in the Scheme year in which the non-compliance was found.

Penalty Matrix (Negligent)

Intent	Extent	Severity	Permanence	Penalty for 1 st breach	1 st repetition	2 nd repetition	3 rd repetition	4 th repetition
Negligent	On-farm	Minimum	Rectifiable (minor)	WL	1%	3%	9%	15%
			Rectifiable	1%	3%	9%	15%	81%
			Permanent					
		Medium	Rectifiable	3%	9%	15%	81%	100%
			Permanent					
		High	Rectifiable	5%	15%	45%	100%	100%
			Permanent					
		Very High	Rectifiable	1%	3%	9%	15%	81%
	Permanent							
	Off-farm	Minimum	Rectifiable	3%	9%	15%	81%	100%
			Permanent					
		Medium	Rectifiable	5%	15%	45%	100%	100%
			Permanent					
		High	Rectifiable	3%	9%	15%	81%	100%
			Permanent					
		Very High	Rectifiable	5%	15%	45%	100%	100%
Permanent								

Note:

1. penalties which have been capped at 15% are shown in bold
2. WL = Warning letter

Whilst the penalty matrix tables within each GAEC describe many of the anticipated problems, they cannot cover every possible scenario. Any breaches not covered in the guidance will be considered as and when they arise. Breaches of the SMRs will be assessed when the breach occurs and the penalty determined by reference to the penalty matrix.



Penalty Matrix (Intentional)

Intent	Extent	Severity	Permanence	Penalty for 1 st breach	All subsequent repetitions
Intentional	On-farm	Minimum	Rectifiable	15%	100%
			Permanent	20%	
		Medium	Rectifiable		
			Permanent		
		High	Rectifiable	50 -100%	
			Permanent		
	Very high	Rectifiable			
		Permanent			
	Off-farm	Minimum	Rectifiable	30%	
			Permanent	40%	
		Medium	Rectifiable	60%	
			Permanent		
High		Rectifiable	100%		
		Permanent			
Very high		Rectifiable			
		Permanent			

WARNING LETTERS

If an inspection results in a warning letter and a timeframe in which to remedy matters, then a follow-up re-inspection visit will be made at the end of the allotted timeframe. If remedial action has not been taken then the respective penalty will be applied.

STANDARD OF PROOF AND RIGHT TO APPEAL

As the SMRs are based on existing legislation, farmers who commit serious breaches could potentially be subject to legal proceedings by the relevant Statutory Authority. Unlike criminal prosecutions, the lower, civil standard of proof will be used to decide whether or not Cross Compliance requirements have been breached.

In other words, even if there is no criminal prosecution, Cross Compliance penalties can still be applied. Civil standard of proof relates to the balance of probability.

If an inspector can provide evidence to show that on the balance of probability a breach has been committed then this is enough to allow a Cross Compliance penalty to be applied. Farmers who dispute the findings can lodge an appeal under the Appeals procedure which is described in Chapter 7.

