

# Rural Payments and Inspections Division

## Cross Compliance 2016

### 2016 Good Agricultural and Environmental Conditions (GAECs)



This is a collection of the GAECs pages from Rural Payments and Services for the 2016 Cross Compliance year including changes to the guidance made throughout the year.

For the most up-to-date GAECs, please visit:

<https://www.ruralpayments.org/publicsite/futures/topics/inspections/all-inspections/cross-compliance/detailed-guidance/good-agricultural-and-environmentalconditions/>

# Buffer strips along watercourses (GAEC 1)

**Date published: 12 August, 2015**

Updates to last version

- additional information on pesticide exemptions added

## Buffer strips along watercourses

The aim of these rules is to protect water against pollution. The requirements restrict the storage, application of fertilisers and pesticides and cultivations along watercourses.

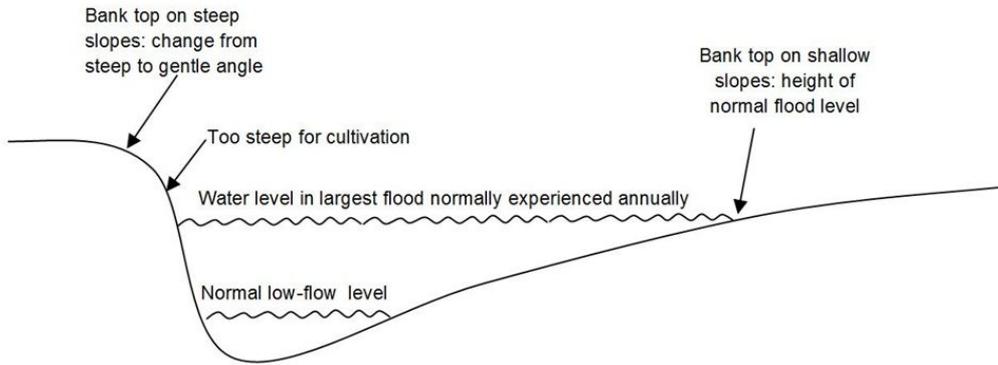
### You must not:

1. apply organic manure\* to any land which is situated within:
  - 10 metres of any surface water\*
  - 50 metres of any well, borehole, etc for the supply of water
2. locate field heaps within:
  - 10 metres of any surface water
  - 50 metres of any well, borehole, etc, for the supply of water
3. apply chemical\* fertiliser to any land in a way that makes it likely the fertiliser will directly enter any surface water
4. apply nitrogen fertiliser\* to land if there is significant risk of nitrogen entering surface water, taking into account:
  - the slope of the land, particularly if greater than 12 degrees
  - any ground cover
  - proximity to any surface water
  - weather conditions
  - the type of fertiliser being applied
5. cultivate land within two metres of the top of the bank\* of surface water unless one of the following exemptions apply:
  - cultivating to establish a green cover where one doesn't already exist. A green cover excludes crops that are grown for a commercial purpose, for example arable crops including crops that are under sown with grass
  - cultivating to establish a new hedge
6. apply pesticides within two metres of the top of the bank\* of surface water unless the following exemption applies:
  - spot applications of pesticides to control injurious weeds\*, invasive species\* and, after prior written consent of the Scottish Ministers and / or other statutory bodies, certain other weed species. If you are carrying out this exemption, please be aware of SEPA's requirements for applying pesticides in or near water. Information on this can be found on the [Application of Herbicide in or Near Water](#) page of the SEARS website

## Additional information

The location of the bank top depends on the bank profile and can be identified as follows:

1. Topping' is permissible within the two meter buffer strip, however Greening rules may apply if this land is also part of your Ecological Focus Area (EFA). Further details on the greening requirements can be found [here](#) .
2. where the bank is fairly steep and an obvious bank face exists, the bank top is the highest part of the bank where the slope angle changes from steep to gentle and cultivation could take place (see below)



3. where the bank face is very shallow and there is no obvious break in slope, the bank top is the height to which water normally reaches during the largest flood normally experienced during the course of a year

Note, the flood height used here excludes the water height reached during rare major floods. The normal flood level height may be difficult to identify because there is not a single indicator that can be used to locate it.

Depending on the site, the following indicators may be used:

- traces left by high-water including flattened vegetation, deposited sediment (typically sands) or a high-water line of washed-up matter such as twigs or leaves
- exposed coarse sediments such as gravel
- changes in the pattern or type of vegetation







### \*Explanation of terms

'*Organic manure*' means livestock manure and nitrogen fertiliser derived from organic matter (sewage sludge, composted vegetable waste, etc).

'*Surface water*' include coastal water, lochs, rivers, burns, streams and ditches which contain free water and also temporarily dry ditches.

'*Chemical fertiliser*' means fertiliser which is manufactured by an industrial process.

'*Nitrogen fertiliser*' includes both organic manures and chemical fertilisers.

'*Top of the bank*' depends on the profile of the bank – see additional information images.

'*Injurious weeds*' are species specified in the Weeds Act 1959: Spear Thistle (*Cirsium vulgare* (Savi) Ten), Creeping or Field thistle (*Cirsium arvense* (L.) Scop.), Curled dock (*Rumex crispus* L.), Broad-leaved dock (*Rumex obtusifolius* L.) and Common Ragwort (*Senecio jacobaea* L.).

'*Invasive species*' means giant Hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).

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# Abstraction of water for irrigation (GAEC 2)

**Date published: 2 February, 2016**

To see recent changes to this guidance, [see the bottom of this page](#).

## Abstraction of water for irrigation

The aim of these rules is to protect water resources by licensing abstraction of water for irrigation.

### **You must:**

1. comply with the authorisation procedures for abstracting water for irrigation. The procedures differ depending on the quantity of water involved:

- if you abstract less than (<) 10 cubic metres of water each day you have to follow General Binding Rule 2 (GBR 2). Complying with GBR 2 means there is no requirement to contact the Scottish Environment Protection Agency (SEPA) to register or apply for a licence

### **GBR 2 rules**

You must be able to demonstrate that the abstraction is always less than 10 cubic metres in any one day (e.g. by measuring the rate of abstraction) or a means of demonstrating that the maximum volume that could be abstracted cannot exceed (>) 10 cubic metres in any one day.

Water leakage must be kept to a minimum by ensuring that all pipework, storage tanks and other equipment associated with the abstraction and the use of the water are maintained in a state of good repair.

- if you abstract >10 and <50 cubic metres of water each day you have to be registered with SEPA

- if you abstract >50 and <2000 cubic metres of water each day you have to obtain a Simple Licence from SEPA

- if you abstract >2000 cubic metres of water each day you have to obtain a Complex Licence from SEPA

2. comply with all the conditions of a water abstraction licence. Some of the conditions relate to:

- abstraction site
- abstraction periods
- maximum daily abstraction volumes
- you must submit an annual data return even if you don't abstract any water

## Further information

Abstracting water for irrigation is covered by the Controlled Activity (CAR) Regulations. For further information, contact SEPA or visit their website by using the following links.

SEPA customer services enquiries - 03000 99 66 99

[CAR abstraction rules](#) (section 4.3 of 'CAR abstraction rules' PDF)

[Information on submitting annual data returns](#)

## Recent changes

| Section     | Change                | Previous text  | New text   |
|-------------|-----------------------|--|--|
| GBR 2 rules | Bullet points amended | abstraction site<br>abstraction periods<br>maximum daily abstraction volumes | abstraction location<br>abstraction periods<br>maximum abstraction volumes |

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# Protection of groundwater against pollution (GAEC 3)

**Date published: 1 January, 2015**

The aim of these rules is to protect groundwater against pollution.

**You must:**

1. obtain a licence from the Scottish Environment Protection Agency (SEPA) before disposing of dangerous substances\*, such as waste sheep dip\* to land
2. comply with the conditions of any licence granted to allow or carry out a disposal of dangerous substances, such as waste sheep dip to land. Some of the conditions relate to:
  - identified disposal sites
  - maximum disposal volume
  - only one disposal per site per year
  - dilution rates
  - keeping disposal records

**You must not:**

1. cause or permit an activity which is likely to cause pollution of groundwater by an indirect or direct discharge of dangerous substances (eg, an overflowing sheep dipper, a leaking diesel tank, inappropriate disposal of pesticide washings or waste tractor oil)

## Further information

Disposing of sheep dip to land is covered by the Controlled Activity (CAR) Regulations, for further information contact SEPA or visit their website using the links below.

SEPA customer services enquiries

Tel: 03000 99 66 99

[Applying for a sheep dip disposal licence \(Licence F\)](#)

[Sheep dipping code of practice](#)

[Diffuse Pollution General Binding Rule \(DP GBR\) 24: operating sheep dipping facilities](#)

**\*Explanation of terms**

'Substances' means the substances listed in the annex below.

'Sheep dip' includes dips to control external parasites, as well as bloom and purl dips.

## Annex

**List I**

1. organohalogen compounds and substances which may form such compounds in the aquatic environment
2. organophosphorus compounds
3. organotin compounds
4. substances which possess carcinogenic mutagenic or teratogenic properties in or via the aquatic environment
5. mercury and its compounds
6. cadmium and its compounds
7. mineral oils and hydrocarbons
8. cyanides

**List II**

1. The following metalloids and metals, and their compounds:

- zinc
- copper
- nickel
- chrome
- lead
- selenium
- arsenic
- antimony
- molybdenum
- titanium
- tin
- barium
- beryllium
- boron
- uranium
- vanadium
- cobalt
- thallium
- tellurium
- silver

2. biocides and their derivatives not appearing in List I

3. substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in groundwater and to render it unfit for human consumption

4. toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances

5. inorganic compounds of phosphorous and elemental phosphorous

6. fluorides

7. ammonia and nitrites

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# Minimum soil cover (GAEC 4)

**Date published: 1 January, 2015**

The aim of this rule is to protect soil against erosion after harvest until the end of winter ('winter' is up to and including the last day of February).

**You must:**

1. retain the stubble of the previous crop or sow grass or sow another crop, unless:
  - agronomic or weather conditions are such that cultivating land would be detrimental to the use for the land for agricultural production
  - the land is being prepared for sowing the subsequent crop. Secondary cultivations and final seed beds must only be created very close to sowing

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# Minimum land management reflecting site specific conditions to limit erosion (GAEC 5)

**Date published: 1 January, 2015**

The aim of these rules is to protect soil against erosion in certain situations.

**You must:**

1. prevent the erosion of the banks of watercourses, watering points and feeding areas from overgrazing or heavy poaching by livestock
2. put in place appropriate measures to limit soil erosion if agronomic or weather conditions prevent the subsequent crop or a cover from being sown (appropriate measures could include grubbing, sediment traps and sediment fences)

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# Maintenance of soil organic matter (GAEC 6)

**Date published: 1 January, 2015**

The aim of these rules is to maintain soil organic matter levels.

**You must:**

1. comply with the requirements of the Muirburn Code as they relate to the maintenance of soil organic matter.

The following would be considered to be a breach of the requirements:

- leaving a fire unattended
- being unable to control a fire or having not made provision for its proper control
- causing damage to any woodland

**You must not:**

1. burn arable stubble except for disease control or to eliminate plant pests
2. plough rough grazing or other semi-natural area\* unless approved as part of an environmental impact assessment (EIA\*)

## Further information

Burning straw isn't covered by Cross Compliance. But you must be aware that if you burn straw in the field after harvest you will burn the underlying stubble.

Also, burning straw in certain circumstances (for example straw used for covering carrots) is covered by the Waste Management Licensing (Scotland) Regulations.

For further information or if you are intending to burn straw contact SEPA.

**SEPA customer services enquiries**

**Tel: 03000 99 66 99**

If you're making muirburn you should follow the Muirburn Code. A copy can be downloaded from the Scottish Government website.

[The Muirburn Code](#)

The EIA regulations restrict 'intensive' agricultural operations on uncultivated or semi-natural land, or large-scale restructuring projects on agricultural land, where the result would have a 'significant' impact on the environment.

Full details of the EIA regulations can be found on the Scottish Government website.

[EIA regulations](#)

**\*Explanation of terms**

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

'*EIA*' relates to The Environmental Impact Assessment (Agriculture)(Scotland) Regulations 2006.

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# Retention of landscape features (GAEC 7)

**Date published: 9 January, 2016**

To see the recent changes to this guidance, see [the bottom of this page](#).

## Retention of landscape features

**The aim of these rules is to protect landscape features.**

### You must not:

1. remove or destroy\* drystone or flagstone dykes, turf and stone-faced banks, walls, hedges\*, ponds\*, watercourses or trees\* (in line, in a group or isolated) without the prior written consent of the Scottish Ministers. Consent is not required to:

- widen field entrances to enable access for livestock or farm machinery
- fell trees that are dead, diseased, damaged or insecurely rooted and are likely to cause a danger by falling over

2. trim hedges or lop branches off trees during the bird nesting and rearing season starting on 1 March and ending on 31 August except for road safety reasons. Hedgelaying\* can be carried out up to and including 31 March

3. cultivate land within two metres of the centre line of a hedge unless one of the following exemptions apply:

- cultivating to establish a green cover where one doesn't already exist. A green cover excludes crops that are grown for a commercial purpose, for example arable crops including crops that are under sown with grass
- cultivating to establish a new hedge

4. apply fertilisers (organic manure, chemical or nitrogen) or pesticides within two meters of the centre link of a hedge unless one of the following exemptions apply:

- applications of fertilisers or pesticides to establish a new hedge. This applies from the time the land is prepared for planting the new hedge to the end of the hedge's third growing season
- spot application of pesticides to control injurious weeds\*, invasive species\* and, after prior written consent of the Scottish Ministers and / or other statutory bodies, certain other weed species.

5. alter, damage or destroy a Scheduled Ancient Monument\* without prior written consent of the Scottish Ministers (known as Scheduled Monument Consent (SMC))

## Further information

'Topping' is permissible within the two meter buffer strip, however Greening rules may apply if this land is also part of your Ecological Focus Area (EFA). Further details on the greening requirements can be found [here](#) .

Historic Environment Scotland is responsible for safeguarding Scotland's historic environment and promoting its understanding and enjoyment.

To find out whether there are any Scheduled Ancient Monuments on your land, contact Historic Environment Scotland or search their online register.

Tel: 0131 668 8600

[Historic Environment Scotland](#)

### \*Explanation of terms

'Remove or destroy' does not include trimming a hedge or lopping branches off a tree.

'Hedges' means any hedge which has a length of at least 20 metres or a length of less than 20 metres where it meets another hedge at each end. Any gap of less than 20 metres is treated as being part of the

hedge.

'*Pond*' means a small body of still water formed naturally or by artificial means. This excludes lochs, lochans, lakes or reservoirs.

'*Trees*' means trees with a crown diameter greater than four metres.

'*Hedgelaying*' means a traditional method of cultivating hedges where tall saplings are partly cut through near the base and then bent over so that they lie horizontally to make a thick barrier.

'*Injurious weeds*' are species specified in the Weeds Act 1959: Spear Thistle (*Cirsium vulgare* (Savi) Ten.), Creeping or Field thistle (*Cirsium arvense* (L.) Scop.), Curled dock (*Rumex crispus* L.), Broad-leaved dock (*Rumex obtusifolius* L.) and Common Ragwort (*Senecio jacobaea* L.).

'*Invasive species*' means giant hogweed (*Heracleum mantegazzianum*), Japanese Knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).

'*Scheduled Ancient Monument*' means a monument listed in the Schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(b).

## Recent changes

| Section                      | Change                             | Previous text  | New text |
|------------------------------|------------------------------------|--|----------|
| <a href="#">You must not</a> | Removal of bullet point from no. 4 | <ul style="list-style-type: none"> <li>for 2015 only, applications of fertilisers or pesticides to crops sown in 2014 for harvest in 2015</li> </ul> |          |

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