

Agricultural land which is not in agricultural production

The aim of these rules is to avoid encroachment of unwanted vegetation, to protect habitats and to maintain land not in production in good agricultural and environmental condition.

If the land is, or will be, in production on the SPS application deadline (15 May 2012, 15 May 2013) then the rules of this standard (GAEC 12) will not apply in that calendar year. If land is not, or will not be, in production on the SPS application deadline then the rules of this standard (GAEC 12) will apply either from 1 January or from the day after the land comes out of production until the day it is returned to production. For the purpose of this standard (GAEC 12), land is considered as being used for agricultural production when:

- a crop has been planted in the ground;
- preparatory work for a following crop has commenced on the land, for example, ploughing or spraying off;
- animals are grazing;
- land is used for growing of grass to be cut as silage, hay or other feed, or to be grazed in the future on the basis that these operations are undertaken.

A. You must

1. cut scrub and cut or graze rank vegetation on the whole area of your agricultural land that you do not use for agricultural production at least once every 5 years, in order to prevent encroachment of scrub (but read B1 and B2 below).

B. You must not

1. cut down or plough vegetation on the land between 1 March and 31 July (inclusive);
2. in any 12 month period, cut or graze rank vegetation on more than 50% of the agricultural land not in agricultural production.

Rules B1 and B2 apply unless:

- you need to cut to meet the GAEC rules on the control of weeds (GAEC 11);
- you are managing the land to control an infestation of blackgrass (*Alopecurus myosuroides*), couch (*Agropyron repens*), creeping thistle (*Cirsium arvense*) or dock (*Rumex* species) for the first 15 months from the date of harvest;
- cutting is needed for you to establish grassy areas to prevent erosion and run-off, or to cut pollen and nectar mixtures sown to provide food resources for wildlife, such as required by certain voluntary environmental management options under the Campaign for the Farmed Environment (CFE)¹ or to establish a buffer strip alongside a watercourse for water resource protection;
- you are creating a bare surface to establish plots of up to approximately 2 hectares to accommodate ground nesting birds such as stone-curlews or lapwings;
- you are actively bringing the land back into production;

¹ Certain CFE options (including C1, C2 and C12a/b in the current list) and newly established buffer strips may require cutting between 1 March and 31 July. The cutting restriction for GAEC 12 does not apply to the land being used for these measures when you are cutting for the purpose of carrying out one of these measures. You do not need to be part of the CFE to use these exemptions. You should avoid disturbing ground nesting birds if they are known to be present.

3. apply inorganic fertiliser to the land, unless the land is known to be used as, and is managed as, a geese feeding area in winter;
4. apply manure or slurry to the land, unless the land is known to be used as, and is managed as, a geese feeding area in winter.

The rules of this standard (GAEC 12) do not apply if the land is a Site of Special Scientific Interest (SSSI) and your obligations under your SSSI designation conflict with the rules of this GAEC.

The individual rules of this standard (GAEC 12) relating to cutting or grazing scrub and vegetation (rules A1, B1 and B2) do not apply if they conflict with those of the GAEC standard to protect scheduled monuments (GAEC 7).

The rules of this GAEC standard (GAEC 12) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.



Further advice and guidance

You must record the land as being not in agricultural production in your Soil Protection Review (GAEC 1) with appropriate soil protection measures identified and carried out.

Agricultural land not in agricultural production may be used for storage and non-agricultural activities in line with the conditions for all SPS eligible land set out in the SPS Handbook. You must record any resulting risk to soils and remedial action in your Soil Protection Review 2010.

You can find out more information on the Campaign for the Farmed Environment by visiting their website at www.cfeonline.org.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

Campaign for the Farmed Environment (CFE): 024 7685 8892

Natural England: 0845 600 3078