

Guidance for Cross-Compliance Field Staff

Verifiable standards and guidelines for the

classification of failures of

Statutory Management Requirements (SMR) 1,2,3

and

***Good Agricultural and Environmental Conditions
(GAECs) 1,2,3***

in Northern Ireland for 2024

Guidelines for classifying the seriousness of Cross-Compliance failures

INTRODUCTION

Cross-Compliance is divided into two key sets of requirements (as follows), which farmers must meet to receive direct payments in full:

- a. Maintenance of land in good agricultural and environmental condition (GAEC). The CAP Regulations establish a framework for GAEC standards within which each Member State decides its own detailed rules.
- b. Compliance with Statutory Management Requirements (SMRs) - several specific standards established in assimilated EU Directives and Regulations. Most of the 13 SMRs relate to existing law and address environmental, public and plant health, animal health and welfare, and livestock identification and tracing objectives.

This introduction describes the current approach in Northern Ireland to the establishment of a Cross-Compliance payment reduction framework. It offers policy guidance on the general principles for classifying the seriousness of Cross-Compliance failures and provides more detailed guidance for field staff for each of the 3 NIEA 2024 Statutory Management Requirements and the 3 GAEC requirements.

Assimilated EU Regulations are referenced as adopted into Northern Ireland legislation. Cross-Compliance is through the Direct Payments to Farmers Legislative Continuity Act 2020.

DAERA business rules principles

For NIEA related breaches it has been established that if a land related breach is identified the inspector will work to identify who is directly responsible for the breach. NIEA will then complete a report form to report this individual/business to the Paying Agency. If it is not possible to identify who is directly responsible for the breach, it is NIEA practice to complete a separate report form for all those that have an interest in the land concerned. Therefore for breaches of SMRs 1 to 3 and GAECs 1 to 3 identified by the NIEA, a Cross-Compliance penalty should only be applied to the person identified on the report form. Penalties should not be cross referred to anyone else who has declared an interest in the land.

BASIC PRINCIPLES OF THE PAYMENT REDUCTION FRAMEWORK

Assimilated EU regulations stipulate that payment reductions will only be applied where a negligent or intentional breach of either the GAEC or SMR requirements has been identified on inspection.

Where non-compliance is found, the level of seriousness of breach will be assessed by the inspector with regard to the criteria set out in the assimilated EU Regulations, namely extent, severity, permanence and repetition (if known). The inspector's report on each of these aspects will inform DAERA's decision on the determination of any appropriate payment reduction. Inspectors will be required to consider the facts for each case in making this assessment. Inspectors will also be required to report back their assessment of whether the failure occurred as a result of the farmer's negligence or whether the failure was caused intentionally. These findings will influence DAERA's decision on the fixing of

the payment reduction. It is particularly important that inspectors provide sufficient evidence on these aspects to support their conclusion. A working guide for defining “intent” and “negligence” are set out as follows:

INTENTION

Under the assimilated EU Regulations, where a farmer has acted intentionally or negligently in committing non-compliance, a reduction should generally be imposed. The information in the inspector’s control report is so vital as it will allow the Paying Agency to apply the correct reduction. Any comment made by the farmer to an inspector such as “I will cut my hedges when I like” should be noted. Our proposed working descriptions for these terms are based on existing domestic law. They are as follows:

NEGLIGENT NON-COMPLIANCE

This is where the applicant has breached a GAEC or SMR measure **as a result of failing to take reasonable care, skill and foresight**. An example of this could be that a farmer failed to have a system in place to regularly check his herd of cows to ensure ear tags were still in place.

INTENTIONAL NON-COMPLIANCE

Intentional non-compliance for Cross-Compliance has been defined as being the same as its legal meaning within criminal and civil law. Very broadly, an intentional non-compliance would be considered as occurring in cases where the applicant has knowingly breached the relevant measures imposed with an understanding of what he was doing and the likely consequences of his actions. This has been clarified to only apply where the applicant **“Seeks a state of non-compliance with the rules or without seeking such a state accepts the possibility that it may occur.”** Counsel clarified that the Van der Ham ruling means that, for a breach to be classed as intentional, the farmer needs to have appreciated that he was breaching the rules or there was a possibility that he was doing so.

Record keeping is very important particularly in relation to conversations held between the inspector and the applicant. If it is established that a breach is intentional, it is important that all the evidence to support this decision is detailed and a clear reasoning for this is recorded.

The decision on the level of payment reduction will be made by the Paying Agency on the basis of the assessment provided by the field staff in the control report.

ACTS OF NATURE/FORCE MAJEURE

If the inspector identifies an incident that relates to any of the standards on the report form that has been caused by an act of nature or force majeure, the details of the incident must be fully recorded in the comments box relating to the standard in question and the breach processed. The inspector should advise the farmer to contact DAERA paying agency regarding force majeure as soon as possible in relation to the inspection.

Note: this advice does not relate to reasonable excuse under NAP.

EXTENT

Article 38 (2) of assimilated Commission Delegated Regulation (EU) No 640/2014 defines Extent as follows:

“The “extent” of a non-compliance shall be determined taking account, in particular, of whether the non-compliance has a far-reaching impact or whether it is limited to the farm itself”.

We have therefore considered extent to mean where repercussions of the breach will be felt. This is currently split into either an on or off farm category.

SEVERITY

Severity has been defined within assimilated Article 38 (3) of Commission Delegated Regulation (EU) No 640/2014 as follows:

“The “severity” of a 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.”

We therefore consider severity to relate to the effects of the breach in relation to the nature and features affected.

The guidance held within this document will assist the inspector to make this assessment.

Where breaches are likely to lead to a water pollution incident, the severity of the breach should be assessed according to NIEA pollution incident categories (PIC). Incidents relating to SMRs 2 and 3 should use the Environment Order Compliance Incident Matrix (ref to AE1/18/1255581 NIEA incident matrix) to assist the categorisation of severity; High equating to Major, Medium to Significant and Low to Minor. Latitude may be provided by inspectors where a technical breach is identified but there has been no damage incurred. Whilst such incidents should be considered carefully on a case by case basis dependant on the particular circumstances, consideration should be given to handling such incidents through compliance promotion focusing on the desired environmental outcome, through enhanced liaison and engagement.

PERMANENCE

Permanence has been defined within Article 38 (4) of assimilated Commission Delegated Regulation (EU) No 640/2014 as follows:

“Whether a non-compliance is of ‘permanence’ shall depend, in particular, on the length of time for which the effect lasts or the potential for terminating those effects by reasonable means.”

Taking the above into account, permanence of a breach has been classed as either being rectifiable or permanent. A permanent breach may attract a higher percentage reduction than a rectifiable breach. The guidance held within this document will assist the inspector in deciding whether a breach is rectifiable or not.

For SMRs 2 and 3, a breach may be considered rectifiable if the site can be restored to good agricultural and environmental condition either through natural ecological processes or by natural processes assisted by remedial action without major intervention. For

example, scrub that has been cut will regrow if grazing is excluded so it is rectifiable. Where semi-natural habitat has been completely destroyed and replaced with agricultural grassland this will not easily regenerate without major intervention and a long time frame so could be classed as permanent.

For SMRs 2 and 3, latitude may be provided by inspectors where a technical breach is identified but there has been no damage incurred. Whilst such incidents should be considered carefully on a case by case basis dependant on the particular circumstances, consideration should be given to handling such incidents through compliance promotion focusing on the desired environmental outcome, through enhanced liaison and engagement.

Where a breach is classed as rectifiable, identify the remedial action required and timeline in Annex 1.

Where a breach is of a technical nature, for example, no licence or consent was available for activity, it cannot be rectified and therefore only the permanent option is available. (Consents and licences cannot be issued retrospectively). Where there are two elements to a breach **they must be in agreement.**

REPEATED NON-COMPLIANCES

In respect of negligent non-compliances, where a repeated non-compliance occurs of the same requirement or standard, the level of reduction to be imposed has been established in the assimilated EU regulations. As part of the inspection portfolio it is intended to provide field staff with details of any previous non-compliance identified in the last 3 calendar years in respect of the applicant to be inspected. As part of the current inspection they will need to note using the standard report form that a further breach of the same Verifiable Standard has been found and if so if the applicant has had sufficient time to rectify the original breach. DAERA will calculate the payment reduction due having regard to this factor and the other relevant factors.

CONTRACTOR/THIRD PARTY

Where a breach was the result of a contractor or third party, then evidence must be sought to be able to ascertain that the farmer was negligent in relation to Cross-Compliance. This relates to Stody caselaw [2018] EWHS378 – where no evidence was collected by inspectors so negligence could not be ascertained. The Van Der Ham EU judgement [C-396/12] on agricultural contractors indicated that in the event of an infringement of the requirements of Cross-Compliance by a third party who carries out the work on the instructions of the beneficiary of aid, the beneficiary may be held responsible for the infringement if they acted intentionally or negligently as a result of the **choice of third party** or the **monitoring of the third party** or **the instructions given to him**, independently of the intentional or negligent nature of the conduct of the third party. It is therefore important when collecting sufficient evidence, under caution if considered appropriate, to ask what supervision and/or instruction they gave to the contractor. They should also be asked for a copy of the contract between themselves and the contractor.

SMR 1: Nitrates

In this SMR, 'N' means nitrogen.

The farmer must comply with the Nutrient Action Programme Regulations (2019) as amended.

Further details of the help and advice available to comply with the Nutrient Action Programme Regulations are provided on the DAERA website at <https://www.daera-ni.gov.uk/articles/nitrates-directive>

NB: the application of organic manures or N fertilisers on uncultivated land or semi-natural areas may require prior approval from DAERA under the EIA Uncultivated Land/ Semi-natural Areas Regulations 2001. Failure to acquire this may breach GAEC 6.

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Very Low, Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
CLOSED SPREADING PERIODS				

Periods when the land application of Nitrogen fertiliser is prohibited

3.1.2 Chemical fertiliser must not be applied during the following closed periods: To grassland: midnight 15 Sep – midnight 31 Jan For crops other than grass (unless specific crop requirement): midnight 15 Sep – midnight 31 Jan.	3.1.2 Closed period for chemical fertiliser breached <u>midnight 15 Sep – midnight 31 Jan</u> and crop requirement not demonstrated.	On-farm	Low (no evidence of pollution) This option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	
3.1.3 Organic manure (excluding farmyard manure and dirty water) must not be applied during the closed period, midnight 15 Oct – midnight 31 Jan.	3.1.3 Closed period for organic manure breached midnight 15 Oct – midnight 31 Jan.	On-farm	Low (no evidence of pollution) This option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.4 Farmyard manure must not be applied to land from midnight 31 October to midnight 31 January	3.1.4 Closed period for farmyard manure breached 31 Oct – 31 Jan.	On –farm	Low (no evidence of pollution) This option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

3.1.5 On derogated farms in any year –within the last 5 years where the fertilisation plan indicated a proposal to disturb soil as part of grass cultivation, was there application to land of any organic manures, including farmyard manure and dirty water, during the period midnight 01 September – midnight 31 January.	3.1.5 Organic manure, including farmyard manure and dirty water, was applied to land during the closed period as part of grass cultivation	On-farm	Low (no evidence of pollution) This option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Very Low, Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
POLLUTION PREVENTION REQUIREMENT				

3.1.6 The Controller shall not cause or permit any fertiliser (including dirty water) to directly or indirectly enter a waterway or risk of entry of any fertiliser (including dirty water) into water contained in underground strata?	3.1.6 Fertiliser and/or dirty water directly or indirectly enters a waterway or there is a risk of entry to water contained in underground strata.			Permanent
		Off-farm	Low (No evidence of pollution or Low PIC)- Medium (Med PIC) High (High PIC)	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
LAND APPLICATION RESTRICTIONS				

Requirements as to the manner of land application of fertiliser including dirty water (Spreading Controls)

3.1.7 Fertiliser including dirty water must be applied accurately and uniformly.	3.1.7 Fertiliser including dirty water not applied to land in an accurate and uniform manner.	On-farm	Low (some attempt to spread accurately and uniformly and no pollution evident) Medium (no attempt to spread accurately and uniformly and no pollution evident) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Some attempt to spread accurately and/or Low PIC) Medium (No attempt to spread accurately and uniformly and/or Med PIC) High (High PIC)	

Requirement LAND APPLICATION RESTRICTIONS	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
<p>3.1.8 Fertiliser (including dirty water) must not be applied to steeply sloping land where, taking into account factors such as proximity to waterways, soil conditions and rainfall there is a significant risk of causing water pollution.</p>	<p>3.1.8 Fertiliser including dirty water applied to steeply sloping fields where there is a significant risk of causing water pollution.</p>	<p>Off-farm</p>	<p>Medium (Med Risk) High (High Risk) (See Slope Risk Assessment Table)</p>	<p>Permanent</p>
<p>3.1.9 Fertiliser (including dirty water) must not be applied when the ground is waterlogged, flooded or likely to flood, frozen (12 hrs or more in preceding 24 hrs), snow covered or if heavy rain is falling or forecast within 48 hours.</p> <p>From NAP guidance _ The Regulations define heavy rain as being more than 4 mm of rain per hour. In practical terms, continuous rainfall any heavier than a drizzle will meet the above definition, as will brief, intense showers. Again, refer to Met Office forecasts to assess the risk. Also note if weather warning in place.</p>	<p>3.1.9 Fertiliser, including dirty water, applied when ground is waterlogged, flooded or likely to flood, frozen (12 hrs or more in preceding 24 hrs) or snow covered or if heavy rain is falling or forecast within 48 hours.</p>	<p>On-Farm</p> <p>Off-Farm</p>	<p>Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6</p> <p>Low (Low PIC) Medium (Med PIC) High (High PIC)</p>	<p>Permanent</p>
<p>3.1.10 Fertiliser including dirty water shall not be applied on any land in a location or manner which would make it likely that the nitrogen fertiliser, including dirty water, will directly enter a waterway or water contained in any underground strata</p> <p>Note table 3 in Schedule 4 of Regs for risk assessment for fertilizer application to land other than steeply sloping land (see appendix 1)</p>	<p>3.1.10 Nitrogen fertiliser, including dirty water, applied in a location or manner which makes it likely it will directly contaminate waterways and/or water contained in underground strata.</p>	<p>Off-Farm</p>	<p>Low</p>	<p>Permanent</p>
<p>3.1.11 Chemical fertiliser must not be applied within 2m of any waterway.</p>	<p>3.1.11 Chemical fertiliser applied within 2m of a waterway.</p>	<p>On-Farm</p> <p>Off-Farm</p>	<p>Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6</p> <p>Low (Low PIC) Medium (Med PIC) High (High PIC)</p>	<p>Permanent</p>

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.12 Organic manures including dirty water must not be applied within: - 10 m of any waterway other than lakes *(may be reduced to 3m where average incline is <10% and where organic manure including dirty waters are spread by bandspreader, trailing hose or trailing shoe or soil injection or if adjoining area is less than 1 hectare or not more than 50m wide); #This is increased to 15m from 30 Sept to 15 October and during the month of February; - 20m of lakes.# This is increased to 30m from 30 Sept to 15 October and during the month of February ; - 50m of a borehole, spring or well; - 250m of a borehole used for a public water supply; - 15m of exposed cavernous or karstified limestone features (such as swallow holes or collapse features).	3.1.12 Organic manure including dirty water applied within: -10m of a waterway*# -20m of lakes# -50m of a borehole, spring or well; -250m of a borehole used for a public water supply -15m of exposed cavernous or karstified limestone features.	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

3.1.12a Organic manure, including dirty water, must not be applied within 30m of a lake or 15m of any waterway other than lakes on grassland with an average incline of >15% and on any other land with an average incline of >12%	3.1.12a Organic manure, including dirty water, applied within 30m of a lake or 15m of any waterway other than lakes on grassland with an average incline >12% and any other land with an average incline >12%	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

3.1.12b Chemical Fertiliser must not be applied within 10m of a lake or 5m of any waterway other than lakes on grassland with an average incline of >15% and on any other land with an average incline of >12%	3.1.12b Chemical fertiliser applied within 10m of a lake or 5m of any waterway other than lakes on grassland with an average incline >12% and any other land with an average incline >12%	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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<p>3.1.13 No more than 50 tonnes / ha of solid organic manure OR no more than 50 m3/ha of slurry OR no more than 50 m3/ha of dirty water shall be applied at any time, provided this does not exceed 170kg N/ha/yr* of total nitrogen in livestock manure applied and by the animals themselves to the agricultural area of the holding. At least 3 weeks must be left between applications (or 2 weeks for dirty water).</p> <p>*The provision of the limit of 170kg N/ha/yr is checked in question 3.1.19 (3.1.18 for derogated farms).</p>	<p>3.1.13 Over 50 t/ha of solid organic manure or over 50 m3/ha of slurry / dirty water applied and/or 3 weeks not left between applications (or 2 weeks for dirty water).</p>	On-Farm	<p>Low (no evidence of pollution)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Permanent
		Off-Farm	<p>Low (Low PIC)</p> <p>Medium (Med PIC)</p> <p>High (High PIC)</p>	

<p>3.1.13a ON DEROGATED FARMS - At least 50% of slurry produced on the holding applied by the 15th of June</p>	<p>3.1.13a On derogated farms less than 50% of slurry produced on the holding applied by the 15th of June</p>	On-Farm	<p>(Where there is NO evidence of pollution)</p> <p>Low 45 to <50 % of slurry applied by 15th June</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Permanent
		Off-Farm	<p>Low (Low PIC or < 45% out by 15th June)</p> <p>Medium (Med PIC or < 35% out by 15th June)</p> <p>High (High PIC or < 25% out by 15th June)</p>	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.14 Slurry may only be applied to land by spreading close to the ground using inverted splash plate, band spreading, trailing hose, trailing shoe, soil injection or soil incorporation methods. Dirty water may only be applied using the above methods and may also be applied by irrigation methods. Note no reasonable excuse available	3.1.14 Slurry / dirty water applied by unapproved methods e.g. sludgicator or upward facing splashplate	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

3.1.14a ON DEROGATED FARMS - Slurry may only be applied by Low Emission Slurry Spreading Equipment after the 15th of June	3.1.14a On derogated farms slurry applied by method other than by Low Emission Slurry Spreading Equipment after the 15th of June	On-Farm	(Where there is NO evidence of pollution) Low (one occasion on one field not applied by LESSE after 15th June) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC or evidence that LESSE was not used on more than one occasion or more than one field but evidence that LESSE used on other occasions or fields) Medium (Med PIC or evidence that LESSE was not used on more than one occasion and more than one field but evidence that LESSE used on other occasions or fields) High (High PIC or no LESSE used)	
3.1.14b Slurry/digestate may only be applied to land by LESSE: band spreading, trailing hose, trailing shoe, soil injection. From Feb 2020 for digestate; from Feb 2021 for contractors and from Feb 2022 for cattle farms with 200 or more livestock units and pig farms with a total livestock manure N of 20,000Kg produced. See NAP guidance booklet section 4 pages 33 -34 on how to calculate these.	3.1.14b Slurry/ digestate applied by unapproved methods	On-Farm	(Where there is NO evidence of pollution) Low (one occasion on one field not applied by LESSE) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC or evidence that LESSE was not used on more than one occasion or more than one field but evidence that LESSE used on other occasions or fields) Medium (Med PIC or evidence that LESSE	

			was not used on more than one occasion and more than one field but evidence that LESSE used on other occasions or fields)	
			High (High PIC or no LESSE used)	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) (PIC = NIEA pollution incident category)	Permanence (Rectifiable or Permanent)
FERTILISER CROP REQUIREMENT				

Limits on Land Application of N Fertiliser to Grassland

<p>3.1.15 On non-derogated farms total available nitrogen in organic manures, excluding livestock manure, and chemical fertiliser applied to grassland shall take into account crop requirement and shall not exceed specified amounts in the relevant Schedules of the NAP Regulations.</p> <p>Anyone wishing to deviate from the values set out in the relevant Schedules of the NAP Regulations must have prior approval from the Department of Agriculture, Environment and Rural Affairs</p>	3.1.15 Total available N applied in excess of crop requirement	On-Farm	<p>Very Low (in excess by <10% AND Risk Assessment carried out AND No impact visible)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Rectifiable
		Off- Farm	<p>Low (In excess by \leq20%)</p> <p>Medium (In excess by >20% and \leq30%)</p> <p>High (In excess by >30%)</p>	Permanent
<p>3.1.15(a): Has total available P Fertiliser, in organic manures and chemical fertiliser, been applied to grassland in excess of crop requirement?</p>	3.1.15(a) Total available P applied in excess of crop requirement	On-Farm	<p>Very Low (in excess by <10% AND Risk Assessment carried out AND No impact visible)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Rectifiable
		Off- Farm	<p>Low (In excess by \leq20%)</p> <p>Medium (In excess by >20% and \leq30%)</p> <p>High (In excess by >30%) or no soil test undertaken</p>	Permanent

<p>3.1.16 On derogated farms the total available nitrogen in other organic manures (excluding livestock manure) and chemical fertiliser, excluding livestock manures, applied to grassland shall take into account crop requirement and shall not exceed 272 kg N/ha/yr on dairy farms and 222 kg N/ha/yr on other farms</p>	<p>3.1.16 Total available N applied in excess of crop requirement</p>	On-Farm	<p>Very Low (in excess by <10% AND Risk Assessment carried out AND No impact visible) This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Rectifiable
		Off-farm	<p>Low (In excess by \leq20%)</p> <p>Medium (In excess by >20% and \leq30%)</p> <p>High (In excess by >30%)</p>	Permanent

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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LIMITS ON LAND APPLICATION OF N FERTILISER TO LAND OTHER THAN GRASSLAND

<p>3.1.17 The quantity of nitrogen fertiliser including chemical and all organic manures, applied to land other than grassland by land application and by the animals themselves shall not exceed crop requirement, taking into account the relevant schedules of the NAP Regulations. Anyone wishing to deviate from the values set out in the relevant schedules of the NAP Regulations must have gained prior approval from the NIEA.</p>	<p>3.1.17 Nitrogen fertiliser applied in excess of crop requirement</p>	On-Farm	<p>Very Low (in excess by <10% AND Risk Assessment carried out AND No impact visible) This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Rectifiable
		Off-Farm	<p>Low (In excess by 10-20%)</p> <p>Medium (In excess by >20% and \leq30%)</p> <p>High (In excess by >30%)</p>	Permanent

<p>3.1.17(a) On all farms: an organic manure containing more than 0.25 kg total P per 1 kg of total nitrogen shall not be applied to land unless the controller can demonstrate that the total amount of available phosphorus applied does not exceed crop requirement for phosphorus, taking into account the soil P index, recommended soil P index for the crop and available P from the application of other fertilisers</p>	<p>3.1.17(a) organic manure containing more than 0.25 kg total P per 1 kg of total nitrogen applied in excess of crop requirement</p>	<p>Off-Farm</p>	<p>Low (In excess by $\leq 20\%$)</p> <p>Medium (In excess by $>20\%$ and $\leq 30\%$)</p> <p>High (In excess by $>30\%$) or no soil test undertaken</p>	<p>Permanent</p>
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<p>3.1.17(b) The quantity of phosphorus fertiliser including chemical and all organic manures, applied to land other than grassland by land application and by the animals themselves shall not exceed crop requirement, taking into account the relevant schedules of the NAP Regulations. Anyone wishing to deviate from the values set out in the relevant schedules of the NAP Regulations must have gained prior approval from the NIEA. (Applicable from 01 January 2020)</p>	<p>3.1.17(b) Phosphorus fertiliser applied in excess of crop requirement</p>	<p>On-Farm</p>	<p>Very Low (in excess by $<10\%$ AND Risk Assessment carried out AND No impact visible)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	<p>Rectifiable</p>
		<p>Off-Farm</p>	<p>Low (In excess by 10-20%)</p> <p>Medium (In excess by $>20\%$ and $\leq 30\%$)</p> <p>High(In excess by $>30\%$) or no soil test undertaken</p>	<p>Permanent</p>

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
NITROGEN LIVESTOCK MANURE LIMITS				
<p>3.1.18 On derogated farms the Total nitrogen from grazing livestock manure (cattle, sheep, goats, deer and horses) applied to the agricultural area by land application and by livestock shall not exceed 250kg N/ha/yr. Can be calculated with the following formula: $((N_{loading}/250)*100) - 100$</p> <p style="text-align: center;">AND/OR</p> <p>Total nitrogen from non-grazing livestock manure (pig and poultry) applied to the agricultural area by land application and by livestock shall not exceed 170kg N/ha/yr NB Manure from pigs and poultry is not eligible for the higher derogation</p>	<p>3.1.18 250kg N/ha/yr limit from grazing livestock was exceeded; 170kg N/ha/yr limit from non-grazing livestock was exceeded</p>	Off-Farm	<p>Low (In excess by $\leq 20\%$)</p> <p>Medium (In excess by $>20\%$ and $\leq 30\%$)</p> <p>High (In excess by $>30\%$)</p>	Permanent

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
NITROGEN LIVESTOCK MANURE LIMITS				

<p>3.1.19 <u>For all farms other than derogated farms:</u></p> <p>Total nitrogen in livestock manure applied to the agricultural area by land application and by the livestock shall not exceed 170kg N/ha/year</p> <p>The percentage can be calculated with following formula: $((N_{loading}/170)*100) - 100$</p>	<p>3.1.19 170kg N/ha/yr limit exceeded. For reference: 10% = 187 20% = 204 30% = 221</p>	On-Farm	<p>Very Low (in excess by $<10\%$ AND Risk Assessment carried out AND No impact visible)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Rectifiable
		Off-Farm	<p>Low (In excess by $\leq 20\%$)</p> <p>Medium (In excess by $>20\%$ and $\leq 30\%$)</p> <p>High (In excess by $>30\%$)</p>	Permanent

Requirement LIVESTOCK MANURE, SILAGE AND SILAGE EFFLUENT STORAGE REQUIREMENTS	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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<p>3.1.20 There must be sufficient storage for all livestock manure to comply with Regulations</p> <ul style="list-style-type: none"> - pig and poultry 26 weeks; or - all other enterprises 22 weeks; <p>With allowances provided (out wintering, animals in bedded accommodation, separated slurry [other than pig slurry], renting additional tanks, exporting slurry to approved outlets).</p>	<p>3.1.20 Insufficient livestock manure storage capacity to comply with the Regulations.</p> <p>For reference:</p> <ul style="list-style-type: none"> 99% = 21.78 weeks 98% = 21.56 weeks 97% = 21.34 weeks 96% = 21.12 weeks 95% = 20.09 weeks 	Off-Farm	<p>Medium (>95% but <100% of the required storage)</p> <p>High (≤95% of the required storage)</p>	Permanent
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<p>3.1.21 Sufficient storage as defined in 3.1.20 but insufficient to avoid water pollution</p>	<p>3.1.21 Insufficient storage capacity to prevent water pollution</p>	Off-Farm	<p>Low (Low PIC)</p> <p>Medium (Med PIC)</p> <p>High (High PIC)</p>	Permanent
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Requirement LIVESTOCK MANURE, SILAGE AND SILAGE EFFLUENT STORAGE REQUIREMENTS	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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<p>3.1.22 Storage facilities for livestock manure and silage effluent must comply with the specified requirements and must be managed and maintained, free of structural defect, to prevent seepage or run-off directly or indirectly to a waterway or water contained in underground strata and where applicable, comply with SSAFO (2003) (now NAP 2019) including new above ground slurry stores must be 50m from waterway from 31 Dec 2019 and must have a cover</p>	<p>3.1.22 Storage facilities not compliant with the specified requirements and / or not managed and / or not maintained to prevent seepage or run-off directly or indirectly to waterway or water contained in underground strata</p>	On-Farm	<p>Very Low – No NAP Regs notification form supplied (but subsequently supplied within 2 months of NIEA requesting it OR time specified by NIEA)</p> <p>Low NAP Regs notification form not submitted within 2 months of request OR time specified by NIEA</p> <p>OR</p> <p>Low – For older structures pre-2003. Does not comply with specified requirements and/or not managed or maintained AND No impact visible).</p>	Rectifiable
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			This on-farm option cannot be used if there is an associated breach of 3.1.6	
		Off-Farm	Low (Does not comply with specified requirements and/or not managed or maintained and Low PIC) Medium (Does not comply with specified requirements and/or not managed or maintained and Med PIC) High (Doesn't comply with specified requirements and/or not managed or maintained and High PIC)	Permanent

Requirement LIVESTOCK MANURE, SILAGE AND SILAGE EFFLUENT STORAGE REQUIREMENTS	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.22a Silage bales must not be stored or opened within 10m of any waterway	3.1.22a Silage bales stored and / or opened within 10m of any waterway	On-Farm	Very Low (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.22b Are supplementary feeding sites located within 20m of any waterway and are a significant risk of water pollution Significant risk includes: steeply sloped land with no fencing, poaching from livestock present, very soft waterlogged ground, bare ground	3.1.22b Supplementary feeding sites located within 20m of any waterway	On-Farm	Very Low (No evidence of pollution or poaching/sediment loss but significant risk is present) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
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		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent
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Requirement MANNER OF STORAGE AND LOCATION OF FARMYARD MANURE AND/OR POULTRY LITTER STORAGE FACILITIES	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.22c Are supplementary livestock drinking points located within 10m of any waterway and are a significant risk of water pollution Significant risk includes: steeply sloped land with no fencing, poaching from livestock present, very soft waterlogged ground, bare ground	3.1.22c Supplementary livestock drinking points located within 10m of any waterway	On-Farm	Very Low (No evidence of pollution or poaching/sediment loss but significant risk is present) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.23(a) Prior to land application farmyard manure should be stored in a midden which shall have adequate effluent collection facilities.	3.1.23a Farmyard manure not stored in a midden with adequate collection facilities prior to land application	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.23(b) Prior to land application poultry litter should be stored in a midden which has adequate effluent collection facilities.	3.1.23(b) Is poultry litter not stored in a midden with adequate collection facilities prior to land application	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
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		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent
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3.1.23(c) Prior to land application anaerobic digestate fibre stored in a midden shall have adequate effluent collection facilities.	3.1.23(c) Is anaerobic digestate fibre not stored in a midden with adequate collection facilities prior to land application	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

Requirement MANNER OF STORAGE AND LOCATION OF FARMYARD MANURE AND/OR POULTRY LITTER STORAGE FACILITIES	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.24 If stored in a field, farmyard manure must not be stored for longer than 120 days and/or in the same location in consecutive years and/or in quantities greater than would be applied to that field	3.1.24 Farmyard manure stored in a field for longer than 120 days and/or in the same location in consecutive years and/or in quantities greater than would be applied to that field	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.25 If stored in a field, poultry litter must not be stored for longer than 120 days and / or in the same location in consecutive years and / or in quantities greater than would be applied to that field	3.1.25 Poultry litter stored in a field, for longer than 120 days and/or in the same location in consecutive years and/or in quantities greater than would be	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
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	applied to that field	Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent
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3.1.25a If stored in a field, anaerobic digestate fibre must not be stored for longer than 120 days and / or in the same location in consecutive years and / or in quantities greater than would be applied to that field	3.1.25a Anaerobic digestate fibre stored in a field, for longer than 120 days and/or in the same location in consecutive years and/or in quantities greater than would be applied to that field	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.26 Farmyard manure stored in a field must be stored in a compact heap. This must not be within: 20 m of any waterway; 50m of lakes; 50m of a borehole, spring or well; 250m of a borehole used for a public water supply; 50m of exposed cavernous or karstified limestone feature	3.1.26 Is farmyard manure stored in a field within 20 m of any waterway; 50m of lakes; 50m of a borehole, spring or well; 250m of a borehole used for a public water supply; 50m of exposed cavernous or karstified limestone features and/or not in a compact heap?	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

Requirement MANNER OF STORAGE AND LOCATION OF FARMYARD MANURE, AD FIBRE AND/OR POULTRY LITTER STORAGE FACILITIES	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.28 Poultry litter must be stored in a compact heap. This must not be within: 40 m of any waterway;	3.1.28 Is poultry litter stored within 40 m of any waterway; 100m of lakes; 50m of a borehole, spring or well; 250m of a borehole used for a public water supply; 50m of	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
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<p>100m of lakes;</p> <p>50m of a borehole, spring or well;</p> <p>250m of a borehole used for a public water supply;</p> <p>50m of exposed cavernous or karstified limestone feature</p>	<p>exposed cavernous or karstified limestone features and/or not in a compact heap?</p>	<p>Off-Farm</p>	<p>Low (Low PIC)</p> <p>Medium (Med PIC)</p> <p>High (High PIC)</p>	<p>Permanent</p>
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<p>3.1.28a Anaerobic digestate fibre must be stored in a compact heap. This must not be within:</p> <p>40 m of any waterway;</p> <p>100m of lakes;</p> <p>50m of a borehole, spring or well;</p> <p>250m of a borehole used for a public water supply;</p> <p>50m of exposed cavernous or karstified limestone feature</p>	<p>3.1.28a Is anaerobic digestate fibre stored within 40 m of any waterway; 100m of lakes; 50m of a borehole, spring or well; 250m of a borehole used for a public water supply; 50m of exposed cavernous or karstified limestone features and/or not in a compact heap?</p>	<p>On-Farm</p>	<p>Low (no evidence of pollution)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	<p>Rectifiable</p>
		<p>Off-Farm</p>	<p>Low (Low PIC)</p> <p>Medium (Med PIC)</p> <p>High (High PIC)</p>	<p>Permanent</p>

<p>3.1.30 Poultry litter placed in a field heap must be notified to NIEA.</p>	<p>3.1.30 If poultry litter was placed in a field heap, it must have been notified to NIEA</p>	<p>On-Farm</p>	<p>Very Low</p> <p>NIEA not notified prior to field storage but location meets regulations</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	<p>Permanent</p>
		<p>Off-Farm</p>	<p>Low</p> <p>No notification provided to NIEA. Other Regulatory requirements breached leading to pollution (Low PIC)</p> <p>Medium</p> <p>No notification sent to NIEA, and breached other Regulatory requirements leading to pollution (Medium PIC)</p> <p>High</p> <p>No notification sent to NIEA, and breached other Regulatory requirements leading to pollution (High PIC)</p>	

3.1.30a Anaerobic digestate fibre placed in a field heap must be notified to NIEA.	3.1.30a If anaerobic digestate fibre was placed in a field heap, it must have been notified to NIEA	On-Farm	Very Low NIEA not notified prior to field storage but location meets regulations. This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low No notification provided to NIEA. Other Regulatory requirements breached leading to pollution (Low PIC) Medium No notification sent to NIEA, and breached other Regulatory requirements leading to pollution (Medium PIC) High No notification sent to NIEA, and breached other Regulatory requirements leading to pollution (High PIC)	

Requirement MANNER OF STORAGE AND LOCATION OF FARMYARD MANURE AND/OR POULTRY LITTER STORAGE FACILITIES	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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3.1.31 If stored in a field, poultry litter must be covered with an impermeable membrane within 24 hours of placement in the field.	3.1.31 Poultry litter not covered with an impermeable membrane within 24 hours of placement in the field.	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

3.1.31a If stored in a field, anaerobic digestate fibre must be covered with an impermeable membrane within 24 hours of placement in the field.	3.1.31a Anaerobic digestate fibre not covered with an impermeable membrane within 24 hours of placement in the field.	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
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		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent
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Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
MANNER OF STORAGE FOR DIRTY WATER				

3.1.32 Storage must be available for the safe storage of dirty water for those periods when weather and ground conditions are unsuitable for land application.	3.1.32 Insufficient storage for dirty water for those periods when weather and ground conditions are unsuitable for application.	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Rectifiable
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	Permanent

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
LAND MANAGEMENT				

3.1.33 After harvesting a crop of cereals (other than maize), oil seeds or grain legumes, from harvest until 1 March one of the following conditions should be met: - Stubble of the harvested crop remains in the land; - The land is sown with a crop that will take up nitrogen; - Land is left in a state to encourage infiltration of rain (rough surface, ploughed or disced)	3.1.33 Land left in an inappropriate condition after harvesting particular crops	On-Farm	Low (no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

3.1.34 Residues of late harvest crops should be left undisturbed until immediately prior to sowing the following spring. Where grass leys are grown in rotation with arable crops the first crop should be sown as soon as possible after the grass has been ploughed.	3.1.34 Inappropriate crop management practices	On-Farm	Low (Crops other than grass and no evidence of pollution) Med (Grass leys and no evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-Farm	Low (Crops other than grass and evidence of pollution) Med (Grass leys and evidence of pollution)	

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
LAND MANAGEMENT				

3.1.35 In addition to the above, on derogated farms, the controller must ensure that: - - temporary grassland must only be ploughed in spring - ploughed grass is followed immediately by a crop with a high nitrogen demand - crop rotation must not include leguminous or other plants fixing nitrogen except for grassland with less than 50% clover and to areas with cereals and peas undersown with grass	3.1.35 In addition to the above, is there evidence of inappropriate crop management practices on derogated farms	On-Farm	Medium: temporary grassland ploughed outside of spring; ploughed grass not followed by a crop with a high nitrogen demand; crop rotation included leguminous or other plants fixing nitrogen (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
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		Off-Farm	<p>Medium temporary grassland ploughed outside of spring;</p> <p>ploughed grass not followed by a crop with a high nitrogen demand;</p> <p>crop rotation included leguminous or other plants fixing nitrogen (Low or Medium PIC)</p> <p>High temporary grassland ploughed outside of spring;</p> <p>ploughed grass not followed by a crop with a high nitrogen demand;</p> <p>crop rotation included leguminous or other plants fixing nitrogen (High PIC)</p>	
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Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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<p>3.1.36 Farm records must be prepared for each calendar year by 30 June of the following year and retained for a period of 5 years from that date.</p> <p>Records should cover:</p> <ol style="list-style-type: none"> 1. Details of the controller of the land for the calendar year in question; 2. Total agricultural area; 3. Cropping; 4. SNS index for cropping areas other than grassland; 5. Livestock numbers, type and species and length of time kept on farm; 6. Storage capacity; 7. Details of any rental or contractual agreement; 8. The quantity and type of nitrogen and phosphate fertiliser used; 9. Total nitrogen content of other organic manures; 10. Evidence of the right to graze common land; 11. Where P rich manure, anaerobic digestate or chemical fertiliser was spread, a soil test and phosphorus content. 	<p>3.1.36 Records Incomplete</p>	<p>On-farm</p> <p>OR</p> <p>Off-farm - where there is physical evidence of an effect beyond the farm</p>	<p>Very Low</p> <p>Minor omissions (e.g. farm map; livestock details) but a full assessment possible or complete but not provided within two weeks.</p> <p>Low</p> <p>Incomplete Records presented for only 1 year period but other years available or records available on farm only not online</p> <p>Medium</p> <p>Incomplete records presented for at least a 2 year period</p> <p>High</p> <p>No records have been kept, records incomplete allowing no assessment, or records compiled/furnished are false or misleading</p>	<p>Rectifiable (in limited circumstances where original made available within 2 weeks)</p> <p>OR</p> <p>Permanent (insufficient records kept or records not made available within 2 weeks)</p>
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<p>3.1.36(a) If exporting organic manure, the controller must submit export records annually to NIEA by 31 January of the following year for non derogated farms or 1 March for derogated farms</p>	<p>3.1.36(a) Export records not submitted by 31 January of the following year for non-derogated farms OR 1 March for derogated farms</p>	<p>On-Farm</p> <p>OR</p> <p>Off-farm where there is physical evidence of an effect beyond the farm</p>	<p>Very Low</p> <p>Export record not received by 31 January (or 1 March for derogated farms) BUT submitted within 2 weeks of closing date</p> <p>Low</p> <p>Export record not received by 31 January (or 1 March for derogated farms) BUT export records available on farm for full assessment but not submitted and N Loading below 170Kg/N/ha (below 250kg/ha/yr for derogated) without the export</p> <p>Medium</p> <p>Incomplete export records submitted allowing partial assessment Or export record not received by 31 January (or 1 March for derogated farms) BUT export records</p>	<p>Rectifiable (in limited circumstances or when made available within 2 weeks of closing date)</p> <p>OR</p> <p>Permanent (insufficient records kept or only available after 2</p>
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			<p>available on farm for full assessment but not submitted and N Loading would have been above 170Kg/N/ha (above 250kg/ha/yr for derogated) without the export</p> <p>High No records have been received by NIEA by 31 January (or 1 March for derogated farms) and records incomplete allowing no assessment, or records compiled / furnished are likely false or misleading.</p>	<p>weeks of closing date)</p>
<p>3.1.37(a) On non-derogated farms has the controller failed to prepare, make available and/or keep up-to-date a Fertilisation Plan that meets the requirements of the regulations for that calendar year? As agreed in NAP guidance plans must include as a minimum::</p> <ol style="list-style-type: none"> 1. Size of each land area under the same cropping regime, soil type and soil P index 2. Crop type 3. Results of soil P test 4. Crop P requirement 5. Planned application of organic manures 6. Planned application of chemical P fertiliser 7. Total P to be applied <p>Plans to be revised no later than 7 days detailing any changes in agricultural practises</p> <p>Printouts from the departments crop nutrient calculator are considered acceptable plans</p> <p>Fertilisation plans are required if intending to spread chemical phosphate fertiliser, high P manures or anaerobic digestate from 2020.</p> <p>High P manures include free range broilers, broiler breeders, pullets, layers, free range layers, duck manure, pig manure (inc separated solid pig slurry) and horse manure. Note horse manure only high P if N loading from horses is greater than 7kgN per Ha equates to more than 5 horses per 40ha.</p>	<p>3.1.37(a) Fertilisation Plan incomplete</p>	<p>On-farm OR Off-farm - where there is physical evidence of an effect beyond the farm</p>	<p>Very Low Plan made available within 2 weeks of inspection and full assessment possible</p> <p>Low Incomplete Records allowing partial assessment BUT ONLY 1 element missing and/or soil test does not meet requirements of schedule 5</p> <p>Medium Incomplete records allowing partial assessment – more than one element missing and/or no soil test carried out to inform plan</p> <p>High No records have been kept, records incomplete/or not adequate allowing no assessment, and/or records compiled/furnished are false or misleading</p>	<p>Rectifiable (in limited circumstances where made available within 2 weeks) OR Permanent (insufficient records kept or records not made available within 2 weeks)</p>

Requirement RECORD KEEPING	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
<p>3.1.38 <i>On derogated farms Fertilisation Accounts must be prepared and submitted to NIEA each year by 1 March for the previous calendar year</i></p> <p>Accounts must include</p> <ol style="list-style-type: none"> 1 N requirement of crops grown 2 N chemical fertiliser usage 3 Livestock numbers 4 N organic manure details including import and export details 5 The amount of P in agricultural products entering and leaving the farm, for example, concentrates, milk, livestock, eggs, livestock manures, fertilizers, forages and crops 6 How dirty water is managed 	<p>3.1.38 Fertilisation Accounts Incomplete</p>	<p>On-farm</p>	<p>Very Low – account not received by 1 March BUT submitted within 2 weeks of being notified by NIEA</p>	<p>Rectifiable</p>
		<p>On-farm</p> <p>OR</p> <p>Off-farm - where there is physical evidence of an effect beyond the farm</p>	<p>Low</p> <p>No fertilisation account has been received within 2 weeks of notification by NIEA but provided within 4 weeks and available for full assessment</p> <p>Incomplete Records presented for a 1 year period</p> <p>Medium</p> <p>Fertilisation account received after 4 weeks Or Incomplete records presented for a 2 year period</p> <p>High</p> <p>No fertilisation account available OR incomplete fertilisation account allowing no assessment OR fertilisation account received by NIEA contained false or misleading information</p>	<p>Permanent</p>

Requirement	Description of breach	Extent (Impact limited / not limited to farm)	Severity (Very Low, Low, Medium or High) PIC = NIEA pollution incident category	Permanence (Rectifiable or Permanent)
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<p>PHOSPHORUS BALANCE</p> <p>3.1.39 On derogated farms the phosphorus balance, when calculated in accordance with the relevant schedules of the NAP Regulations, shall not exceed a surplus of 10kg phosphorus per hectare per year</p>	3.1.39 P balance of 10kg exceeded	Off-Farm	<p>Low (P balance > 10 and ≤ 12 kg)</p> <p>Medium (P balance > 12 and ≤ 13 kg)</p> <p>High (P balance > 13kg)</p>	Permanent
<p>3.1.40 COMPLIANCE WITH TERMS OF NOTICE SERVED</p>	3.1.40 Failure to comply with the terms of a notice served	On-Farm	<p>High (non compliance; No evidence of pollution)</p> <p>This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Permanent
		Off-Farm	High (non compliance; Evidence of pollution)	
<p>3.1.41 On derogated farms has the controller undertaken sufficient soil analysis of the agricultural area within a 4 year period of any approved Derogation?</p>	3.1.41 Failure to undertake soil testing	Off-Farm	<p>Low – soil tests undertaken but does not cover sufficient area of the farm of 1 per 4 ha – but greater 50% of cover i.e. >1 per 8 ha</p> <p>Medium - soil tests undertaken but does not cover sufficient area of the farm of 1 per 4 ha – 50% of area or less undertaken i.e. 1 per 8 ha or less.</p> <p>High – no soil tests undertaken</p>	Permanent

SMR 2: Birds

In this context a 'licence' constitutes a licence under the Wildlife (Northern Ireland) Order 1985 (As amended).

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High]	Permanence [Rectifiable or Permanent]
<p>On land classified as a Special protection Area under the Wild Birds Directive</p> <p>3.2.2. The claimant must notify NIEA of proposals to carry out or cause or permit to be carried out any notifiable operation likely to damage the protected interest of the Special Protection Area (SPA). The 'protected interest' is the aspect of the site NIEA considers to be of special interest, and may be any of its flora, fauna, or geological and physiographical features. He/she must also obtain NIEA's consent before commencing or permitting someone else to commence these operations, unless they are covered by the terms of a management agreement, notice or scheme. Consent is not required where planning permission has already been obtained or in emergency situations, although they should still notify NIEA as soon as possible in emergencies.</p>	<p>3.2.2 Evidence of operations or activities specified in the ASSI notification as likely to damage the interests of the SPA for which DAERA/NIEA has not issued a consent</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is evidence of an effect beyond the farm</p>	<p>Low No consent has been given and minor damage has been caused to the protected interest (features) of the site.</p> <p>Medium Significant damage has been caused to the protected interest (features) of the site.</p> <p>High Major damage has been caused to the protected interest (features) of the site.</p>	<p>Rectifiable or Permanent</p>
<p>3.2.3. The claimant has failed to comply with a management notice where the notice is concerned with special feature interests of the SPA</p> <p>A management notice is served under Article 35 of the Environment (Northern Ireland) Order 2002.</p> <p>The claimant has failed to comply with a restoration order where the order is concerned with special feature interests of the SPA.</p>	<p>3.2.3. Evidence that there has been non-compliance with the terms of any management notices or restoration orders in this SPA</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm -</p>	<p>Low Non-compliance resulting in minor damage caused to the protected interest (features) of the site.</p> <p>Medium Where a claimant only partially complies with</p>	<p>Rectifiable or Permanent</p>

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High]	Permanence [Rectifiable or Permanent]
<p>A Restoration order may be issued under Article 47 of the Environment (Northern Ireland) Order 2002.</p> <p>The claimant will not break the rules for the SPA if they have a reasonable excuse.</p>		<p>where there is evidence of an effect beyond the farm</p>	<p>the requirements</p> <p>High</p> <p>Where a claimant fails to comply or continues to fail to comply</p>	
<p>On lands classified as a Special protection Area under the Wild Birds Directive</p> <p>3.2.6 The claimant must not destroy or damage the special interest features of the area or undertake any activities which are likely to result in the disturbance of birds or the deterioration of habitats affecting birds that are a special interest feature. (This rule can apply to actions that take place other than on the SPA itself but which have the same consequences).</p>	<p>3.2.6. Evidence of the destruction or damage to the special interest features of the area or disturbance to any birds that are a special interest feature</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is evidence</p>	<p>Low</p> <p>Where there has been minor damage caused to the protected interest (features) of the site.</p> <p>Medium: where significant damage or disturbance has been caused to the protected interest (features) of the site.</p> <p>High: where major damage or destruction</p>	<p>Rectifiable or</p> <p>Permanent</p>

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High]	Permanence [Rectifiable or Permanent]
		of an effect beyond the farm	or major disturbance has been caused to the protected interest (features) of the site.	
<p>3.2.7 All lands. The claimant must not carry out any activities on land which are likely to result in the disturbance of birds or the deterioration of habitats affecting birds.</p>	<p>3.2.7 All lands. Evidence of the damage or destruction which is likely to cause the disturbance of birds or the deterioration of habitats affecting birds</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is evidence of an effect beyond the farm</p>	<p>Low Where there has been minor damage caused to the birds or the habitat.</p> <p>Medium: where significant damage or disturbance has been caused to the birds or the habitat.</p> <p>High: where major damage or destruction or major disturbance has been caused to the birds or the habitat.</p>	<p>Rectifiable or</p> <p>Permanent</p>

SMR3 Habitats

Requirement	Description of breach	Extent [Impact limited / not limited to -farm]	Severity [Low, Medium or High]	Permanence [Rectifiable or Permanent]
<p>On land classified as a Special Area of Conservation</p> <p>3.3.2. The claimant must notify NIEA of proposals to carry out or cause or permit to be carried out any notifiable operation likely to damage the protected interest of the Special Area of Conservation (SAC). The 'protected interest' is the aspect of the site NIEA considers to be of special interest, and may be any of its flora, fauna, or geological and physiographical features. They must also obtain NIEA 's consent before commencing or permitting someone else to commence these operations, unless they are covered by the terms of a management agreement, notice or scheme. Consent is not required where planning permission has already been obtained or in emergency situations, although they should still notify NIEA as soon as possible in emergencies.</p>	<p>3.3.2 Evidence of operations or activities specified in the ASSI notification as likely to damage the interests of the National Sites Network site (SAC) for which DAERA/NIEA has not issued a consent</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is evidence of an effect beyond the farm</p>	<p>Low No consent has been given and minor damage has been caused to the protected interest (features) of the site.</p> <p>Medium Significant damage has been caused to the protected interest (features) of the site.</p> <p>High Major damage has been caused to the protected interest (features) of the site.</p>	<p>Rectifiable or Permanent</p>
<p>3.3.3 The claimant has failed to comply with a management notice where the notice is concerned with special feature interests of the SAC.</p> <p>A management notice is served under Article 35 of the Environment (Northern Ireland) Order 2002.</p> <p>The claimant has failed to comply with a restoration order where the order is concerned with special feature interests of the SAC.</p> <p>A Restoration order may be issued under Article 47 of the Environment (Northern Ireland) Order 2002.</p>	<p>3.3.3. Evidence that there has been non-compliance with the terms of any management notices or restoration orders in this National Sites Network site (SAC)</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is</p>	<p>Medium Where a claimant only partially complies with the requirements</p> <p>High Where a claimant fails to comply or continues to fail to comply</p>	<p>Rectifiable or Permanent</p>

Requirement	Description of breach	Extent [Impact limited / not limited to -farm]	Severity [Low, Medium or High]	Permanence [Rectifiable or Permanent]
<p>The claimant will not break the rules for the SAC if they have a reasonable excuse.</p>		<p>evidence of an effect beyond the farm</p>		
<p>On land classified as a Special Area of Conservation</p> <p>3.3.5 The claimant must also not intentionally or recklessly destroy or damage the special interest features of the area or disturb any birds that are a special interest feature. (This rule can apply to actions that take place other than on the SAC itself but which have the same consequences).</p>	<p>3.3.5 There is evidence of the intentional or reckless destruction or damage to the special interest features of the area or disturbance to any birds that are a special interest feature</p>	<p>On-farm where there is no evidence of an effect beyond the farm</p> <p>Or</p> <p>Off-farm - where there is evidence of an effect beyond the farm</p>	<p>Low where minor damage or minor disturbance has been caused to the protected interest (features) of the site</p> <p>Medium Significant damage has been caused to the protected interest (features) of the site.</p> <p>High: where major damage or destruction or major disturbance has been caused to the protected interest (features) of the site.</p>	<p>Rectifiable or Permanent</p>

GAEC 1 Establishment of buffer strips along watercourses

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
<p>3.1G.1 Chemical fertiliser must not be applied within 2m of any waterway</p> <p>3.1G.2 Organic manures including dirty water must not be applied within: 10 m of any waterway other than lakes *(may be reduced to 3m where average incline is <10% and where organic manure including dirty waters are spread by bandspreader, trailing hose or trailing shoe or soil injection or if adjoining area is less than 1 hectare or not more than 50m wide) #This is increased to 15m from 30 Sept to 15 October and during the month of February; - 20m of lakes.# This is increased to 30m from 30 Sept to 15 October and during the month of February ; 50m of a borehole, spring or well;</p>	<p>3.1G.1 Chemical fertiliser applied within 2m of a waterway.</p>	On-farm	<p>Low (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Permanent
		Off-farm	<p>Low (Low PIC) Medium (Med PIC) High (High PIC)</p>	
	<p>3.1G.2 Organic manure including dirty water applied within 10m of a waterway*#, 20m of lakes#, 50m of a borehole, spring or well; 250m of a borehole used for a public water supply; 15m of exposed cavernous or karstified limestone</p>	On-farm	<p>Low (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6</p>	Permanent
	Off-farm	<p>Low (Low PIC) Medium (Med PIC) High (High PIC)</p>		

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
250m of a borehole used for a public water supply; 15m of exposed cavernous or karstified limestone features (such as swallow holes or collapse features).	features.			
3.1G.2a Organic manure, including dirty water, must not be applied within 30m of a lake or 15m of any waterway other than lakes on grassland with an average incline of >15% and on any other land with an average incline of >12%	3.1G.2a Organic manure, including dirty water, applied within 30m of a lake or 15m of any waterway other than lakes on grassland with an average incline >12% and any other land with an average incline >12%	On-farm	Low (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	
3.1G.2b Chemical Fertiliser must not be applied within 10m of a lake or 5m of any waterway other than lakes on grassland with an average incline of >15% and on any other land with an average incline of >12%	3.1G.2b Chemical fertiliser applied within 10m of a lake or 5m of any waterway other than lakes on grassland with an average incline >12% and any other land with an average incline >12%	On-farm	Low (No evidence of pollution) This on-farm option cannot be used if there is an associated breach of 3.1.6	Permanent
		Off-farm	Low (Low PIC) Medium (Med PIC) High (High PIC)	

GAEC 2 Irrigation Authorisations

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
<p>3.2G.1 Where more than 10m³ / 24hrs but less than 20m³ of water is being extracted or impounded from a river or borehole (for irrigation purposes only) the farmer must have an authorisation from the NIEA for a 'Permitted Control Activity' (PCA) and adhere to the requirements of the authorisation</p> <p>3.2G.2 Where more than 20m³ / 24hrs of water is being extracted from a river or borehole (for irrigation purposes only) the farmer must hold an abstraction license from NIEA and adhere to the requirements of the license) Note that guidance on how water volumes can be calculated is available at https://www.daera-ni.gov.uk/publications/agriculture-ready-reckoner-help-calculate-water-usage-farms</p>	<p>3.2. G1 Is there evidence of water abstraction / impoundment for irrigation (>10m³ / 24hours but < 20m³) without NIEA authorisation or failure to comply with an authorisation</p> <p>3.2G.2 Is there evidence of water abstraction / impoundment for irrigation (>20m³ / 24 hours) without an NIEA licence or failure to comply with the licence?</p>	<p>On-farm</p> <p>On Farm</p>	<p>Low</p> <p>Medium</p>	<p>Permanent</p>

GAEC 3: Groundwater

Note - For the purposes of this GAEC hazardous substances and non-hazardous pollutants are detailed in the Groundwater Regulations (Northern Ireland) 2009 as amended.

For the purposes of Cross-Compliance, 'groundwater' means all water below the surface of the ground that is in the zone of saturation (that is, below the water table) and in direct contact with the soil or subsoil.

In this context a 'permit' constitutes either a Waste Management Licence, an authorisation under the Groundwater Regulations (Northern Ireland) 2009, a consent to discharge under the Water (Northern Ireland) Order 1999, a permit under the Industrial Pollution Control (Northern Ireland) Order 1997, a permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003, a registration of mobile radioactive apparatus under section 10 of the Radioactive Substances Act 1993 or an authorization for disposal in accordance with section 13 of the Radioactive Substances Act 1993.

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable of Permanent]
<p>3.3G.2 Requirement for groundwater authorisation</p> <p>3.3G.2 If disposing of (a) hazardous substances or (b) non-hazardous pollutants (listed in Appendix 1), such as spent sheep dip and pesticide washings, to land, a groundwater authorisation from NIEA is required</p>	<p>3.3G.2 (a) An unauthorised disposal of waste sheep dip or pesticide washings or other hazardous substances has been carried out.</p>	On-farm	Low Site suitable for disposal (see dossier map) and hazardous substances diluted before application.	Permanent
		Off-farm	Medium Site partially suitable for disposal (see dossier map) and hazardous substances diluted before application.	
		Off-farm	High Site unsuitable for disposal (see GIS map) and/or hazardous substances not diluted before application	

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable of Permanent]
	3.3G.2 (b) An unauthorised disposal of non-hazardous pollutants has been carried out.	On-farm	Low Site suitable for disposal (see GIS map)	Permanent
		Off-farm	Medium Site partially suitable for disposal (see GIS map)	
		Off-farm	High Site unsuitable for disposal (see GIS map)	
<p>3.3G.3 Compliance with groundwater authorisation</p> <p>Spreading only to authorised land parcel Spreading only to authorised application limits</p> <p>No spreading on land liable to flooding, or waterlogged, frozen hard or snow covered</p> <p>NB. This list is not exhaustive and record keeping is dealt with separately below</p>	3.3G.3 There has been a failure to comply with the conditions of a groundwater authorisation	On-farm	Low Low risk of GW pollution (see GIS map)	Permanent
		Off-farm	Low PIC	
		Off-farm	Medium Partial risk of GW pollution (see GIS map) or PIC is medium	
		Off-farm	High High risk of GW pollution (see GIS map) or PIC is high	

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
<p>3.3G.4 Record keeping</p> <p>Farm records must be kept and made available for inspection, upon request, covering a minimum period of four years or from the date of authorisation, whichever is lesser, detailing any disposals carried out, in accordance with the conditions of the groundwater authorisation</p>	<p>3.3G.4 Records incomplete or none kept</p>	<p>On-farm Or Off-farm - where there is a medium or high risk of GW Pollution or where there is evidence of pollution</p>	<p>Very Low Minor omissions but a full assessment possible and/or low risk of GW pollution (see GIS map) Low Incomplete records allowing partial assessment. All key document available</p>	<p>Rectifiable (in limited circumstances where original held by a 3rd party and made available within 2 weeks) OR Permanent (No records kept, records allow partial assessment or records held by a 3rd party not made available within 2 weeks)</p>
		<p>Medium Incomplete records allowing partial assessment and/or medium risk of GW pollution (see GIS map) but key documents unavailable</p>	<p>OR Permanent (No records kept, records allow partial assessment or records held by a 3rd party not made available within 2 weeks)</p>	
		<p>High No records have been kept or incomplete records allowing no assessment and/or high risk of GW pollution (see GIS map)</p>	<p>OR Permanent (No records kept, records allow partial assessment or records held by a 3rd party not made available within 2 weeks)</p>	

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
<p>3.3G.5 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)</p> <p>Dipper must be impermeable Dipper must not pose a risk of groundwater pollution</p> <p>NOTE if unsealed or bunged drain hole leads to an impermeable storage tank with no outlet then NOT a GW risk</p>	<p>3.3G.5 Siting, operation or maintenance of dipper poses risk of GW pollution</p>	On-farm	<p>Low 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>	Rectifiable
		Off-farm	<p>Medium 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>	Permanent

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable or Permanent]
			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>3.3G.6 Evidence of groundwater pollution / discharge (carrying out or allowing an activity that indirectly causes discharge / pollution of groundwater by hazardous / non hazardous substances such as pesticides or farm effluent)</p> <p>There must be no evidence of discharges of hazardous substances to groundwater (see Appendix 1 for list)</p> <p>There must be no evidence of pollution of groundwater by a non-hazardous pollutant (see Appendix 1 for list);</p>	<p>3.3G.6 An activity that causes discharge of a hazardous / non hazardous substance that might lead indirectly to groundwater This is to include badly maintained dippers, leaking containers, leaking storage tanks and farm effluents.</p>	Off-farm	<p>Low No evidence or pollution or Low PIC</p> <p>Medium Medium PIC</p> <p>High High PIC</p>	Permanent

Requirement	Description of breach	Extent [Impact limited / not limited to farm]	Severity [Low, Medium or High] PIC = NIEA pollution incident category	Permanence [Rectifiable of Permanent]
<p>3.3G.7 Notices</p> <p>Notices served by NIEA for the protection of groundwater must be complied with.</p> <p>Failure to comply with the notice will usually be regarded as intentional. However, this may not be the case where the notice recipient has tried to comply but not complied word for word with the notice.</p>	<p>3.3G.7 There has been a failure to comply with the conditions of a Notice served under the Groundwater Regulations.</p>	<p>On-farm</p>	<p>Medium In low GW vulnerability areas where actual pollution of ground water cannot be established.</p>	<p>Permanent</p>
<p>Off-farm</p>	<p>Medium Low PIC</p> <p>High In medium/ high GW vulnerability areas where actual pollution of ground water cannot be established or PIC is medium/ high</p>			

APPENDIX 1

Hazardous substances:

Organohalogen compounds or substances which may form such compounds in the aquatic environment

Organophosphorus compounds

Organotin compounds

Substances and preparations, or the breakdown products of such substances, which possess carcinogenic, mutagenic properties or properties which affect steroidogenic, thyroid, reproduction or other endocrine-related functions on or via the aquatic environment

Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances

Cyanides

Metals (in particular cadmium and mercury) and their compounds

Arsenic and its compounds

Biocides and plant protection products

Non-hazardous pollutant:

A non-hazardous pollutant is any pollutant other than a hazardous substance

Definitions

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“indirect input” in relation to groundwater means the introduction of a pollutant into groundwater after percolation through soil or subsoil;

“pollutant” means any substance liable to cause pollution;

“pollution” means the direct or indirect introduction, as a result of human activity, of substances or heat into air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment;

Water Pollution Impact Severity Criteria

Incidents Impacting on Water Quality:

Any spillage or discharge of noxious, poisonous or polluting matter to any waterway will be presumed to have an impact. For the purposes of this classification, polluting matter includes anything which can cause a physical change to water or harm to living organisms. It includes organic matter, silt and soil, heated/cooled water, naturally occurring substances that exceed natural levels, substances that cause a colour change, and chemical substances.

Incidents Impacting on Fisheries:

Where there are fish mortalities, DCAL Inland Fisheries and/or Loughs Agency will be informed and they will:

Supply NIEA with expert advice regarding numbers, type and age of fish and the extent of the habitat damage of any incident impacting on fisheries. Assess the impact on the species, the status of the fishery and the ecology of the waterway in respect of a fishkill. They will also consider the effect of the incident on the ecology and ability of the waterway to support a fishery, such as silt deposits on spawning areas.

Should there be circumstances where no information is available from DCAL or LA, then the severity of the fishkill will be determined in relation to the criteria set out in the Impact on Fisheries section, based solely on the NIEA staff assessment of the numbers, type and age of the dead fish. Non introduced pollutant causes of fish mortalities may include algal related dissolved oxygen issues, stratification turnover events, thermocline inversions and overstocking. Where confirmed fish mortalities are not due to an introduced or other pollutant i.e. natural or semi-natural causes, these incidents should be recorded on PIMS as pollution not confirmed.

Incidents Impacting on Amenity Value:

Assess the value of the amenity at the time of the incident when determining the impact on amenity. For example, an overflowing sewage pumping station discharging to an identified bathing water or to a river flowing into the bathing water is likely to be at least a Medium Severity incident if occurring within the bathing water season but may be of Low Severity in winter at the same location. Assess the duration of the impact, popularity and seasonal use of the amenity, potential for long term impact and quality of the amenity. For example, whether a beach has a blue flag award or if there is an angling competition on-going in the area.

Incidents Impacting on Water Resources, Groundwater and Abstraction (affecting potable water, agriculture and commerce):

Assess the possible impact on groundwater and water abstracted from groundwater sources.

Assess the potential impact on receptors of groundwater if groundwater contamination may have occurred. These receptors include nearby waterways where groundwaters provide an important contribution to the flow, and terrestrial habitats that are dependent on groundwater (such as wetlands, fens, wet flushes, mires and bogs).

Note: any incident with a potential to impact on Groundwater may require further specialist advice from the appropriate team within NIEA before a severity classification is confirmed.

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
High Severity	Major effect on water quality	<p>A persistent and/or extensive effect on water quality which has a serious effect on the quality or use of that water.</p> <p>Persistent 'Persistent' means a measurable effect is still evident within waterway at least 7 days from the date that contamination enters the water.</p> <p>Extensive For surface waters, 'extensive' means an effect over a significant length of a waterway or a large area of a still water or coastal waters. As a guide, use 1- 2 km, but some subjectivity may be applied. Contamination may be by fungal/bacterial/algal growths, sewage debris or particulate matter including silt deposition. .For example, A covering of silt, sewage fungus etc on the bed of the waterway, or a visible plume of pollution for over 1 - 2 km, on a salmonid river would be a High Severity incident.</p> <p>Serious For surface waters, 'serious' effects include levels of substance(s) causing or demonstrating to cause serious harm/death to aquatic life or dissolved oxygen levels falling to critical levels. It would not include minor impacts such a slight drop in dissolved oxygen levels even if they extend over several kilometres. For designated Bathing Waters: a dry weather mandatory failure or repeat sample mandatory failures.</p>

Impact on Water Quality

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
Medium Severity	Significant effect on water quality	<p>Significant but normally localised effect on water quality which has a significant impact on the quality or use of that water.</p> <p>For surface waters, examples of Medium Severity impacts include silt or soil, low dissolved oxygen or high ammonia levels along a significant stretch of a waterway. Impacts may be up to a couple of hundred metres in a larger waterway or effects over several kilometres (such as a rainbow coloured oil film).</p> <p>For example, A covering of silt, sewage fungus etc on the bed of the waterway, or a visible plume of pollution for over 150 metres, on a salmonid river would be a Medium Severity incident.</p> <p>For designated Bathing Waters: Mandatory Failures in Wet Weather.</p>
Low Severity	Minimal effect on water quality	<p>Limited and localised effect on water quality which has a minimal impact on the quality or use of that water.</p> <p>For surface waters, impacts are normally localised around the point of discharge, but could include an impact extending over no more than 150 metres of a water way. Could include an oil sheening extending over a few kilometres</p> <p>For example, Bed, column or surface of watercourse only marginally contaminated around point of discharge or in localised area. Such as a limited growth of sewage fungus around an outfall pipe.</p> <p>For designated Bathing Waters: 4 or more guideline failures in a 4 week period.</p>
Unsubstantiated	No effect	Investigated incident with no effect on water quality.

Impact on Fisheries

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
High Severity	Major damage to aquatic or groundwater dependent nature conservation	<p>Major impact on fish population or habitat Destruction or major damage to a fish population or habitat. This includes the destruction of areas known to be used for spawning by migratory salmonids.</p> <p>For a fishery, major damage is likely to involve a mortality of more than 10 or more adult salmon/sea trout, or 100-400 juvenile migratory salmonids, or 50% of the fish population in trout/coarse fish fisheries (usually a mortality of more than 100 fish) where baseline data exists. Where no baseline data exists to determine a percentage loss of trout/coarse fish, then numbers of dead trout/coarse fish will be used.</p> <p>For other species, this would normally involve the death of more than 100 fish, but depends on the ecology of the waterway. For example, the death of 200 fish in a river with an abundant population maybe less significant than the death of 50 fish in a river with a poorer population. The loss of a large number of minor species such as Sticklebacks and Minnows in a small headstream could be very important ecologically as they represent a core food source for resident fauna.</p>
Medium Severity	Moderate damage to aquatic or groundwater dependent nature conservation	<p>Significant impact on fish population or habitat Significant damage to a fish population or habitat.</p> <p>For a fishery, a significant fish mortality is likely to involved mortalities of up to 10 adult salmon/sea trout, or less than 100 juvenile migratory salmonids, or 10% - 50% of the population in a trout/coarse fishery (usually a mortality of less than 100 fish) where baseline data exists. Where no baseline data exists to determine a percentage loss of trout/coarse fish, then numbers of dead trout/coarse fish will be used.</p>

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
		An incident involving the loss of a significant number of minor species in a headstream could be important. Significant damage or localised destruction of fish habitat. Significant mortality of the fish population in the water concerned caused by in-stream disturbance
Low Severity	Minor damage to aquatic or groundwater dependent nature conservation	Minor impact on fish population or habitat Minor loss of fish habitat or minor fish mortality involving the loss of small number of minor species such as stickleback and/or no more than 10 coarse fish in a fishery.
Unsubstantiated	No impact	Incident with no notable impact on fishery.

Impact on Amenity Value

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
High Severity	Major effect on amenity value	Major adverse effect on an important recreational activity or national event. Necessary closure of an EC protected bathing beach or other popular bathing beach. Major adverse effect on aesthetic quality Incidents where groundwater has been contaminated and where it is considered likely that delayed surface water contamination will directly result in an adverse impact on the event. Includes major water use recreational activities which are partially or fully suspended due to algal outbreaks.
Medium Severity	Significant effect on amenity	Significant adverse effect on a recreational activity or event appropriate to the designated waterway affected. Adverse effects on designated bathing waters or the

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
	value	cancellation of a local recreational event or activity. Significant adverse effect on aesthetic quality. For example, gross sewage debris deposited in waterways adjacent to private dwellings or popular recreational areas.
Low Severity	Minor effect on amenity value	Minor impact on amenity value and/or aesthetic quality. For example a thin oil film, thin non-toxic algal growth, or non-harmful colour changes. Minor disruption to a local recreational event or activity, or a localised visual impact.
Unsubstantiated	No impact	Incident with no impact to amenity value.

Impact on Water Resource: groundwater and abstractions (affecting potable water, agriculture and commerce).

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
High Severity	<p>Major effect on a potable abstraction point</p> <p>Major damage to agriculture/ commerce</p>	<p>Necessary closure of a strategically important potable surface or groundwater abstraction, to prevent contamination or further contamination of that source, due to an actual deterioration in water quality.</p> <p>Major damage to agricultural activity. This could be caused by:</p> <p>Destruction of fish farm stock, crops or livestock, due to abstraction/use of contaminated water following a pollution incident.</p> <p>Destruction of shellfish or fish farm stock due to a pollutant.</p> <p>Necessary closure of an important agricultural abstraction required, to prevent contamination or further contamination of that source.</p> <p>Major disruption to commercial interests such as extended closure of an industrial site or serious interruption of production. This could be cause by:</p> <p>Extensive contamination of product or long-term interruption of production (a day as a guide) due to the abstraction and use of contaminated water following a pollution incident.</p> <p>Necessary closure of an important commercial abstraction required, to prevent contamination or further contamination of that source.</p>
Medium Severity	Significant effect/ Significant damage	<p>Precautionary closure of a strategically important potable surface or groundwater abstraction to prevent contamination of that source.</p> <p>Significant action or treatment required by the operator to address a deterioration in water quality, such as blending with uncontaminated water.</p> <p>Significant damage, including notable financial damage, to agricultural activity. This could be caused by:</p> <p>Significant damage to fish farm stock, crops or livestock,</p>

Category	Criteria	Definition and guidance on impact criteria (one or more definition or criteria are met)
		<p>due to abstraction and use of contaminated water following a pollution incident.</p> <p>Significant damage to shellfish or fish farm stock due to a pollutant.</p> <p>The precautionary closure of an agricultural abstraction. This includes incidents where the water quality is judged unfit for stock watering.</p> <p>Significant disruption to commercial interest due to: Limited contamination of product or short-term interruption of production (several hours as a guide) due to the abstraction and use of contaminated water following a pollution incident.</p> <p>Precautionary closure of an industrial abstraction</p>
Low Severity	Minor effect/Minimal damage	<p>Minor action or treatment required by the operator to address a deterioration in water quality.</p> <p>Ground or surface water affected with minor environmental impact and financial damage to agriculture or commerce.</p>
Unsubstantiated	No impact	Incident with no impact to water resources.

Additional Impact Guidance

Incidents affecting Public Health:

Under the Water (Northern Ireland) Order 1999 the Department has a duty to have regard to the protection of public health. The Department will inform the appropriate authority when a water pollution incident has the potential to have a significant impact on public health. For example, a significant water pollution incident occurs that has the potential to impact a drinking water supply, designated shellfish waters, or bathing waters.

European Designated Waters or Waters Within Designated Areas e.g. ASSIs or SPAs:

Any significant water pollution incident that occurs in or has the potential to have an impact in any European designated waters or waters inside a designated area will be reported to the NIEA Conservation Designation and Protection team.

Natural/Semi Natural Phenomenon that may be reported as pollution incidents:

Natural sources include iron deposits on a stream bed and oil films from decaying vegetation/peat.

Death of fish and other aquatic wildlife caused by low flows, fish disease, algal blooms, spawning stress, dissolved oxygen strata overturns etc should be recorded on PIMS but with pollution not confirmed.

All algal-related incidents must be recorded on PIMS, with notification to the relevant Council EHD where required.

Licensed sites with Consent to Discharge:

Record a breach of consented discharge conditions as an incident if there is an environmental impact. A breach of a consent condition may not always result in a detrimental environmental impact. The assessment should be based on the actual environmental impact observed and not on the permit conditions.

Water Pollution Incident Category Checklist

Operational Area	Water Pollution
Severity Classification	Impact Category
High	<p> persistent effect on water quality and/or aquatic life major impact on fish population or habitat bed of waterway extensively contaminated levels of substances causing serious harm to aquatic life extensive visibility of polluting material major effect on potable abstraction points major damage to agriculture/commerce major effect on amenity value dry weather mandatory Bathing Water failure </p>
Medium	<p> significant effect on water quality or aquatic life moderate impact on fish population or habitat bed of watercourse significantly contaminated significant visibility of polluting material significant effect on potable abstraction points significant damage to agriculture/commerce significant effect on amenity value wet weather mandatory Bathing Water failure persistent recurring low severity incident – cumulative impact </p>

Operational Area	Water Pollution
Severity Classification	Impact Category
Low	localised effect on water quality or aquatic life minor impact on fish population or habitat bed of watercourse only locally contaminated local visibility of polluting material minor effect on potable abstraction points minor damage to agriculture/commerce minor effect on amenity value 4 or more guideline Bathing Water failures in 4 weeks
Unsubstantiated	A reported pollution incident which, upon investigation, proves to be unsubstantiated, i.e. no evidence can be found of a polluting impact or pollution incident having occurred.

Steeply Sloping Significant Risk Assessment Table

	Risk	Liquid Organic manures	Solid Organic manures	Chemical Fertiliser
Distance from spreading area to waterway other than lake	High	less than 20m	less than 20m	less than 5m
	Medium	20-30m	20-30m	5-10m
	Low	greater than 30m	greater than 30m	greater than 10m
Distance from spreading area to lake	High	less than 30m	less than 30m	less than 10 m
	Medium	30-40m	30-40m	10 -15m
	Low	greater than 40m	greater than 40m	greater than 15m
Level of fertiliser applied	High	more than 25m ³ /ha	more than 25 tonnes/ha	greater than 120kg/ N/ha
	Medium	15-25m ³ /ha	15-25 tonnes/ha	80-120 kg/ N/ha
	Low	less than 15m ³ /ha	less than 15 tonnes/ha	less than 80kg/ N/ha
Soil conditions	High	very wet, compacted soil	very wet, compacted soil	very wet, compacted soil
	Medium	wet, poached soil	wet, poached soil	wet, poached soil
	Low	dry, firm trafficable soil	dry, firm trafficable soil	dry, firm trafficable soil
Forecast weather conditions for next 48 hours	High	heavy rainfall (more than 4 mm per hour)	heavy rainfall (more than 4 mm per hour)	heavy rainfall (more than 4 mm) per hour
	Medium	moderate rainfall (0.5 - 4 mm per hour)	moderate rainfall (0.5 - 4 mm per hour)	moderate rainfall (0.5 - 4 mm per hour)
	Low	low rainfall (less than 0.5	low rainfall (less than 0.5 mm per	low rainfall (less than 0.5 mm per hour)

		mm per hour)	hour)	
Arable land only - time to incorporation	High	more than 48hrs	more than 5 days	n/a
	Medium	12-48hrs	3-5 days	n/a
	Low	less than 12 hrs	less than 3 days	n/a

If one or more of the categories specified above is assessed as “high risk”, application of chemical and/or organic fertilisers is prohibited.

Similarly, if two or more of the categories specified above are assessed as “moderate risk”, application of chemical and/or organic fertilisers is prohibited.

Slopes other than steep slopes risk assessment table

Risk assessment for fertiliser application to land other than steeply sloping land

<i>Factor</i>	<i>Risk Level</i>	<i>Organic Manures</i>		<i>Chemical Fertiliser</i>	
		Grassland	Other land	Grassland	Other land
Slope percentage incline	High	20% or more (See Part 1)	15% or more (See Part 1)	20% or more (See Part 1)	15% or more (See Part 1)
	Medium	10 to less than 20%	10 to less than 15%	10 to less than 20%	10 to less than 15%
	Low	Less than 10%	Less than 10%	Less than 10%	Less than 10%
Distance from spreading area to waterway other than lakes	High	Less than 10 metres (see Note 1)		Less than 2 metres	
	Medium	10 to 20 metres (see Note 2)		2 to 5 metres	
	Low	More than 20 metres		More than 5 metres	
Distance from spreading area to lake	High	Less than 20 metres		Less than 10 metres	
	Medium	20 to 30 metres		10 to 15 metres	
	Low	More than 30 metres		More than 15 metres	
Amount applied per hectare per application	High	More than 50m ³ (liquid) or 50 tonnes (solid)		More than 150kg Nitrogen	
	Medium	25 to 50m ³ (liquid) or 25 to 50 tonnes (solid) (see Note 2)		120 to 150kg Nitrogen	
	Low	Less than 25m ³ (liquid) or 25 tonnes (solid)		Less than 120kg Nitrogen	
Soil conditions at time of proposed slurry application	High	Very wet, compacted soil		Very wet, compacted soil	
	Medium	Wet, poached soil		Wet, poached soil	
	Low	Dry, firm trafficable soil		Dry, firm trafficable soil	
Forecast weather conditions for next 48 hours	High	Heavy rainfall (more than 4mm per hour)		Heavy rainfall (more than 4mm per hour)	
	Medium	Moderate rainfall (0.5 to 4mm per hour)		Moderate rainfall (0.5 to 4mm per hour)	
	Low	Low rainfall (less than 0.5mm per hour)		Low rainfall (less than 0.5mm per hour)	

		Liquid	Solid	
Arable land only – time to incorporation	High	More than 48 hours (see Note 3)	More than 5 days	Not applicable
	Medium	12 to 48 hours	3 to 5 days	Not applicable
	Low	Less than 12 hours	less than 3 days	Not applicable

Note 1: If regulation 8(5)(f) applies, for risk level “high” substitute “medium”.

Note 2: During the month of February and the period of 30th September to 15th October each year the distances and quantity in regulation 8(9) apply: spreading must not be done within 15m of a waterway or 5m if regulation 8(5)(f) applies, 30m of a lake and the application rate must not exceed 30m³ or 30 tonnes per hectare.

Note 3: Where organic manure is applied to an established crop, incorporation is not required, for risk level “high” substitute “medium”.

Table 4

Risk Assessment Determination

<i>Risk Level</i>	<i>Number of factors applicable</i>	<i>Is the land application of fertiliser permitted?</i>
High	One or more factors	No
Medium	Three or more factors	No
	One or two factors	Yes
Low	One or more factors	Yes

Severity index for SMR2 and SMR3.

The severity options of low, medium and high are aligned to the categories in the Environment order compliance matrix of minor, significant and major.

Incident Classification Matrix

	Impact Description – Recorded or Potential Damage	Environment Order Agreed Incident Response	Likely Environment Order Compliance Outcome
1 Major	<p>Major damage or disturbance, non-rectifiable damage or destruction of a significant proportion of the Site Selection Feature either lost completely or only rectifiable through feature re-creation.</p> <p>Threat to Favourable Conservation Status of European Priority Habitat or Species.</p>	<p>Urgent response – if discovered by NIEA staff immediate action to inform either suspects if on site or CDP Compliance to minimise impacts and/or further works</p> <p>NIEA Environmental Crime Unit contacted immediately to co-ordinate a multi-agency response if required following a case assessment</p> <p>Possible reassignment of staff resource to minimise environmental and other impacts as required.</p>	<p>Formal Criminal Investigation initiated</p> <p>Interview Under Caution offered/carried out and case file prepared for consideration by Public Prosecution Service. If feasible a Restoration Order sought through the courts.</p> <p>Consideration given the use of the Environmental Liability Regulations where the effect is deemed to have a site integrity impact or will have a significant impact on FCS of a European Priority habitat or species.</p>
2 Significant	<p>Significant damage or disturbance with significant impacts upon site selection feature(s) but localised in terms of extent and/or rectifiable with</p>	<p>If discovered by NIEA staff immediate action to inform either suspects if on site or CDP Compliance to minimise impacts and/or further works</p> <p>Timely response by CDP investigating team to gather evidence, ascertain actual or</p>	<p>Liaison with suspect(s) with advice on the need for consent for operations likely to damage site selection features.</p> <p>Restoration through formal restoration management agreement (Art34) sought as applicable. Failure to reach agreement a Management</p>

	appropriate restoration management	<p>potential impacts and possible remedial action as quickly as possible to mitigate damage or disturbance</p> <p>If appropriate partner enforcement teams(s) notified as to possible breach(es) of other legislation – combined investigation considered.</p>	<p>Notice (Art35) should be considered.</p> <p>Failure to reach appropriate restoration agreement by above means – Formal Criminal Investigation – Interview Under Caution offered/carried out and case file prepared for consideration by Public Prosecution Service. If feasible Restoration Order sought through the courts.</p> <p>Serial offenders to be dealt with through agreed escalation procedure</p> <p style="text-align: right;">continued over...</p>
	Impact Description – Recorded or Potential Damage	Environment Order Agreed Incident Response	Likely Environment Order Compliance Outcome
3 Minor	<p>Minor Damage or Disturbance to Site Selection Feature(s) – very localised and short term recovery either naturally or through appropriate restoration management action in less than one year.</p>	<p>Initial Site Assessment and gathering of evidence to determine potential impacts on site selection features Liaison with suspect(s) to bring about cessation and if appropriate remedial actions.</p> <p>If previous incidents are recorded refer to serial offenders escalation procedures.</p> <p>If appropriate pass incident details to partner enforcement team(s), e.g. Planning Enforcement, DARD, WMU, if there is potential</p>	<p>Visit and written liaison with suspect(s) with advice on the need for consent for operations likely to damage site selection features.</p> <p>Required restoration through informal/formal restoration agreement sought as applicable</p> <p>Official Warning and further enforcement action considered with evidence of further non-compliance in relation to cessation of operations/restoration as considered necessary.</p> <p>Serial offenders to be dealt with through agreed escalation procedure</p>

		breach of other legislation	
4 Technical Breach	<p>No Damage or Disturbance to Site Selection Feature(s) – A substantiated incident but no impacts upon site selection features reported.</p> <p>Consent or permission of Public Body required, but not obtained.</p>	<p>Initial Site Assessment and gathering of evidence to determine potential impacts on site selection features</p> <p>If previous incidents are recorded refer to serial offenders escalation procedures.</p> <p>If appropriate pass incident details to partner enforcement team(s), e.g. Planning Enforcement, DARD, WMU, if there is potential breach of other legislation</p>	<p>Visit and/or written liaison with suspect(s) with advice on the need for consent for operations likely to damage site selection features.</p> <p>Serial offenders to be dealt with through agreed escalation procedure</p>