STATUTORY RULES OF NORTHERN IRELAND

2025 No. 165

AGRICULTURE

The Farm Sustainability Standards Regulations (Northern Ireland) 2025

Made - - - -	*9th October 2025*
Coming into operation	*1st January 2026*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act(**a**), make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Farm Sustainability Standards Regulations (Northern Ireland) 2025 and come into operation on 1st January 2026.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these Regulations as it applies to an Act of the Assembly.

(3) In these Regulations—

"agri-environment agreement" means an agreement entered into under a measure supported by the European Fund for Rural Development and forming part of the Northern Ireland Rural Development Programme approved by the European Commission under Article 10 of Council Regulation (EU) No. 1305/2013(**c**) or under a measure listed in Article 36 of Council Regulation (EC) 1698/2005(**d**) on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);

"authorised person" means any person authorised by the Department to act in matters relation to these Regulations, the Horizontal Regulation, the Commission Implementing Regulation or the Commission Delegated Regulation;

"the Commission Delegated Regulation" means Commission Delegated Regulation (EU) No. 640/2014(**e**) with regards to the integrated admission and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payment, rural development support and Cross Compliance;

"the Commission Implementing Regulation" means Commission Implementing Regulation (EU) No. 809/2014(**f**) laying down the rules for the application of the Horizontal Regulation;

"DAERA" means the Department of Agriculture, Environment and Rural Affairs;

(**a**) 2020 c. 21
(**b**) 1954 c. 33(NI)
(**c**) 2013 no. 1305
(**d**) 2005 No.1698
(**e**) 2014 No. 640
(**f**) 2014 No. 809

"the Direct Payment Regulation" means Regulation (EU) No 1307/2013(**a**) establishing rules for Farm Sustainability Payments to farmers under support schemes within the framework of the Common Agricultural Policy;

"farm sustainability standards" means the Farm Sustainability Standards Scheme standards in regulation 2;

"the Horizontal Regulation" means Regulation (EU) No 1306/2013(**b**) on the financing, management and monitoring of the common agricultural policy;

"non-compliance" means the contravention of Farm Sustainability Standards for the purposes of Article 93 of the Horizontal Regulation;

"scheme year" means the year beginning on 1st January and ending 31st December.

(4) These Regulations apply in respect of aid applications relating to the 2026 scheme year and subsequent scheme years;

(5) Any reference in these Regulations to a statutory provision is a reference to that statutory provision as amended from time to time.

(6) Other expressions used in these Regulations shall be construed in accordance with the Direct Payment Regulation.

Farm Sustainability Standards

2.—(1) For Annex II of the Horizontal Regulation, substitute Annexe II as set out in Part 2 of Schedule 1.

(2) The Farm Sustainability Standards set out in Part 2 of the Schedule apply as the minimum requirements for the purposes of Article 94 of, and Annex II to, the Horizontal Regulation.

Amendment of the Horizontal Regulation

3. Paragraph 1 of Part 1 of Schedule 1 amends the Horizontal Regulation.

Amendment of the Commission Delegated Regulation

4. Paragraph 2 of Part 1 of Schedule 1 amends the Commission Delegated Regulation.

Amendment of the Commission Implementing Regulation

5. Paragraph 3 of Part 1 of Schedule 1 amends the Commission Implementing Regulation.

Underpinning requirements

6. Schedule 2 which makes provision for farm sustainability standards environmental protection requirements under Article 94 of the Horizontal Regulation has effect.

Competent Control Authority

7. For the purposes of Article 67 of Commission Implementing Regulation, DAERA is the specialist control body which shall bear responsibility for carrying out the controls in respect of the Farm Sustainability Standards.

Power of authorised persons

8.—(1) An authorised person may exercise any of the powers specified in this regulation for the purposes of –

(**a**) 2013 No. 1307
(**b**) 2013 No. 1306

(a) providing the control report pursuant to Article 72 of the Commission Implementing Regulation;

(b) establishing whether there has been any non-compliance in any case; or

(c) ascertaining whether an offence under these Regulations has been or is being committed.

(2) An authorised person on producing, if so required, some duly authenticated document showing the person's authority to do so, may at all reasonable hours enter any land, other than a building used only as a dwelling.

(3) An authorised person may –

(a) carry out any inquiries, checks, examinations, measurements and tests;

(b) take samples;

(c) inspect all of any part of the land, (whether it is farmed or is withdrawn from agricultural production) and any livestock, crops, machinery or equipment;

(d) mark any animal or other thing for identification purposes;

(e) have access to, inspect any documents or records (in whatever form they are held) or remove such records to enable them to be copied;

(f) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as is reasonable required and, where a document or record is kept by means of a computer, require the document or record to be produced in a form in which it can be taken away;

(g) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;

(h) take a photograph of anything on the land;

(i) remove anything reasonably believed to be evidence of any non-compliance.

(4) An authorised person entering any premises by virtue of this regulation may take with them such other persons as they consider necessary.

(5) If an authorised person enters any unoccupied premises they shall leave them as effectively secured against unauthorised entry as they found them.

(6) An authorised person who enters any land under a power of other legislation may exercise any of the powers specified in that other legislation for the purposes of enforcing these Regulations.

Assistance to authorised persons

9. A farmer or any employee, agent, contractor or tenant of a farmer shall give an authorised person such assistance as may be reasonably requested so as to enable the authorised person to exercise any power conferred by regulation 8.

Offences and penalties

10.—(1) Any person who –

(a) intentionally obstructs an authorised person (or accompanying person acting under the authorised person's instructions) in the exercise of a power conferred on the authorised person by regulation 8; or

(b) without reasonable cause fails to comply with a request made under regulation 9,

shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question if to do so might incriminate them.

(3) Any person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 of the standard scale.

Revocation and saving

11.—(1) Subject to paragraph (2), The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014 are revoked.

(2) Paragraph (1) does not apply in relation to any non-compliance occurring before 1st January 2026.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 9th October 2025

L.S.

Anna Campbell
A senior officer of the Department of Agriculture, Environment and Rural Affairs

SCHEDULE 1

Regulations 3,4,5 and 6

Amendments of the Horizontal Regulation, Commission Delegated Regulation and Commission Implementing Regulation

Amendment of the Horizontal Regulation

12.—(1) The Horizontal Regulation is amended as follows.

(2) In every place–

(a) for "cross-compliance" substitute "Farm Sustainability Standards";

(b) for "statutory management requirements and the standards for good agricultural and environmental condition of land" substitute "standards";

(c) for "statutory management requirement" substitute "standard";

(d) for "statutory management requirements" substitute "standards";

(e) for "good agricultural and environmental condition" substitute "standards";

(f) for "severity, extent, permanence", substitute "severity";

(3) In Article 91(3)(b), for the definition of "requirement" substitute–

"(b) "requirement" means each individual requirement under a statutory provision referred to in the second column of Annex II."

(4) In Article 92, after "direct payment support" insert "and Sustainable Agriculture Programme payments".

(5) In Article 93–

(a) in paragraph 1, for "the statutory management requirements and the standards for good agricultural and environmental condition of land established in the constituent nation" substitute "Farm Sustainability Standards";

(b) omit sub paragraphs (a) to (c).

(6) For Article 94, substitute–

"**Article 94**"

"**Obligations relating to farm sustainability standards environmental protection requirements**"

"**1.** The Department of Agriculture, Environment and Rural Affairs shall ensure that the farm sustainability standards are underpinned by environmental protection requirements and shall set out in legislation, as a constituent part of the farm sustainability standards, the minimum standards for beneficiaries for environmental protection requirements."

(7) Article 96 shall be amended as follows.

(a) in paragraph 3, for "this Title" substitute "Schedule 1, Part 1";

(b) in paragraph 4, for "this Title" substitute "Schedule 1, Part 1".

(8) In Article 97, omit paragraph 3.

(9) Article 99 is amended as follows.

(a) for paragraph 2 substitute–

"(a) the minimum penalty to be applied in respect of any non-compliance determined shall be the sending of a warning letter by or on behalf of the competent authority and completion of mandatory training;

(b) the maximum penalty to be applied shall no exceed 100% of all payments made or due to be made in the scheme year in which that recurrence was determined and exclusion from payment from all schemes for the two scheme years immediately following;"

(b) omit paragraphs 3 and 4.

(10) Omit Article 105.

(11) Omit Article 106.

Amendment of Commission Delegated Regulation

13.—(1) The Commission Delegated Regulation is amended as follows.

(2) In every place, for "cross compliance" substitute "Farm Sustainability Standards".

(3) For Article 2(b) substitute–

"(b) for Farm Sustainability standards, non-compliance with the Farm Sustainability Standards referred to in Part 2 of Schedule 1 and the Farm Sustainability Standards – Further Underpinning Requirements referred to in Schedule 2 which form part of the total area of an agricultural parcel shall be considered part of the eligible area."

(4) For Article 10 at paragraph 2 substitute–

"**2.** Any landscape features subject to the requirements and standards listed in Farm Sustainability Standards referred to in Part 2 of Schedule 1 and the Farm Sustainability Standards – Further Underpinning Requirements referred to in Schedule 2."

(5) In Article 38–

(a) in paragraph 1, omit from "For the purposes of determining" to the end of that paragraph;

(b) omit paragraph 2;

(c) for paragraph 3 substitute–

"**3.** 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 Farm Sustainability Standard and the underpinning requirement concerned."

(d) omit paragraph 4.

(6) In Article 39–

(a) for the title, substitute "Calculation and application of administrative penalties".

(b) for paragraph 1, substitute–

"**1.** Where a competent authority determines a non-compliance with any of the underpinning requirements:

(a) the minimum penalty to be applied shall be the sending of a warning letter by or on behalf of the competent authority and completion of mandatory training;

(b) the maximum penalty to be applied shall be the sending of a guidance letter by or on behalf of the competent authority, completion of mandatory training and a reduction of all payments made or due to be made in the scheme year in which the non-compliance was found;

(c) no payments from any scheme shall be made until a required mandatory training is completed."

(c) for paragraph 2, substitute–

"**2.** Where, within three calendar years of a non-compliance being determined, there is a recurrence of non-compliance of the same underpinning requirement, the reduction shall be not less than £50, but shall not exceed 100% of all payments made or due to be made in the scheme year in which that recurrence was determined together with exclusion from payment from all schemes for the two scheme years immediately following."

(d) omit paragraphs 3 and 4.

(7) Omit Article 40.

Amendment of the Commission Implementing Regulation

14.—(1) The Commission Implementing Regulation is amended as follows.

(2) In every place–

(a) for "cross-compliance" substitute "Farm Sustainability Standards";

(b) for "requirements and standards" substitute "standards";

(c) for "acts and standards" substitute "acts and standards";

(d) for "act and standard" substitute "act and standard";

(e) for "acts or standards" substitute "acts or standards";

(f) for "requirements, standards, acts or areas" substitute "acts or standards";

(g) for "requirements or standards" substitute "standards";

(h) for "severity, extent, permanence", substitute "severity".

(3) In Article 65(d), omit from", extent" to the end.

(4) In Article 67, in paragraph 1(b) omit from "in accordance with" to the end and substitute "Regulation 2 of Schedule 1 Part 1 of the Farm Sustainability Standards Regulations (Northern Ireland) 2025."

(5) In Article 68, in paragraph 1, after "direct payment support" insert "and Sustainable Agriculture Programme payments."

(6) In Article 70a, for both occurrences in paragraph 3, after "direct payment schemes," insert "and Sustainable Agriculture Programme payments,".

(7) In Article 71, in the second subparagraph of paragraph 2, omit from "as referred to in" to the end and substitute "Regulation 2 of Schedule 1 Part 1 of the Farm Sustainability Standards Regulations (Northern Ireland) 2025."

(8) In Article 72–

(a) for paragraph 1(c), substitute–

"(c) an evaluation part giving an assessment of the non-compliance in respect of each act and/or standard on the basis of the criteria 'severity'."

(b) in paragraph 4–

(i) omit the first paragraph;

(ii) in the second sub paragraph, omit from “the coordinating authority” to the end;

(iii) in the third sub paragraph, omit from “the coordinating authority” to the end.

(9) In Article 73 omit paragraph 3.

(10) In Article 74–

(a) for the title substitute–

“**Calculation and application of administrative penalties**”**.**

(b) in the second sub paragraph–

(i) omit “percentages of”;

(ii) omit from “However,” to the end;

(c) omit paragraph 2.

(11) Omit Article 75.

PART 2

Regulation 2

Annex II

RULES ON FARM SUSTAINABILITY STANDARDS PURSUANT TO ARTICLE 93

Aim	*Main requirements*	
Protection of waters from pollution	FSS1	Groundwater Regulations (Northern Ireland) 2009 Plant Protection Products Regulations (Northern Ireland) 2011 Plant Protection Products (Sustainable Use) Regulations 2012 Nutrient Action Programme Regulations (Northern Ireland) 2019 The Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020 Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources - Articles 4 and 5. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy - (Article 11(3)(e) and Article 11(3)(h)) as regards mandatory requirements to control diffuse sources of pollution by phosphates. Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market.
Protection of habitats and diversity	FSS2	Game Preservation Act (Northern Ireland) 1928 Noxious Weeds (Northern Ireland) Order 1977 The Wildlife (Northern Ireland) Order 1985 (as amended) The Environment (Northern Ireland) Order 2002 The Wildlife and Natural Environment Act (Northern Ireland) 2011 The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 Plant Protection Products Regulations (Northern Ireland) 2011 (as amended) Plant Protection Products (Sustainable Use) Regulations 2012 The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 The Official Controls (Plant Protection Product) Regulations (Northern Ireland) 2020 Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market

		Commission Implementing Regulation (EU) No. 2023/564 of 10 March 2023 as regards the content and format of the records of plant protection products kept by professional users pursuant to Regulation (EC) No 1107/2009 of the European Parliament and of the Council.
Protection of landscape, archaeological and heritage features	FSS3	Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 Planning Act (Northern Ireland) 2011 - Section 80 The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007
Protection of soils	FSS4	The Nutrient Action Programme Regulations (Northern Ireland) 2019
Food and feed, herd and flock health and biosecurity	FSS5	The Rabies (Control) Order (Northern Ireland) 1977 The Diseases of Animals (Northern Ireland) Order 1981 The Diseases of Poultry Order (Northern Ireland) 1995 Tuberculosis Control Order (Northern Ireland) 1999 Tuberculosis (Examination and Testing) Scheme Order (Northern Ireland) 1999 Classical Swine Fever Order (Northern Ireland) 2003 African Swine Fever Order (Northern Ireland) 2003 Movement of Animals (Restrictions) Order Northern Ireland 2004 Brucellosis Control Order (Northern Ireland) 2004 The Foot and Mouth Disease Regulations (Northern Ireland) 2006 The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 The Bluetongue Regulations (Northern Ireland) 2008 The Veterinary Medicines Regulations 2013 The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015 The Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016 The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018 The Bovine Viral Diarrhoea Control Order (Northern Ireland) 2024 Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC, and 88/299/EEC - Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7 Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of

food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety - Articles 14 and 15, Article 17 (1)(1)) and Articles 18, 19 and 20.

Regulation (EU) No. 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') Article 25

Regulation (EU) No. 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) No. 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) - Articles 18 and 19

Regulation (EU) No. 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC

Regulation (EU) No. 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC

Commission Delegated Regulation (EU) No. 2019/2090 19 June 2019 supplementing Regulation (EU) No. 2017/625 of the European Parliament and Council regarding cases of suspected or established non-compliance with Union rules applicable to the use or residues of pharmacologically active substances authorised in veterinary medicinal products or as feed additives or with Union rules applicable to the use or residues of prohibited or unauthorised pharmacologically active substances

Commission Delegated Regulation (EU) No. 2020/688 of 17 December 2019 supplementing Regulation (EU) No. 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs

Commission Delegated Regulation (EU) No. 2020/689 of 17 December 2019 supplementing Regulation (EU) No. 2016/429 of the European Parliament and of the

		Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases Commission Delegated Regulation (EU) No. 2022/1644 of 7 July 2022 supplementing Regulation (EU) No. 2017/625 of the European Parliament and of the Council with specific requirements for the performance of official controls on the use of pharmacologically active substances authorised as veterinary medicinal products or as feed additives and of prohibited or unauthorised pharmacologically active substances and residues thereof Commission Implementing Regulation (EU) No. 2022/1646 of 23 September 2022 on uniform practical arrangements for the performance of official controls as regards the use of pharmacologically active substances authorised as veterinary medicinal products or as feed additives and of prohibited or unauthorised pharmacologically active substances and residues thereof, on specific content of multi-annual national control plans and specific arrangements for their preparation.
Welfare and protection of farmed animals (including transport)	FSS6	Welfare of Animals Act (Northern Ireland) 2011 Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998 Cattle Identification (No. 2) Regulations (Northern Ireland) 1998 Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999 Cattle Passport Regulations (Northern Ireland) 1999 The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012. Welfare of Farmed Animals Regulations (Northern Ireland) 2012 Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes Council Regulation (EC) No. 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No. 1255/97 Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs, Articles 3 and 4 Regulation (EU) No. 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain requirements in the area of animal health (‘Animal Health Law’) - Article 84, Article 102, Article 112, Article 113 Commission Delegated Regulation (EU) No. 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the

		Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs Commission Implementing Regulation (EU) No. 2021/520 of 24 March 2021 laying down rules for the application of Regulation (EU) No. 2016/429 of the European Parliament and of the Council with regard to the traceability of certain kept terrestrial animals
Livestock identification and traceability	FSS7	Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998 Cattle Identification (No. 2) Regulations (Northern Ireland) 1998 Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999 Cattle Passport Regulations (Northern Ireland) 1999 Regulation (EU) No. 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') - Article 84, Article 102, Article 112, Article 113 Commission Delegated Regulation (EU) No. 2019/2035 of 28 June 2019 supplementing Regulation (EU) No. 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs Commission Implementing Regulation (EU) No. 2021/520 of 24 March 2021 laying down rules for the application of Regulation (EU) No. 2016/429 of the European Parliament and of the Council with regard to the traceability of certain kept terrestrial animals

SCHEDULE 2

Regulation 6

FARM SUSTAINABILITY STANDARDS – FURTHER UNDERPINNING REQUIREMENTS

Proposed aims	*Main requirements*	*Underpinning requirements*
Protection of habitats and biodiversity on all lands	Farmers must protect the habitats and biodiversity for nesting birds.	Farmers must not carry out hedge cutting, or removal, scrub cutting or removal or cutting of trees within hedges (including trimming, laying and coppicing) between 1 March and 31 August (inclusive). This requirement shall not apply (a)where health and safety is an issue (b)between 15th August and 31st August where the farmer has received prior written permission from DAERA However, even if permission is given, no works shall take place if there is evidence of nesting birds. Farmers must not carry out burning of any land (including uplands), scrub, heather, gorse, whin or fern (15 April – 31 August inclusive). Outside this period no burning should take place if there is evidence of nesting birds. Farmers must notify DAERA of their intention to burn any land. Farmers must not carry out any OTHER activities which are likely to result in the disturbance of birds, their nests and young or the deterioration of habitat affecting birds between 1 March and 31 August (inclusive). Outside this period no activity should take place if there is evidence of nesting birds.
Protection of habitats and biodiversity on all lands	Farmers must protect habitats and biodiversity from Invasive Alien Species and Noxious Weeds	Farmers must control, prevent spread and eradicate those terrestrial plant species classified as Widely Spread Species and any other listed species to which the Farm

		Sustainability Standards apply. Farmers must comply with requirements of Invasive Alien Species restoration or management notices. Farmers must control Noxious weeds before they have had time to flower, seed and spread. This does not require a farmer to take any particular measure to prevent the encroachment by invasive species where taking such a measure conflicts with the management required of Areas of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, or archaeological sites.
To protect and maintain Landscape Archaeological and Heritage Features	Farmers must protect and maintain Landscape Features i.e. hedgerows, trees, ditches or sheughs dry-stone walls and earth banks.	Farmers must not remove hedgerows, dry-stone walls, earth banks nor lay drainage pipes and/or infill open ditches or sheughs without prior written permission (derogation) from DAERA. Famers must not cut down nor remove trees with a trunk circumference greater than 1.5m (measured at a height up to 1m or at the top of the stump) without prior written permission (derogation) from DAERA These requirements do not apply (a)in the case of a hedgerow where there are health and safety reasons for hedgerow removal unless a Tree Preservation Order is in place in relation to that hedgerow. (b)in the case of a permanently dry sheugh or ditch or a field boundary within, or marking the boundary of non-agricultural land other than the boundary of a public road. Where written permission (derogation) has been received from DAERA to remove a landscape feature or where a farmer has removed a landscape feature without

		permission, farmers must carry out the mitigation requested by DAERA within the deadline set by DAERA. Where written permission has not been received from DAERA, farmers must carry out mitigation requested by DAERA within the deadline set by it. This mitigation will be at least equal to 110% of the landscape feature.
To protect soil as a resource by preventing soil erosion by ensuring minimum soil cover and through maintaining soil carbon stocks.	Farmers must ensure that soil is protected from soil erosion.	Farmers must ensure that after harvesting, from the date of harvesting to 15 January in the following year, one of the following conditions is met on the land at any time: the stubble of the harvested crop remains in the land; or the land is sown with a crop which will reduce the risk of soil erosion; or where soil or weather conditions prevent a subsequent crop from being sown, appropriate measures are put in place to limit soil erosion. DAERA shall vary or suspend any of the requirements set out above where in its opinion– (a)the farmer has prepared the land as a seedbed but is unable to sow the crop within 10 days because to do so would cause the land to be excessively trampled and/or rutted. (b)an area is affected by extreme weather conditions which make it impracticable to comply. Where DAERA has varied or suspended any of these requirements it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirements as varied in the directions. These requirements do not apply in relation to any land

between the date of harvesting and 15th January where—

(a)the land is used for a ploughing match and the farmer has received prior written permission from DAERA; or

(b)the land is ploughed as part of practice for a ploughing match.

Farmers must ensure that arable land is not cultivated within 1m of the edge of a watercourse (excludes sheughs).

Farmers must prevent land from being excessively trampled, poached, or rutted.

Farmers must ensure supplementary feeding/watering sites and sacrifice areas are rotated and managed to prevent excessive trampling, poaching or vehicle rutting to minimise soil erosion and must not cause runoff to waterways. Sacrifice areas must have at least 90% grass/crop coverage by the end of the following spring.

Farmers must ensure there are no significant areas of bare soil (no visible remains of grass/vegetation), deep bare soil trenches/ruts caused by vehicle tracks. (min. threshold applies).

Farmers must limit the erosion of the banks of water courses (excluding sheughs), from overgrazing or heavy poaching by livestock.

Farmers must limit poaching adjacent to watercourses.

These requirements do not apply :

(a)to land where they conflict with the commitments under management agreements entered into by the farmer in relation to any Area of Special Scientific Interest, Special Protection Area or Special Area of Conservation;

(b)to land which is located within 5 metres of a gateway or laneway and is not a semi-

natural habitat;

(c)where overgrazing is a necessary consequence of measures taken to ensure animal welfare during periods of extreme weather conditions.

(d)poaching of soil is a necessary consequence of:

(i) mechanical operations that are required to improve the drainage of the waterlogged soil;

(ii) works that are required to ensure animal or human welfare ;

(iii)of harvesting a crop of fresh vegetables or fruit to meet contractual deadlines or where such produce would deteriorate if not harvested urgently.

DAERA shall vary or suspend any of these requirements in relation to an area and for a period of not more than two months, where in its opinion–

(a)an area is affected by extreme weather conditions; and

(b)those weather conditions justify the variation or suspension of these requirements, taking into consideration the economic impact of the weather conditions and the environmental effects of any variation or suspension of the requirements.

Where DAERA has varied or suspended any requirements , it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirement as varied in the directions.

Farmers must ensure that supplementary feeding sites (includes sacrifice areas) are located more than 20m from waterways, or 50m from

boreholes or wells, or 250m from boreholes used for a public water supply.

Farmers must ensure that livestock drinking points are located at least 10m from waterways, where there is a significant risk of water pollution caused by soil erosion

These requirements shall not apply where the supplementary feeding site is necessary to ensure animal welfare during periods of extreme weather conditions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Cross Compliance formerly linked payments to farmers under the Common Agricultural Policy to compliance with a range of laws and standards known as Good Agricultural and Environmental Conditions and Statutory Management Requirements (SMR). The new Farm Sustainability Standards replace these former cross compliance controls in relation to all breaches of the new underpinning requirements which have occurred from 1st January 2026.

Regulation 3 amends Regulation (EU) No 1306/2013 to make provision for the commencement of Farm Sustainability Standards from 1st January 2026.

Regulation 4 amends regulation (EU) No 640/2014 to make provision for the commencement of Farm Sustainability Standards from 1st January 2026.

Regulation 5 amends Regulation (EU) No 809/2014 to make provision for the commencement of Farm Sustainability Standards from 1st January 2026.

The Schedules to this regulation set out the standards which will apply in Northern Ireland from 1st January 2026 with Regulation 6 setting out further underpinning requirements in relation to environmental standards.

Regulations 7 to 10 define an authorised person and provide enforcement powers for authorised persons. These powers are in addition to any existing power of entry and are for the purposes of providing a control report, establishing a breach of Farm Sustainability Standards or ascertaining whether an offence under these regulation shas been or is being committed.

Regulation 11 provides for the application of the cross compliance penalty regime in respect of any non-compliance occurring before these Regulations come into operation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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