

SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

1 As regards all land which is the subject of an agreement—

(1) the farmer shall maintain existing hedges, walls, fences and banks using traditional methods and materials;

(2) the farmer shall not remove any existing hedges, walls, fences (other than wire fences), banks or hedgerow trees;

(3) the farmer shall not construct new hedges, walls, fences or banks without the prior written approval of the Secretary of State;

(4) the farmer shall not remove any existing stone gate posts;

(5) the farmer shall not apply to any field boundary or to a strip of land at least two metres wide which is adjacent to such a boundary—

(a) lime or any other substance designed to reduce the acidity of the soil, or

(b) inorganic or organic fertiliser, fungicides or insecticides;

(6) the farmer shall not apply herbicides to field boundaries or to a strip of land which is at least two metres wide and which is adjacent to the field boundaries, except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*), ragwort (*Senecio jacobaea*) and Japanese Knotweed (*Reynoutria Japonica*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;

(7) the farmer shall not increase existing stocking levels of cattle and sheep without the prior written approval of the Secretary of State;

(8) the farmer shall conserve and maintain all existing lakes, ponds and streams;

(9) the farmer shall in farming the land ensure that he does not damage or destroy any features of archaeological or historic interest;

(10) the farmer shall not remove any scrub without the prior written approval of the Secretary of State;

(11) the farmer shall not move any boulders or remove any rocks from rock outcrops;

(12) the farmer shall maintain any weatherproof traditional farm buildings for which he is responsible in a weatherproof condition using traditional materials or other materials the use of which has been approved by the Secretary of State;

(13) the farmer shall obtain from the Secretary of State written advice concerning siting, design and materials before constructing or altering buildings or roads or undertaking any other engineering or construction operations which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988(1), or planning permission;

(14) the farmer shall control pests in a lawful manner;

(15) the farmer shall retain any broadleaved trees for which he is responsible.

(1) S.I. 1988/1813. The relevant amending instrument is S.I. 1991/2805.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2 As regards any land which is the subject of an agreement and which is coastal belt, enclosed unimproved grassland, enclosed partially improved grassland, hay meadow, semi-natural rough grazings, wetland or a buffer zone—

(1) the farmer shall not plough, level, reseed, cultivate or, except in the case of hay meadow or enclosed partially improved grassland, use a chain harrow or roller;

(2) the farmer shall not, in the case of hay meadow or enclosed partially improved grassland, use a chain harrow or roller between 15th April and 8th July in any year;

(3) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;

(4) the farmer shall not apply lime or any other substance designed to reduce the acidity of the soil;

(5) subject to sub-paragraph (6) below, the farmer shall not apply any inorganic or organic fertiliser;

(6) the farmer shall, in the case of enclosed partially improved grassland or hay meadow, and subject to sub-paragraph (5) of paragraph 1 of this Schedule, apply not more than 12.5 tonnes of farmyard manure per hectare per year;

(7) the farmer shall not apply fungicides or insecticides;

(8) subject to sub-paragraph (9) below and to sub-paragraph (6) of paragraph 1 of this Schedule, the farmer shall not apply herbicides except to control nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*), ragwort (*Senecio jacobaea*) and Japanese Knotweed (*Reynoutria Japonica*) and then only by spot treatment or weed wiper;

(9) subject to sub-paragraph (6) of paragraph 1 of this Schedule, the farmer shall control bracken (*Pteridium aquilinum*) by mechanical means or by the use of asulam or other chemical approved by the Secretary of State and in accordance with a programme agreed in advance with the Secretary of State;

(10) the farmer shall burn heather, grass and scrub only in accordance with a programme agreed in advance with the Secretary of State;

(11) the farmer shall not graze the land with cattle or sheep at a stocking rate that causes overgrazing or poaching, but—

(a) as regards unenclosed semi-natural rough grazings which do not include heather, he shall not in any event graze with cattle or sheep at an average annual stocking rate exceeding 0.36 livestock units per hectare, and

(b) as regards unenclosed semi-natural rough grazings which include heather, he shall not in any event graze with cattle or sheep at an average annual stocking rate exceeding 0.22 livestock units per hectare;

(12) the farmer shall restrict supplementary feeding of livestock to areas agreed in advance with the Secretary of State.