

SCHEDULE 1

Regulation 2(1) and 10(4)

LIVESTOCK UNITS AND STOCKING DENSITY

**PART I**

CALCULATION OF LIVESTOCK UNITS (“LU”)

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*For all claimants*

Number of Suckler Cows	X 1.0 =	_A_LU
Number of heifers 8 months and over	X 0.6 =	_B_LU
Number of Breeding Ewes	X 0.15 =	_C_LU
Number of Breeding Female Goats	X 0.15 =	_D_LU
Number of Breeding Female Alpaca	X 0.3 =	_E_LU
Number of Breeding Female Deer (hinds over 27 months)	X 0.3 =	_F_LU
Number of Breeding Deer (over 6 months but less than 27 months)	X 0.2 =	_G_LU
Number of Breeding Llamas	X 0.3 =	_H_LU

*For dairy farmers maintaining a dairy herd in the area referred to in paragraph (c) of the definition of “eligible agricultural activity” in regulation 2(1).*

Litres of Milk Quota	/ 5730 =	I LU
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**PART II**

CALCULATION OF STOCKING DENSITY

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<i>Total LFASS Livestock Units (A + B + C + D + E + F + G + H + I)</i>	=	_J_LU
Total Forage Area	=	_K_Ha
Stocking Density (to two decimal places)	=	J divided by K

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*Changes to legislation:* There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Less Favoured Area Support Scheme (Scotland) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULE 2

Regulation 2(1)

USUAL GOOD FARMING PRACTICES

**PART I**

ENVIRONMENTAL LEGISLATION

**Water pollution**

1. The Control of Pollution Act 1974 <sup>M1</sup>.

**Marginal Citations**

M1 [1974 c. 40](#).

2. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2001 <sup>M2</sup>.

**Marginal Citations**

M2 [S.S.I. 2001/206](#), amended by [S.S.I. 2001/248](#).

3. The Groundwater Regulations 1998 <sup>M3</sup>.

**Marginal Citations**

M3 [S.I. 1998/2746](#), amended by [S.S.I. 2000/323](#).

**Air pollution**

4. The Clean Air Act 1993 <sup>M4</sup>.

**Marginal Citations**

M4 [1993 c. 11](#).

5. The Hill Farming Act 1946 <sup>M5</sup>.

**Marginal Citations**

M5 [1946 c. 73](#).

**Fertilisers and pesticides**

6. The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003 <sup>M6</sup>.

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**Marginal Citations**

**M6** [S.S.I. 2003/51](#).

7. Part III of the Food and Environment Protection Act 1985 <sup>M7</sup> and the Control of Pesticides Regulations 1986 <sup>M8</sup>.

**Marginal Citations**

**M7** [1985 c. 48](#).

**M8** [S.I. 1986/1510](#), amended by [S.I. 1990/2487](#), 1994/3142 and 1997/188.

8. The Plant Protection Products Regulations 1995 <sup>M9</sup>.

**Marginal Citations**

**M9** [S.I. 1995/887](#), amended by [S.I. 1996/1940](#), 1997/7 and 2499, 1998/2760, 1999/1228, [S.S.I. 2001/161](#), 202 and 454 and 2002/279.

**Designated sites**

9. The Ancient Monuments and Archaeological Areas Act 1979 <sup>M10</sup>.

**Marginal Citations**

**M10** [1979 c. 46](#).

10. The Wildlife and Countryside Act 1981 <sup>M11</sup>.

**Marginal Citations**

**M11** [1981 c. 69](#).

11. The Conservation (Natural Habitats etc.) Regulations 1994 <sup>M12</sup>.

**Marginal Citations**

**M12** [S.I. 1994/2716](#), amended by [S.I. 1997/3055](#) and [S.S.I. 2000/323](#).

12. The Ancient Monuments (Class Consents) (Scotland) Order 1996 <sup>M13</sup>.

**Marginal Citations**

**M13** [S.I. 1996/1507](#).

**Forestry Management**

13. The Forestry Act 1967 <sup>M14</sup>.

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**Marginal Citations**

**M14** 1967 c. 10.

## PART II

### VERIFIABLE STANDARDS

1. Any farmer who constructs a new silage or storage facility must give notification to the Scottish Environmental Protection Agency prior to starting to use it. The farmer must keep records showing that this notification has been given.

2. Where it is proposed to dispose of sheep dip on a holding, prior authorisation to do this must be obtained from the Scottish Environmental Protection Agency. The farmer must keep documents and records showing that this authorisation has been obtained. The farmer must keep records detailing the manner of disposal of the sheep dip.

3. Trimming of hedgerows must not be carried out between 1st March and 31st July.

4. Removal or destruction of any hedges, stone walls or other boundary features shall not be allowed except with the prior written agreement of the Scottish Ministers.

5. Any farmer who intends to undertake any operation which is likely to damage a Site of Special Scientific Interest designated pursuant to section 28 of the Wildlife and Countryside Act 1981 must obtain the prior approval of Scottish Natural Heritage to the carrying out of that operation. The farmer shall maintain records showing that this authorisation has been obtained.

6. Livestock shall be managed in such a way as to avoid overgrazing and undergrazing. Where the Scottish Ministers form the opinion that land was being overgrazed, a management regime including a maximum (and, where appropriate, a minimum) stocking rate to be observed on that site will be prescribed. Overgrazing is defined as grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree; and to ensure that livestock is managed in such a way as to prevent damage to sensitive habitats<sup>M15</sup> that are important for biodiversity reasons. Undergrazing means not using land fully, or scrub or coarse becoming evident, where it is detrimental to the environmental interest of the land.

**Marginal Citations**

**M15** Sensitive habitats, important for biodiversity reasons, may include juniper and montone scrub, herb-rich swards, already coded areas and wetland habitats as well as other natural and semi-natural habitats.

7. Unsuitable supplementary feeding methods shall be avoided.

### SCHEDULE 3

Regulation 4

### ENVIRONMENTAL CONTROLS

1. To ensure the protection of rough grazings and other semi-natural areas, new drainage works, ploughing, clearing, levelling, re-seeding or cultivating must not be undertaken. Livestock must be managed to avoid poaching to a level which would destroy the natural vegetation in respect of such rough grazings and other semi-natural areas.

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2. To ensure the protection of rough grazings and other semi-natural areas, pesticides, lime or fertiliser must not be applied to rough grazings and other semi-natural areas except-
- (a) to control injurious weeds to which the Weeds Act 1959 <sup>M16</sup> applies;
  - (b) to control bracken with Asulam or other approved herbicides; or
  - (c) in exceptional circumstances where no conservation damage will result, lime or fertiliser may be applied.

**Marginal Citations**

M16 1959 c. 54.

3. Muirburn may only be carried out in accordance with guidance approved by the Scottish Ministers.

4. The damage to features of any historic or archaeological interest must be avoided and guidance approved by the Scottish Ministers must be followed for the protection of such areas.

5. Guidance on the prevention of environmental pollution from agricultural activity approved by the Scottish Ministers must be followed for the avoidance of pollution or to minimise the risk of pollution through good management of nutrients and effluents.

6. Notwithstanding the provisions of paragraphs 1 to 5 above, any of the matters referred to therein which would otherwise be subject to the relevant control, may be carried out if approved in terms of the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002 <sup>M17</sup>.

**Marginal Citations**

M17 S.S.I. 2002/6.

SCHEDULE 4

Regulation 9

GRAZING CATEGORY: HECTARE VALUES

<i>STOCKING DENSITY</i>	<i>GRAZING CATEGORY</i>	<i>HECTARE VALUE</i>
Up to and including 0.19 LU/ha	A	0.167
0.2 to 0.39 LU/ha	B	0.333
0.4 to 0.59 LU/ha	C	0.667
0.6 or more LU/ha	D	0.8

SCHEDULE 5

Regulation 11

ENTERPRISE MIX

**ENTERPRISE MIX**

**HECTARE MULTIPLIER**

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If 50% or more of livestock units are made up of cattle LU.	1.70
If 10% or more, but less than 50% of livestock units are made up of cattle LU.	1.35

SCHEDULE 6

Regulation 12

RATES OF PAYMENT FOR LESS FAVOURED AREA SUPPORT

**Part I**

MORE DISADVANTAGED LAND

<i>FRAGILITY CATEGORY</i>	<i>RATE</i>
Very Fragile (Islands)	£47.00
Fragile (Mainland)	£45.00
Standard	£39.00

**Part II**

LESS DISADVANTAGED LAND

<i>CATEGORY</i>	<i>RATE</i>
Very Fragile (Islands)	£41.50
Fragile (Mainland)	£39.50
Standard	£33.50

SCHEDULE 7

Regulation 12(4)

FRAGILITY CATEGORIES

FRAGILITY MARKERS FOR PARISH CODE NUMBERS

<i>Standard</i>																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
22	23	24	28	30	31	32	35	36	38	39	40	41	42	43	44	45	46	47	48	49
50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112
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**Fragile**

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**Very Fragile**

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SCHEDULE 8

Regulation 18

AGENCY AND CROSS BORDER HOLDINGS

**Agency arrangements**

1. The Scottish Ministers may, with the agreement of any competent authority (as defined for the purposes of the Integrated Administration and Control System Regulations 1993), arrange for any of their functions under these Regulations in relation to any claim to be exercised on their behalf by that competent authority.

2. The Scottish Ministers may also agree to exercise functions on behalf of another competent authority corresponding to those which are exercisable by the Scottish Ministers under these Regulations.

3. Any such arrangement shall be in writing and be signed by or on behalf of the Scottish Ministers and the competent authority and any such arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed from time to time.

**Set off**

4. Without prejudice to the amount of any sum payable by the Scottish Ministers to any other competent authority, the amount of any sum payable by the Scottish Ministers, whether as principal or agent, by way of a specified payment may be set off against the amount of any sum recoverable by the Scottish Ministers, whether as principal or agent.

**Calculation of payments in respect of cross border holdings**

5. Where any holding in respect of which a claim has been made is a cross border holding, the Scottish Ministers may pay, on such occasions as they consider fit, in respect of the Scheme Year in question to an applicant less favoured area support for carrying out eligible agricultural activity on eligible land, providing the applicant has declared the eligible land in an area aid application which has been treated as a valid application by the competent authority concerned.

6. Whether the eligible agricultural activity undertaken on the eligible land is an integral part of the management of the whole holding or independently managed, Scottish Ministers shall only pay less favoured area support in respect of the eligible agricultural activity actually undertaken on eligible land defined as a less favoured area for the purposes of this instrument.

7. For cross-border holdings where the applicant has submitted a declaration of eligible land to another competent authority, the Scottish Ministers shall apply the standard rate of payment.

8. Applicants in respect of cross border holdings are required to supply such information as authorised persons may reasonably require to assess the eligible agricultural activity actually undertaken on eligible land defined as a less favoured area for the purposes of this instrument.



9. All conditions applying to applicants in respect of holdings lying wholly within the less favoured areas shall apply equally to applicants in respect of cross border holdings.

## SCHEDULE 9

Regulation 2(1)

### COWAL PENINSULA

The areas of land within Argyll and Bute District comprising those parts of the parishes of Dunoon and Kilmun and Inverchaolain bounded as follows:-

Starting in the North on the shore of Loch Striven at point national grid reference NS/095708; then in an easterly direction along the MOD boundary to point national grid reference NS/097708; then in a northerly direction along the MOD boundary to point national grid reference NS/097710; then in a north easterly direction along the MOD boundary to point national grid reference NS/098710; then in a northerly direction along the MOD boundary to point national grid reference NS/098711; then in a north-north easterly direction along the MOD boundary to point national grid reference NS/098712; then in a north easterly direction to point national grid reference NS/102714; then in a south westerly direction to point national grid reference NS/107712; then in a easterly direction along the forestry fence to point national grid reference NS/111711; then in a southerly direction along the forestry fence to point national grid reference NS/110707; then in a south-easterly direction along the forestry fence to point national grid reference NS/111707; then in a south south-easterly direction along the forestry fence to point national grid reference NS/113703; then in a southerly direction along the forestry fence to point national grid reference NS/114699; then in a south-westerly direction along the forestry fence to point national grid reference NS/112699; then in a south south-westerly direction along the forestry fence to point national grid reference NS/111693 where the forestry fence meets the A815; then in a southerly direction along the A815 to point national grid reference NS/112689; then in a north-easterly direction along the forestry fence to point national grid reference NS/114690; then in an east south-easterly direction along the forestry fence to point national grid reference NS/117688; then in a southerly direction along the forestry fence to point national grid reference NS/116685; then in a westerly direction to point national grid reference NS/114685 where the fence meets a track; then in a southerly direction down the track to point national grid reference NS/114682 (21); then in a westerly direction down a burn to point national grid reference NS/112682 where the burn meets the A815; then in a southerly direction down the A815 to point national grid reference NS/111679; then in a westerly direction to point national grid reference NS/110679 at the high water mark; then in a westerly direction for approximately 1200 metres which then turns in a northerly direction all along the shore back to the starting point of national grid reference NS/095708.

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**Changes and effects yet to be applied to :**

- Instrument rev by [S.S.I. 2005/569 reg 26](#)
- Sch 2 Pt II paras 8–10 added by [S.S.I. 2005/64 regs 215\(b\)\(ii\)17](#)
- Sch 2 Pt II para 6 am by [S.S.I. 2005/64 regs 215\(b\)\(i\)17](#)
- Sch 2 Pt I para 8 subst by [S.S.I. 2004/128 reg 2\(1\)\(4\)](#)
- Sch 8 para 1 rev in pt by [S.S.I. 2005/64 regs 21617](#)
- Sch 9 subst by [S.S.I. 2004/128 reg 2\(1\)\(5\) Schedule](#)
- reg 2 defn(s) added by [S.S.I. 2005/64 regs 23\(a\)\(ii\)3\(a\)\(ii\)\(iii\)\(vi\)–\(viii\) 17](#)
- reg 2 am by [S.S.I. 2005/64 regs 23\(b\)17](#)
- reg 2 defn(s) am by [S.S.I. 2005/64 regs 23\(a\)\(iv\)3\(a\)\(iv\)\(v\)17](#)
- reg 2 defn(s) rev by [S.S.I. 2005/64 regs 23\(a\)\(i\)17](#)
- reg 4 am by [S.S.I. 2005/64 regs 2417](#)
- regs 9–16 am by [S.S.I. 2005/64 regs 25–12 17](#)
- reg 14 am by [S.S.I. 2004/128 reg 2\(1\)\(2\)](#)
- reg 18 subst by [S.S.I. 2004/128 reg 2\(1\)\(3\)](#)
- reg. 23(2) words substituted by [S.S.I. 2004/381 reg. 14\(1\)\(e\)](#)
- reg 24 subst by [S.S.I. 2005/64 regs 21317](#)
- reg 25 am by [S.S.I. 2005/64 regs 21417](#)
- reg. 26 revoked by [S.S.I. 2004/381 reg. 14\(2\)Sch.](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch 2 Pt I para 1A added by [S.S.I. 2005/64 regs 215\(a\)\(i\)17](#)
- Sch 2 Pt I para 14 added by [S.S.I. 2005/64 regs 215\(a\)\(ii\)17](#)