

SCHEDULE 2

Regulation 11(3)(b)

GENERAL ENVIRONMENTAL REQUIREMENTS

Part I of this Schedule applies to the activities specified in Menu Options 1, 2 and 6 to 14 of Schedule 1.

Part II of this Schedule applies to all the activities specified in the Menu Options in Schedule 1.

Part III of this Schedule applies to the activities specified in Menu Options 6 to 14 of Schedule 1.

PART I

THE STANDARDS OF GOOD FARMING PRACTICE INCLUDING GOOD ANIMAL HUSBANDRY

1. On rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetlands and native, amenity or semi natural woodlands, livestock must be managed to avoid either overgrazing or 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. The removal or clearance of drystone or flagstone dykes or walls, hedges and hedgerow trees will not be permitted except with the prior written approval of the Scottish Ministers. Records shall be maintained by the applicant showing that this approval has been obtained.

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

3. Where it is intended to undertake any operation on the land that is likely to damage any Site of Special Scientific Interest, designated pursuant to section 28 of the Wildlife and Countryside Act 1981(1), the prior approval of Scottish Natural Heritage must be obtained. Records shall be maintained by the applicant showing that this approval has been obtained.

4. If a new silage or slurry storage facility is constructed on the land, the Scottish Environment Protection Agency must be notified before it is used. Records showing that this notification has been given must be maintained by the applicant.

5. Prior authorisation must be obtained from the Scottish Environment Protection Agency before any sheep dip is disposed of on the land. Records showing that this authorisation has been obtained, and records detailing the manner of disposal of the sheep dip, shall be maintained by the applicant.

6. Prior authorisation must be obtained from the Forestry Commission before the felling of any trees on the land. Records shall be maintained by the applicant showing that this approval has been obtained.

7. Animals must not be caused any unnecessary pain or suffering and must be inspected at regular intervals. Animals kept in buildings must have access to a well maintained drying area. Animal buildings must be constructed in such a way that will not be harmful to animals. Where necessary artificial light must be provided and animals must not be kept without an appropriate rest from artificial light. Animals must be fed a diet of sufficient quality and quantity to maintain them in good health and to satisfy their nutritional needs. All animals must have access to feed at appropriate intervals (at least once a day) and a suitable water supply or be able to satisfy their fluid intake needs by other means. Animals must not have their movement restricted in such a way as to cause them unnecessary suffering or injury.

(1) 1981 c. 69.

8. Only those persons who have the appropriate ability, knowledge and professional competence may attend to animals.

9. Ill or injured animals must be cared for appropriately and without delay and, where necessary, veterinary advice must be obtained as soon as possible. Records must be maintained and retained by the applicant for 3 years of all medicinal treatment given to animals and of all mortalities.

PART II

ENVIRONMENTAL LEGISLATION

Water pollution

1. The Control of Pollution Act 1974(2).
2. The Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005(3).
3. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(4).
4. The Groundwater Regulations 1998(5).

Air pollution

5. The Clean Air Act 1993(6).
6. The Hill Farming Act 1946(7).

Fertilisers and pesticides

7. The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003(8).
8. Part III of the Food and Environment Protection Act 1985(9) and the Control of Pesticides Regulations 1986(10).
9. The Plant Protection Products Regulations 1995(11).

Designated sites

10. The Ancient Monuments and Archaeological Areas Act 1979(12).
11. The Wildlife and Countryside Act 1981(13).
12. The Conservation (Natural Habitats etc.) Regulations 1994(14).

(2) 1974 c. 40.

(3) S.S.I. 2005/63.

(4) S.S.I. 2003/531.

(5) S.I.1998/2746, amended by S.S.I. 2000/323

(6) 1993 c. 11.

(7) 1946 c. 73.

(8) S.S.I. 2003/51

(9) 1985 c. 48.

(10) S.I. 1986/1510, amended by S.I. 1990/2487, 1994/3142 and 1997/188.

(11) 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

(12) 1979 c. 46.

(13) 1981 c. 69.

(14) S.I. 1994/2716, amended by S.I. 1997/3055 and S.S.I. 2000/323.

13. The Ancient Monuments (Class Consents) (Scotland) Order 1996(15).

Forestry Management

14. The Forestry Act 1967(16).

Animal Welfare

15. The Welfare of Farmed Animals (Scotland) Regulations 2000(17).

PART III

GENERAL ENVIRONMENTAL CONDITIONS

1. To avoid damage to the conservation interest of rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetlands, water margins, and native, amenity or semi natural woodlands, new drainage works, ploughing, clearing, levelling, re seeding or cultivating may not be undertaken. Livestock must be managed to avoid poaching.

2. Pesticides, lime or fertiliser (including farmyard manure and slurry) must not be applied to rough grazings, unimproved pasture, reverted improved grassland, machair and dune grassland, wetlands, water margins, native, amenity or semi natural woodlands and scrub, except in exceptional circumstances and only with the prior written approval of the Scottish Ministers. Records shall be maintained by the applicant showing that this approval has been obtained.

3. Injurious weeds to which the Weeds Act 1959(18) applies must be controlled to prevent their spread and to avoid the risk of damage to the conservation interest of any habitat or feature on the land.

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

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

6. Guidance, approved by the Scottish Ministers, on the prevention of environmental pollution from agricultural activity must be followed for the avoidance of pollution or to minimise the risk of pollution.

(15) S.I. 1996/1507.

(16) 1967 c. 10.

(17) S.S.I. 2000/442 amended by S.S.I. 2002/334 and 2003/488.

(18) 1959 c. 54.