

SCHEDULE 1

Regulations 2(1), 4(2), 10, 11

MENU OPTION ACTIVITIES, ELIGIBILITY CONDITIONS AND RATES OF PAYMENT

Commencement Information

II Sch. 1 in force at 15.5.2005, see [reg. 1\(1\)](#)

It is an additional eligibility condition of the activities specified in Menu Options 6 to 13 and 15 to 17 below that they must not be carried out, or must not be carried out and maintained, on land set aside from production or land set aside for non food purposes.

<i>Column 1</i> <i>Menu Option</i>	<i>Column 2</i> <i>Activities and Eligibility</i> <i>Conditions</i>	<i>Column 3</i> <i>Rate of Payment</i>
1. Animal health and welfare programme	<p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) has at least 4 livestock units entered on the single application;</p> <p>(b) takes at least the actions described in activity (i) below.</p> <p>(3) Activities (ii) to (v) below are optional.</p> <p>(4) Activities (ii), (iii)(b) and (c) and (iv) below can be taken each scheme year and activities (iii)(a) and (v) can only be taken once in the 5 years of the commitment.</p> <p>(5) This Menu Option has the following activity elements for eligibility–</p> <p>(i) Animal health and welfare programme</p> <p>The applicant must–</p> <p>(a) develop, by 1st December of the scheme year, following discussions with a veterinary surgeon, and implement by the end of that scheme year, a proactive scheme</p>	£220 per scheme year.

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	<p>for treating animal diseases, including guidance on following a veterinary surgeon's advice and treatment, including details of first and second lines of treatment, individual dosage instructions and withdrawal periods for each treatment, as agreed with the veterinary surgeon; and</p> <p>(b) develop and implement a scheme for using vaccines and preventative medicines, including details of the vaccines or preventative medicines to be used, and individual dosage instructions and withdrawal periods for each vaccine or preventative medicine.</p> <p>(ii) Benchmarking</p> <p>The applicant must–</p> <p>(a) carry out additional inspections of animals to record performance indicators and the numbers of occurrences of disease symptoms in the animal population which are pre determined objective measurements; and</p> <p>(b) together with a veterinary surgeon, make and record comparisons between the applicant's enterprise and others across the veterinary practice area, the local government area or across Scotland.</p> <p>(iii) Enhancing biosecurity</p> <p>The applicant must–</p>	<p>£320 per scheme year.</p>

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	<p>(a) (a) produce an action plan to ensure the safe integration of new stock on farm; and</p> <p>(b) (b) minimise the risk of spreading disease by maintaining fences around isolation areas (which may consist of boundary and internal fencing but must be used throughout the scheme year as an isolation facility) to enhance biosecurity levels and to prevent animal diseases from entering the herd or flock; and</p> <p>(c) (c) maintain the fencing by inspecting the fencing, tightening slack wiring, reattaching loose wiring and replacing damaged fence posts or sections.</p>	<p>£30 once within the 5 year commitment.</p> <p>£0.10 per running metre of fencing established around the isolation areas (up to a maximum of 3,000 metres).</p>
	<p>(iv) Sampling</p> <p>The applicant must–</p> <p>(a) on the advice of a veterinary surgeon undertake sampling such as blood testing to identify diseases or conditions such as twin lamb disease or copper deficiency, which may be present on the farm having a negative impact on animal health and welfare; and</p> <p>(b) take informed control measures to address such diseases or conditions.</p>	<p>£155 per scheme year.</p>

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	(v) Nutritional advice	
	The applicant may analyse forages and obtain professional nutritional advice and implement that advice.	£110 once within the 5 year commitment.
2. Membership of quality assurance and organic schemes	An applicant is eligible for payment under this Menu Option if the applicant: <ul style="list-style-type: none"> (a) participates in a quality assurance or organic scheme which is certified to EN45011 standard by 1st February 2006; and (b) is a member of that quality assurance or organic scheme on 16th May 2005 and 16th January 2006. 	50% of joining fee and ongoing membership costs, up to a maximum of £150 per scheme year for each quality assurance or organic scheme.
3. Training	An applicant is eligible for payment under this Menu Option if the applicant, an immediate family member of the applicant involved in the business or an employee of the applicant, attends a training course provided by a training provider, recognised by Lantra, which relates to business skills, marketing, people management, diversification opportunities or technical skills but which is not– <ul style="list-style-type: none"> (a) full time or part time education in a secondary school, Further Education College or Higher Education establishment; (b) a course required by law to permit persons to carry out their basic work activities; or (c) funded, in whole or in part, by other public funds. 	75% of the course fees, up to a maximum of £500 per scheme year.
4. Farm and woodland visits	(1) An applicant is eligible for payment under this Menu	£100 per farm or woodland visit subject to a combined

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	<p>Option if the applicant conducts farm or woodland visits, which are accompanied throughout by the host farmer or woodland manager (or both), last for at least one hour, consist of a group of at least 5 people, do not involve persons already associated with land management, for profit organisations or pre school aged children and which—</p> <ul style="list-style-type: none">(a) increase public awareness of land management;(b) provide active educational experience for children and young people; or(c) contribute to a better understanding of the contribution land managers make to their local community and the local environment. <p>(2) The applicant under this Menu Option must:</p> <ul style="list-style-type: none">(a) have sufficient public liability insurance to receive visitors onto a farm or woodland (or both) in relation to the type of visits undertaken;(b) comply with obligations under the Health and Safety at Work etc. Act 1974(1); and(c) prepare a Risk Assessment and a Farm or Woodland	<p>total of 10 farm or woodland visits and off farm or woodland talks (as specified in Menu Option 5) per scheme year.</p>

(1) 1974 c. 37.

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	<p>Information Pack (or both) in relation to the types of visit undertaken, in accordance with guidance approved by the Scottish Ministers.</p>	
<p>5. Off farm and woodland talks</p>	<p>(1) An applicant is eligible for payment under this Menu Option if the applicant conducts off farm and woodland talks, which take place away from any farm or woodland, last for at least 30 minutes, do not involve persons already associated with land management, for profit organisations or pre school aged children and which–</p> <p>(a) increase public awareness of land management; or</p> <p>(b) contribute to a better understanding of the contribution land managers make to their local community and the local environment.</p> <p>(2) The applicant under this Menu Option must prepare a Farm or Woodland Information Pack (or both) in accordance with guidance, approved by the Scottish Ministers.</p>	<p>£50 per off farm or woodland talk subject to a combined total of 10 off farm or woodland talks and farm or woodland visits (as specified in Menu Option 4) per scheme year.</p>
<p>6. Buffer areas</p>	<p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) establishes a 3 metre to 6 metre wide buffer area which may be in arable fields, on improved grassland along watercourses,</p>	<p>£200 per hectare of the buffer area per scheme year.</p>

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	<p>around areas of wetland, species rich grassland, woodland or archaeological sites;</p> <p>(b) prepares a sketch map showing the location of the proposed buffer area;</p> <p>(c) does not cultivate the buffer area, nor apply fertiliser, manure or pesticides to it;</p> <p>(d) does not use the buffer area for supplementary feeding of stock; and</p> <p>(e) in the case of prominent, individual in field and ancient trees on the landscape establishes a buffer area reaching at least the length of the canopy, leaves fallen timber in the buffer area, and if the tree falls, replaces it but leaves the deadwood in the buffer area.</p> <p>(3) The applicant may in the buffer area–</p> <p>(a) cut and control scrub, where necessary to meet the standards of good agricultural and environmental condition under regulation 4 of the Common Agricultural Policy Single Payment and Support Schemes (Cross-Compliance) (Scotland)</p>	

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7. Management of linear features: hedgerows and hedgerow trees; ditches; and dykes	<p>Regulations 2004(2); and</p> <p>(b) graze animals so long as this does not cause environmental damage.</p> <p>(4) For applicants carrying out Nutrient management (as specified in Menu Option 14) in fields with a watercourse, spring or borehole, a buffer area must be established alongside the watercourse, spring or borehole.</p> <p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) prepares a sketch map showing at the date of the application for aid the location of the linear features proposed to be managed under this Menu Option;</p> <p>(b) where the linear feature is also a property boundary, has gained the written consent of the owner or tenant of the neighbouring property for an application under this Menu Option; and</p> <p>(c) carries out at least one of the activities (i) to (iii) below.</p> <p>(3) This Menu Option has the following activity elements for eligibility–</p>	

(2) S.S.I. 2004/518.

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	<p data-bbox="651 454 932 517">(i) Hedgerows and hedgerow trees</p> <p data-bbox="619 533 852 562">The applicant must–</p> <p data-bbox="619 568 970 1238"> (a) cut both sides of the hedges no more than every third year, with no more than one third of the hedges and trees shown on the sketch map prepared cut in any one year; (b) manage hedges over several years to be at least 1.5 metres tall and at least 2 metres wide at the base, in an A frame shape; (c) only cut hedges and coppice, pollard or lop hedgerow trees between 1st December and 1st March; and (d) plant native species to fill in gaps in hedges. </p>	<p data-bbox="991 533 1294 658">£0.10 per metre up to a maximum of 50 metres per hectare of eligible land per scheme year.</p>
	<p data-bbox="651 1249 772 1279">(ii) Ditches</p> <p data-bbox="619 1294 852 1323">The applicant must–</p> <p data-bbox="619 1330 970 2031"> (a) clear ditches no more than every third year, with no more than one third of the ditches shown on the sketch map prepared cleared in any one year; (b) only clear ditches and cut bankside vegetation between 1st September and 31st January; (c) only cut vegetation, clear and re profile on one side of a ditch on any occasion; (d) where possible, give banks shallow sloping sides (of 10o or less from the horizontal), to encourage plant diversity and to benefit waders and other bird species; </p>	<p data-bbox="991 1294 1294 1420">£1.00 per metre up to a maximum of 5 metres per hectare of eligible land per scheme year.</p>

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	<p>(e) where possible, work from the lowest part of the ditch upstream; and</p> <p>(f) spread and level spoil across the field and not mound it on the bank.</p> <p>(iii) Dykes</p> <p>The applicant must–</p> <p>(a) repair and reinstate deteriorated and damaged drystone walls; and</p> <p>(b) replace coping and minor damage, including collapsed sections of wall less than 2 metres long.</p>	<p>£0.10 per square metre (the area of a dyke shall be calculable by multiplying its length by its average height) up to a maximum of 50 square metres per hectare of eligible land per scheme year.</p>
8. Management of moorland grazing	<p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) prepares and carries out a grazing plan for the moorland which reports on the current condition and existing management of the moorland and specifies changes proposed in shepherding, stock management and feeding practices to benefit conservation interests;</p> <p>(b) uses the moorland for agricultural livestock production; and</p> <p>(c) retains the existing overall area of permanent pasture contained on any farm or croft on the applicant's eligible land, follows stocking limits on all the permanent</p>	<p>£1 per hectare of the moorland grazing per scheme year.</p>

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9. Management of rush pasture	<p style="text-align: center;">pasture on that land and does not overgraze or under utilise any of that grassland.</p> <p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) manages areas of dense rushes (that is, areas of rush pasture which are over 50% rushes) by annual grazing or cutting (or both); and</p> <p>(b) between 1st August and 31st March, either grazes cattle to remove and thin rushes by a maximum of two thirds or cuts a maximum of two thirds of the rushes in random patterns, in order to leave an open, variable mix of rushes and grass pasture.</p>	£125 per hectare of the areas of dense rushes per scheme year.
10. Biodiversity on in bye land cropping	<p>(1) This is a 5 year commitment but the location of the cropped areas may change from year to year.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) only applies in respect of land in the Less Favoured Area which is classified as disadvantaged or severely disadvantaged;</p> <p>(b) sows plots of spring cereals, fodder root</p>	£40 per hectare of the sown plots of per scheme year, or £150 per hectare of the sown plots per scheme year if a cereal crop is harvested by binder and the stooks gathered into stacks.

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	<p>crops or fodder rape up to a maximum of 2 hectares of each crop and which crops in total comprise no more than 4 hectares;</p> <p>(c) does not apply herbicides or insecticides without the prior written consent of the Scottish Ministers;</p> <p>(d) does not, after cropping, plough or cultivate the area before 28th February in the following calendar year; and</p> <p>(e) does not receive any payment under an agri-environment scheme during the scheme year for the same area of land but excluding any payment made under Menu Option 14 (Nutrient management).</p>	
<p>11. Retention of winter stubbles</p>	<p>(1) This is a 5 year commitment but the location of the areas managed for the purposes of this Menu Option may change from year to year.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) retains stubbles from the harvest of spring sown cereals, protein or oilseed crops until the end of the following February;</p> <p>(b) does not plough or cultivate the area before the end of the following February;</p>	<p>£40 per hectare of the winter stubbles retained per scheme year.</p>

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	<ul style="list-style-type: none"> (c) does not apply herbicides without the prior written consent of the Scottish Ministers; and (d) does not receive any payment under an agri-environment scheme during the scheme year for the same area of land but excluding any payment made under Menu Option 14 (Nutrient management). 	
<p>12. Wild bird seed mixture</p>	<ul style="list-style-type: none"> (1) This is a 5 year commitment. (2) An applicant is eligible for payment under this Menu Option if the applicant– <ul style="list-style-type: none"> (a) sows a mixture (that is, either a seed mixture or alternate rows of the different crops) of at least 3 seed bearing crops; (b) sows in strips which are at least 6 metres wide at the edges of fields or in blocks (or in both strips and blocks) not exceeding 0.5 hectares per individual strip or block and there must be no more than 0.5 hectares sown per 20 hectares of eligible land on the farm or croft; (c) re sows at least every other year so as to maintain seed production; 	<p>£329 per hectare sown per scheme year.</p>

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	<ul style="list-style-type: none"> (d) only applies fertiliser or manure if this is necessary for establishment of the growing of the seed mixture; (e) only applies herbicides to spot treat or weed wipe for the control of injurious weeds or invasive alien species, except that Glyphosate may be used before spring re sowing to help re establishment; (f) does not apply any other pesticides; (g) does not use the area for access, turning, storage or grazing; and (h) does not receive any payment under an agri-environment scheme during the scheme year for the same area of land but excluding any payment made under Menu Option 14 (Nutrient management). 	
<p>13. Summer cattle grazing</p>	<ul style="list-style-type: none"> (1) This is a 5 year commitment. (2) An applicant is eligible for payment under this Menu Option if the applicant– <ul style="list-style-type: none"> (a) turns cattle out onto identified unenclosed or hill land on or before 1st June and keeps them there until after 31st August; 	<p>£1 per hectare of land on which the cattle are maintained, per scheme year.</p>

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	<ul style="list-style-type: none"> (b) ensures that grazing is evenly distributed and that there are adequate sheltered areas where the ground is firm and free draining; (c) ensures that there is at least one bovine per 25 hectares of identified unenclosed or hill land; (d) ensures that the cattle are– <ul style="list-style-type: none"> (i) at least 6 months of age at the start of that grazing period; and (ii) owner or leased under a written lease; and (e) retains the existing overall area of permanent pasture contained on any farm or croft on the applicant’s eligible land, follows stocking limits on all the permanent grassland on that land and does not overgraze or under utilise any of that grassland. 	
<p>14. Nutrient management</p>	<ul style="list-style-type: none"> (1) This is a 5 year commitment. (2) An applicant is eligible for payment under this Menu Option if the applicant– <ul style="list-style-type: none"> (a) carries out soil testing in the field to find out its pH, nutrient status and trace element levels; 	<p>£2 per hectare of the eligible land in relation to which the activities are carried out per scheme year.</p>

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	<ul style="list-style-type: none"> (b) assesses nutrient requirements dependent on soil analysis and cropping; (c) keeps records of no spread zones including areas of steep slopes, free draining sandy soils, unimproved land, flood risk and waterlogged areas; (d) applies fertiliser at a time which will promote maximum nutrient uptake by the crop; (e) keeps records of substances applied to the field; and (f) maintains a buffer area (as specified in Menu Option 6) around any watercourse, spring or borehole in the field on which nutrient management is being conducted. 	
<p>15. Improving access</p>	<ul style="list-style-type: none"> (1) This is a 5 year commitment. (2) An applicant is eligible for payment under this Menu Option if the applicant– <ul style="list-style-type: none"> (a) identifies a path with reasonably direct access across the land; (b) considers road safety issues if a path crosses a public road; (c) ensures that the minimum width 	<p>£2.75 per metre per scheme year for the provision or maintenance (or both) of a path; and</p> <p>75% of the cost of signposts, waymarkers, gates, stiles, steps, bridges and culverts, up to a maximum of £150 per item.</p>

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	<p>of the path is 1.2 metres;</p> <p>(d) provides use direction signs (or ‘finger’ posts) to point to the destination and the distance to that destination with a sign at the start of the identified route of all paths or at an appropriate entrance point;</p> <p>(e) installs waymarkers at the start of the route at a convenient point of entry;</p> <p>(f) provides where necessary gates, stiles, steps, bridges or culverts to keep the route out of water, divert it around difficult ground or clear a path through vegetation;</p> <p>(g) regularly maintains the path;</p> <p>(h) manages vegetation on and around the path at certain times of the year; and</p> <p>(i) prepares a sketch map showing the location of the path proposed to be managed and the location and type of capital items.</p>	
<p>16. Farm planning</p>	<p>woodland</p> <p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant prepares a Farm Woodland Plan</p>	<p>£10 per hectare of the eligible land in relation to which the activities are carried out (any hectare being capable of being made up of several areas of at least 0.1 hectare each) per</p>

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	<p>(“FWP”) in such form and containing such information as the Scottish Ministers may reasonably require and, in particular, the FWP must—</p> <ul style="list-style-type: none"> (a) assess the condition of all existing owned woodlands on the land; (b) identify work needed to manage the woodlands to the standard for Sustainable Farm Woodland Management; (c) identify those individual woods or groups of woods suitable for entry into Farm Woodland Management (as specified in Menu Option 17); (d) include a copy of a 1:10,000 map, showing the location of the applicant’s holding and all woodland within it; and (e) be submitted to the Scottish Ministers by 15th August 2005 and approved or rejected by them within 2 months of its receipt. <p>(3) The standard for Sustainable Farm Woodland Management, as mentioned in sub-paragraph (2)(b) above, is—</p> <ul style="list-style-type: none"> (a) managing the woodlands consistently with the objectives and work set out in the FWP; 	<p>scheme year, up to a maximum of 30 hectares per holding of eligible land, except that—</p> <ul style="list-style-type: none"> (a) if the applicant’s native woodland or woodland declared in the single application as forage open woodland is more than 30 such hectares, the additional hectares receive £10 per hectare per scheme year; or (b) if the total area of woodland on the holding is 15 hectares or less and the applicant enters it all into Farm Woodland Management (as specified in Menu Option 17) a minimum of £150 per scheme year will be paid.

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	<p>(b) providing adequate protection measures to prevent domestic stock and wild animals significantly damaging trees within the woodland, including damage to the ongoing development of natural regeneration in native woodland but excluding managed grazing which is necessary and has been approved by the Scottish Ministers in order to achieve specific biodiversity objectives identified in the FWP;</p> <p>(c) preventing any non-native vegetation, within the canopy or shrub layers of native woodland, which pose a significant threat to the condition of that native woodland;</p> <p>(d) ensuring that operations in and around woodlands do not have a significant adverse impact on habitats and species of national or regional importance or on features of cultural importance, as identified by the Scottish Ministers;</p> <p>(e) managing woodlands, identified by the Scottish Ministers as important for the character of</p>	

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<i>Column 1</i> <i>Menu Option</i>	<i>Column 2</i> <i>Activities and Eligibility</i> <i>Conditions</i>	<i>Column 3</i> <i>Rate of Payment</i>
	<p>the landscape, so as to maintain their landscape significance;</p> <p>(f) managing public access through the woodlands in accordance with the Scottish Outdoor Access Code; and</p> <p>(g) keeping, so far as possible, woodlands free of inappropriate materials and waste, that adversely affect the natural environment.</p>	
17. Farm management	<p>woodland</p> <p>(1) This is a 5 year commitment.</p> <p>(2) An applicant is eligible for payment under this Menu Option if the applicant–</p> <p>(a) has an approved FWP (as specified in Menu Option 16) or is applying for one;</p> <p>(b) keeps woodland in accordance with the standard for Sustainable Farm Woodland Management as specified in Menu Option 16(3);</p> <p>(c) ensures that any work conducted is consistent with the FWP; and</p> <p>(d) does not receive any payment under the Farm Woodland Scheme 1988(3), the Farm Woodland Premium Scheme</p>	<p>£30 per hectare of the eligible land in relation to which the activities are carried out (any hectare being capable of being made up of several areas of at least 0.1 hectare each) per scheme year, up to a maximum of 30 hectares per holding of eligible land, except that if the applicant’s native woodland or woodland declared in the single application as forage open woodland is more than 30 such hectares, the additional hectares receive £30 per hectare per scheme year.</p>

(3) S.I.1988/1291 as amended by S.I. 1991/1631, 1992/905, 1997/828 and 1997/829.

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<i>Column 1</i> <i>Menu Option</i>	<i>Column 2</i> <i>Activities and Eligibility</i> <i>Conditions</i>	<i>Column 3</i> <i>Rate of Payment</i>
	1992(4), the Farm Woodland Premium Scheme 1997(5), the Rural Stewardship Scheme (Scotland) Regulations 2001(6) or the SFGS Farmland Scheme 2003(7) during the scheme year for the same individual woods.	

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.

Commencement Information

I2 Sch. 2 Pt. I para. 1 in force at 15.5.2005, see [reg. 1\(1\)](#)

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

(4) S.I. 1992/905 as amended by S.I. 1997/829 and S.S.I. 2003/209.

(5) S.I. 1997/829 as amended by S.S.I. 2000/290 and 2003/209.

(6) S.S.I. 2001/300.

(7) S.S.I. 2003/209.

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Commencement Information

I3 Sch. 2 Pt. I para. 2 in force at 15.5.2005, see [reg. 1\(1\)](#)

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⁽⁸⁾, the prior approval of Scottish Natural Heritage must be obtained. Records shall be maintained by the applicant showing that this approval has been obtained.

Commencement Information

I4 Sch. 2 Pt. I para. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I5 Sch. 2 Pt. I para. 4 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I6 Sch. 2 Pt. I para. 5 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I7 Sch. 2 Pt. I para. 6 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

⁽⁸⁾ 1981 c. 69.

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Commencement Information

I8 Sch. 2 Pt. I para. 7 in force at 15.5.2005, see [reg. 1\(1\)](#)

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

Commencement Information

I9 Sch. 2 Pt. I para. 8 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I10 Sch. 2 Pt. I para. 9 in force at 15.5.2005, see [reg. 1\(1\)](#)

PART II

ENVIRONMENTAL LEGISLATION

Water pollution

1. The Control of Pollution Act 1974**(9)**.

Commencement Information

I11 Sch. 2 Pt. II para. 1 in force at 15.5.2005, see [reg. 1\(1\)](#)

2. The Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005**(10)**.

Commencement Information

I12 Sch. 2 Pt. II para. 2 in force at 15.5.2005, see [reg. 1\(1\)](#)

3. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003**(11)**.

Commencement Information

I13 Sch. 2 Pt. II para. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

4. The Groundwater Regulations 1998**(12)**.

(9) 1974 c. 40.

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

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

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

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Commencement Information

I14 Sch. 2 Pt. II para. 4 in force at 15.5.2005, see [reg. 1\(1\)](#)

Commencement Information

I11 Sch. 2 Pt. II para. 1 in force at 15.5.2005, see [reg. 1\(1\)](#)

I12 Sch. 2 Pt. II para. 2 in force at 15.5.2005, see [reg. 1\(1\)](#)

I13 Sch. 2 Pt. II para. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

I14 Sch. 2 Pt. II para. 4 in force at 15.5.2005, see [reg. 1\(1\)](#)

Air pollution

5. The Clean Air Act 1993**(13)**.

Commencement Information

I15 Sch. 2 Pt. II para. 5 in force at 15.5.2005, see [reg. 1\(1\)](#)

6. The Hill Farming Act 1946**(14)**.

Commencement Information

I16 Sch. 2 Pt. II para. 6 in force at 15.5.2005, see [reg. 1\(1\)](#)

Commencement Information

I15 Sch. 2 Pt. II para. 5 in force at 15.5.2005, see [reg. 1\(1\)](#)

I16 Sch. 2 Pt. II para. 6 in force at 15.5.2005, see [reg. 1\(1\)](#)

Fertilisers and pesticides

7. The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003**(15)**.

Commencement Information

I17 Sch. 2 Pt. II para. 7 in force at 15.5.2005, see [reg. 1\(1\)](#)

8. Part III of the Food and Environment Protection Act 1985**(16)** and the Control of Pesticides Regulations 1986**(17)**.

(13) 1993 c. 11.

(14) 1946 c. 73.

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

(16) 1985 c. 48.

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

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Commencement Information

I18 Sch. 2 Pt. II para. 8 in force at 15.5.2005, see [reg. 1\(1\)](#)

9. The Plant Protection Products Regulations 1995(18).

Commencement Information

I19 Sch. 2 Pt. II para. 9 in force at 15.5.2005, see [reg. 1\(1\)](#)

Commencement Information

I17 Sch. 2 Pt. II para. 7 in force at 15.5.2005, see [reg. 1\(1\)](#)

I18 Sch. 2 Pt. II para. 8 in force at 15.5.2005, see [reg. 1\(1\)](#)

I19 Sch. 2 Pt. II para. 9 in force at 15.5.2005, see [reg. 1\(1\)](#)

Designated sites

10. The Ancient Monuments and Archaeological Areas Act 1979(19).

Commencement Information

I20 Sch. 2 para. 10 in force at 15.5.2005, see [reg. 1\(1\)](#)

11. The Wildlife and Countryside Act 1981(20).

Commencement Information

I21 Sch. 2 para. 11 in force at 15.5.2005, see [reg. 1\(1\)](#)

12. The Conservation (Natural Habitats etc.) Regulations 1994(21).

Commencement Information

I22 Sch. 2 para. 12 in force at 15.5.2005, see [reg. 1\(1\)](#)

13. The Ancient Monuments (Class Consents) (Scotland) Order 1996(22).

Commencement Information

I23 Sch. 2 para. 13 in force at 15.5.2005, see [reg. 1\(1\)](#)

(18) 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

(19) 1979 c. 46.

(20) 1981 c. 69.

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

(22) S.I. 1996/1507.

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Commencement Information

- I20** Sch. 2 para. 10 in force at 15.5.2005, see [reg. 1\(1\)](#)
I21 Sch. 2 para. 11 in force at 15.5.2005, see [reg. 1\(1\)](#)
I22 Sch. 2 para. 12 in force at 15.5.2005, see [reg. 1\(1\)](#)
I23 Sch. 2 para. 13 in force at 15.5.2005, see [reg. 1\(1\)](#)

Forestry Management

- 14.** The Forestry Act 1967**(23)**.

Commencement Information

- I24** Sch. 2 para. 14 in force at 15.5.2005, see [reg. 1\(1\)](#)

Animal Welfare

- 15.** The Welfare of Farmed Animals (Scotland) Regulations 2000**(24)**.

Commencement Information

- I25** Sch. 2 para. 15 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

- I26** Sch. 2 Pt. III para. 1 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

- I27** Sch. 2 Pt. III para. 2 in force at 15.5.2005, see [reg. 1\(1\)](#)

(23) 1967 c. 10.

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

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3. Injurious weeds to which the Weeds Act 1959(25) 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.

Commencement Information

I28 Sch. 2 Pt. III para. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

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

Commencement Information

I29 Sch. 2 Pt. III para. 4 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I30 Sch. 2 Pt. III para. 5 in force at 15.5.2005, see [reg. 1\(1\)](#)

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.

Commencement Information

I31 Sch. 2 Pt. III para. 6 in force at 15.5.2005, see [reg. 1\(1\)](#)

SCHEDULE 3

Regulation 2(5)

INTERPRETATION OF SCHEDULES

Commencement Information

I32 Sch. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

In Schedules 1 and 2 and in this Schedule–

“alpaca” means any alpaca of any breed which are kept by way of business for the primary purpose of fibre production;

“cropped machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat and which has been subject to cultivation within the last 10 years;

“EN45011 standard” means the recognised European standard for the accreditation of bodies involved in product quality certification;

(25) 1959 c. 54.

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“ewe” means a female sheep which is at least one year old on the 1st of January preceding the application for aid and which is kept in a breeding flock;

“farmed deer” means any deer (of any species) which are managed on a holding enclosed by a deer-proof barrier and are kept on the holding by way of business for the primary purpose of the production of meat;

“goat” means any goat (of any species) which is kept by way of business for the purposes of fibre, meat or milk production;

“hedge” means a line of shrubs or trees which delineate field boundaries;

“improved grassland” means either land used for grazing where over one third of the sward comprises, singly or in mixture, ryegrass, cocksfoot or timothy, or land that has been improved by management practices such as liming and top dressing, where there is not a significant presence of sensitive plant species indicative of native unimproved grassland;

“in by land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;

“injurious weeds” means creeping, spear or field thistle, curled or broadleaved dock, and common ragwort;

“land set aside for non-food purposes” means land set aside pursuant to Article 55(b) of Council Regulation 1782/2003 under the conditions laid down in Chapter 16 of Commission Regulation 1973/2004 for the provision of materials for the manufacture within the European Community of products not primarily intended for human or animal consumption, and any reference to a farmer setting aside land for that purpose shall be construed accordingly;

“land set aside from production” means land set aside pursuant to Article 54(3) of Council Regulation 1782/2003 (other than land set aside for non-food purposes), and any reference to a farmer setting aside land from production shall be construed accordingly;

“Lantra” means the Sector Skills Council for the Environmental and Land based Sector;

“Less Favoured Area” has the same meaning as in regulation 2(1) of the Less Favoured Area Support Scheme (Scotland) Regulations 2004⁽²⁶⁾;

“livestock” means bovine, ovine, caprine, alpaca and farmed deer;

“livestock unit” means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:—

- (a) one cow (including suckling calves);
- (b) one unit of cattle, other than a cow, aged 24 months and over;
- (c) 1.66 cattle, other than cows, aged over 6 months but less than 24 months;
- (d) 6.66 ewes (including suckling lambs);
- (e) 6.66 sheep, other than ewes;
- (f) 6.66 goats;
- (g) 2.5 adult stags farmed deer aged 27 months and over;
- (h) 3.33 hinds farmed deer (including suckling calves) aged 27 months and over;
- (i) 5 juvenile farmed deer, aged over 6 months but less than 27 months;
- (j) 3.33 alpacas;

“local government area” means the area for which a council is constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽²⁷⁾;

⁽²⁶⁾ S.S.I. 2004/70, amended by S.S.I. 2004/128 and 2005/64.

⁽²⁷⁾ 1994 c. 39.

“machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat but does not include cropped machair;

“moorland” means land with predominantly semi natural upland vegetation or comprising predominantly rock outcrops and semi natural upland vegetation, which is used for rough grazing;

“muirburn” has the same meaning as in section 39(1)(f) of the Hill Farming Act 1946⁽²⁸⁾;

“native woodland” means self seeded woodland of native species or woodland derived from an originally naturally occurring woodland;

“overgrazing” means 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;

“pesticides” means herbicides, insecticides or fungicides;

“poaching” means the trampling or treading of the ground surface by livestock resulting in permanent damage to the vegetation;

“reverted improved grassland” means land, previously improved by agricultural management operations which, from an agricultural viewpoint, has degenerated and is now showing significant presence of plant species indicative of unimproved grassland;

“rough grazings” means land containing semi natural vegetation including heathland, heather moorland, bog and rough grassland used or suitable for use as grazing;

“rush pasture” means permanent pasture on poorly drained in bye land that is periodically saturated with water where extensive areas are dominated by soft rush and/or compact rush;

“Scottish Outdoor Access Code” means the code prepared under section 10 of the Land Reform (Scotland) Act 2003⁽²⁹⁾

“scrub” means low growing woody vegetation of small trees and shrubs including linear scrub along field margins;

“semi natural woodland” means native woodland which has been modified by human activity;

“undergrazing” means grazing at a level where there is evidence of the annual growth not being fully utilised or scrub or coarse vegetation is becoming evident and such changes are detrimental to the environmental interest of the site;

“unenclosed or hill land” means rough grazings;

“unimproved grassland” means in bye land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute either improved grassland or rough grazings;

“water margin” means an area of in bye land bordering an area of still or flowing water; and

“wetland” means in bye ground which is normally saturated with water for a significant proportion of the year.

⁽²⁸⁾ 1946 c. 73.

⁽²⁹⁾ 2003 asp 2.

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Changes and effects yet to be applied to :

- sch 1 am by [S.S.I. 2006/213 reg 4](#)
- sch. 2 Pt. 1 para. 6 word substituted by [S.S.I. 2021/44 reg. 4\(2\)\(a\)\(i\)](#)
- sch. 2 Pt. 1 para. 6 words substituted by [S.S.I. 2021/44 reg. 4\(2\)\(a\)\(ii\)](#)
- sch 3 am by [S.S.I. 2006/213 reg 5](#)
- reg. 2(1) words substituted by [S.S.I. 2017/300 Sch. 1 para. 3\(2\)\(a\)](#)
- reg. 2(1) words substituted by [S.S.I. 2017/300 Sch. 1 para. 3\(2\)\(b\)](#)
- reg 3 am by [S.S.I. 2006/213 reg 3](#)

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. 2 para. 14 words substituted by [S.S.I. 2021/44 reg. 4\(2\)\(b\)](#)