
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 122

The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018

Amendments to the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014

14. In Part 2 of the schedule (standards for good agricultural and environmental condition)—
- (a) in paragraph 1 (establishment of buffer strips along water courses)—
 - (i) in sub-paragraph (2) after “within” insert “, or on any land in a manner which will likely result in organic manure being located within,”; and
 - (ii) after sub-paragraph (7)(1), insert—

“(8) In this paragraph, “field heap” means a store or stack of organic manure which is a freestanding heap which does not slump or produce free draining liquid from within the stacked material.”;
 - (b) in paragraph 5(1) (minimum land management reflecting site specific conditions to limit erosion) for “prevent” substitute “limit”; and
 - (c) in paragraph 7 (retention of landscape features)—
 - (i) for sub-paragraph (2) substitute—

“(2) A beneficiary must not trim a hedge or cut a tree during the period beginning on 1st March and ending on 31st August in any calendar year (“the prohibited period”), except in accordance with sub-paragraph (3A) or (3B).”;
 - (ii) for sub-paragraph (3) substitute—

“(3) Written consent under sub-paragraph (1) is not required—

 - (a) to widen field entrances to enable access for livestock or farm machinery;
or
 - (b) where the hedge (or part of a hedge) or tree is—
 - (i) dead;
 - (ii) damaged; or
 - (iii) insecurely rooted,

and because of its condition it poses a risk to human safety.”;
 - (iii) after sub-paragraph (3) insert—

“(3A) Trimming a hedge or cutting a tree is permitted during the prohibited period—

 - (a) for the purposes of hedgelaying up to and including 31st March; or
 - (b) to the extent necessary for the purposes of road safety.

- (3B) Trimming a hedge or cutting a tree during the month of August in any calendar year is permitted if—
- (a) the hedge or tree is in a field which during that month has been sown with—
 - (i) a crop of oilseed rape; or
 - (ii) temporary grass; or
 - (b) the hedge or tree is in a field which during that month has been sown with any other crop and the Scottish Ministers have given the beneficiary written permission to trim the hedge or cut the tree.”; and
- (iv) in sub-paragraph (7)—
- (aa) omit “and” at the end of head (b)(ii); and
 - (bb) for head (c) substitute—
 - “(c) “hedgelaying” means a traditional method of cultivating hedges where tall saplings are partly cut through near the base and then bent over so that they lie horizontally and make a thick barrier; and
 - (d) “necessary for the purposes of road safety” includes where a tree or hedge—
 - (i) overhangs a road, surfaced track or footpath to which the public have access so as to endanger or obstruct the passage of vehicles, pedestrians or horse-riders; or
 - (ii) obstructs or interferes with the view of drivers of vehicles or the light from a public lamp.”.