

SCHEDULE

Article 4

REQUIREMENTS TO BE INCLUDED IN AN AGREEMENT AS REGARDS LAND WHICH IS THE SUBJECT OF AN AGREEMENT

1. The farmer shall avoid damaging rough grazings, unimproved pasture, reverted improved land, wetlands, water margins, native woodland, amenity woodland and scrub by land clearance, ploughing, new drainage, modifying existing drains, levelling, re-seeding or cultivating.

2. The farmer shall avoid damaging rough grazings, unimproved pasture, reverted improved land, wetlands, water margins, native woodland, amenity woodland and scrub by poaching, feeding practices, overgrazing or tracking by vehicle.

3. The farmer shall not apply herbicides, pesticides, lime or fertiliser (including farmyard manure and slurry) to rough grazings, unimproved pasture, reverted improved land, wetlands, water margins, native woodland, amenity woodland and scrub, except that:

(a) herbicides may be applied to control bracken (*pteridium aquilinum*), spear thistle (*cirsium vulgare*), creeping or field thistle (*cirsium arvense*), curled dock (*rumex crispus*), broad leaved dock (*rumex obtusifolius*) or ragwort (*senecio jacobaea*) and, with the prior written approval of the Secretary of State, for the control of other plants; and—

(i) any herbicides used must be applied by weed wiper, spot treatment or hand spraying or, with the prior written approval of the Secretary of State, by other methods;

(ii) in the case of bracken, chemical control shall only be by means of asulam or other chemicals approved in writing by the Secretary of State;

(b) lime and fertiliser may be applied to unimproved pasture and reverted improved land with the prior written approval of the Secretary of State, provided that the level of application does not result in the deterioration or loss of the features of interest.

4. The farmer shall make any muirburn in accordance with the standards set out in the Scottish Natural Heritage leaflet entitled “A Muirburn Code” and published in 1993.

5. The farmer shall farm in accordance with the Secretary of State’s Code entitled “Prevention of Pollution from Agricultural Activity: A Code of Good Practice” published in 1992, so as to prevent, or at least minimise, the risk of pollution of the water, air and soil environments.

6. The farmer shall not remove any dykes unless authorised so to do in writing by the Secretary of State and shall maintain stockproof dykes in a stockproof condition.

7. The farmer shall avoid damaging or destroying any features or areas of historic or archaeological interest and shall follow the Secretary of State’s guidance for the protection of such features or areas.

8. The farmer shall preserve the amenity value of the landscape by screening or removing unsightly waste tips and dumps and by the removal of abandoned vehicles and scrap metal and other rubbish.

9. The farmer shall obtain prior written approval from the Secretary of State before commencing the construction or significant realignment or improvement of vehicular tracks.

10. The farmer shall prepare and agree with the Secretary of State a comprehensive farm conservation plan for his land, implement the terms of the plan and keep the operation of the plan under review. Each farm conservation plan will cover a 5 year period of the Scheme and shall—

(a) identify land and conservation features relevant to the requirements in paragraphs 1 to 9 above;

(b) if appropriate to the farm unit, contain details of the following farming operations:—

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

- (i) a grazing plan and other measures necessary to conserve, enhance or extend areas of native woodland, amenity woodland and scrub and, if the farmer so wishes, limited amenity planting of trees;
- (ii) a grazing plan and other measures necessary to conserve, enhance or extend areas of wetlands and water margins;
- (iii) a grazing plan and other measures necessary to conserve, enhance or extend areas of herb rich unimproved grassland;
- (iv) if the farmer so wishes, a grazing plan and other measures necessary for the regeneration and subsequent retention of heather and other areas of upland vegetation on specified areas of rough grazings;
- (v) if the farmer so wishes, measures to restore dykes, stone fanks and ponds to standards consistent with conservation interests;
- (vi) if the farmer so wishes, measures to improve the condition of features or areas of historic or archaeological interest;
- (vii) if the farmer so wishes, the introduction or continuation of arable cropping in a manner which will conserve or enhance the environmental diversity of the inbye land by—
 - (a) restricting cultivations such as ploughing, harrowing and rolling to the period between 28th February and 15th May, or any date specified by the Secretary of State following consultation with Scottish Natural Heritage, except for root crops, where nests must be marked and avoided during operations;
 - (b) not applying herbicides or pesticides on headlands of arable fields at least 6 metres wide and leaving a 2 metre wide uncultivated strip along the headland;
- (viii) if the farmer so wishes, to continue or introduce a low intensity system of conserving grass for winter keep which enhances the conservation value of mown fields by—
 - (a) applying low levels of fertiliser to existing pasture; and
 - (b) not rolling or harrowing the land after 15th May, or any date specified by the Secretary of State, following consultation with Scottish Natural Heritage; and
 - (c) cutting after 14th July, or any date specified by the Secretary of State following consultation with Scottish Natural Heritage; and
 - (d) cutting in a method that causes minimal damage to young birds.