

SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

All land

1. As regards all land which is the subject of an agreement—

(1) the farmer shall maintain any stockproof hedges for which he is responsible in a stockproof condition using traditional methods;

(2) the farmer shall maintain any weatherproof traditional farm buildings for which he is responsible in a weatherproof condition using traditional styles and materials;

(3) the farmer shall not damage or destroy any feature of historic or archaeological interest;

(4) the farmer shall not install any new drainage system or modify any existing drainage system so as to bring about improved drainage;

(5) the farmer shall dispose of sheep dip safely and shall not spread it where it may affect areas of nature conservation value;

(6) the farmer shall not apply fungicides or insecticides;

(7) the farmer shall graze with livestock, but not so as to cause poaching, overgrazing or undergrazing;

(8) the farmer shall not remove any, or any part of, walls, hedges or banks;

(9) the farmer shall maintain stockproof walls in a stockproof condition using traditional methods and materials;

(10) the farmer shall not fill in hollows or depressions;

(11) the farmer shall carry out any necessary bracken control in accordance with a programme agreed in advance in writing with the Minister;

(12) the farmer shall carry out any necessary scrub control in accordance with a programme agreed in advance in writing with the Minister;

(13) the farmer shall not apply herbicides except to control nettles, spear thistle, creeping or field thistle, curled dock, broadleaved dock, ragwort or bracken or to carry out stump treatment of cleared scrub. Herbicides used for these purposes shall be applied by wick applicator or by spot treatment. In the case of bracken, control shall be by means of asulam where it cannot be controlled by mechanical means;

(14) subject to paragraph 2(5) and 3(7) below, the farmer shall not increase existing application rates of organic or inorganic fertiliser and in any event shall not apply more than 100 kilogrammes of nitrogen per hectare per annum. He shall not apply pig or poultry manure and shall only apply farmyard manure or slurry produced on his own farm. He shall not apply organic fertiliser within 50 metres of any spring, well or borehole that supplies water for human consumption, or within 10 metres of any watercourse;

(15) the farmer shall not increase existing application rates of lime, slag or any other substance designed to reduce the acidity of the soil;

(16) within two years from the start of the agreement, the farmer shall obtain from a person approved by the Minister written advice on the management of existing woodland or on proposals to plant new woodland, unless such advice was obtained under a previous agreement relating to the same land;

(17) the farmer shall retain and manage field, hedgerow and streamside trees;

(18) the farmer shall retain and manage any broadleaved woodland, copses or groups of trees, and scrub;

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(19) the farmer shall retain and manage ponds;

(20) the farmer shall not increase the area of cultivated land (including ley grassland which has been established for less than five years) beyond that in existence on 31st August 1992;

(21) the farmer shall obtain written advice on siting and materials from the Minister before constructing buildings or roads or before undertaking any other engineering or construction operations which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988(1), or planning permission.

Unimproved grassland and enclosed rough grazing

2. As regards any unimproved grassland and enclosed rough grazing which is the subject of an agreement—

(1) the farmer shall identify such grassland and rough grazing and manage it as grassland or rough grazing, as appropriate, for the duration of the agreement;

(2) the farmer shall not excavate, plough, level, re-seed or otherwise cultivate;

(3) the farmer shall not use a chain harrow or roller on land which has not previously been rolled, or on other land between 1st April and 16th July in any year;

(4) the farmer shall not cut or spray areas of rushes;

(5) the farmer shall not apply inorganic or processed organic fertiliser or slurry. He shall not increase existing application rates of farmyard manure and in any event shall not apply more than a single dressing of farmyard manure in any three year period, at an application rate not exceeding 12.5 tonnes per hectare. He shall not make any such application between 1st April and 31st May in any year;

(6) the farmer shall not apply lime, slag or any other substance designed to reduce the acidity of the soil;

(7) the farmer shall graze pastureland with cattle or sheep, or both;

(8) the farmer shall identify hay meadow and manage it as such for the duration of the agreement;

(9) the farmer shall exclude stock from meadowland at least seven weeks before the first cut of hay or silage and by 27th May in any year at the latest;

(10) the farmer shall cut the grass on meadowland, remove the crop and graze the aftermath but shall not cut for hay before 16th July in any year.

Moorland

3. As regards any moorland which is the subject of an agreement—

(1) the farmer shall not increase existing stocking levels without the Minister's prior approval and in any event shall not exceed a level of 0.15 livestock units per hectare in any year;

(2) the farmer shall agree in advance with the Minister sites for the supplementary feeding of cattle and sheep and shall use sites in rotation so as to avoid poaching;

(3) the farmer shall implement a written programme agreed with the Minister for the management of moorland vegetation by burning or cutting;

(4) the farmer shall ensure by adequate stock management measures, agreed in advance in writing with the Minister, that cattle and sheep graze only lightly, do not trespass onto neighbouring moorland and do not concentrate on or adjacent to areas vulnerable to grazing pressure, including areas of heather, heather margins and recently burnt heather;

(1) [S.I. 1987/1813](#). The relevant amending instrument is [S.I. 1991/2805](#).

(5) between 1st November in any year and the following 28th February, the farmer shall not allow cattle or horses to graze and shall remove 25% of his overwintering ewes and replacement hogs;

(6) the farmer shall not excavate, plough, level, reseed or otherwise cultivate except for purposes of heather regeneration;

(7) the farmer shall not apply organic or inorganic fertiliser;

(8) the farmer shall not apply lime, slag or any other substance designed to reduce the acidity of the soil;

(9) the farmer shall not erect permanent fences on open moorland, and shall erect temporary fences only with the Minister's prior written approval;

(10) the farmer shall not cut or spray areas of rushes;

(11) within twelve months of the start of the agreement, the farmer shall—

(a) identify areas of suppressed or eroded heather moorland which together are equivalent to at least 2% of the total area of all moorland which is subject to the agreement;

(b) exclude livestock from such areas by means of temporary fencing, which he shall remove and dispose of when heather regeneration has taken place, or the agreement ends, whichever is sooner;

(c) agree access points to the fenced areas with the Minister and where necessary erect stiles or gateways; and

(d) provide and erect notices at sites agreed with the Minister, in a form agreed with him, explaining that the existence of the fenced areas is designed to encourage heather regeneration.

Non-stockproof walls

4. As regards any non-stockproof walls which are the subject of an agreement, the farmer shall carry out a programme, agreed within twelve months of the start of the agreement in writing with the Minister, for the restoration of a minimum of 0.5 metres of such walls per hectare of inbye land included in the agreement per annum.

SCHEDULE 2

Article 6(2)

ADDITIONAL PROVISIONS-I (HEATHER MOORLAND REGENERATION)

Exclosure option

1. As regards any suppressed or eroded heather moorland which is the subject of an agreement—

(1) the farmer shall use temporary fencing to isolate areas of such moorland from livestock and shall permit livestock to graze within those areas only as part of a controlled grazing programme agreed in advance in writing with the Minister. He shall remove and dispose of the temporary fencing when heather regeneration has taken place or when the agreement ends, whichever is the sooner;

(2) the farmer shall agree access points to the fenced areas with the Minister and where necessary erect stiles or gateways;

(3) the farmer shall provide and erect notices at sites agreed with the Minister, in a form agreed with him, explaining that the existence of the fenced areas is intended to encourage heather regeneration.

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Extensification option

2. As regards any suppressed or eroded heather moorland which is the subject of an agreement—
- (1) the farmer shall not exceed a stocking level on open moorland of 0.1 livestock units per hectare of grazeable moorland;
 - (2) the farmer shall observe the requirements of paragraph 3(5) of Schedule 1 between 1st October in any year and the following 28th February.

SCHEDULE 3

Article 6(2)

ADDITIONAL PROVISIONS-II (MANAGED WOODLAND)

As regards any managed woodland which is the subject of an agreement, the farmer shall provide alternative grazing and shelter for livestock displaced from the land.

SCHEDULE 4

Article 6(3)

CONSERVATION PLAN OPERATIONS

1. The planting, laying and gapping of hedges.
2. The restoration of ponds and wet areas.
3. The supplementary treatment of suppressed or eroded heather moorland.
4. The control of bracken.
5. The renovation of traditional farm buildings using traditional methods and materials.
6. Works to protect historic and archaeological features.
7. The creation or restoration of flower-rich meadows.
8. The management of scrub.
9. The restoration of drystone walls, other than walls subject to the provisions of Schedule 1 paragraph 4.