

SCHEDULE 1

Articles 4 and 7(1)

REQUIREMENTS TO BE INCLUDED IN AN AGREEMENT

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

(1) the farmer shall not use the land (including ley grassland which has been established for less than 10 years) for the growing of arable crops apart from land in such use on 31st December 1993;

(2) the farmer shall not increase existing application rates of organic or inorganic fertiliser. He shall not apply any organic fertiliser within 50 metres of a spring, well or borehole that supplies water for human consumption or within 10 metres of any water course;

(3) the farmer shall not remove any hedges, walls or banks or any part thereof. He shall not plough or apply pesticides or fertiliser within 1 metre of any hedge, wall or bank;

(4) the farmer shall maintain stockproof hedges, walls and banks in a stockproof condition using traditional materials;

(5) the farmer shall maintain existing watercourses, ditches, ponds and wetland (including margins and banks) for which he is responsible by mechanical means;

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

(7) the farmer shall retain any broadleaved woodland and shall retain and manage any individual trees and groups of trees for which he is responsible;

(8) the farmer shall manage scrub;

(9) within two years of the start of the agreement the farmer shall obtain from a person approved by the Minister written advice on the management of existing woodland and on any proposals to plant new woodland;

(10) the farmer shall not fill in any natural depressions or level any mound;

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

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

(13) the farmer shall obtain from a person approved by the Minister written advice on the agricultural management of known archaeological and historic features;

(14) the farmer shall carry out any necessary bracken control in accordance with the programme agreed in writing in advance with the Minister. Control shall be by means of asulam where mechanical means cannot be used;

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

(16) the farmer shall obtain written advice on siting, design and materials from the Minister before constructing buildings or roads or before carrying out any other engineering or construction works 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;

(17) the farmer shall ensure that livestock removed from the land do not graze areas of common which are not subject to an agreement.

2. As regards all permanent grassland which is the subject of an agreement—

(1) [S.I. 1988/1813](#). The relevant amending instrument is [S.I. 1991/2805](#).

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

(1) the farmer shall maintain the land and shall not excavate, cultivate, plough, level or reseed except that he may chain harrow or roll to the extent that he did so prior to the start of the agreement from 16th July in any year until the following 31st March inclusive;

(2) the farmer shall not cut or apply pesticides to areas of rushes from 1st April until 15th July inclusive in any year;

(3) where the farmer cuts meadowland for hay he shall continue to do so for the duration of the agreement;

(4) the farmer shall exclude stock from meadowland at least seven weeks before the first cut of hay or silage and in any event before 27th May in any year until the end of cutting;

(5) the farmer shall cut meadowland in each year of the agreement, remove the cuttings and graze the aftermath but shall not cut before 16th July in any year;

(6) the farmer shall wilt and turn any grass cut for silage before removal and shall graze the aftermath;

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

(8) the farmer shall not increase existing application rates of organic or inorganic fertiliser and in any event shall not apply more than 175kg of nitrogen per hectare per year. He shall not apply pig or poultry manure or sewage sludge;

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

(10) the farmer shall not apply any fungicides or insecticides;

(11) the farmer shall not apply any herbicides except to control bracken, spear thistle, creeping or field thistle, curled dock, broadleaved dock, ragwort or stinging nettles. Except in the case of bracken control herbicides used for these purposes shall be applied by wick applicator or spot treatment.

3. As regards all extensive permanent grassland which is the subject of an agreement—

(1) the farmer shall maintain the land and shall not carry out any mechanical operations except that he may cut or top the grass other than rough grazing from 16th July until 31st August inclusive in any year;

(2) the farmer shall not cut any grass except for hay;

(3) the farmer shall not apply any inorganic fertiliser or slurry;

(4) the farmer shall not apply any farmyard manure on enclosed areas of rough grazing. He shall apply only farmyard manure on other land, shall not exceed existing application rates and in any event shall not exceed 12.5 tonnes per hectare in any three year period. He shall apply farmyard manure only in a single dressing;

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

(6) the farmer shall not erect any permanent or temporary fences without the Minister's prior written approval.

4. As regards all moorland which is the subject of an agreement—

(1) the farmer shall maintain the land and shall not excavate, plough, level, reseed, cut, top, harrow, roll or otherwise cultivate;

(2) the farmer shall not increase existing stocking levels and in any event shall not exceed 0.225 livestock units per hectare. He shall remove all cattle and 25 per cent of his ewe flock from 1st November in any year until the following 28th February inclusive;

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

(4) the farmer shall restrict supplementary feeding of livestock to areas agreed with the Minister in writing in advance;

(5) within one year of the start of the agreement, the farmer shall agree with the Minister programme for any necessary burning or cutting of moorland vegetation;

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

(7) the farmer shall not apply any fungicides or insecticides;

(8) the farmer shall not apply any herbicides except to control bracken, spear thistle, creeping or field thistle, curled dock, broadleaved dock, ragwort or stinging nettles. Except in the case of bracken, herbicides used for these purposes shall be applied by wick applicator or by spot treatment;

(9) the farmer shall ensure by adequate stock management that livestock do not trespass onto neighbouring moorland or concentrate on or adjacent to vulnerable areas of heather, including heather margins and recently burnt heather, and that light grazing levels are maintained;

(10) the farmer shall not fence across open moorland.