

SCHEDULE 2

PART II

(Requirements in relation to non-rotational set-aside land)

A

MANAGEMENT OPTIONS FOR NON-ROTATIONAL SET-ASIDE LAND

General

1. Subject to paragraphs 2 and 3 below, for each field or part field of non-rotational set-aside land, a farmer shall comply with such conditions set out in the following paragraphs as relate to one of the following management options—

- (a) the Grassland Option referred to in paragraph 4 below;
- (b) the Natural Regeneration Option referred to in paragraph 5 below;
- (c) the Wild Bird Cover Option referred to in paragraph 6 below; or
- (d) where part only of a field is set aside, the Field Margins Option referred to in paragraph 7 below.

2. If—

- (a) a farmer applies in writing to the Minister for permission to manage non-rotational set-aside land in accordance with a management plan set out in his application; and
- (b) the written consent of the Minister to this plan is obtained,

the farmer shall, following the grant of that consent, manage the land in accordance with that management plan.

3. A farmer need not establish a green cover on—

- (a) a strip of up to 1 metre wide at the edge of the land set aside, where the land set aside adjoins land planted with a crop other than a seed crop;
- (b) a strip of land up to 2 metres wide at the edge of land set aside, where the land set aside adjoins land planted with a seed crop; or
- (c) a strip of land up to 5 metres wide at the edge of the land set aside in any place where vehicular access to that land from a road or track adjacent to that land may be possible, provided that the strip is ploughed and left as bare fallow.

The Grassland Option

4. In respect of each field to be managed in accordance with the Grassland Option, a farmer shall—

- (a) establish a green cover in accordance with paragraph 2(b) of Part III of this Schedule by sowing it as soon as is practicable following the harvest of the previous crop and maintain it thereafter; and
- (b) cut the green cover in accordance with paragraph 8 below.

The Natural Regeneration Option

5. In each field to be managed in accordance with the Natural Regeneration Option, a farmer—

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- (a) shall establish a green cover in accordance with paragraph 2(a) of Part III of this Schedule and maintain it thereafter;
- (b) shall not carry out any operation likely to inhibit the establishment or maintenance of that green cover except that—
 - (i) in the first 12 months that the field is set aside; and
 - (ii) in subsequent years with the consent of the Minister, the farmer may disc or shallow cultivate the field; and
- (c) shall cut the green cover in accordance with paragraph 8 below.

The Wild Bird Cover Option

- 6.—(1) In each field to be managed in accordance with the Wild Bird Option, a farmer—
- (a) shall—
 - (i) where practicable establish a green cover in accordance with paragraph 2(a)(i) of Part III of this Schedule; or
 - (ii) where that is not practicable establish a green cover in accordance with paragraph 2(d) of Part III of this Schedule,and shall maintain it until it falls to be replaced as specified below;
 - (b) shall replace any green cover established in accordance with paragraph (a)(i) above by sowing a new green cover in accordance with paragraph 2(d) of Part III of this Schedule, as early as is practicable during the first calendar year that the field is set aside; and
 - (c) shall replace the existing green cover established in accordance with paragraph (a)(ii) or (b) above, by sowing a new green cover in accordance with paragraphs 2(d) of Part III of this Schedule as early as is practicable in either in the calendar year following that in which the existing green cover was established or in the calendar year following that.
- (2) A farmer shall ensure, when replacing the green cover as required by sub-paragraph (1)(b) and (c) above that the requirements of paragraph 10(1)(a) to (d) below are satisfied.

The Field Margins Option

7. In each part field to be managed in accordance with the Field Margins Option, a farmer—
- (a) shall establish a green cover in accordance with paragraph 4(a) or 5(a) of this Part of this Schedule and maintain it thereafter;
 - (b) shall cut the green cover at least once during each period of 12 months that the land remains set aside, except that he may leave uncut a strip of green cover up to 2 metres wide adjacent to any hedge or woodland;
 - (c) shall not use the green cover for agricultural production or permit it to be so used unless—
 - (i) he has previously notified the Minister of his intention to use the cover for permitted agricultural production; and
 - (ii) he cuts the green cover to an average length of no more than 10 centimeters at least once between 15th July and 15th August prior to the end of the set-aside period.

Cutting the Green Cover

- 8.—(1) In each field to which this paragraph applies, a farmer shall (subject to sub-paragraph (2) below), cut the green cover to an average length of no more than 10 centimeters at least once between 15th July and 15th August prior to the end of the set-aside period.

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- (2) A farmer may—
- (a) leave a strip of green cover up to 2 metres wide uncut adjacent to any hedge or woodland;
 - (b) leave a further 10% of the area of the area set aside in each field uncut, provided that any area left uncut in accordance with this paragraph is cut in accordance with sub-paragraph (1) above in the following year; and
 - (c) on application to the Minister be exempted from the duty to comply with any or all of the requirements of sub-paragraph (1) above.

B

*GENERAL MANAGEMENT CONDITIONS APPLYING
TO ALL NON-ROTATIONAL SET-ASIDE LAND*

9. The provisions in the following paragraphs in this Part of this Schedule apply to all non rotational set-aside land managed in accordance with any of the provisions of paragraphs 1 to 8 above.

Replacement of the green cover and changing management options

- 10.—(1) A farmer may replace existing green cover in a field with another provided that—
- (a) seed sufficient to sow a replacement green cover is stored on land which the farmer farms as a single unit with the land set aside before replacement of the existing green cover is commenced;
 - (b) it is likely, having regard to the condition of the soil and expected climatic conditions, that sowing the stored seed at this time will result in the successful growth of a green cover;
 - (c) this seed is sown as soon as is practicable after the destruction of the existing green cover; and
 - (d) where the land is managed in accordance with a management plan approved by the Minister under paragraph 2 above, her consent is obtained before the farmer commences replacement of the green cover.

(2) The farmer shall comply with the conditions relating to one of the management options set out at paragraph 1 above in respect of the replacement green cover, unless the Minister approves a management plan in accordance with paragraph 2 above, in which case the farmer shall comply with the provisions of that plan.

11.—(1) A farmer shall ensure that cuttings produced by cutting green cover are not used for any commercial or agricultural purpose, or removed from or burnt on the set-aside land, except with the prior consent of the Minister.

(2) A farmer shall ensure that no green cover established in accordance with this Part of this Schedule is burnt, except with the prior consent of the Minister.

Application of Fertilisers, Pesticides, Herbicides and Fungicides to the Set-Aside Land

12. A farmer shall not apply any fertiliser, waste or lime to the set-aside land except in accordance with the following paragraphs of this Part of this Schedule.

13. A farmer may apply fertiliser to land set aside if he satisfies the Minister that the land is situated in an area known to be used as a feeding area by geese in winter and is to be managed as a feeding area for such geese.

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14. A farmer may apply organic waste to the set-aside land if that organic waste was produced on land which he farms as a single unit with the set-aside land and he satisfies the Minister, before applying the waste to the land, that he would not otherwise be able to dispose of it satisfactorily.

15. A farmer may apply fertiliser with a total nitrogen content of not more than 30 kilograms per hectare to land managed in accordance with paragraph 6(1) above, in any year in which a new green cover is established in accordance with paragraph 6(1)(b) or (c) above.

16. A farmer shall not store organic waste on the set-aside land unless he stores it in a field which forms all or part of the set-aside land and that organic waste is to be applied by him to that field in accordance with paragraph 12 above.

17. A farmer shall not apply fungicides or insecticides to the set-aside land unless he satisfies the Minister that the application is necessary in order to control plant health problems which cannot be remedied by any other reasonable means.

18. Subject to paragraph 19 below, a farmer shall not apply herbicide to the set-aside land unless—

- (a) it is of a type which is absorbed into a plant primarily through the leaves and stem; and
- (b) such application—
 - (i) is not likely significantly to damage green cover on the land;
 - (ii) is made prior to replacing the green cover in accordance with paragraph 10 above;
 - (iii) is undertaken using herbicide applied either as a spot treatment or with a wick applicator; or
 - (iv) is undertaken in order to create or maintain the bare fallow strip permitted under paragraph 3(c) above.

19. A farmer may apply any herbicide to set-aside land—

- (a) where the Minister is satisfied that such application is necessary to control a serious infestation of weeds or pests or the spread of any disease and any green cover is replaced following the application in accordance with paragraph 10(1)(a) and (c) above; or
- (b) in order to create or maintain a bare fallow strip permitted under paragraph 3(c) above, provided that the farmer obtains the prior consent of the Minister to such application, which consent shall only be given where she is satisfied that the application of herbicides in accordance with paragraph 18(b)(iv) above has not been effective to maintain that fallow strip.

Retention of Features on the Set-Aside Land

20. A farmer shall not damage, destroy or remove—

- (a) any existing hedge or row of trees (including hedgerow trees),
- (b) any existing lake, loch, ditch, watercourse, pond or pool,
- (c) any existing vernacular building or stone wall; or
- (d) any archaeological feature,

which is situated on or adjacent to the set-aside land unless he satisfies the Minister either that it should be damaged, destroyed or removed for environmental or for safety reasons or that he is obliged to remove it to comply with a legal requirement.