

SCHEDULE

GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

PART IV

Minimum level of maintenance and prevention of deterioration of habitats

Avoiding the encroachment of unwanted vegetation on agricultural land

Encroachment of vegetation

18.—(1) Subject to sub-paragraph (2), a farmer must maintain land in a condition where vegetation does not encroach onto the land to the point that the land is not capable of

- (a) being used for the production of agricultural products; or
 - (b) being put in that condition by any time during the growing season in the calendar year following the date when the encroachment occurred.
- (2) The requirement in sub-paragraph (1) does not apply—
- (a) to the encroachment of native species in the case of—
 - (i) the recolonisation of trees across a native woodland boundary;
 - (ii) the recolonisation of gorse, birch and juniper sub-species to the extent that it forms an area of mixed habitats; or
 - (iii) the reversion of land to wet grassland or wetland; or
 - (b) where there is no degradation of the environmental and agricultural value of the land and the farmer has prior to that encroachment declared any environmental gain to be achieved which is relied on under this paragraph—
 - (i) in the farmer's aid application under Article 22 of the Council Regulation; or
 - (ii) in any other prior application for a direct payment.