

SCHEDULE

GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

PART IV

Minimum level of maintenance and prevention of deterioration of habitats

Minimum livestock stocking rates or/and appropriate regimes

Undergrazing

10.—(1) A farmer must not allow undergrazing of land.

(2) Where undergrazing under sub-paragraph (1) is identified by an authorised person, and the Scottish Ministers form the opinion that the land is undergrazed, the farmer must in addition comply with the conditions of any written management regime imposed by the Scottish Ministers in relation to that land; and the Scottish Ministers must pass or send a copy of that management regime to the farmer.

(3) In establishing a non-compliance for the purposes of sub-paragraph (1), land is not undergrazed unless it is not capable of recovering to the extent that the use of the land or the growth, structure or species composition of grazed vegetation is no longer detrimental to the environmental or agricultural interest of the land by any time during the growing season in the calendar year following the date when the land first became undergrazed.

(4) In this paragraph, “undergrazing” means not using land fully or scrub or coarse vegetation becoming evident, where the use of the land or the growth, structure or species composition of grazed vegetation is detrimental to the environmental or agricultural interest of the land.

Overgrazing

11.—(1) Subject to sub-paragraph (2), a farmer must not allow overgrazing of land.

(2) Where a farmer can demonstrate to the satisfaction of the Scottish Ministers that appropriate action has been taken, they will be taken to have complied with sub paragraph (1) where the overgrazing was caused by—

- (a) an incursion of geese which could not be predicted;
- (b) an incursion of wild deer which could not be predicted, where in the case of an incursion of significant numbers of such deer the farmer can show that advice has been taken from the Deer Commission for Scotland and that advice has been acted upon; or
- (c) rabbits, where the farmer can show that appropriate control methods have been used.

(3) In establishing a non-compliance for the purposes of sub-paragraph (1), land is not overgrazed unless it is not capable of recovering to the extent that the growth quality or species composition of vegetation is no longer adversely affected to a significant degree by any time during the growing season in the calendar year following the date when the land first became overgrazed.

(4) Where overgrazing under sub-paragraph (1) is identified by an authorised person, and the Scottish Ministers form the opinion that the land is overgrazed, the farmer must in addition comply with the conditions of any written management regime imposed by the Scottish Ministers in relation to that land; and the Scottish Ministers must pass or send a copy of that management regime to the farmer.