

SCHEDULE

GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

PART IV

Minimum level of maintenance and prevention of deterioration of habitats

Protection of permanent pasture

Pasture land of environmental or archaeological value

12.—(1) A farmer must not plough up pasture land of high environmental or archaeological value (whether species-rich grassland, machair habitat, pastoral woodland, heather moorland or otherwise) without all of the necessary consents or approvals required to permit that ploughing up.

(2) In this paragraph, “necessary consents or approvals” means—

(a) the prior written consent of—

(i) subject to sub-paragraph (3), Scottish Natural Heritage for land within a site of special scientific interest;

(ii) the Scottish Ministers for land under an agri environment agreement in connection with support paid under Chapter VI of Title II of Council Regulation (EC) 1257/1999 as amended⁽¹⁾;

(b) approval under the Uncultivated Land and Semi-Natural Areas Regulations⁽²⁾;

(c) any consent or approval by or under any other enactment which would prohibit that ploughing up.

(3) This paragraph shall not apply where the necessary consent or approval would be the consent of Scottish Natural Heritage at a site of special scientific interest so designated by consequence of its status as a European site within the meaning of the Conservation (Natural Habitats, &c.) Regulations 1994⁽³⁾.

Works on rough grazings and other semi-natural areas

13.—(1) A farmer must not undertake new drainage works, plough up, clear, level, re-seed or cultivate rough grazings and other semi-natural areas without approval under the Uncultivated Land and Semi-Natural Areas Regulations.

(2) In this paragraph, “rough grazings and other semi-natural areas” means land containing semi-natural vegetation including heathland, heather moorland, bog, unimproved grassland and rough grassland which is used or suitable for grazing.

(1) O.J. No. L 160, 26.6.1999, p.80, amended by Commission Regulation (EC) No. 1783/2003 (O.J. No. L 270, 21.10.2003, p.70), the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (O.J. L 236, 30.09.2003, p.33, Council Regulation (EC) No. 576/2004 (O.J. L 90, 27.3.2004), p. 1 and Council Regulation (EC) No. 583/2004 (O.J. No. L 91, 30.3.2004, p.1).

(2) S.S.I. 2002/6.

(3) S.I.1994/2716, amended by S.S.I. 2004/475.

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

Pesticides, lime and fertiliser on rough grazings and other semi-natural areas

14. A farmer must not apply pesticides, lime or fertiliser to rough grazings and other semi-natural areas, except—

- (a) as approved under the Uncultivated Land and Semi-Natural Areas Regulations;
- (b) in the case of lime or fertiliser, where no conservation damage to the diversity of species in those areas will result;
- (c) in the case of herbicides, to control injurious weeds to which the Weeds Act 1959⁽⁴⁾ applies;
- (d) to control bracken with Asulam or other herbicides approved within the meaning of the Control of Pesticides Regulations 1986⁽⁵⁾ or the Plant Protection Products (Scotland) Regulations 2003⁽⁶⁾; or
- (e) to control other plants, with the prior written consent of the Scottish Ministers.

⁽⁴⁾ 1959 c. 54.

⁽⁵⁾ S.I. 1986/1510, amended by S.I. 1990/2487, 1994/3142 and 1997/188.

⁽⁶⁾ S.S.I. 2003/579, amended by S.S.I. 2004/368.