

SCHEDULE

GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

PART IV

Minimum level of maintenance and prevention of deterioration of habitats

Retention of landscape features

Boundary features

15.—(1) A farmer must not remove, destroy or damage drystone or flagstone dykes, turf and stone-faced banks, walls, hedges and hedgerow trees, boundary trees or watercourses which serve as boundaries to agricultural land without the prior written consent of—

- (a) the Scottish Ministers; or
- (b) by or under any enactment, another authority as shall be notified to the farmer by the Scottish Ministers when the farmer applies to them for consent.

(2) A farmer must not trim a hedge in the period beginning on 1st March and ending on 31st July, except only to the extent necessary for the purposes of road safety.

(3) Written consent under sub-paragraph (1) is not required to widen field entrances to enable access for livestock or farm machinery.

(4) In this paragraph “remove, destroy or damage” does not include—

- (a) trimming a hedge; or
- (b) lopping branches from hedgerow trees.

Landscape features

16.—(1) A farmer must prevent the deterioration of non-productive landscape features on the land, including shelter belts, copses and ponds, except with the prior written consent of—

- (a) the Scottish Ministers; or
- (b) by or under any enactment, another authority as shall be notified to the farmer by the Scottish Ministers when the farmer applies to them for consent.

(2) In this paragraph, “deterioration” means—

- (a) in relation to shelter belts and copses—
 - (i) not maintaining functional stock proof fences around those features; or
 - (ii) severe poaching where feeding or other livestock husbandry practices have occurred within those features because the farmer has not reduced the livestock numbers so as to cause the turf to recover to the extent that there is no longer a predominantly muddy surface by any time during the growing season in the calendar year following the date when that severe poaching first occurred; or
- (b) not maintaining ponds on the holding by allowing eutrophication or by drainage.

(3) In this paragraph “severe poaching” means the cutting up of turf to the destruction of the underlying vegetation leading to a predominantly muddy surface from trampling by livestock.

Status: This is the original version (as it was originally made).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

Protected historic environment

17. A farmer must not alter, or cause (whether directly or indirectly) the damage or destruction of the following buildings, gardens and landscapes without the relevant prior consent or permission, where that consent or permission is required to allow that alteration, damage or destruction:–

- (a) a building for the time being included in the Schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979⁽¹⁾ without prior scheduled monument consent⁽²⁾ within the meaning of that Act;
- (b) a listed building within the meaning of section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽³⁾ without prior listed building consent under section 7 of that Act; or
- (c) a historic garden or designed landscape within the meaning of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992⁽⁴⁾ in respect of which consultation is required before grant of planning permission under article 15(1)(j)(iv) of that Order.

(1) 1979 c. 46.

(2) Certain works (including agricultural, horticultural and forestry works) have scheduled monument consent by virtue of the Ancient Monuments (Class Consents) (Scotland) Order 1996 (S.I.1996/1507).

(3) 1997 c. 9.

(4) S.I. 1992/224, to which there are amendments not relevant to these Regulations.