

SCHEDULE 1

Additional standards of good agricultural and environmental condition that apply to land set aside from production

PART B

General standards applying to all land set aside from production

Application of conditions to all land set aside from production

8. The provisions in paragraphs 9 to 14 shall apply to all land set aside from production that is managed by a farmer in accordance with any of the provisions of paragraphs 1 to 7.

Prohibition on sowing and preparation for sowing a crop on, and the cultivation of, the land set aside from production

9. Subject to paragraphs 10 and 11, prior to the end of the current set-aside period, a farmer shall not sow or carry out any preparation for sowing a crop on the land set aside from production or otherwise cultivate that land.

Exemptions from the prohibition on sowing and preparation for sowing a crop on the land set aside from production

10.—(1) A farmer may make preparations for sowing on or after 15th July.

(2) Subject to sub-paragraph (3), a farmer may sow any seed on or after 15th July prior to the end of the current set-aside period where the seed sown is sown in order to produce a crop for harvesting in the following year.

(3) Where a farmer sows a grass ley on land set-aside from production pursuant to the exemption in sub-paragraph (2), the farmer shall not graze any animals on that land during the remainder of the current year.

Exemption from prohibition on cultivation of land set aside from production for the purpose of weed control

11.—(1) A farmer may cultivate the land set aside from production for the purposes of controlling weeds—

- (a) where the farmer is not an accepted organic farmer, at any time on or after 15th July prior to the end of the current set aside period; and
- (b) where the farmer is an accepted organic farmer, at any time on or after 1st May prior to the end of the current set-aside period.

(2) In this paragraph, “accepted organic farmer” means a farmer who—

- (a) satisfies the Scottish Ministers that such a farmer farms the land by organic means or is converting to so farming the land; and
- (b) has notified the Secretary of State, as designated by the Organic Products Regulations 2004⁽¹⁾, under Article 8(1)(a) of Council Regulation (EC) No. 2092/91 as amended⁽²⁾ that by so farming the land or converting it products of a kind specified in Article 1 of

(1) S.I. 2004/1604.

(2) O.J. No. L 198, 22.7.1991, p.1, relevantly amended by Council Regulations (EC) No. 1804/1999 (O.J. No. L 222, 24.8.1999, p.1) and (EC) No. 746/2004 (O.J. No L 65, 26.4.2004, p.10).

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that Council Regulation are produced and that the farmer has submitted to the inspection system referred to in Article 9 of that Council Regulation.

Replacement of the green cover and changing management options

12.—(1) Subject to sub-paragraphs (2) and (3), in any period during which a farmer is required to maintain a green cover in a field or part of a field, the farmer may nevertheless replace that green cover with another provided that the seed is sown as soon as is practicable after the destruction of the existing green cover.

(2) Where the cover is to be replaced in part only of a field, the farmer may nevertheless replace the green cover with another provided that the seed to be sown to establish a replacement green cover shall be seed of a type listed in paragraph 2(1)(a).

(3) A farmer shall, in respect of the field or part of a field where the green cover has been replaced, comply with such of the conditions set out in Part A of this Schedule as they relate to one of the following management options—

- (a) where the seed sown complies with the requirements of paragraph 2(1)(a), the Green Cover Option referred to in paragraph 2;
- (b) where the seed sown complies with the requirements of paragraph 4(1)(a)(ii), the Wild Bird Cover Option referred to in paragraph 4; or
- (c) where the provisions of paragraph 1(3) apply, the provisions of the management plan referred to in that paragraph,

except that the farmer shall not be required to establish a green cover (as required by paragraph 2(1)(a) or 4(1)(a)) different from the replacement green cover sown in accordance with the provisions of this paragraph.

(4) Where a farmer is exempted from a requirement to maintain a green cover pursuant to regulation 11, the farmer shall (unless also exempted from the requirements of this sub-paragraph pursuant to that regulation) replace the green cover once destroyed in accordance with sub-paragraphs (1) to (3) above.

Use of the green cover

13.—(1) A farmer shall ensure that, subject to sub-paragraph (2), no green cover or cuttings from any green cover are used for seed production or any other commercial or agricultural purpose in the current scheme year.

(2) A farmer may use any such green cover or cuttings—

- (a) for any agricultural purposes after 31st August; and
- (b) to place on the market any cuttings or crops that are produced after 15th January in the following scheme year.

(3) A farmer shall ensure that no cuttings produced by cutting the green cover are removed from the set-aside land concerned except in accordance with sub-paragraph (2) or with the prior consent of the Scottish Ministers.

Application of fertiliser, waste, lime and gypsum to the land set-aside from production

14.—(1) A farmer shall not apply any fertiliser, waste, lime or gypsum to the land set aside from production except in accordance with the following sub-paragraphs.

(2) A farmer may apply fertilisers to the land set aside from production if prior to such application the farmer satisfies the Scottish Ministers 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 such an area.

(3) Throughout the set-aside period a farmer may apply organic waste to the land set aside from production provided that it—

- (a) is applied only where there is an existing green cover on the set-aside land;
- (b) is applied in amounts which will not destroy that green cover; and
- (c) in the case of manure and slurry, is not applied—
 - (i) within 10 metres of any watercourse; or
 - (ii) within 50 metres of any boreholes.

(4) A farmer may apply fertiliser to any agricultural parcel of land managed in accordance with paragraph 4 during the current scheme year where a new green cover is being established in that scheme year, provided that the total nitrogen content of that fertiliser is not more than 30 kilograms per hectare of the land to which it is applied.

(5) A farmer shall not store, dump or otherwise dispose of any waste on the land set aside from production, except that the farmer may store organic waste in a field which forms all or part of the set-aside land where that organic waste is to be applied by that farmer to that field in accordance with sub-paragraph (3).

(6) A farmer may apply lime or gypsum to the land set aside from production where that land is to be cropped in the following year.