

SCHEDULE 2

Regulation 2(1)

USUAL GOOD FARMING PRACTICES

PART I

ENVIRONMENTAL LEGISLATION

Water pollution

1. The Control of Pollution Act 1974(1).
2. The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity(2).
3. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(3).
4. The Groundwater Regulations 1998(4).

Air pollution

5. The Clean Air Act 1993(5).
6. The Hill Farming Act 1946(6).

Fertilisers and pesticides

7. The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003(7).
8. Part III of the Food and Environment Protection Act 1985(8) and the Control of Pesticides Regulations 1986(9).
9. The Plant Protection Products (Scotland) Regulations 2005(10).

Designated sites

10. The Ancient Monuments and Archaeological Areas Act 1979(11).
11. The Wildlife and Countryside Act 1981(12).
12. The Conservation (Natural Habitats etc.) Regulations 1994(13).

-
- (1) 1974 c. 40 as amended.
 - (2) Issued by the Scottish Ministers on 11th March 2005, and approved by them by the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005 (S.S.I. 2005/63).
 - (3) S.S.I. 2003/531.
 - (4) S.I.1998/2746, amended by S.S.I. 2003/323 and S.S.I. 2005/22.
 - (5) 1993 c. 11 as amended.
 - (6) 1946 c. 73 as amended.
 - (7) S.S.I. 2003/51, amended by S.S.I. 2003/169.
 - (8) 1985 c. 48 as amended.
 - (9) S.I. 1986/1510, amended by S.I. 1990/2487, 1994/3142 and 1997/188.
 - (10) S.S.I. 2005/331.
 - (11) 1979 c. 46 as amended.
 - (12) 1981 c. 69 as amended.
 - (13) S.I. 1994/2716. Relevant amendments are the Land Reform (Scotland) Act 2003, asp 2, S.I. 1996/973, 1997/3055, 1999/1820, S.S.I. 2000/323 and S.S.I. 2004/475.

PART II

VERIFIABLE STANDARDS

1. Any farmer who constructs a new silage or storage facility must give notification to the Scottish Environmental Protection Agency prior to starting to use it. The farmer must keep records showing that this notification has been given.

2. Where it is proposed to dispose of sheep dip on a holding, prior authorisation to do this must be obtained from the Scottish Environmental Protection Agency. The farmer must keep documents and records showing that this authorisation has been obtained. The farmer must keep records detailing the manner of disposal of the sheep dip.

3. Trimming of hedgerows must not be carried out between 1st March and 31st July.

4. Removal or destruction of any hedges, stone walls or other boundary features shall not be allowed except with the prior written agreement of the Scottish Ministers.

5. Any farmer who intends to undertake any operation which is likely to damage a Site of Special Scientific Interest designated pursuant to section 28 of the Wildlife and Countryside Act 1981 must obtain the prior approval of Scottish Natural Heritage to the carrying out of that operation. The farmer shall maintain records showing that this authorisation has been obtained.

6. Livestock shall be managed in such a way as to avoid overgrazing and undergrazing. Where the Scottish Ministers form the opinion that land was being overgrazed or undergrazed, a management regime including a maximum (and, where appropriate, a minimum) stocking rate to be observed on that site will be prescribed. Overgrazing is defined as grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree; and to ensure that livestock is managed in such a way as to prevent damage to sensitive habitats⁽¹⁴⁾ that are important for biodiversity reasons. Undergrazing means not using land fully, or scrub or coarse becoming evident, where it is detrimental to the environmental interest of the land.

7. Unsuitable supplementary feeding methods shall be avoided.

8. Animals must not be caused any unnecessary pain or suffering and must be inspected at regular intervals. Animals kept in buildings must have access to a well maintained drying area. Animal buildings must be constructed in such a way that will not be harmful to animals. Where necessary artificial light must be provided and animals must not be kept without an appropriate rest from artificial light. Animals must be fed a diet of sufficient quality and quantity to maintain them in good health and to satisfy their nutritional needs. All animals must have access to feed at appropriate intervals (at least once a day) and a suitable water supply or be able to satisfy their fluid intake needs by other means. Animals must not have their movement restricted in such a way as to cause them unnecessary suffering or injury.

9. Only those persons who have the appropriate ability, knowledge and professional competence may attend to animals.

10. Ill or injured animals must be cared for appropriately and without delay and, where necessary, veterinary advice must be obtained as soon as possible. Records must be kept and retained for 3 years of all medicinal treatment given to animals and of all mortalities.

(14) Sensitive habitats, important for biodiversity reasons, may include juniper and montone scrub, herb-rich swards, already coded areas and wetland habitats as well as other natural and semi-natural habitats.