

SCHEDULE

STANDARDS FOR GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

PART 2

Standards for Good Agricultural and Environmental Condition

Retention of landscape features

7.—(1) Subject to sub-paragraph (3), a beneficiary must not remove or destroy drystone or flagstone dykes, turf and stone-faced banks, walls, hedges (or part of a hedge) and trees (whether in line, in a group or isolated), ponds or watercourses without the prior written consent of—

- (a) the Scottish Ministers; or
- (b) such other authority, by or under any enactment, as may be notified to the beneficiary by the Scottish Ministers when the beneficiary applies to the Scottish Ministers for consent.

[^{F1}(2) A beneficiary must not trim a hedge or cut a tree during the period beginning on 1st March and ending on 31st August in any calendar year (“the prohibited period”), except in accordance with sub-paragraph (3A) or (3B).]

[^{F2}(3) Written consent under sub-paragraph (1) is not required—

- (a) to widen field entrances to enable access for livestock or farm machinery; or
- (b) where the hedge (or part of a hedge) or tree is—
 - (i) dead;
 - (ii) damaged; or
 - (iii) insecurely rooted,and because of its condition it poses a risk to human safety.]

[^{F3}(3A) Trimming a hedge or cutting a tree is permitted during the prohibited period—

- (a) for the purposes of hedgelaying up to and including 31st March; or
- (b) to the extent necessary for the purposes of road safety.

(3B) Trimming a hedge or cutting a tree during the month of August in any calendar year is permitted if—

- (a) the hedge or tree is in a field which during that month has been sown with—
 - (i) a crop of oilseed rape; or
 - (ii) temporary grass; or
- (b) the hedge or tree is in a field which during that month has been sown with any other crop and the Scottish Ministers have given the beneficiary written permission to trim the hedge or cut the tree.]

(4) A beneficiary must not alter, or cause (whether directly or indirectly) the damage or destruction of a monument 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^{MI} without prior scheduled monument consent within the meaning of that Act.

(5) Except where sub-paragraph (6) applies, the cultivation of land or the direct application of organic manure, chemical or nitrogen fertilisers or pesticides must not take place within 2 metres of the centre line of a hedge.

- [^{F4}(6) This sub-paragraph applies where—
- (a) the cultivation of land takes place for the purpose of—
 - (i) establishing a green cover on that land, where it does not already have a green cover;
 - (ii) establishing a hedge during the relevant period and, for that purpose, organic manure, chemical or nitrogen fertilisers or pesticides may be applied to the land; or
 - (iii) in calendar year 2015, harvesting any crop that has been established before 1st January 2015;
 - (b) organic manure, chemical or nitrogen fertilisers or pesticides are applied to land prior to the harvesting of a crop as mentioned in head (a)(iii); or
 - (c) pesticides are applied to land to control—
 - (i) injurious weeds to which the Weeds Act 1959 applies;
 - (ii) invasive species; or
 - (iii) if the prior written consent of the Scottish Ministers has been given, other plant species.]
- (7) In this paragraph—
- (a) “hedge” means any hedge growing in, or adjacent to, any land which forms part of a holding, which has—
 - (i) a length of at least 20 metres; or
 - (ii) a length of less than 20 metres where it meets (at an intersection or junction) another hedge at each end,
 and any gap of less than 20 metres is to be treated as part of the hedge; and
 - (b) “remove or destroy” does not include—
 - (i) trimming a hedge; or
 - (ii) lopping branches from trees; ^{F5}...
 - [^{F6}(c) “hedgelaying” means a traditional method of cultivating hedges where tall saplings are partly cut through near the base and then bent over so that they lie horizontally and make a thick barrier; and
 - (d) “necessary for the purposes of road safety” includes where a tree or hedge—
 - (i) overhangs a road, surfaced track or footpath to which the public have access so as to endanger or obstruct the passage of vehicles, pedestrians or horse-riders; or
 - (ii) obstructs or interferes with the view of drivers of vehicles or the light from a public lamp.]

Textual Amendments

- F1** sch. Pt. 2 para 7(2) substituted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), **regs. 1, 14(c)(i)**.
- F2** sch. Pt. 2 para 7(3) substituted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), **regs. 1, 14(c)(ii)**.
- F3** sch. Pt. 2 para 7(3A)(3B) inserted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), **regs. 1, 14(c)(iii)**.
- F4** sch. Pt. 2 para 7(6) substituted (27.6.2015) by [The Common Agricultural Policy \(Direct Payments etc.\) \(Scotland\) Amendment Regulations 2015 \(S.S.I. 2015/215\)](#), **regs. 1(3), 12(a)(iii)**.
- F5** Word in sch. Pt. 2 para 7(7)(b)(ii) repealed (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), **regs. 1, 14(c)(iv)(aa)**.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014, Paragraph 7. (See end of Document for details)

F6 sch. Pt. 2 para 7(7)(c)(d) substituted for sch. Pt. 2 para 7(7)(c) (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), **regs. 1, 14(c)(iv)** (bb).

Marginal Citations

M1 [1979 c.46](#), as amended by Schedule 4 to the [National Heritage Act 1983 \(c.47\)](#).

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There are currently no known outstanding effects for the The Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014, Paragraph 7.