
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 58

The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

Ecological Focus Areas

18.—(1) For the purposes of the first sub-paragraph of Article 46(2) of the Direct Payments Regulation, the areas mentioned in points (a) (land lying fallow), (d) (buffer strips), [^{F1}(e) (hectares of agro-forestry),] (i) (areas with catch crops or green cover) and (j) (areas with nitrogen-fixing crops) and, subject to paragraph (2), point (c) (landscape features), are ecological focus areas.

(2) For the purposes of the second sub-paragraph of Article 45(4) of the Direct Payments Delegated Regulation, landscape features are limited to [^{F2}hedges, wooded strips or trees in line as listed in point (a)] of the first sub-paragraph of Article 45(4).

[^{F3}(3) For the purposes of the third sub-paragraph of Article 45(5) of the Direct Payments Delegated Regulation, the minimum width of—

- (a) buffer strips, other than buffer strips along watercourses required under GAEC 1, SMR 1 or SMR 10, is 2 metres; and
- (b) field margins is 1 metre.

(3A) For the purposes of the second sub-paragraph of Article 45(10a) of the Direct Payments Delegated Regulation, cutting is permitted on buffer strips and field margins provided the buffer strip or field margin remains distinguishable from adjacent agricultural land.]

(4) In paragraph (3)(a), the reference to “GAEC 1” is to the relevant standard for good agricultural and environmental condition as specified in paragraph 1 of part 2 of Schedule 1 to the Common Agricultural Policy (Cross-compliance) (Scotland) Regulations 2014^{M1}, and the references to “SMR 1” and “SMR 10” are to the relevant statutory management requirements, as referred to in Annex II to the Horizontal Regulation.

[^{F4}(5) For the purposes of the second sub-paragraph of Article 45(9) of the Direct Payments Delegated Regulation—

- (a) areas under catch crops must be established by under-sowing grass in the main crop provided that the grass and the main crop are sown during the period beginning on 15th February and ending on 15th June in any calendar year and not harvested before 31st December of the same calendar year; and
- (b) areas under green cover may be established by sowing a mixture of at least 2 of the crop species listed in Part 1 of schedule 2, provided that the mixture of crop species is sown before 2nd November in any calendar year and not harvested before 31st December of the same calendar year.]

(6) For the purposes of Article 45(10) of the Direct Payments Delegated Regulation, nitrogen-fixing crops are those listed in Part 2 of Schedule 2 and a farmer growing nitrogen fixing crops must comply with the conditions set out in Part 3 of Schedule 2.

[^{F5}(7) For the purposes of the second sub-paragraph of Article 46(2) of the Direct Payments Regulation, the ecological focus areas referred to in points (c) (landscape features) and (d) (buffer

strips) of the first sub-paragraph of Article 46(2) of that Regulation may be located adjacent to the arable land of the holding.

- (8) For the purposes of Article 46(3) of the Direct Payments Regulation—
- (a) the weighting factors set out in Annex X to that Regulation apply to the ecological focus areas mentioned in paragraph (1); and
 - (b) the conversion factor set out in Annex X to that Regulation applies to the ecological focus area referred to in point (a) (hedges, wooded strips or trees in line) of the first sub-paragraph of Article 45(4) of the Direct Payments Delegated Regulation.]

Textual Amendments

- F1** Words in [reg. 18\(1\)](#) inserted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **9(a)**
- F2** Words in [reg. 18\(2\)](#) substituted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **9(b)**
- F3** [Reg. 18\(3\)\(3A\)](#) substituted for [reg. 18\(3\)](#) (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **9(c)**
- F4** [Reg. 18\(5\)](#) substituted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **9(d)**
- F5** [Reg. 18\(7\)\(8\)](#) substituted for [reg. 18\(7\)](#) (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **9(e)**

Marginal Citations

- M1** [S.S.I. 2014/325](#).

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015, Section 18.