

SCHEDULE 1

Agricultural activity: further criteria

PART 2

Minimum activity for the purposes of Article 4(1)(c)(iii) of the Direct Payments Regulation

2.—(1) A farmer must—

- (a) stock the land for a period or periods totalling not less than 183 days in any calendar year, in accordance with the minimum stocking density; or
- (b) carry out an environmental assessment of the land in each calendar year which comprises—
 - (i) a map and description of the farm environment;
 - (ii) surveys of breeding birds, mammals, butterflies and plant health; and
 - (iii) monitoring of habitats.

(2) In this Part—

“dairy ring fence area” has the meaning given in Part 3 of this Schedule;

“livestock unit” means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit—

- (a) one beef cow over 24 months of age;
- (b) 1.66 beef cows over 20 months and up to and including 24 months of age;
- (c) within the dairy ring fence area, one dairy cow over 24 months of age;
- (d) within the dairy ring fence area, 1.66 dairy cows over 20 months and up to and including 24 months of age;
- (e) 6.66 breeding ewes [^{F1}, ewe hoggs] or gimmers;
- (f) 6.66 breeding female goats kept as part of a regular breeding herd for fibre production;
- (g) 3.33 breeding female farmed deer aged 27 months and over;
- (h) 5 breeding female farmed deer aged over 6 months but less than 27 months of age; ^{F2}...
- (ha) [^{F3}2.5 farmed stags aged 27 months and over; or]
- (i) 3.33 breeding female llamas kept as part of a regular breeding herd; and

“minimum stocking density” means—

- (a) a stocking density of 0.05 livestock units per hectare; or
- (b) a stocking density of less than 0.05 livestock units per hectare where the farmer can demonstrate that such a stocking density is appropriate for the land by reference to—
 - (i) the historic records kept in respect of the carrying capacity of the holding; or
 - (ii) an environmental management agreement which the farmer has entered into with Scottish Natural Heritage ^{M1} or an agri-environment commitment to which the farmer is subject under Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) etc^{M2} or under Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015, PART 2. (See end of Document for details)

Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005^{M3}.

Textual Amendments

- F1** Words in sch. 1 Pt. 2 inserted (27.6.2015) by [The Common Agricultural Policy \(Direct Payments etc.\) \(Scotland\) Amendment Regulations 2015 \(S.S.I. 2015/215\)](#), regs. 1(3), **8**
- F2** Word in sch. 1 para. 2(2)(h) omitted (15.5.2018) by virtue of [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **10(a)**
- F3** sch. 1 para. 2(2)(ha) inserted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **10(b)**

Marginal Citations

- M1** Scottish Natural Heritage was established under section 1 of the [Natural Heritage \(Scotland\) Act 1991 \(1991 c.28\)](#).
- M2** OJ L 277, 21.10.2005, p.1, as last amended by Regulation (EU) No 1312/2011 of the European Parliament and of the Council (OJ L 339, 21.12.2011, p.1). Regulation 1698/2005 was repealed subject to savings by Article 88 of Regulation (EU) No 1305/2013.
- M3** OJ L 347, 20.12.2013, p.487, as amended by Regulation (EU) No 1310/2013 (OJ L 347, 20.12.2013, p.865).

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015, PART 2.