
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 122

The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018

Amendments to the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

9. In regulation 18 (ecological focus areas)—
- (a) in paragraph (1), after “(d) (buffer strips),” insert “(e) (hectares of agro-forestry),”;
 - (b) in paragraph (2), for “field margins as listed in point (e)” substitute “hedges, wooded strips or trees in line as listed in point (a)”;
 - (c) for paragraph (3) substitute—

“(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.”;
 - (d) for paragraph (5) substitute—

“(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.”; and
 - (e) for paragraph (7) substitute—

“(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

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- (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.”.