

## SCHEDULE 1

## Article 4

### REQUIREMENTS TO BE INCLUDED IN AGREEMENT

#### **1. As regards all land which is the subject of an agreement—**

(1) the farmer shall maintain existing hedges, walls, fences and banks using traditional methods and materials;

(2) the farmer shall not remove any existing hedges, walls, fences (other than wire fences), banks or hedgerow trees;

(3) the farmer shall not construct new hedges, walls, fences or banks without the prior approval of the Secretary of State;

(4) the farmer shall not apply to any field boundary or to a strip of land at least two metres wide which is adjacent to such a boundary—

(a) lime or any other substance designed to reduce the acidity of the soil, or

(b) inorganic or organic fertiliser, fungicides or insecticides;

(5) the farmer shall not apply herbicides to any field boundary or to a strip of land at least two metres wide which is adjacent to such a boundary, except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*), ragwort (*Senecio jacobaea*) and Japanese Knotweed (*Reynoutria Japonica*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;

(6) the farmer shall conserve and maintain all existing lakes, ponds and streams;

(7) the farmer shall in farming the land ensure that he does not damage or destroy any features of archaeological or historic interest;

(8) the farmer shall not remove any scrub or broadleaved trees without the prior approval of the Secretary of State;

(9) the farmer shall, before planting any trees for agricultural purposes, obtain written advice from a person or body designated by the Secretary of State on the siting and management of those trees;

(10) the farmer shall not move any boulders or remove any rocks from rock outcrops;

(11) the farmer shall maintain any weatherproof traditional farm buildings for which he is responsible in a weatherproof condition using traditional materials or other materials the use of which has been approved by the Secretary of State;

(12) the farmer shall obtain from the Secretary of State written advice concerning siting, design and materials before constructing or altering buildings or roads or undertaking any other engineering or construction works which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988(1), or planning permission;

(13) the farmer shall control pests in a lawful manner.

#### **2. As regards any land which is the subject of an agreement and which is coastal belt, enclosed partially improved grassland, enclosed unimproved grassland, semi-natural rough grazings, wetland or a buffer zone—**

(1) the farmer shall not plough, level, reseed, cultivate or, except in the case of enclosed partially improved grassland, use a chain harrow or roller;

(2) the farmer shall not, in the case of enclosed partially improved grassland, use a chain harrow or roller between 31st March and 8th July in any year;

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(1) [S.I. 1988/1813](#). The relevant amending instrument is [S.I. 1991/2805](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (3) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;
- (4) the farmer shall not apply lime or any other substance designed to reduce the acidity of the soil;
- (5) subject to sub-paragraph (6) below, the farmer shall not apply any inorganic or organic fertiliser;
- (6) the farmer shall, in the case of enclosed partially improved grassland, and subject to sub-paragraph (4) of paragraph 1 of this Schedule, apply not more than 12.5 tonnes of farmyard manure per hectare per year;
- (7) the farmer shall not apply fungicides or insecticides;
- (8) the farmer shall not apply herbicides except to control bracken (*Pteridium aquilinum*) , nettles (*Urtica dioica*) , spear thistle (*Cirsium vulgare*) , creeping or field thistle (*Cirsium arvense*) , curled dock (*Rumex crispus*) , broadleaved dock (*Rumex obtusifolius*) , ragwort (*Senecio jacobaea*) and Japanese Knotweed (*Reynoutria Japonica*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;
- (9) the farmer shall control bracken (*Pteridium aquilinum*) by mechanical means or by means of asulam or other chemical approved by the Secretary of State;
- (10) the farmer shall burn heather, grass and scrub only in accordance with a programme agreed in advance with the Secretary of State;
- (11) the farmer shall not increase existing stocking levels of cattle and sheep without the prior written approval of the Secretary of State;
- (12) the farmer shall not graze the land with cattle or sheep at a stocking rate that causes overgrazing or poaching, but—
  - (a) as regards unenclosed semi-natural rough grazings which do not include heather, he shall not in any event graze with cattle or sheep at an average annual stocking rate exceeding 0.45 livestock units per hectare, and
  - (b) as regards unenclosed semi-natural rough grazings which include heather, he shall not in any event graze with cattle or sheep at an average annual stocking rate exceeding 0.22 livestock units per hectare;
- (13) the farmer shall restrict supplementary feeding of livestock to areas agreed in advance with the Secretary of State.

## SCHEDULE 2

Article 6(4)

### ADDITIONAL PROVISIONS — I

#### **1. As regards any land which is the subject of an agreement and which is wetland:—**

- (1) the farmer shall, within six months of the commencement of the agreement, agree in writing with the Secretary of State—
  - (a) a programme of management of the wetland, and
  - (b) a timescale to implement that programme of management;
- (2) the farmer shall, within fifteen months of the commencement of the agreement, commence work on the programme of management of the wetland agreed with the Secretary of State;
- (3) the farmer shall not undertake any maintenance work of existing drainage systems.

#### **2. As regards any land which is the subject of an agreement and which is broadleaved woodland—**

- (1) the farmer shall exclude livestock;
- (2) the farmer shall, within six months of the commencement of the agreement, obtain from a person or body designated by the Secretary of State written advice on the management of the broadleaved woodland;
- (3) the farmer shall, within nine months of the commencement of the agreement, agree in writing with the Secretary of State—
  - (a) a programme of management to regenerate the broadleaved woodland, and
  - (b) a timescale to implement that programme of management;
- (4) the farmer shall, within fifteen months of the commencement of the agreement, commence work on the programme of management to regenerate the broadleaved woodland agreed with the Secretary of State.

**3. As regards any land which is the subject of an agreement and which is coastal belt—**

- (1) the farmer shall, in the case of enclosed coastal belt which does not include heather, graze with cattle or sheep at an average annual stocking rate not exceeding 0.45 livestock units per hectare;
- (2) the farmer shall, in the case of enclosed coastal belt which includes heather, graze with cattle or sheep at an average annual stocking rate not exceeding 0.22 livestock units per hectare;
- (3) the farmer shall, within six months of the commencement of the agreement, agree in writing with the Secretary of State—
  - (a) a programme of management of the coastal belt, and
  - (b) a timescale to implement that programme of management;
- (4) the farmer shall, within nine months of the commencement of the agreement, commence work on the programme of management of the coastal belt agreed with the Secretary of State.

**4. As regards any semi-natural rough grazings or enclosed coastal belt which is the subject of an agreement and where heather forms at least 25 per cent but not more than 50 per cent of the vegetation cover—**

- (1) the farmer shall graze with cattle or sheep at an average annual stocking rate not exceeding 0.15 livestock units per hectare;
- (2) the farmer shall, between 1st September in any year and 31st March in the following year, graze with cattle or sheep at an average annual stocking rate not exceeding 0.10 livestock units per hectare.

**5. As regards any arable land which is the subject of an agreement and which is suitable for the creation of conservation headlands—**

- (1) the farmer shall not apply fungicides or insecticides, except between 31st August in any year and 1st January in the following year;
- (2) the farmer shall apply herbicides to the land only as agreed in advance with the Secretary of State except that this requirement shall not apply when applying herbicides to that part of the land which comprises a strip of land one metre wide and which adjoins a cropped area.

**6. As regards any land which is the subject of an agreement and which is suitable for reversion to semi-natural rough grazings, the farmer shall observe the requirements of paragraph 2 of Schedule 1, other than sub-paragraphs (2) and (6) of that paragraph, and paragraph 4 of this Schedule.**

**7. As regards any land which is the subject of an agreement and which is suitable for reversion to coastal belt, the farmer shall observe the requirements of paragraph 2 of Schedule 1, other than sub-paragraphs (2) and (6) of that paragraph, and paragraph 3 of this Schedule.**

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**8. As regards any land which is the subject of an agreement and which is suitable for reversion to wetland, the farmer shall observe the requirements of paragraph 2 of Schedule 1, other than sub-paragraphs (2) and (6) of that paragraph, and paragraph 1 of this Schedule.**

#### SCHEDULE 3

Article 6(5)

##### ADDITIONAL PROVISIONS — II

As regards any field boundaries which are hedgerows, banks or stone walls and which are the subject of an agreement, the farmer shall carry out a restoration programme agreed in advance in writing with the Secretary of State.

#### SCHEDULE 4

Article 6(6) and (7)

##### CONSERVATION PLAN OPERATIONS

1. The restoration of ponds.
2. The restoration and extension of reed beds.
3. The creation and restoration of wildlife refuges alongside streams.
4. The restoration of heather.
5. The regeneration of heather by burning or flailing.
6. The renovation of traditional farm buildings.
7. The control of bracken (*Pteridium aquilinum*).
8. The control of Japanese Knotweed (*Reynoutria Japonica*).