

SCHEDULE

Article 3(7).

“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 2 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 2 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 not increase existing stocking levels of cattle and sheep without the prior written approval of the Secretary of State;

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

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

(9) the farmer shall not remove any scrub without the prior approval of the Secretary of State;

(10) the farmer shall not 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 operations 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;

(14) the farmer shall retain any broadleaved trees for which he is responsible.

2. As regards any land which is the subject of an agreement and which is enclosed partially improved grassland, enclosed unimproved grassland, hay meadow, 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 or hay meadow, use a chain harrow or roller;

(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.

- (2) the farmer shall not, in the case of enclosed partially improved grassland or hay meadow, use a chain harrow or roller between 15th April and 15th July in any year;
- (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 or hay meadow, 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) subject to sub-paragraph (9) below and to sub-paragraph (5) of paragraph 1 of this Schedule, the farmer shall not apply herbicides except to control 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;
- (9) subject to sub paragraph (5) of paragraph 1 of this Schedule, the farmer shall control bracken (*Pteridium aquilinum*) by mechanical means or by means of asulam or other chemical approved by the Secretary of State and in accordance with a programme agreed in advance with 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 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 0.375 livestock units per hectare, and
 - (b) as regards unenclosed semi-natural rough grazings which include heather or enclosed partially improved grassland 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;
- (12) the farmer shall restrict supplementary feeding of livestock to areas agreed in advance with the Secretary of State.

SCHEDULE 2

Articles 4A and 6(4)

REQUIREMENTS AS TO PUBLIC ACCESS

As regards any access route which is the subject of an agreement—

- (1) the farmer shall make the access route available for public access at no charge;
- (2) the farmer shall maintain free passage over the access route;
- (3) the farmer shall not erect new fences on or adjacent to the access route without the prior written approval of the Secretary of State;
- (4) the farmer shall keep the access route and fields crossed by it free of litter and other refuse;
- (5) the farmer shall exclude bulls from the access route and fields crossed by it, except for any bull which

- (a) does not exceed the age of 10 months, or
- (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows and heifers are also at large;
- (6) the farmer shall provide and maintain adequate means of entry to the access route;
- (7) the farmer shall affix and maintain appropriate signboards and waymarking;
- (8) the farmer shall not permit any of the following activities on the access route or on fields crossed by it: camping, caravanning, lighting of fires, organised games or sports, riding of motor vehicles (except for those used for agricultural operations on the land), without the prior written approval of the Secretary of State;
- (9) the farmer shall agree with the Secretary of State in writing in advance whether the riding of horses or cycles shall be permitted on the access route, and shall not permit such activities other than to the extent so agreed;
- (10) the farmer shall not close the access route to the public other than for a specified number of days, to be agreed with the Secretary of State in writing and in advance. Where such a prior agreement is reached, the farmer may close the access route for the number of days so specified, provided that signs giving notice of the intended closure and the reasons for it are posted at each entry point to the access route at least two weeks in advance of the date of closure;
- (11) the farmer shall agree with the Secretary of State in writing in advance public liability insurance cover and shall maintain it for the duration of the agreement.

SCHEDULE 3

Article 6(5)

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 implement the programme of management of the wetland agreed with the Secretary of State in accordance with the timescale agreed with the Secretary of State;
 - (4) the farmer shall not undertake any maintenance work on existing drainage systems.
2. As regards any land which is the subject of an agreement and which is broadleaved woodland the farmer shall exclude livestock.
3. As regards any land which is the subject of an agreement and which is hay meadow—
 - (1) the farmer shall not cut for hay or silage before 15th July in any year;
 - (2) the farmer shall take at least one cut for hay or silage after 14th July in any year and shall graze the aftermath of each cut;
 - (3) the farmer shall exclude livestock for at least seven weeks before the first cut for hay or silage in any year and shall in any event exclude livestock between 7th June and the first cut for hay or silage in any year.

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4. As regards any semi-natural rough grazings which are the subject of an agreement and where heather forms at least 5 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 31st August in any year and 1st April 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 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.

6. As regards any land which is the subject of an agreement and which is suitable for reversion to hay meadow, the farmer shall observe the requirements of paragraph 2 of Schedule 1 and paragraph 3 of this Schedule.

7. 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 4

Article 6(6)

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 5

Article 6(7) and (8)

CONSERVATION PLAN OPERATIONS

1. The restoration of ponds.
2. The creation and restoration of wildlife refuges alongside streams.
3. The restoration of heather.
4. The regeneration of heather by burning or flailing.
5. The re-creation of florally rich meadows.
6. The renovation of traditional farm buildings.
7. The control of bracken (*Pteridium aquilinum*).
8. The control of Japanese Knotweed (*Reynoutria Japonica*).
9. The control of Himalayan balsam (*Impatiens glandulifera*).
10. The provision of protective fencing for broadleaved woodland.
11. The provision and restoration of gates, stiles and footbridges where an agreement includes the requirements of Schedule 2 as to public access.”