

SCHEDULE 3

General binding rules

PART 2

In this Schedule—

“application” means the spreading, spraying, incorporating or injecting into or onto land;

“channel width” means the straight line distance that is between opposite bank tops of a river, burn or ditch and which spans the bed of a river, burn or ditch, including any exposed bars and vegetated islands;

“crop” includes any plant grown for a commercial purpose;

“cultivation” includes the preparation of land prior to planting, and the harvesting of any crop;

“ditch” means an open channel which collects and conveys drainage water from surface or subsurface drainage to the wider surface water environment;

“farm yard manure” means a mixture of bedding material and animal excreta in solid form arising from the housing of livestock (excepting such arising from the keeping of birds for the production of food);

“fertiliser” means any substance containing nutrients which is utilised on land to enhance plant growth, but excludes forestry brash;

“forest” means land of an area of more than 0.5 hectares—

- (a) with a tree canopy cover of more than 20 percent;
- (b) which is planted with trees, which trees collectively have the capacity to provide a tree canopy cover of more than 20 percent; or
- (c) which meets all of the following criteria:
 - (i) it was used in the last 5 years as land described in paragraph (a);
 - (ii) it is to remain fallow of trees for a maximum of 4 consecutive years; and
 - (iii) when replanted with trees it will be replanted as land described in paragraph (b);

“forestry operations” means operations carried out on land with a tree canopy cover of more than 10 per cent over an area of more than 0.5 hectares;

“minor bridge” means a bridge having no part of its structure within the channel of a river, burn or ditch and constructed for the purpose of supporting a footpath, cycle route or single track road;

“moling” means a cultivation method if an implement is used to open a conduit within the soil along which water may flow;

“oil” means any kind of oil and includes fuel oil, waste oil and hydraulic oil;

“pesticide” has the same meaning as in section 16 of the Food and Environment Protection Act 1985 (control of pesticides etc.)(1);

“revetment” means a modification to a bank of a river, burn or ditch that increases the resistance of the bank to lateral erosion;

“rip rap” means irregular shaped stones placed along a bank of a river, burn or ditch for the purpose of increasing the resistance of the bank to erosion;

“rural land use activities” means agricultural, forestry or leisure activity;

(1) 1985 c.48.

“sewage” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968 (interpretation)(2);

“SUD system” has the same meaning as in the Sewerage (Scotland) Act 1968;

“surface water drainage system” means a system, such as a SUD system that is used to collect and drain water run off from one or more premises and transport it to, and discharge it into, the water environment, and may include, among other things, any surface water sewers and associated inlets, outfalls, gullies, manholes, oil interceptors, silt traps, and attenuation, settlement and treatment facilities;

“temporary bridge” means any bridge which will be removed within a period of 12 months beginning with the date on which its construction commences;

“trade effluent” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968;

“uncultivated land” means land which has not been ploughed, rotovated or improved by management practices, but excludes land mounded for the purpose of planting riparian woodland);

“water for human consumption” means water that may be ingested by humans, used in the preparation of food or drink, or used in the cleaning of materials involved in the storage or consumption of food or drink;

“waterbound road” means a road constructed of coarse stone and fine aggregate to form a tightly bound semi-impervious surface; and

“waterlogged” means soil which is at water retaining capacity, except in a forest where it means where water is visible on the soil surface.

(2) 1968 c.47.