

SCHEDULE 3

Regulation 3(3)(b)

CAPITAL ACTIVITIES

Column 1 Capital activity	Column 2 Requirements
1.Bracken eradication – primary treatment is required in the first or second year of a bracken eradication programme (BEP) on any area of land identified in a BEP management plan, with Scottish Natural Heritage approved map.	a.Primary treatment by chemical means must be carried out at the full frond stage in the second (or exceptionally first) year of a five year BEP by application of herbicide approved by the Scottish Ministers for this purpose; b.Primary treatment by mechanical means shall be by cutting twice during the first year of a five year BEP. If cutting is the method adopted, the programme of twice yearly treatments shall continue for the duration of the BEP; and c.Aerial spraying may be carried out only with the prior written agreement of Scottish Natural Heritage, the Scottish Environment Protection Agency and any other appropriate consultees having regard to required periods of notice.
2.Rhododendron control.	Rhododendron control must be carried out by cutting or mechanical destruction.
3.Erection of–	a.The construction and all materials must conform to the appropriate British Standards;
(a)a stock fence;	b.Except as otherwise provided, fence posts must be placed at intervals of no more than 3.5 metres or 12 metres where high tensile wire and droppers are used;
(b)gate and posts;	c.Except as otherwise provided, a fence must have a minimum of 6 line wires or 2 line wires and woven wire netting; and
(c)a single stile; or	d.Where fences are erected to enhance hedgerows they must be sited at least 1 metre from the centre line of the hedge.
(d)a double stile.	The conversion of an existing stock fence to a deer fence must have new strainers erected and full length stobs driven in every 12 metres and droppers on the top of the fence every 2 metres as well as the existing stobs.
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(e).Conversion of a stock fence to a deer fence.	a.A scare fence must consist of a minimum of 2 line wires with post at intervals of not more than 6 metres;
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(f).Erection of a scare or temporary fence or rabbit proof netting.	

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- b. Rabbit proofing shall be carried out with galvanised wire netting. The netting must not be less than 1.05 metres wide British Standards designation 18 and have a mesh no larger than 31 millimetres. The top edge of the netting must not be less than 0.9 metres above ground level;
- c. The netting shall be fastened to the fencing and the bottom edge of the netting must be buried in the ground to a suitable depth or turned outward and anchored; and
- d. All gates in rabbit proofed fences must also be rabbit proofed.
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(g). Erection of a deer fence. Deer fences must not be less than 1.8 metres high and have a minimum of 3 line wires and woven netting with stobs at no more than 3.5 metre intervals and 12 metre intervals with droppers every 2 metres for high tensile wire.
- 3
(h). Erection of a deer fence marked to reduce bird collision. a. Erect fence in accordance with specification at 3(g); and b. In areas where black grouse and capercaillie occur, to make the fence more visible and thus reduce the number of collisions, a double strip of orange barrier netting must be used, each strip being approximately 45 centimetres in width. Both strips must be secured with pig rings/wire twists at intervals of circa. 30 centimetres on the upper and lower edges. The top of the upper strip should reach the top strand of the fence. The top of the lower strip must reach the middle strand of the fence. Alternative fence marking designs will require the prior written agreement of the Scottish Ministers.
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(i). Dismantling of a deer fence to remove a cause of bird death and injury by collision. All wires must be removed from posts and coiled/rolled. The wire must be removed from the site and taken to a recognised disposal site. Posts may be left lying along the old fenceline.
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(j). Erection of a post and rail fence as a tree guard or a water gate. A post and rail fence erected as a tree guard or a water gate must have posts no more than 3 metres apart and 4 rails (70 millimetres x 20 millimetres).
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(k). Erection of suitable fencing to trap blowing sand and in fill previously eroded dune areas. Fencing must be fixed at right angles to the prevailing wind direction and constructed of posts and rails with posts no more than 3 metres apart and 4 rails (70 millimetres x 20 millimetres).

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| 4. Building or restoration of traditional drystone or flagstone dykes or walls. | Drystone or flagstone dykes or walls must be rebuilt with material traditional to the locality and to a standard normally found there. |
| 5. Native species tree planting on a site no more than 0.25 hectare and including individual trees in hedgerows and along water margins or around the margin of a pond created or restored under the scheme. | a. Planting density must not exceed one tree per 10 square metres; and
b. Native species appropriate to the site must be planted. |
| 6. Installation of tree guards and stakes or self-supporting tree guards required to protect amenity or native species tree and hedge planting. | The tree guards and stakes or the self-supporting tree guards must be securely fixed to protect newly planted material from damage by rodents and grazing animals. |
| 7. Planting of marram grass into areas threatened with erosion. | a. Transplants must be harvested from areas where marram is well established and there is little danger from erosion;

b. Plants must be established at a density of at least 9 plants per square metre; and

c. Planting must take place in late spring or autumn. |
| 8. Installation of a water trough required because the management of a water margin will result in stock being denied access to traditional watering points. | a. The water trough must be a purpose made item and incorporate a ballcock to shut off the water supply; and

b. The trough must be permanently mounted on a durable base and a stopcock must be provided to control the water supply. |
| 9. Planting, replanting, coppicing or laying of a hedge to benefit a field boundary. | a. Where new hedging or gapping up of existing hedges is undertaken, plants must be established in a double row with a minimum of 6 plants per metre; and

b. A single species must not account for more than 75% of the plants established. |
| 10. Replanting, coppicing or laying of a hedge in a designed landscape. | a. Where planting or gapping is required, plants must be established in a double row with a minimum of 6 plants per metre; and

b. Species selected for the replanting or gapping up must already be present within the existing hedge. |
| 11. Creation or restoration of pond. | a. Any existing environmental interest must not be damaged;

b. The site must be capable of retaining water;

c. There must be an adequate water supply; and |

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- d. Any outfall must be properly constructed. The last length of the buried pipe must be solid and frost-proof. The outfall must be at least 150 millimetres above normal discharge channel water level. The last 2 metres of buried pipe must be sealed with well rammed soil to avoid water flow outside the pipe. Headstones of cemented stones or bricks or purpose built installations will be needed to stabilise the bank and to keep the pipe in position. Drip stones or concrete aprons may be needed to prevent erosion of the discharge panel.
12. Sowing of species rich grass.
- a. Any existing sward should first be destroyed by cultivation or herbicide treatment; and
- b. A mixture consisting of no more than 85% fine leaved or non-aggressive grasses and at least 15% mixed native flowers must be sown.
- Additional items for designed landscapes only–**
13. Restoration of parkland gate piers. Parkland gate piers must be rebuilt with material traditional to the area and to a standard and design in keeping with the original design.
14. Amenity tree planting. The trees must be standard or semi-standard. Exotic species may be planted, where appropriate.
15. Wooden post and rail fencing or metal tree guards to protect parkland trees. Wooden post and three rail fencing must not be less than 1.1 metres high with rails of at least 38 millimetres x 87 millimetres sawn timber and posts not exceeding 1.8 metres apart. Metal guards must be 1.1 metres high and painted to match existing guards.
16. Restoration of drystone or flagstone or walls and ha-has. Drystone or flagstone dykes or walls and ha-has must be rebuilt with materials and workmanship in keeping with the original design.
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Changes and effects yet to be applied to :

- Sch 3 Items 12A–12E added by [S.S.I. 2004/109 reg 2\(1\)reg 2\(3\)\(a\)](#)
- Sch 3 am by [S.S.I. 2005/620 regs 28](#)
- Sch. 3 Item 3(ha) inserted by [S.S.I. 2003/177 reg. 2\(6\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 14(5)(6) substituted for reg. 14(5) by [S.S.I. 2003/177 reg. 2\(4\)](#)