

SCHEDULE 3

Regulation 9(2)

REQUIREMENTS IN RELATION TO LAND SET ASIDE FOR THE PROVISION OF SPECIFIED RAW MATERIALS

Retention of features on the set-aside land

1. A farmer shall not damage, destroy or remove—
 - (a) any existing hedge or row of trees (including hedgerow trees);
 - (b) any tree (not forming part of a hedge or row of trees) whose largest trunk, when measured 1.3 metres above the average ground level of the base of the tree, exceeds 25 centimetres in circumference;
 - (c) any existing lake, loch, ditch, watercourse, pond or pool;
 - (d) any existing vernacular building or stone wall; or
 - (e) any archaeological feature or feature of historical importance;

which is situated on or adjacent to the set-aside land concerned unless he satisfies the Minister either that it should be damaged, destroyed or removed for environmental or for safety reasons or that he is obliged to do so to comply with a legal requirement.

Application of fertilisers and waste to the set-aside land

2. If a farmer applies any fertiliser or waste to the set-aside land he shall only do so—
 - (a) in accordance with the needs of the specified raw materials being produced on it; and
 - (b) in a manner which is consistent—
 - (i) where the land is in England and Wales, with the Code of Good Agricultural Practice for the Protection of Water approved by the Water (Prevention of Pollution) (Code of Practice) Order 1991(1); and
 - (ii) where the land is in Scotland, with the provisions of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity approved by the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 1992(2).

Adjustment or annulment of contracts relating to the provision of specified raw materials grown on set-aside land

3.—(1) A farmer shall not adjust or annul any contract relating to set-aside land concerned, submitted to the Minister in accordance with Article 6(1) of Commission Regulation 334/93, pursuant to Article 7(2) of that Regulation, unless he has notified the Minister of the proposed adjustment or annulment, and the collector or processor with whom the contract was made has similarly notified the Intervention Board for Agricultural Produce at least 10 working days before such adjustment or annulment takes effect.

(2) Where as a result of such adjustment or annulment any land set aside for the provision of specified raw materials is no longer to be used for such provision, the farmer shall—

- (a) dispose of any crop remaining on the land by a method which the Minister is satisfied will result in its destruction; and

(1) S.I.1991/2285, having effect as if approved under section 97 of the Water Resources Act 1991 by virtue of section 2(2) and paragraph 1(1) and (2) of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (1991 c. 60).

(2) S.I. 1992/395 (S.39).

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

(b) subject to sub-paragraph (3) below, be subject to the requirements of Schedule 2 to these Regulations.

(3) The Minister may grant the farmer an exemption from any requirement of Schedule 2 to these Regulations where he considers that the imposition of such a requirement would be unreasonable having regard to the date on which the contract was adjusted or annulled in accordance with sub-paragraph (1) above.