

general environmental requirements

The Standard of Good Farming Practice (Section 1) and a set of General Environmental Conditions (Section 2) together enshrine basic principles of good agricultural and environmental practice. These apply to the whole of the farm, croft or common grazings entered into the RSS and not just to those areas or features that are being positively managed under the Rural Stewardship Scheme.



Section 1

The Standard of Good Farming Practice

Regulation 1750/1999 states (Article 19) that where a farmer/crofter(s) enters into an agri-environmental commitment in relation to part of the farm/croft, he/she shall adhere to at least *the standard of good farming practice* in relation to the whole of the farm/croft. Also Council Regulation 1257/1999 (Less Favoured Areas and Areas with Environmental Restrictions) Article 14.2 states that compensatory allowances shall be granted per hectare of areas used for agriculture to farmers who apply usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming.

It is a condition of approval that you comply with the Standard of Good Farming Practice and any future revisions to it. A list of the verifiable standards of Good Farming Practice and the complementary environmental regulations are detailed at the end of this section.

If you are subject to investigation by SEPA or any other enforcement agency for a breach of any environmental regulation we may have to consider delaying your application to join the RSS or if you are already participating in the RSS, the payment of a claim until the outcome of the investigation is known.

The **verifiable standards of Good Farming Practice** are ones which are

complementary to existing legislative requirements and are capable of verification by Scottish Executive Rural Affairs Department (SERAD) staff to EU audit standards as part of our existing checks on agri-environment scheme participants.

1.1 On rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetlands and native, amenity or semi-natural woodlands, you should ensure that livestock are managed to avoid either overgrazing or undergrazing.

High concentrations of stock often cause poaching, frequently as a result of supplementary feeding practices, with obvious damage to the vegetation. When feed blocks are used, it will often be preferable to rotate feeding sites, but if hay is fed, sacrificial areas may be more desirable due to the risk of site rotation spreading introduced grass seeds over a larger areas, to the detriment of the natural herbage.

Overgrazing is defined as 'grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree'. Cases of suspected overgrazing will be investigated and failure to follow advice thereafter would be a breach of this condition.

In some cases no **supplementary feeding** is permitted under the terms of the agreement. Where it is

permitted, the feed must be provided in such a way that the vegetation is not excessively trampled or poached by animals or rutted by vehicles used to transport feed. Cases of suspected unsuitable supplementary feeding will be investigated and failure to follow advice thereafter would be a breach of this condition.

Undergrazing or under-utilisation is defined as ‘land where there is evidence of the annual growth not being fully utilised, or scrub or coarse vegetation is becoming evident, and such changes are detrimental to the environmental interest of the site’.

1.2 Drystone or flagstone dykes or walls, hedges and hedgerow trees on your land are important elements of a traditional landscape and provide valuable habitats for a diverse range of plants and animals. The removal or clearance of such features will not be permitted except with the prior written agreement of SERAD or other appropriate Government Agency.

Enforcement will be through visual assessment of any recent damage during field checks.

1.3 Trimming of hedgerows on your land, if carried out between 1 March and 31 July, may damage the conservation interest of this habitat. No hedge trimming during this period will be allowed.

Enforcement will be through visual evidence of recent damage during any checks carried out.

1.4 You are required to notify Scottish Natural Heritage of any intended operations that are likely to damage any Site of Special Scientific Interest on your land.

It is a condition of the RSS that participants will not proceed with any such operations without having obtained prior approval from Scottish Natural Heritage. Checks will be made to see that any damaging operations that appear to have been carried out have had prior approval from SNH.

1.5 If a new silage or slurry storage facility is constructed on your land, you must notify the Scottish Environment Protection Agency before starting to use it.

Checks will be carried out to see that this notification has been given for any new stores.

1.6 You must obtain prior authorisation from the Scottish Environment Protection Agency before disposing of sheep dip on your land.

Checks will be made to see that either an authorisation has been obtained or that there is justifiable reason why no authorisation is needed in that individual case.

MINIMUM ENVIRONMENTAL STANDARDS (SCOTLAND)

Relevant Legislation	Subject	Enforcement Agency
The Control of Pollution Act 1974	Pollution of water	Scottish Environment Protection Agency
Groundwater Regulations 1998	Disposal or tipping	Scottish Environment Protection Agency
The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 1991	Storage and handling of these substances	Scottish Environment Protection Agency
The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 1998	Measures to reduce nitrate leaching	Scottish Executive
Wildlife and Countryside Act 1981	Damage to Sites of Special Scientific Interest; wildlife offences	Scottish Natural Heritage
The Conservation (Natural Habitats etc) Regulations 1994	Additional protection for SSSIs which are within Special Protected Areas (SPAs) and Special Areas of Conservation (SACs)	Scottish Natural Heritage
Part III of the Food and Environment Protection Act 1985 and the Control of Pesticides Regulations 1986	Misuse of pesticides	Health and Safety Executive & Scottish Executive
Plant Protection Products Regulations 1995	Misuse of pesticides	Health and Safety Executive & Scottish Executive
Clean Air Act 1993	Emitting dark smoke	Local Authority
Hill Farming Act 1946	Muirburn	Scottish Executive & Local Authority
Ancient Monuments and Archaeological Areas Act 1979 Ancient Monuments (Class Consents) Order 1994	Damaging ancient monuments	Historic Scotland
The Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 1997	Code of good practice (PEPFAA)	Scottish Executive

Section 2

General Environmental Conditions

If you fail to comply with any of the general environmental conditions, this will count as a breach of the Scheme rules and the Department may be required to withhold or reduce payments, or recover payments already made. The Department may also have to charge interest and, depending on the nature of the breach of the conditions may, in addition, have to apply a financial penalty. (See Part 1, Section 8 on breaches of Scheme rules).

2.1 On rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetlands, water margins, and native, amenity or semi-natural woodlands, you should avoid damaging the conservation interest by not undertaking new drainage works, ploughing, clearing, levelling, re-seeding or cultivating and ensure that livestock are managed to avoid poaching.

Ploughing, cultivating and re-seeding results in the natural vegetation being destroyed and replaced with sown grasses. New drainage works, and modification of existing drains, cause lowering of the water table which results in the loss of wetland plant communities and their associated fauna. In nearly all areas of deep peat, re-cutting moorland grips will also be considered as damaging and should not be carried out.

2.2 You should not apply pesticides, lime or fertiliser (including farmyard manure and slurry) to rough grazings, unimproved pasture, reverted improved grassland, machair and dune grassland, wetlands, water margins, native, amenity or semi-natural woodlands and scrub.

This restriction is intended to protect the flora in areas where increased fertility would be detrimental to the maintenance of the existing diversity of the species which would also be threatened by the use of herbicides. Loss of diversity in the flora would also lead to a reduction in the associated fauna which could also be threatened by pesticides.

However, herbicides may be applied to control bracken, spear thistle, creeping or field thistle, curled dock, broadleaved dock, or ragwort and, with prior written approval from your local SERAD office, for the control of other plants.

Any herbicides used must be applied by either weed wiper, spot treatment, hand spraying, tractor mounted sprayers or, with the prior written approval of your local SERAD office, by other methods.

In the case of bracken, chemical control shall only be by means of Asulam or other chemicals approved, in writing, by your local SERAD office.

Exceptionally, and where there will be no damage to the conservation interest, lime or fertiliser including

farmyard manure and slurry may be applied to any of the habitats mentioned above with the prior written approval of your local SERAD Office.

2.3 You should ensure that any injurious weeds to which the Weeds Act 1959 applies are controlled to prevent their spread and avoid the risk of damage to the conservation interest of any habitat or feature on the unit.

Injurious weeds are not only considered to be a potentially serious threat to agricultural production but, if allowed to spread into areas of conservation interest, may reduce the diversity of species within these sites and cause a deterioration in the value of the landscape. The Weeds Act applies to the following injurious weeds: Spear thistle (*Cirsium vulgare*), Creeping or Field thistle (*Cirsium arvense*), Curled dock (*Rumex crispus*), Broad-leaved dock (*Rumex obtusifolius*) and Ragwort (*Senecio jacobaea*). The Act empowers SERAD officials to serve notice requiring an occupier of land on which injurious weeds are growing to take action to prevent such weeds from spreading.

2.4 You should ensure that any muirburn shall be carried out in accordance with the guidance approved by Scottish Ministers. A copy of the guidance is available from your local SERAD office.

When the Moorland Management Plan includes an annual programme of muirburning, you must ensure that the

work is completed to a satisfactory standard.

2.5 You must avoid damaging or destroying any features or areas of historic or archaeological interest and follow Scottish Ministers' guidance for the protection of such features or areas.

The following points summarise the relevant guidance:

- Maintain existing grass or heather cover. When re-seeding avoid ploughing or other soil disturbance.
- Maintain grazing, but avoid erosion. Do not feed animals on ancient monuments.
- Do not plant trees or encourage regeneration within 20 metres of an ancient monument and avoid panbusting and subsoiling. Where an ancient monument is isolated within an arable field, do not plough it. Leave an unploughed buffer zone of 5 metres around it.
- Do not carry out new drainage on or near an ancient monument. Take great care to avoid new disturbance when maintaining existing drains.
- Where rabbit control is carried out avoid ground disturbance.
- Do not permit peat cutting, quarrying, dumping or storing of any material to occur on the site of an ancient monument.

- Do not erect fences or other structures or create access tracks within 10 metres of an ancient monument. Avoid the use of wheeled or tracked vehicles on or near ancient monuments.
- Do not allow the use of metal detectors on ancient monuments or remove any archaeological finds. Report any finds or new features to Historic Scotland, the local authority archaeologist or the local museum.

2.6 You should follow the guidance approved by Scottish Ministers for the avoidance of pollution.

The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA Code) is a practical Guide on the avoidance of pollution. It covers the main agricultural activities which can give rise to pollution and describes some of the management practices which will help you to avoid, or at least minimise, the risk of causing pollution while enabling economic agricultural practice to continue. Copies of the PEPFAA Code are available from your local SERAD Office. In addition, the Scottish Environmental Protection Agency (SEPA) has produced short leaflets on some of the individual subjects covered by the PEPFAA Code. These are also available from your local SERAD office.