



SCOTTISH EXECUTIVE

Environment and Rural Affairs Department

# **ARABLE AREA PAYMENTS SCHEME 2002**

## **Explanatory Booklet**

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## A. THE SCHEME

### INTRODUCTION

1. The Arable Area Payments Scheme (AAPS) is a voluntary scheme, introduced as part of a series of measures reforming the Common Agricultural Policy of the European Union (EU). It offers area payments on eligible land to growers of cereals, linseed, oilseeds, peas for harvesting dry, field beans, sweet lupins, flax and hemp.

2. This Booklet describes the main AAPS rules and gives a checklist of key dates overleaf. You should read Sections A-C carefully and also those Appendices which apply to you. **You must not rely on this summary alone as a guide to the AAPS rules.**

### YIELD REGIONS

3. Scotland is subdivided into two yield regions, eg,

- (a) **the Less-Favoured Area (LFA)**, comprising land classified as Disadvantaged or Severely Disadvantaged; and
- (b) **the non-LFA**, comprising all other utilisable agricultural land.

Payment rates are fixed on a regional basis using historic average yields. For details of the other parts of the UK, you should contact the relevant Agriculture Department.

4. In order to qualify the whole of the cropping area claimed for AAPS aid, producers in the Scottish LFA claiming more than 17.66 hectares for crops and producers in the Scottish non-LFA claiming more than 16.23 hectares for crops have an obligatory set-aside requirement of 10%. These areas apply to Scotland only – farmers with land in more than one yield region should see Appendix 5. There is no obligation on small producers to set aside land but they may do so on a voluntary basis.

### GENERAL RULES

5. All farmers correctly claiming AAPS payments (whether or not small producers) will be paid at the rate relevant to the eligible crop that they grow. Section B sets out the general rules for claiming on eligible arable crops. It explains:

- which land is AAPS eligible,
- which crops are eligible,
- what sowing dates apply,
- what husbandry standards are required; and
- sets out the minimum plot and application sizes.

**One key rule is that, subject to certain exceptions, land which was in permanent grass, i.e. over 5 years old, permanent crops, non-agricultural use or was in woodland at 31 December 1991 is not eligible for AAPS aid.**

6. **This Booklet describes the rules in Scotland only.** If you are farming elsewhere in the UK, please contact the relevant Agriculture Department (Appendix 9) for a Booklet.

7. If you have any questions on the AAPS rules, or do not understand anything in this Booklet, your local Area Office will try to help you. You must give them the full facts about your case. For detailed advice on your **business** decisions, you should seek professional advice. **Staff at your local Area Office, or at the Department's HQ in Edinburgh, are precluded from giving this sort of detailed advice.**

## **RULE CHANGES FOR 2002**

8. The main changes to the rules since the 2001 Booklet was written are as follows:
- Sweet lupins are now eligible to receive AAPS aid in Scotland. Please note that this is subject to them meeting good agricultural practice locally.
  - For 2002, modulation will be applied to your payments at the rate of 3%. (See paragraphs 7 and 8 of Appendix 3 for a full explanation of this.)
  - Following an EC Commission decision in March 2001, any AAPS-eligible land may be entered into set-aside irrespective of its use in the previous year.
  - Producers may now grow organic fodder crops on set-aside provided that their holding is managed entirely in compliance with the Organic Regulation. (See paragraphs 62 and 63 for full details.)

## **APPLICATION**

9. If you wish to apply for AAPS aid in 2002 you will need to complete an Area Aid Application (AAA) in Spring 2002 under the annual Integrated Administration and Control System (IACS) exercise. Further guidance and application forms will automatically be sent to all producers who submitted an AAA in 2001 (except for those who merely registered their land), provided that our records show that the holding has not changed hands since then. The issue of this material will be announced in the Press and additional copies will be available from local Area Offices. **It is entirely your responsibility to obtain, correctly complete and return an AAA to your local Area Office so that it is received by the 15 May penalty free deadline.**

10. **We may inspect your land to verify the on-farm position and we will require access to all relevant documents. Failure to permit an inspection could result in the loss of AAPS (and, if appropriate, livestock) aid and you might also risk prosecution. Checks may include the use of satellite imagery or aerial photography.** For this purpose, we may need to pass some of the information you provide to an external contractor. We may also pass information to external contractors for the purpose of monitoring and evaluating the scheme. Any information which we provide will be treated in strictest confidence by the contractor.

11. This Booklet has been produced with care and in good faith. It does not, however, represent a definitive statement of the law. The relevant EU and Scottish legislation provides that definitive statement.

## CHECKLIST: KEY DATES

### 2001

- After harvest Allow natural regeneration or sow a green cover on all set-aside land.
- Before** sowing any oilseed rape Ensure that you have invoices, seed certification labels, registration agreements, glucosinolate content results etc to show that the seed met the quality requirements in Appendix 4; and keep these for inspection or submission with your AAA.
- 1 October If crops are still in the ground on the fields which you intend to set aside, you need not establish a green cover until it is practicable to do so.
- 31 December Last date for signing, **and lodging**, non-food set-aside contracts for winter-sown crops before sowing.

### 2002

- 15 January Start date for set-aside. You must not attempt to harvest any crops still remaining in the ground or graze the land.
- 31 January Last date for signing and lodging with the Rural Payments Agency (RPA) your non-food set-aside contracts for crops sown between 1 July and 31 December.
- 15 May Penalty free deadline for lodging your Area Aid Application (AAA).
- 15 May Last date for signing and lodging with RPA your non-food contracts for spring crops (sown between 1 January and 30 June).
- 31 May You must have sown any crops on which you want to claim arable area payments by this date.
- 10 June Final deadline for lodging your AAA.
- Early July The representative yields for non-food set-aside crops will be published.
- On or after 15 July You may prepare, and sow, your set-aside land for crops intended for harvest **after 15 January 2003**.

15 July-15 August	Normal period for cutting any green cover remaining on your set-aside land.
31 August	This is the end of the set-aside period. There are still controls on using any remaining green cover and on multi-annual set-aside.
Beginning November	Announcement of any overshoot of the base area or penalties on oilseeds payments.
16 November-31 January	Cereals, linseed, oilseeds, protein crops, flax, hemp and set-aside payments made.

**2003**

14 January	End of controls on use of green cover on 2002 set-aside land.
9 February	Last date for submission of IACS 9 Forms in respect of non-food crops on set-aside land.
31 March	Latest date for non-food set-aside payments.

## B. AREA PAYMENTS: GENERAL RULES

### LAND ELIGIBILITY

#### Land not eligible for AAPS aid

12. The eligibility restrictions, which apply throughout the EU, are specifically intended to prevent more land coming into subsidised arable production. You can grow arable crops on ineligible land but you cannot claim AAPS aid, including set-aside, on that land. If you do claim on ineligible land, you may lose part or all of your AAPS payments. You may wish to note that:-

- subject to certain conditions, it may be possible to use ineligible land to replace eligible land lost to compulsory purchase, provided that there is no significant increase in the eligible area. A separate leaflet is available from your Local Area Office;
- land growing certain multi-annual crops, previously regarded as permanent crops, on 31 December 1991 can now be regarded as eligible;
- subject to certain conditions, one-to-one switches of eligible land for ineligible land may be allowed for agronomic, plant health or environmental reasons, provided that there is no increase in eligible land as a result. A separate leaflet is available from your Local Area Office.

13. **You cannot normally claim AAPS aid on land which was in permanent grass, permanent crops, woodland or non-agricultural use on 31 December 1991, even if it has since been used for arable production.** It is the use which was being made of the land at 31 December 1991 that determines whether it is AAPS eligible. If you are not sure whether your land meets the eligibility criteria, you are strongly advised to check with your local Area Office.

14. **Permanent grass** includes all moorland, rough grazing, pasture and any areas which had been **in grass for 5 years or more at 31 December 1991**. Even if the grass was reseeded during that period, grazed or cut for hay or silage, it counts as permanent grass. However, temporary grass, i.e. land sown with grass – **excluding direct reseeding** – between 1 January 1987 and 31 December 1991, is AAPS eligible.

15. **Permanent crops** means any crops which occupy the soil for a period of 5 years or more and yield crops over several years. This would normally include nursery crops, trees and bushes for the production of fruit and berries, vines, hops and crops grown under glass or in poly tunnels. **It does not include strawberries.**

#### Multi-Annual Crops

16. Since 1996 land growing the following multi-annual crops on 31 December 1991 has been eligible: artichokes, asparagus, rhubarb, raspberries, blackberries, mulberries, loganberries, blackcurrants, whitecurrants, redcurrants, gooseberries, cranberries, bilberries and other fruits of the genus *vaccinium*. **This additional eligibility is not backdated to 1995 and before for the purpose of AAPS payments.**

17. **Woodland** includes all commercial and amenity woodland and rotational coppice.

18. **Non-agricultural use** includes all land used for purposes other than for agriculture unless it was a condition of any planning consent that the land be returned to agricultural use and the land was previously in agricultural use other than permanent grass, permanent crops or woodland.

### **Exceptions to the Definition of Ineligible Land**

19. Exceptionally, if you can prove that land which falls within the normal definition of permanent grass or permanent crops forms part of a normal arable rotation, that land may be AAPS eligible. If you believe that you have land in this category, you should write to your local Area Office with full details of the land and as much evidence as possible of your past cropping plans. **Unless, and until, your Area Office informs you in writing that any such land is eligible, you must not assume that it will be eligible or claim AAPS aid on it.**

20. Land which was in the **5-year Set-Aside Scheme in 1991/92** is eligible, including land in the woodland and non-agricultural use options, **provided that it meets the other AAPS conditions, including the rules about the use which can be made of set-aside land.** Land which was in the temporary One-Year Set-Aside Scheme in 1991/92 is eligible.

21. Land on which area payments were legitimately claimed under the transitional 1992 EC Oilseeds Support Scheme is eligible.

### **Special Conditions for Flax and Hemp**

22. To be AAPS eligible, all crops must normally be grown on land meeting the eligibility requirements outlined above. As a new exception, aid for fibre flax and hemp (but no other crops) may be claimed where these crops are grown on land on which fibre flax or hemp was grown and received payment under the Fibre Flax and Hemp Subsidy Schemes in 1999, 2000 or 2001.

23. If you claim for flax or hemp on land which is eligible only for this purpose, then any corresponding obligatory set-aside requirement must be met from land which is eligible only in respect of flax and hemp. If you claim for flax or hemp on land which meets the normal eligibility requirements, the set-aside requirement must also be met from land which meets the normal eligibility requirement.

24. **You may not use land which meets the normal eligibility requirements to fulfil the set-aside requirement for land that is only eligible for flax and hemp.**

### **Ineligible Land in Linseed in 1992 or 1993**

25. Ineligible land sown with linseed in 1992 or 1993 remains ineligible. If you plan to claim linseed aid in 2002, the land must meet the basic AAPS eligibility criteria.

26. **New occupants should ensure that they know which land is AAPS eligible.** They may also need to obtain from the previous occupier copies of relevant IACS documentation, including maps, field numbers and areas, and cropping records.

## UNCROPPED FIELD MARGINS

27. The field boundary is considered to be the area between the recognised centre of the boundary (the fence or midpoint of a hedge, ditch etc) and the edge of the crop or forage area. The current IACS Regulation allows you to claim the total FIS area of a field where it is fully utilised according to customary agricultural practice.

28. AAPS aid may normally only be paid on field margins where the distance from the centre of the boundary to the edge of the crop is no more than 2 metres at all points throughout its length. However, you may exceed that 2 metres limit and base your AAPS claim on full field areas (including any traditional field margins, i.e. hedges, walls and ditches) where these have long been an important element of the landscape and managed under good agricultural practice. Please note that if the area of any field boundary found at inspection is in excess of 2 metres, then that area in its entirety will be deducted from your claim and penalties applied as appropriate. **Please note that if a field boundary is moved and a boundary feature becomes part of the cropped area of the new field, it will cease to be regarded as part of the field margin and will become subject to the normal scheme rules. Rather, they will be regarded as arable exclusions and the relevant area will be deducted from the area on which cropping payments or set-aside payments are made.** If you have any doubt about your eligibility to take up this option, please contact your local Area Office.

## PENALTIES

29. If you overstate an area in your claim, claim on areas to which you are not entitled, or do not comply with the EU rules of the scheme, e.g. agricultural production on set-aside land, infringing non-food rules, ineligible silage mixtures, or inadmissible lucrative use of set-aside land, penalties will be applied. These penalties, which will be set out in full in the 2002 IACS Explanatory Booklet, are severe.

30. There are separate penalties for infringing the national management rules for set-aside, e.g. failure to establish a green cover where required, destroying a hedge, or breach of cutting requirements. In such cases, your set-aside payment will be reduced by £1 for each 0.01 hectare on which the rules are infringed, subject to a minimum of £100; in the case of linear features, by £1 per metre, subject to a minimum of £100; and in the case of environmental features, by £100 for each feature which you damage, destroy or remove.

31. Applicants who submit a fraudulent claim or commit fraud or any other criminal offences will be subject to criminal prosecution.

## ELIGIBLE CROPS

32. The following crops sown for harvest in 2002 are eligible for AAPS aid provided that you observe the Scheme rules:

### Cereals

- any **cereals**, including wheat and durum wheat, barley, oats, rye, triticale, maize, sorghum, buckwheat, millet and canary seed.

## Linseed

## Oilseed rape

- There are **special requirements for oilseed rape (see Appendix 4). Please note that a minimum separation distance of 50 metres is required between HEAR and double-zero crops sown in the same season whether on your own or a neighbour's land.**

## Proteins

- peas for harvesting dry, i.e. vining peas are ineligible
- field beans for harvesting dry
- sweet lupins

Proteins must not be harvested until they reach the stage of lactic ripeness.

## Flax

- linseed
- flax, grown for fibre

## Hemp

- hemp, grown for fibre

33. In general, AAPS crops are eligible for payment:

- whether they are grown for grain, seed or fodder;
- when grown for fodder, whether as a mixture or single stand;
- at the appropriate rate when grown for fodder as a single stand;
- at the (lower) cereals rate when grown for fodder as an eligible arable silage mixture, e.g. cereals and peas; and
- when grown for fodder as arable silage and undersown with grass when it is sown separately.

34. **Arable silage mixtures consisting of AAPS eligible and AAPS ineligible crops will not receive AAPS aid.**

## SOWING DATES

35. **All crops must be sown by 31 May 2002.** The EC Commission will only allow an extension beyond that sowing date in exceptional circumstances.

36. If you claim AAPS aid on land which you are prevented from sowing by 31 May owing to exceptional circumstances such as unexpected flooding, you must write

immediately to your local Area Office explaining the circumstances and seeking a written exemption enabling you to sow later. Exemptions from the sowing date can be granted only if both:

- the circumstances which prevented you from sowing are held by the Department to be exceptional and could not reasonably have been foreseen; and
- it is still possible to sow the crop after 31 May in accordance with good agricultural practice.

37. If continued bad weather prevents you from resowing the crop in accordance with good agricultural practice locally, you may still be eligible to receive AAPS aid on the crop which you would otherwise have sown. You are strongly advised in such cases to **contact your local Area Office as soon as possible, confirming details in writing**.

## **HUSBANDRY STANDARDS**

### **Sowing and Maintenance of Crops**

38. Under the EU rules, all crops must be sown in line with locally recognised standards, i.e. normal agricultural practice, and maintained until at least the beginning of flowering **and** until at least the relevant date for the crop as set out below, unless harvesting at full agricultural maturity takes place earlier. For protein crops, they must not be harvested until they reach the stage of lactic ripeness. This means that the land must be prepared and seed sown in a way which could normally be expected to produce a marketable crop. Also, the crop must be maintained until flowering even if this is after the relevant date shown below.

39. The relevant date for each crop is:

Cereals:                      until at least the beginning of flowering

Oilseeds:                     30 June, or flowering if later

Protein Crops:              30 June, or flowering if later

Linseed:                      30 June, or flowering if later

Flax:                          30 June, or flowering if later

Hemp:                         crops of hemp must be maintained until at least 10 days after the end of flowering. However, crops may be harvested after flowering provided the crop has been sampled or you have been notified that the crop is not to be sampled. You must thus await notification before the crop may be harvested.

### **Crop Failures**

40. You should note that pre-flowering/30 June crop failures, as appropriate for the crop, can now be paid in full provided the Department is satisfied that the failure is as a result of “exceptional weather conditions” **and** that the crop was sown according to good agricultural

practice. However, where a crop failure is the result of **bad husbandry**, then the claim will be reduced without penalty if the Department has been notified, and penalties will be applied if the crop failure is non-notified. Bad husbandry is when no real attempt has been made to prepare a suitable seed bed and/or to establish and grow the crop consistent with good agronomic practice and to a locally recognised standard. **You are strongly recommended to keep seed invoices, contractor's bills and any other evidence that you have sown and maintained your crops in accordance with normal agricultural practice.**

## **MINIMUM PLOT AND APPLICATION SIZES**

41. **The minimum area on which you can apply for AAPS aid is 0.3 hectares.**
42. An application may consist of more than one individual plot. **The minimum crop plot size is 0.1 hectares** – or 0.01 hectares in the case of seed production or research.
43. **The minimum set-aside plot size is 0.3 ha except in the case of 10 metre strips next to permanent watercourses where the minimum plot size is 0.1 ha.** You can set aside land in a single block or in a number of smaller blocks. (Set-aside land can only count as a single block if it is all within one field and you can walk from any point in the set-aside area to every other point without leaving set-aside land.)
44. Smaller areas will be acceptable only if they are completely bounded by permanent fixed boundaries such as walls, hedges or watercourses. Provided that they meet these area and width requirements, field margins may be set aside. These requirements also apply to eligible land entered into the former Habitats Scheme and forestry schemes (FWPS/WGS) and claimed as set-aside.
45. **Set-aside strips must normally be a minimum of 20 metres wide at all points with the exception of strips alongside permanent watercourses or lochs, which must be at least 10 metres wide at all points.** These strips can be separated from the watercourse by a fence, wall, hedge (including vegetation that has grown up from inside the watercourse), banks or belts of single trees. However, 10 metres wide strips will **not** be allowed where they are separated from the watercourse by open ground. You can make your set-aside plot up to 0.3 ha by joining such strips to other areas of set-aside, e.g. a strip of 20 metres wide in the same field. For the purposes of this paragraph 'permanent watercourses' includes lochs, ponds, rivers, streams, canals, estuaries and field ditches. If the watercourse runs through a culvert, then the culvert should be no more than 6 metres long.

## C. SET-ASIDE

### YOUR SET-ASIDE REQUIREMENT

46. Set-aside means taking your land out of production from 15 January in the scheme year concerned until at least 31 August of that year. The only exception to that rule is land entered into the non-food set-aside option. If you are not a small producer, the set-aside rate for the year 2002 is 10%. From 2002 to 2006 the basic or 'default' rate of set-aside is 10%. In these years, this will be the basic rate unless the Agriculture Council decides otherwise in the light of market conditions. SEERAD will seek to ensure that changes to the obligatory rate are announced as early as possible before autumn sowing. You are thus advised to take this into account when deciding in advance of an official announcement.

47. If you farm land in more than one yield region, e.g. the Scottish LFA and non-LFA, you must normally meet your set-aside commitment in each region (see Appendix 5).

48. Appendix 1 shows you how to calculate your set-aside requirement. If a claim does not meet the obligatory set-aside requirement, it will be scaled back either to the cropped area supported by the eligible set-aside area in the claim, or to the maximum area that can be claimed by a small producer, whichever is the greater. **Please note that even a small shortfall in your set-aside area may involve a substantial reduction in the cropped area eligible for payment. It is thus in your best interests to ensure that you have calculated your requirement correctly.**

### ELIGIBILITY OF LAND FOR SET-ASIDE

49. Following an EC Commission decision in March 2001, **any AAPS-eligible** land can now be entered into set-aside **irrespective of its use in the preceding year.**

### OBLIGATORY SET-ASIDE

50. For 2002, the obligatory set-aside rate is 10%. Any set-aside above that 10% is known as **voluntary set-aside.**

51. All AAPS claimants, including small producers, may have voluntary set-aside. However, if you choose to set aside land in addition to the basic obligation, you must ensure that your total set-aside area does not exceed the total cropped area for which you are claiming AAPS aid.

52. There are three exceptions to this rule, where up to 100% of your claim can be set aside. These are where the **entire** set-aside area is:

- used for the production of multi-annual crops for biomass production, e.g. short rotation coppice;
- ex-Five-Year Set-Aside Scheme land which has been in continuous set-aside under AAPS since leaving the Scheme; or

- AAPS eligible land that has been taken out of arable production under an agri-environmental scheme, e.g. the Nitrate Sensitive Area Scheme, and has now left that scheme.

53. Where sufficient set-aside has been included in a claim to support the cropped area but that set-aside is found not to be in accordance with the AAPS rules (other than the management rules), the claim will not be payable.

### **MULTI-ANNUAL SET-ASIDE**

54. Multi-annual set-aside, i.e. similar to the former guaranteed set-aside, is an option whereby producers undertake to set aside the same land for up to five years in return for a guaranteed payment rate. The rules for such agreements are set out in Appendix 8.

### **ADDITIONAL VOLUNTARY SET-ASIDE**

55. Additional Voluntary Set-Aside was land that had been in the 5-Year Set-Aside Scheme and then set aside continuously under AAPS since leaving that Scheme. **Additional voluntary set-aside no longer exists as a separate option.** However, such land that has continuously been in set-aside, will be allowed to continue in set-aside **even where this exceeds 50% of the claimed area, i.e. up to 100%.**

### **STRUCTURAL SET-ASIDE**

#### **Woodland**

56. If an application to enter land into the Woodland Grant Scheme (WGS)/Farm Woodland Premium Scheme (FWPS) was made on or after 1 July 1995, and the land entered into the schemes was **AAPS eligible**, this land may be counted against your set-aside requirement. Land entered into the WGS/FWPS, and counted towards your set-aside requirement, must meet the normal rules and conditions of those schemes. You will receive the normal rates of establishment grants under the WGS and annual payments under the FWPS. However, if your land is being counted as set-aside, you may not receive more than the set-aside payment rate in the AAPS yield region concerned. Thus, if the normal FWPS payment rate exceeds the set-aside, you will receive a special FWPS payment equal to the set-aside payment rate for the land concerned. You will not receive the AAPS set-aside payment. (The WGS and FWPS application procedures are now combined, with the local Forestry Commission Conservancy Office as the main point of contact for obtaining scheme literature and submitting the joint application form. Copies of the FWPS Rules and Procedures booklet and other advice may also be obtained from SEERAD Area Offices.)

57. The normal set-aside management rules do not apply to land entered into the FWPS/WGS. If you are in any doubt about your eligibility to claim AAPS cropping or set-aside aid you should contact your local Area Office.

58. Grants of £400/hectare are available under the WGS to encourage the planting of short rotation coppice on set-aside land. This is not eligible for the FWPS.

59. You can set aside land which was originally entered into the former Farm Woodland Scheme (FWS) through the old 5-Year Set-Aside Scheme. The set-aside management

conditions will not apply to such land. You will not be able to receive AAPS set-aside payments while the land remains in the FWS. Participants who did not enter the FWS through the 5-Year Set-Aside Scheme cannot claim their FWS land as set-aside under the AAPS.

### **Habitats Scheme**

60. If an application to enter eligible arable land into the Waterside Habitats, Damp Lowland Grassland and Marsh Communities, or Dry Lowland Grassland 20 year options of the former Habitats Scheme was made on or after 1 July 1995, this land can count against your set-aside obligation in 2002. If you are in any doubt about your eligibility to claim AAPS cropping or set-aside aid, please contact your local Area Office.

61. You must have conformed to the rules and conditions of the Habitats Scheme for any land that you wish to count as set-aside, and you will receive the normal annual Habitats Scheme payments. Payment rates for loss of income on land entered into the eligible options of the Habitats Scheme and forestry schemes, and claimed as set-aside under AAPS, cannot exceed the AAPS set-aside payment rate in the yield region concerned.

### **GROWING ORGANIC FODDER LEGUMES ON SET-ASIDE LAND**

62. A new measure was introduced in 2001 whereby producers on holdings managed wholly in compliance with the organic Regulations may grow organic fodder crops on their set-aside land. Producers wishing to take advantage of this measure must:-

- (a) be registered as organic producers with a relevant organic body e.g. SOPA or another sectoral body; **and**
- (b) farm the entire production of their holding in compliance with the obligations of the Organic Regulation (EU Council Regulation No 2092/91).

For the purposes of this measure 'holding' is as defined in the IACS Regulations. This means that to be eligible to grow organic fodder legumes on set-aside, **all** the units in an IACS holding must be wholly managed in compliance with the requirements of the Organic Regulation or be in the process of conversion to organic production. Holdings comprising a mixture of organic and non-organic units are not eligible for this concession.

63. The following organic fodder crops may be grown on set-aside land:

- |                       |                              |
|-----------------------|------------------------------|
| Lucerne,              | Sickle Medick,               |
| Birds Foot Trefoil,   | Lupins (excl. sweet lupins), |
| Sainfoin,             | Clover,                      |
| Melilot/Sweet Clover, | Wild Vetch,                  |
| Chickling Vetch,      | Field Beans,                 |
| Fenugreek,            | Peas,                        |
| Hairy Vetch,          | Podder Vetch,                |
| Soya Bean,            | Dwarf Chickling Vetch,       |
| Narbonne Vetch,       | One-Leafed Vetch.            |

Mixtures of these crops with cereals or grasses are also permitted, provided that the fodder legume is the predominant element in the mixture.

## **SHORT ROTATION COPPICE AND OTHER BIOMASS CROPS ON SET-ASIDE**

64. The Agriculture Council has agreed that producers will be permitted to set-aside an area greater than 50% of the total area on which they are claiming aid provided that **all** of their set-aside is used for the production of multi-annual biomass crops, eg, SRC. **The payment will be the same rate as that for obligatory and voluntary set-aside.**

65. Normally, no other Community-financed aid is payable on non-food crops grown on set-aside land. However, the Council has also agreed that a grant of up to 50% of the costs associated with establishing biomass crops on set-aside land may be paid to growers. A supplement will be available in certain areas of Scotland to help cover the costs of establishing short rotation coppice on set-aside. For further details on this supplement, please contact the Forestry Commission.

## **MANAGEMENT OF SET-ASIDE LAND**

66. **The rules in this Section do not apply to land being used to grow non-food crops or land under the structural set-aside option.**

67. There are 3 stages to managing your set-aside land:-

- (a) You must normally try to **establish a green cover** before 15 January, i.e. the start of the set-aside season. The rules on establishing a cover are set out in paragraphs 82-94. The main ways of establishing a green cover are through natural regeneration, sowing a grass cover or sowing wild bird cover. This will not, however, be necessary if the land was in set-aside last year and has an adequate cover. There are circumstances when a green cover is not required (paragraphs 101-102).
- (b) Once you have established a cover, you will need to **manage it** according to your own objectives.
  - The only statutory requirement is that you must cut the cover short between 15 July and 15 August and leave the cuttings on the ground to rot. Alternatively (except in the case of multi-annual set-aside), you must destroy it by 31 August. If you intend to leave the set-aside in place for a further year, you should cut the cover rather than destroy it. There are a number of exceptions to the cutting requirement including field margins and wild bird cover. In addition to the statutory requirements set out above, set-aside can be cut as often as you wish.
  - **You must not destroy the cover at all (unless replacing it) on multi-annual set-aside.**
  - **The cover on the land may be replaced** if necessary (paragraphs 122-123).
  - There are other important constraints on managing your set-aside land including **restrictions on the application of fertilisers, manure, wastes and lime.**

- (c) **At the end of the set-aside period**, you may wish to establish an AAPS eligible or permitted horticultural crop **for harvest the following year**. You may sow only the following horticultural crops under this provision: ornamental bulbs (excluding onions or garlic), field grown trees or shrubs, cane fruits and strawberries. You may also sow a temporary grass ley (or a traditional forage crop) **but only for grazing/use after 15 January the following year**. Preparations, including sowing, may start from 15 July. If you do this the crop **cannot be harvested or used, e.g. for grazing or fodder, before the following 15 January. There are no exceptions to this rule and no exemptions will be given in any circumstances.**

If you want to leave the land in set-aside or to leave the cover down for other reasons, you can simply cut the cover short between 15 July and 15 August, **but you must leave the cuttings on the ground to rot. There are restrictions on the use of the cover after the end of the set-aside period, between 1 September and 14 January (see paragraphs 77-81).**

68. You may apply for exemptions from some of the rules, for example to follow your own management plan or for environmental reasons, e.g. cutting later to benefit particular birds or other wildlife. Details of how to do this are at paragraphs 136-138. **You must, however, respect the general ban on cultivation between 1 May and 15 July.**

## **USE OF SET-ASIDE LAND DURING THE SET-ASIDE PERIOD**

### **Agricultural use**

69. During the set-aside period the **land may not be used for any form of agricultural production (including horticulture and grazing)**, with the following exceptions:

- the production of **non-food crops**; and
- **after 15 July**, the preparation for sowing or the sowing of an arable crop for harvest/use **after 15 January 2003**. This includes ornamental bulbs, field-grown trees and shrubs, cane fruit and strawberries.

70. Farmers who take advantage of the exception allowing them to sow a crop after 15 July must remember that in no circumstances can that crop be used, grazed or harvested before the following 15 January.

71. Sowing any agricultural crop (other than an acceptable green cover) counts as agricultural production, even if the crop is not taken through to harvest. This includes land sown with a crop that is subsequently destroyed.

72. Set-aside land must not be used for any purpose that would bring a return in cash or kind (lucrative use), to the farmer or to anyone else, unless that use is compatible with the presence of a standing crop. Thus, if a game cover is sown, it would normally be acceptable to encourage wild game or to shoot over the land in the way you might shoot over arable land. The land must not be used to rear birds for a commercial shoot or to establish new commercial shooting facilities that would not normally take place on arable land. Please note that the placing of feed hoppers on set-aside land is not permissible during the set-aside

period as it constitutes agricultural production (but see paragraph 77 about uses of set-aside after 1 September). Under the wild bird cover option you may benefit from a cutting derogation. If you infringe the lucrative use provision or put the cover to any agricultural use at any time, infringements will be penalised.

### **Non-agricultural uses**

73. During the set-aside period, the land cannot be put to any non-agricultural use that brings a return in cash or kind, to you or anyone else, with the exception of certain local small-scale charitable fund-raising events. You must always seek written permission from your local Area Office before allowing anyone to use your set-aside for any charitable event. The set-aside period applies from 15 January to 31 August on most set-aside land. The only exceptions are those activities which could be carried out equally well if you were growing a standing crop on the land, e.g. occasional game shooting of a strictly non-commercial nature – see paragraph 77.

74. Under the strict EU rules, there is a presumption against the use of set-aside land for any non-agricultural purpose other than for approved non-food uses. These rules prohibit all uses of set-aside which are either commercial or from which any organisation derives any income or other direct benefits. Even if the proposed use is non-commercial and non-lucrative, prior written approval must always be obtained from your local Area Office before any non-agricultural activity is carried out on set-aside land. You must apply in writing for such approval, giving full details, well in advance of the proposed activity, and in good time to allow changes to arrangements should the planned activity be inadmissible. The only activity for which you do not need prior written approval is grazing your own non-agricultural animal(s), e.g. a pony kept for riding by you or your family, provided that you do not receive any return in cash or kind. Infringements of these rules have already been and will continue to be penalised.

75. The land must not be used for any activity that is incompatible with the set-aside management rules. In particular, you must not use the land for anything that would damage the green cover. Infringements of the set-aside management rules will also be penalised.

### **Research**

76. Research cannot be carried out on set-aside land unless the research itself is into the management of set-aside. Research into growing non-food crops on set-aside may be possible. However, all the rules concerning non-food crops have to be complied with, including the restrictions on the end use.

## **USE OF THE LAND AT THE END OF THE SET-ASIDE PERIOD**

### **If you wish to leave the land in set-aside**

77. At the end of the set-aside period, i.e. 31 August, if you wish to leave your land in set-aside for a further year you should normally leave the existing cover in place. There are restrictions on what you can do with any cover on the land at the end of the set-aside period between 1 September and the following 14 January. No cover established during the set-aside period may be put to any commercial use. This means that you must not:-

- keep any animals on the cover (other than your own animals) for a return in cash or kind, or lease the land for such purposes; **or**
- sell, barter or exchange any hay or silage harvested during this period; **or**
- use the set-aside cover for any other commercial purpose.

**You may however:**

- keep your **own** animals (including pigs), or other people's, on the land, **provided that you do not receive any return in cash or kind.** (In the case of **pigs**, where agreements to keep pigs on land usually cover a longer period, farmers wishing to allow pigs onto land leaving set-aside must submit a copy of their Tenancy Agreement to their local Area Office.);
- harvest hay or silage for your **own** use, provided that you have cut the cover between 15 July and 15 August; or
- site game bird release pens and/or feeding hoppers on the set-aside area, provided that these are used solely in connection with a totally non-commercial shoot from which neither the farmer nor any third party derives any return in cash or kind.

**You cannot graze temporary grass leys, established during the set-aside period, until after the following 15 January.** Where the set-aside cover is a wild bird cover, for which cutting derogations apply, such cover must be left untouched until the following 15 January and must not be used for any agricultural purpose prior to that date.

78. If the cover has been destroyed or has not established, you must establish a new cover before the start of the next set-aside period in accordance with the rules.

**If you wish to sow a crop on the land for harvest the following year**

79. From 15 July you may prepare the land for, and sow, cereals, linseed, oilseed, protein crops, flax, hemp, ornamental bulbs (excluding onions or garlic), field grown trees or shrubs, cane fruits and strawberries (but not any other horticultural crops) intended for harvest after 15 January in the following year. You can leave multi-annual set-aside, without penalty, after 31 August in the final year of the agreement and may sow crops on the land from 15 July in that final year for harvest from 15 January the following year. You may also sow a temporary grass ley under this provision. **Under no circumstances may the crop be harvested or used in any way before the following 15 January. No exemptions can be granted in respect of this EU rule.** Certain non-lucrative operations on the land are allowed, such as repair or erection of fencing, before the end of the set-aside period. If in doubt as to whether the operation you propose is permissible, contact your local Area Office. If you sow a horticultural crop on set-aside (from 15 July) that land may not be set aside the following year. It may be set aside in the year after the year in which the crop is harvested

80. There are financial penalties for infringement of the set-aside management rules, e.g. failure to comply with the rules prohibiting agricultural use and restricting non-agricultural use. You are thus strongly advised to ensure that all the management rules are observed.

81. The rules set out the minimum requirements. They leave considerable scope for you to adapt them to suit your own circumstances. In general, it will be best to follow a range of management techniques, e.g. cutting to different lengths in different parts of the field, to create a range of habitats. In most cases, more intensive management will be needed in the first year any land is in set-aside to control volunteers and aggressive grass weeds.

### **WHAT COVER IS REQUIRED?**

82. Wherever practicable, you must establish a green cover by 15 January. This cover is required to minimise nitrate leaching, and may be sown, created through natural regeneration, or by leaving down the existing cover in the case of land set aside the previous year. Alternatively, you can put set-aside into bare fallow, but not for two consecutive years.

83. If neither undersowing nor natural regeneration is an option, and weather and soil conditions after harvest made it impracticable to establish a sown cover, then you may leave the land alone until the following spring. However, light tillage – no deeper than 7 cms – after harvest would aid the development of cover to avoid nitrate leaching. In the spring, you could sow a green cover.

### **After which crops is natural regeneration allowed?**

84. **Natural regeneration may be used to establish a green cover only after a combinable crop.** You may also establish a green cover by natural regeneration after **herbage seed**. If you use natural regeneration after herbage seed, you must not take a further herbage seed crop off that grass crop. **You will need a written exemption if you wish to use natural regeneration after other crops.** You should take care that your cover does not interfere with rotational requirements such as those associated with seed production. **In most cases, it will not be advisable to attempt natural regeneration following rapeseed because of the difficulties of getting rid of volunteers.**

### **What steps must I take to establish a cover by natural regeneration?**

85. After harvest, you must leave land to develop a cover from the seed bank and volunteers. Using a straw chopper when combining can encourage the establishment of cover. After harvest, you must not plough, deep cultivate or treat with non-selective herbicides as this would prevent natural regeneration. However, in the first year, the land may be disced or shallow cultivated to a depth of no more than 6-7 cm to encourage germination. Any such discing/cultivation should be done early before any significant growth of vegetation has taken place.

### **What can I sow?**

86. You may choose the seed mixture best suited to your land conditions. These may include broad-leafed plants and wild flowers (including legumes such as native trefoils) in the seed mixture, but legumes may only be sown subject to the following conditions:

- if limited to no more than 5% by weight of the seed mixture; and

- if subsequent ploughing of the cover, either at the end of the set-aside period or prior to the sowing of an approved non-food crop, is done in spring for spring crops or autumn for winter crops.

Wild or native species of legumes are particularly attractive to invertebrates and their input of nitrogen is far less than that of the agricultural clover cultivars.

87. To ensure that the cover is not subsequently used for herbage seed, grass covers must be sown with home-saved or certified seed. You must not sow breeders' pre-basic or basic seed.

88. If you are an organic farmer or are in the process of conversion, and are registered with UKROFS or an approved organic sector body, you can ask your local Area Office for an **exemption to use more than 5% legumes** on any land which is being farmed organically or which is in conversion. You will be asked to provide evidence of your registration.

### **What steps must I take to establish a cover?**

89. A grass cover can be established either by under-sowing the previous crop or by sowing a low-density sward as soon as possible after harvest of the previous crop. You may also establish a green cover in the spring.

### **WILD BIRD COVER**

90. Wild bird cover is generally left in place for 2 years, and should not be cut but be left to reseed itself in the autumn. It must be replaced if one crop group comes to dominate so that the cover is no longer a mixture where the components could not be harvested separately. It may be destroyed after one year only if you need to do so, e.g. because you wish to rotate your set-aside.

91. Wild bird cover can provide valuable feeding grounds for both seed-eating and insect-eating birds, **especially if it is left in place for 2 years or more**. However, where the land remains set aside for more than one year, this cover must be replaced during the second calendar year after it was sown. For example, if the cover was sown in the spring of 2001, it must be replaced by the set-aside year commencing on 15 January 2003. However, if the cover is replaced after the first year, it need not be replaced again after the second year. You should consider wild bird cover on those parts of the farm where you wish to encourage seed-eating birds, including wild game birds, and it might usefully be sown on field margins.

### **What type of wild bird cover can I sow?**

92. Wild bird cover must be a mixture of at least two crop groups, e.g. cereals and brassicas, other than legumes. The mixture chosen must be one which is not normally grown as a mixture for agricultural production and it is not practicable to harvest the components separately, i.e. a mixture of cereals and grass or of rape, kale and turnips is not acceptable. Whether or not you intend to harvest or graze it is irrelevant. What matters is whether the mixture is capable of being harvested or grazed. The mixture must be sown on the same land; you cannot sow alternate rows, or blocks, of each seed. You may add up to 5% (by weight) of legumes to the mixture. Mixtures of cereals alone or brassicas alone are not acceptable. You must ensure that the mixture remains an unharvestable mix. This is

particularly important if the land is to remain in set-aside. If one component of the mix deteriorates, you must write to your local Area Office immediately and reinstate the mixture by replacing either the lost components or the whole mixture as soon as possible. Infringements will be penalised.

### **What steps must I take to establish a cover?**

93. Wild bird cover is generally best established in the spring following natural regeneration over winter, although you may also sow a cover in the autumn. Up to 30 kg of nitrogen per hectare may be applied to help establishment. You are not required to cut the cover, provided that you follow in full all the rules in paragraph 99; but if you do take advantage of this derogation you must not graze, or allow the cover to be grazed, or use it in any other way, after the end of the set-aside period. If you do, you will be penalised.

### **Other Acceptable Set-Aside Covers**

94. Other acceptable covers are:

- **Mustard** (other than mustard grown for seed or grain).
- **A cover mixture of at least 2 crop groups, e.g. cereals and brassicas.** Legumes may only be sown if limited to no more than 5% of the seed mixture by weight. The mixture must be such that it would not be practicable to harvest the components separately and it must be one that would not normally be grown as a mixture for agricultural production. Infringements will be penalised. Mixtures of cereals alone or brassicas alone are not acceptable. If you choose this option, please note:
  - **You must ensure that the mixture remains unharvestable** (see paragraph 92). It will sometimes be noticed too late to take corrective action immediately, in which case it is acceptable to retain the existing cover, but you must destroy it before the plant cover becomes harvestable (normally mid to late July). Again, you must inform your local Area Office **in writing** if you intend to do this.
  - **The mixture must be sown on the same land:** i.e. you cannot sow alternate rows or blocks of each crop group.
  - **Other covers**, e.g. phacelia, provided the seed sown is neither seed of an agricultural crop (such as cereals or kale) nor seed of a legume.

### **MANAGING THE GREEN COVER**

95. Set-aside land must be managed in such a way as to ensure that there is no agricultural production (other than under the non-food option); no lucrative use from that land; and no environmental damage.

96. During the set-aside period, you must not damage, destroy or remove any of the following features which are sited on or immediately next to land which is set-aside; vernacular (traditional) buildings, stone walls, hedges, trees including hedgerow trees,

watercourses, ditches, ponds, pools, lochs, lakes and archaeological remains. **This rule applies under all circumstances.**

### **Compulsory Cut or Destruction**

97. Under the EU rules, the Department is required to ensure that the growth from the green cover is not put to any commercial use. The Commission has indicated that it expects the green cover to be cut short or destroyed at the end of the set-aside period. For this reason, unless covered by the exceptions in paragraphs 99-100, you **must either**:

- **destroy the green cover by 31 August** (this option does not apply to multi-annual set-aside); **or**
- **cut the green cover short** (to approximately 10 cm or less) **between 15 July and 15 August**. The cuttings must not be removed or used but must be left on the ground to rot.

98. You may, however, apply to your local Area Office for an exemption to cut at a different time, to leave the grass longer or to allow scrub or woodland to regenerate, **provided that you do not intend to use the cover**, e.g. in the former case, for hay, silage or grazing, at the end of the set-aside period. In addition:

- Up to 25% of each set-aside field/parcel may be left uncut for up to 3 years to encourage a range of habitats. No specific exemption is required. However, if there is likely to be a problem of scrub encroachment you should cut the area more frequently than every 3 years.
- You may leave up to 2 metres adjacent to a hedge or wood permanently uncut to encourage broadening of the hedge or natural regeneration of the woodland. No specific exemption is required.

### **Exemptions from the Cutting Requirement**

99. You do not need to follow the normal cutting regime or destroy the green cover if:

- you are setting aside field margins or headlands and do not graze the land or take any hay or silage from it after the end of the set-aside period. In such cases, the cover must still be cut at least once a year, but the cut may take place at any time of the year.
- you have sown a wild bird cover and there is no requirement for any cut. If, however, you wish to graze the cover after the end of the set-aside period, then you are not exempted from the cutting requirements; or
- you have a specific exemption (paragraphs 136-138).

100. **If the green cover is left uncut the land may not be grazed or cut for hay or silage between 1 September and 14 January.**

## **Circumstances under which you do not need to establish a cover**

- **If there are crops in the ground on 1 October.**

101. If crops are still in the ground on 1 October in the year preceding the set-aside period, you need not establish a green cover. If you choose not to establish a green cover, you may establish a bare fallow or allow the natural vegetation to develop to provide cover. You may disc or cultivate lightly where necessary to aid germination. You should not disturb the ground any more over winter. Please note, however, that root or vegetable crops still in the ground on 1 October are not acceptable for natural regeneration the following year. Such crops will require to have a green cover sown as soon as is practicable.

102. **If you wish to keep the land in set-aside for a further year**, and an adequate green cover has not established by natural regeneration or the land was in bare fallow the previous year, you must sow a suitable cover before the following set-aside year.

## **Cutting**

103. In addition to the compulsory cut or destruction of the cover, you may need to cut your cover more often to control aggressive weeds or volunteers or to contain other vigorous growth. In particular, you may need to cut more frequently in the first year of set-aside. **The cuttings must not be removed, burnt or used and must be left to rot on the ground.**

104. The cuttings will cause fewer problems to the sward if chopped and scattered. If leaving the cuttings on the ground would cause environmental problems, you may ask your local Area Office for a specific exemption to remove the cuttings; you will need to explain in writing why you need to remove the cuttings and what you propose to do with them. **The cuttings may not be used for any agricultural purposes.**

105. **You should try to avoid cutting your set-aside land between 1 April and 14 July as this may disturb or destroy nesting birds and prevent flowers from seeding.** At other times you should take measures to minimise the damage to wildlife, by commencing regular mowing early in the year; by setting the mower at the maximum safe height; and by mowing from the centre of the field outwards or from one end of the field to the other to leave an escape route for wildlife.

106. If you cut the cover to different lengths this will provide a wider range of habitats. Long tussocky grass or scrub next to a hedge will provide cover for wildlife; short grass next to the crop can provide you with easy access, help weed control and provide sites for ground nesting birds; regular mowing of the short grass can help control aggressive weeds, while allowing low-growing broad-leaved plants a chance to develop. Cutting field edges with a forage harvester and blowing the material into the field can help allow environmentally valuable flora to develop in the margins.

107. **Avoid cutting on or near visible archaeological features. Where cutting is unavoidable, take extra care to avoid damage to such features.**

## Weed and Volunteer Control

108. You may need to take action to control aggressive weeds, crop volunteers or vigorous growth. This may be done using herbicides, cutting or cultivation. A sown cover can also help to reduce weed numbers, especially if it is left in place. You are reminded that cultivation before late-July is still potentially one of the MOST DAMAGING agricultural operations for wildlife and could destroy a wide range of species. You are thus strongly advised to consider alternatives such as the timeous use of herbicides to control weeds and to ALWAYS take the precautions set out in paragraph 110.

109. You should pay particular attention to controlling those weeds specified in the Weeds Act 1959: common ragwort, broad-leafed dock, curled dock, spear thistle and creeping or field thistle. The Act empowers Agriculture Ministers to take action against anyone who occupies land from which these weeds are spreading.

110. Agricultural operations can harm wildlife sheltering in the cover, nesting birds (particularly between April and mid-July), over-wintering insects (up to mid-May) and wild flowers which have not yet set seed. There is no easy way to balance environmental and agronomic considerations in such cases. You must however:

- avoid operations such as non-selective herbicide treatment, cultivation or cutting unless strictly necessary; the use of appropriate selective herbicides can be beneficial;
- where feasible, delay these operations until as late as possible (certainly until after mid-July);
- only treat the area where the problem weed is present;
- consider controlling problem weeds by herbicides – preferably selective ones – rather than cutting or cultivation;
- if using a non-selective herbicide, leave the residue of the cover in place for as long as possible to provide cover from predators for young birds in the nest;
- if you have to mow, start to mow regularly early in the year to discourage birds from nesting; set the cutter at the maximum safe height; and mow from the centre of the field outwards or from one end of the field to the other to leave an escape route for wildlife.

## Herbicides

111. Herbicides may be used on set-side land to control weeds. In most situations specific permission is not required **provided** the herbicide is used in accordance with its specific label or off label approval. Current statutory conditions as detailed in paragraph 116 must be followed.

112. Written permission must be sought from your local Area Office prior to spraying a herbicide **before 15 April** which will result in the destruction of the green cover **and** that cover is not being replaced immediately.

113. **Residual, soil-acting herbicides** are **not** allowed unless they have a specific label approval for use on green cover on land temporarily removed from production, e.g. set-aside. However, if you are growing a non-food crop on the land, only products with a specific label or off-label approval for the crop in question may be used.

114. **Non-residual herbicides**, that is herbicides of a type which are primarily absorbed through the leaf and stem, may be used on set-aside land provided that, before 15 April, no action is undertaken which would be likely to destroy the green cover (except if replacing the cover or creating/maintaining a bare strip next to the crop). **Thus, broad spectrum, non-selective herbicides should not generally be sprayed on the land before 15 April**, but spot applications, the use of wick applicators or the use of selective herbicides which leave the bulk of the green cover intact are permissible before that date. If the cover is destroyed by herbicides and you wish to keep the land in set-aside for a further year, you must establish a new cover before the start of the set-aside year. If you are in multi-annual set-aside, you must not take any action that would destroy the green cover, unless you are doing so in order to replace it.

115. **For non-residual products:**

- Products approved for a particular crop may be used on a cover consisting predominantly of volunteers or natural regeneration of that crop, e.g. a product approved for cereals can be used on cereal volunteers, one approved for grass can be used on naturally regenerated grass.
- Products approved for use on non-crop land or land not intended for cropping may be used on set-aside areas, provided that the land is not growing a crop for non-food use. (However, any restrictions on intervals between applying the product and sowing crops must be observed.)
- Off-label arrangements allow certain other herbicides to be used on certain set-aside areas. If in doubt, please contact your local Area Office.

## Legislation

116. A herbicide with approval for the appropriate crop or situation must be used. In all cases you must make sure that you follow the statutory conditions set out on the herbicide label. It is your responsibility to make sure that your use of herbicides complies with the Food and Environment Protection Act 1985, the Control of Pesticides Regulations 1986, as amended, and the Plant Protection Products Regulations 1995, as amended, which implement the provisions of EC Directive 91/414 concerning the placing of plant protection products on the market.

117. If you intend to graze the green cover after the end of the set-aside period, only pesticides approved for use on grazed land can be used. All grazing re-entry periods must be observed.

118. **If you intend to graze the green cover after the end of the set-aside period, only pesticides approved for use on grazed land can be used. All grazing re-entry periods must be observed.**

## Cultivation

119. Other than replacing a green cover, there is prohibition on cultivating land between 1 May and 30 June inclusive, or ploughing set-aside land between 1 May and 14 July. Controlling weeds by cultivation before 1 May or after 30 June is permissible. Registered organic farmers may cultivate the land to control weeds from 1 May. You must not carry out any preparations for sowing a crop before 15 July.

120. **Cultivation before late July is potentially one of the most damaging agricultural operations for wildlife and can destroy a wide range of species.** It can also cause agronomic problems by drying out the soil leading to risk of soil erosion by wind or allowing it to become too wet, leading to problems in preparing the seed bed and poor establishment of the following crop.

121. If you disturb any **right of way** through cultivation you must restore the path in accordance with Section 43 of the Countryside (Scotland) Act 1967.

## REPLACING A GREEN COVER

122. If you wish to replace an existing cover, e.g. for weed control, you may do so using herbicides and/or cultivation at any time provided that the following three conditions are met:-

- soil conditions are suitable for sowing the new cover; **and**
- you have the seed for the replacement cover on the farm before you start to destroy the old cover; **and**
- the replacement cover is sown as soon as possible after destruction of the first cover.

123. If you wish to keep the land in set-aside for a further year, you must establish a replacement cover so that an adequate cover is in place by the start of the next set-aside period on 15 January. **It is recommended that you avoid replacing the cover between April and July as this can harm wildlife.**

## MISCELLANEOUS RULES

### Use of Pesticides (other than herbicides)

124. The rules on herbicides are set out in paragraphs 111-115. **You must not apply any other pesticides, e.g. fungicides or insecticides, to set-aside land.** You may, however, apply to your local Area Office in writing for a specific exemption to apply pesticides where necessary to control plant health problems that cannot be remedied by other means. **You must not apply such pesticides until you have received written authorisation; nor should you use pesticides near sensitive areas such as watercourses and hedges.**

## **Manure and Wastes**

125. You can only apply slurry, manure or organic waste to set-aside land **if it is from your own holding**. Such waste may only be applied where there is an existing green cover on the land and must not be applied at levels which would destroy the green cover or which could cause pollution of watercourses.

126. If you are applying animal manure or slurry remember:

- Applications of organic manure should be moderate and in no circumstances should they exceed 250 kg/ha/year total nitrogen.
- Levels of application of manure to set-aside land must in no circumstances exceed the application rates set out in Section 4 of the Code of Good Practice “Prevention of Environmental Pollution from Agricultural Activity (1997)” (the PEPFAA Code).
- Some vigorous weed species, e.g. black-grass, wild-oats and cleavers, are very responsive to nitrogen. To avoid encouraging these aggressive weeds, it will be prudent to apply only moderate amounts of animal manure.
- The application of slurry and manure can disturb wildlife. Avoid applications when there are likely to be nesting birds (during the period early-April to mid-July).
- Keep manure away from field margins and hedges.

127. Farmers may not apply fertilisers to set-aside land due to remain in set-aside the following year, or to multi-annual set-aside. Manure or organic waste produced on your holding may be stored on set-aside land prior to spreading on the field in question. Set-aside land must not be used to store larger quantities of manure or waste than are to be applied to the field on which they are being stored.

128. You cannot use set-aside land as a storage, disposal or dumping ground for any other form of waste, including sewage sludge.

## **Liming, Drainage etc**

129. You may apply lime and gypsum to set-aside land in its last year in set-aside or carry out drainage work provided that you do not disturb the green cover before 15 July. Waste paper crumble may also be applied as a liming agent to set-aside land, again only in its last year in set-aside. Further details of the conditions that must be met are available from your local Area Office.

130. Sub-soiling and piped field drainage may not be carried out between 1 May and 15 July. Mole draining is acceptable at any time, provided that soil conditions are suitable. Drainage work can be damaging to sensitive deposits on or near archaeological sites. Where a monument is scheduled, drainage operations require formal prior consent from the Scottish Ministers through Historic Scotland. For further information refer to the leaflet

“Archaeological Information and Advice in Scotland” available from Historic Scotland or from your local Area Office.

### **Prevention of Illegal Access**

131. In set-aside fields that are vulnerable to illegal vehicular access, ie, adjacent to a road or a track, you may create a bare ploughed strip of up to 5 metres wide adjacent to likely points of access.

### **Burning**

132. You must not burn any cover on your set-aside land.

### **Storage of Produce from the Previous Harvest**

133. You may use your set-aside land for the **temporary** storage of produce from your holding, e.g. bales of straw, provided that there is no risk of damage to the green cover.

### **Fertilisers, Wastes and Lime**

134. **In general, you must not apply any fertiliser, manure, organic waste or lime to guaranteed set-aside land, with the exception of waste arising from the maintenance of your set-aside land, e.g. cuttings, waste from dredging ditches.** This is because floral diversity will be maximised under conditions of low fertility. **You also must not use set-aside land as a storage, disposal or dumping ground for any other form of waste. The only exceptions are:**

- if you are sowing a **wild bird cover** you may apply up to 30 kg/hectare of nitrogen in the spring in any year in which you are establishing a new cover; and
- if you are growing **non-food crops**, you may apply fertilisers and manure in accordance with normal agricultural practice and the PEPFAA Code.

### **Grazing**

135. You may keep your own animals on the land between 1 September and 14 January subject to the rules set out in paragraph 77. However, they must not under any circumstances be kept in such numbers as to damage or destroy the green cover. **Infringements will be penalised.**

## **EXEMPTIONS**

### **Grounds for Exemptions**

136. **You may apply in writing to your local Area Office for exemptions from any of these rules, or to follow your own management plan, on one or more of the following grounds:**

- **environmental** or **archaeological** reasons, e.g. to benefit or avoid damaging wildlife, to manage the land to encourage ground nesting birds or to conduct an archaeological excavation. You may wish to seek specialist advice;
- for **research** into different ways of managing set-aside and/or the effects of set-aside. Such exemptions will normally only be given to recognised research organisations or on land being managed as part of an experiment by such an organisation;
- as an **educational institution** wishing to train students in agricultural techniques, e.g. ploughing, provided that such training does not include the sowing or growth of any agricultural crop;
- if a public utility or other body with compulsory purchase powers is installing a **pipeline** or **cable** on your land you may apply to be exempted from the green cover requirements;
- for reasons of **human or animal health or safety or of plant health**.

### How to Apply for an Exemption

137. If you wish to apply for an exemption on one of these grounds, you must write to your local Area Office setting out why you need an exemption. You must receive written agreement from your local Area Office before you depart from any of the standard management rules for set-aside. **Infringements will be penalised.**

- There may be some cases where you need an exemption to cope with **circumstances which you had not foreseen**, for instance where you have wildlife on your land that would be disturbed by cutting between 15 July and 15 August. In such cases you should give your local Area Office details of the wildlife involved and what you plan to do with the cover.
- In other cases you may want to propose a **different management plan from the outset, e.g. for environmental or research reasons**. In such cases you should set out the objectives and the details of the management plan which you want to follow; we would normally expect your application to be supported by an appropriate environmental organisation or a research body.
- Applications for exemption on **archaeological** grounds must be supported by Historic Scotland or by the appropriate Local Authority Archaeologist (LAA). Farmers should approach their LAA in the first instance unless the set-aside area in question is known to be a “Scheduled Ancient Monument (SAM)”. In such cases the first contact should be Historic Scotland. If, after initial contact, the LAA finds that the site is a SAM then he would be expected to refer the applicant to Historic Scotland. However, if there is no LAA, or in the case of other difficulties, farmers should seek advice from Historic Scotland.

Please attach any **supporting documentation**, e.g. copies of letters from public utilities, to your letter.

## Tenants

138. Tenants are strongly advised to consult their landlords before seeking an exemption for any management practice which might affect the nature or value of their land, eg, allowing scrub or woodland to regenerate, to ensure that they would not be in breach of an actual or implied term in their tenancy agreement.

### GROWING CROPS FOR NON-FOOD USE ON SET-ASIDE LAND

139. You may grow certain crops under contract for non-food use on set-aside land. However, the EU rules are very strict. If you do not comply with them, you will lose your set-aside payment and your associated crop payments. The management rules are described below. Information on the contractual obligations (dealt with by the RPA) and the list of eligible crops are given in Appendix 7.

### MANAGEMENT RULES FOR NON-FOOD SET-ASIDE

140. The normal **management rules** do not apply to land growing non-food crops. However, you must:

- observe the other EU rules on set-aside, including those on non-agricultural use of the land (paragraphs 69-81);
- **not** damage, destroy or remove any relevant features on the land;
- observe the Code of Good Practice “Prevention of Environmental Pollution from Agricultural Activity” (PEPFAA Code) particularly on burning crop residues and on not applying in quantities in excess of the crop’s needs organic wastes or fertilisers; and
- observe the minimum separation distance rules for neighbouring high and low erucic acid rapeseed crops (these are set out in full in Appendix 4).

If you destroy the crop prior to harvest you must establish a green cover and follow the other set-aside management rules unless you have a specific written exemption from your local Area Office.

141. A range of crops for non-food uses, including oilseeds, cereals and linseed, can be grown on set-aside land. The key points to note are that:

- The crops grown and their intended end-use are restricted to certain crops/end-uses listed in Table 3, Appendix 7.
- The value of the non-food end products **must** be greater than the value of all food (including animal feed) by-products.
- You must have **signed and dated a contract** with a collector or first processor.
- This contract must conform with the requirements set out in paragraphs 145-152.

- The collector or first processor must lodge the contract with the RPA by 31 December for winter sown crops, and by 15 May for spring sown crops. **If he fails to do so, your payments will be at risk.**
- **You must deliver all the crop** harvested from your set-aside land to the collector/first processor for non-food use, **even if the quantity harvested exceeds the quantity predicted in the contract.**
- In the case of crops eligible for intervention, i.e. barley, rye and varieties of wheat which may achieve common wheat standard, the quantity delivered must not normally be less than the quantity forecast in the contract, **even if you have to make up any shortfall from other sources.**
- You cannot receive your set-aside payments until you have delivered your crop to the first processor or collector and sent your local Area Office a form (IACS 9) declaring the details (including weight) of the delivery.

142. **Oilseeds grown on set-aside are subject to special restrictions** as a result of the agreement between the EU and the United States which requires the EU to take “appropriate corrective action” if the by-products of these oilseeds exceed the equivalent of one million tonnes of soya bean meal. The Commission is monitoring such production and we will advise you in due course if any penalty is to be applied.

### **Permitted End-Uses**

143. The crop grown must be processed within the EU into a non-food product listed in Table 3 (Appendix 7). The value of the non-food end product(s) must be greater than the total value of all the by-products destined for food or feed and produced from the same processing. The RPA is responsible for assessing the relative values and you should contact them if you have any doubt about the relative value of your crop.

### **Perennial/Biennial Crops**

144. You may grow perennial or biennial crops as a non-food set-aside crop provided they are listed in Table 1 for an end use in Table 3. You must leave the crop in the ground and claim it as a non-food set-aside crop each year for the duration of the contract. If this continuity is broken, e.g. if you lift the crop from the ground or fail to include the area on your IACS form for each year, this would constitute a break in the contract. Then the details in paragraph 150 reapply. In other words, you would have to re-sow the non-food crop and take out a new contract that must be concluded and lodged by the dates due for the year the crop is sown. For example, if you sow your crop in April 2002, e.g. Roman camomile, you must conclude and lodge your contract by 15 May 2002. The duration details on the contract must clearly state the number of years that the crop is to remain under contract as a non-food set-aside crop. Contracts for multi-annual harvesting can be activated each year provided, on lodgement, that the contract specified that this would be the case. For further information contact the RPA.

## The Contract

145. If you wish to use your set-aside land to produce any of the crops listed in Table 1, you **must have a valid signed contract** with a collector or first processor. A collector is someone who buys the harvested crop from farmers to sell it on to a suitable processor.

**NB.** You should ensure that you retain a copy of the contract for submission to your local Area Office with your AAA. If you are unable to produce a signed (by both parties) and dated copy of your contract, the set-aside land concerned will not be regarded as eligible, and you may lose both your set-aside payment and related crop payments, and additional IACS penalties may have to be applied.

## Amendment of the Contract

146. The contract (for winter and spring sown crops) may be amended or rescinded (with the agreement of the contracting parties) at any time **up to and including the final date for amending the AAA, i.e. 15 May**. Collectors and first processors must deposit a copy of the amended/rescinded contract with the RPA by 15 May. The security lodged with the RPA shall be adjusted in line with any amendment.

147. However, if the contract is to be amended or rescinded **after you have submitted your AAA but by 15 May**, you must inform your local Area Office and the collector/first processor must inform the RPA to enable all necessary checks to be carried out. As far as possible, notification should be made at least 10 days before the amendment or rescission. Clearly this will not always be possible if amendments are made close to the 15 May deadline. As much notice as practicable, therefore, should be given to your local Area Office and the RPA.

148. **After 15 May**, amendment or rescission of the contract may only be possible if you are unable to provide all or part of the crop covered in the contract. In such cases, you must observe the requirements outlined in paragraphs 150-152.

## Reductions of Area Under Contract

149. If you amend your contract, you should follow the appropriate course of action from the following:

- if you amend your contract before 15 January and the contract has been lodged, SEERAD do not need to know but you should tell the RPA;
- if you amend your contract on or after 15 January and the land is going to remain set aside, you **must** inform both your local Area Office and the RPA; or
- if you amend your contract on or after 15 January but before you have lodged your IACS application, and if the land is not to remain in set-aside, SEERAD do not need to know but you **must** inform the RPA; or
- if you amend your contract on or after 15 January but after you have lodged your IACS application, and if the land is not to remain in set-aside, you **must** inform both your local Area Office and the RPA.

## **Inability to Provide Contract Quantity/Reduction of Area under Contract**

150. If, for any reason, it becomes clear before harvest that you are unable to provide all of the crop specified in the contract (even if the representative yield is likely to be met for those crops subject to one) you are advised to amend your contract in consultation with your collector/first processor. Thereafter, you must inform your local Area Office and the RPA. When your local Area Office agrees to a reduction of the raw material to be produced, you and the collector/first processor named on the contract will need to submit Form NFC7 to RPA to record the amendment when you submit your IACS 9.

151. If your crop is subject to a representative yield and you fail to deliver at least that yield, then you must contact your local Area Office. In exceptional circumstances, a shortfall of up to 10% may be permitted. A further shortfall can be considered by your local Area Office where there is a valid reason, but only where your contract has been amended to allow a lesser amount than that specified in the original contract (see paragraph 150). However, if there are no exceptional circumstances and you have complied with the rules of the scheme in all other respects, you may make up the shortfall from raw material obtained from elsewhere.

152. If you fail to deliver the amount of raw material for the crops listed in Table 1, then your set-aside will be reduced by an amount equivalent to the percentage shortfall of the crop and IACS penalties will be applied. You can avoid penalties if you make up the shortfall from raw material obtained from elsewhere. If you choose this option you must inform your collector/first processor immediately and they must inform the RPA that the contract is not yet complete.

## **Harvest**

153. **After harvest you must** deliver the entire crop to the collector/first processor. Delivery may take place on farm if the collector/first processor takes full legal responsibility for the crop at that stage, but the crop must be kept separate from any other harvested material at all times. The Department will require an accurate assessment of the weight delivered. This may be done by volumetric assessment initially although not for those crops subject to a representative yield. Where volumetric assessment is used, the crop must be kept separate from other crops until an accurate weight is established on a weighbridge approved by the local authority.

## **Representative Yield**

154. The EU rules require the UK to set up representative yields for oilseeds other than HEAR varieties. In addition to delivering the **entire** crop harvested to their collectors/first processors, growers of oilseeds other than HEAR must ensure that this delivery equates to at least the representative yield appropriate to the crop. All non-food set-aside growers will be sent notification of these yields with their IACS 9 form. The representative yields will be set by SEERAD by 31 July of the year of harvest, and will be based on a **standard** quality, i.e. adjusted to take account of moisture and admixture content.

155. If the representative yield appropriate to your crop is set at a higher level than the yield in your contract you **must still deliver at least the representative yield**.

## After Delivery

156. **After delivery** you must send a delivery declaration (IACS 9) form to the local Area Office declaring the total quantity harvested, by species, and the person or persons to whom it has been delivered. A separate IACS 9 is required for each contract. Local Area Offices will send IACS 9s to all applicants with non-food set-aside crops. **However, please remember that it is your responsibility to obtain and complete an IACS 9.** If you have not already received your IACS 9 please contact your local Area Office. **Late submission of your IACS 9 may result in a penalty being applied.**

## Payment

157. AAPS aid will be paid on non-food set-aside land at the normal set-aside rate. However, the payments cannot be made until the local Area Office has received the delivery declaration form (IACS 9) and the collector/first processor has fulfilled various commitments including confirming to the RPA receipt of the entire crop by means of form NFC 2. **Penalties may be applied to both collector/first processor and the farmer if the forms are late.** It is important, therefore, that farmers send in their delivery declaration form(s) as soon as possible and at the **latest by 9 February**. Failure to do so will result in delays in making any set-aside payment due. You must inform your collector/first processor when the final load of any contract has been delivered.

## CROPS WITH NO FOOD OR ANIMAL FEED USE LISTED IN TABLE 2

### Eligible Crops

158. A limited range of crops that have no food or animal feed use can be grown on set-aside land under less onerous controls than those listed in Table 1. They include short rotation coppice (SRC) and miscanthus and are listed in Table 2. If you intend to grow SRC on your set-aside land, you should pay particular attention to siting your set-aside land so as to fit the coppice into the landscape (see Appendix 7).

159. You cannot receive any other EU financed aid on non-food set-aside crops. Under Agenda 2000, provision was made for the payment of grants for energy crops (miscanthus and SRC). However, this was dependent on energy crops being included in the Rural Development Plan and, as the payment of any grants will be on a shared basis with the EU, the availability of national funds. These payments will not affect the eligibility for the set-aside payment.

### Permitted End-Uses

160. The permitted end-uses are set out in Table 3, Appendix 7.

### Obligations on the Farmer

161. **There is no need to have a contract before planting an eligible crop listed in Table 2.** No delivery notification on form IACS 9 is required. However, when you submit your AAA, you will have to give a written undertaking that the crop is intended for an appropriate non-food use and that you understand that any breach of this undertaking will

result in penalties. (There will, however, be no penalties if you cannot find a market for the crop, **provided that you do not use it for food or feed.**)

## **D. RELATIONSHIP WITH OTHER SCHEMES**

162. AAPS may have a relationship with the following schemes:

- Suckler Cow Premium Scheme
- Beef Special Premium Scheme
- Extensification Premium Scheme
- Less-Favoured Area Support Scheme
- Rural Stewardship Scheme
- Countryside Premium Scheme
- Organic Aid Scheme
- Environmentally Sensitive Areas

To determine how your participation in AAPS might impact on any of the above, you are advised to consult the relevant scheme literature.

### **SEED CERTIFICATION**

163. A separate leaflet on seed certification and set-aside is available from your local Area Office. This explains the implications of set-aside for seed growers and, in particular, the correct intervals for seed crops.

### **SEED PRODUCTION AID**

164. Seed production and AAPS aid can continue to be claimed for the same crop of linseed or of spelt wheat. However, growers intending to claim seed production aid are advised to contact the RPA before entering into any contracts.

## E. RECORDS

165. You must keep for 4 years all invoices, seed labels, sales and delivery notes relating to seed sown; delivery notes relating to non-food crops grown on set-aside land; and documentation needed to prove that any oilseed rape sown conforms to the requirements set out in Appendix 4. The 4 year period is counted from the end of the calendar year in which the crop was harvested.

166. You are strongly advised, in your own interests, to **keep** your half of any sample of **farm-saved rapeseed** taken by the Department's appointed agent, in case further testing is required. The sample should be kept for 2 years from the date on which it was taken.

167. You are also strongly advised to **keep** any other appropriate **cropping and set-aside records** and any evidence, e.g. sales notes or contractor's invoices that you have sown and maintained any crops on which you are claiming area payments in accordance with local standards and by the required sowing dates. **You are also strongly advised to keep copies of your AAAs, maps and all supporting documentation.**

168. The Joint DEFRA/HSE Code of Practice ('The Green Code') for the safe use of **pesticides** recommends that records of all operations requiring the storage, application and disposal of pesticides should be kept for at least 3 years. Full details of record retention periods are in the Code. (Copies of The Green Code are available free of charge from DEFRA Publications, ADMAIL 6000, London SW1A 2XX, Tel: 08459 556000.)

169. If you have not already done so, you should draw up a detailed record of your field use at the end of 1991 to establish which fields are AAPS eligible. Your records should be supported where possible by appropriate documents. If you claim on ineligible fields you will be subject to penalties and will lose some or all of your AAPS aid.

170. If you have **switched ineligible for eligible land** you must retain all documents related to the application, including, if you are a tenant, a copy of your landlord's written permission to switch, for 4 years from the end of the calendar year in which the switch was made.

## F. APPEALS AND COMPLAINTS

171. If you are not sure why you have been penalised, or do not fully understand a decision made by this Department in connection with your claim, you should contact your local Area Office for a fuller explanation.

172. If you are not satisfied with this explanation and wish the decision to be reviewed, you can do so under the EU Agricultural Subsidy Schemes Appeals procedure. The Appeals procedure consists of three stages: an in-house review, an external panel review and an appeal to the Scottish Land Court.

173. Full information on the appeals system procedures, including the timescale allowed for making an appeal, is given in the Department's information leaflet AP (EL) June 2001 which was issued to all farmers. Further copies are available from Area Offices and from the Appeals Secretariat. Any questions should be addressed to the Appeals Secretariat, SEERAD, 47 Robb's Loan, Edinburgh, EH14 1TY. Please note that the appeals procedure does **not** handle complaints about standard of service.

174. If you have a complaint about the **standard of service** which the Department provides, you should proceed as follows:-

- First, get in touch with the local Area Office to which you submitted your AAA. You can register a complaint by letter, by telephone or in person. If you want to have your complaint considered by a more senior officer, please write to the Principal Agricultural Officer at your local Area Office. It will help us to investigate your complaint if you set out the facts as fully as possible. We will acknowledge your complaint by return, investigate it properly, and aim to reply within two weeks.
- If for any reason you remain dissatisfied, please write to the Chief Agricultural Officer, The Scottish Executive Environment and Rural Development Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY. He will investigate the matter further.
- You may of course also write to the Minister for Environment and Rural Development at The Scottish Executive, Edinburgh EH99 1SE.
- You may also contact your Member of the Scottish Parliament (or, if you prefer, any other MSP) and ask for your complaint to be passed to the Scottish Parliamentary Commissioner for Administration (the Scottish Commissioner) who is entirely independent of the Scottish Executive, the UK Government and the Civil Service. Please note that the Scottish Commissioner can only act when asked to do so by a Member of the Scottish Parliament.

## HOW TO CALCULATE YOUR SET-ASIDE REQUIREMENT FOR 2002

**NOTE:** For 2002, the minimum set-aside requirement is 10% in both the Scottish LFA and non-LFA. **However, if you are offsetting set-aside, i.e. you are claiming arable crops in one yield region against set-aside in another, please refer to Appendix 5.**

**(1) If you know the TOTAL area of land you want to claim area and set-aside payments on:**

$$\text{Total area} \times \frac{10}{100} = \text{set-aside area}$$

For example, you want to enter 200 ha of arable cropping and set-aside into the main scheme. The sum is:

$$200 \times 10 \div 100 = 20.00$$

To be eligible to receive AAPS aid on the cropping element of this claim, you must set aside a minimum of 20.00 ha and crop the remainder of the 180 ha.

**NOTE:** If, when calculating your total set-aside requirement, you round **down** to the nearest second decimal place, you will automatically as a result have **insufficient set-aside** to qualify the whole of your arable cropping claim for payment.

When calculating your set-aside requirement, you are therefore strongly advised to calculate to three decimal places and to round **up** to the nearest second decimal place in order to qualify the whole of your arable cropping claim for payment.

For example, you want to enter 162.04 ha of arable cropping and set-aside into the scheme. The sum is:

$$162.04 \times 10 \div 100 = 16.204 = 16.20 \text{ (rounded to the nearest second decimal place).}$$

You thus enter 145.84 ha of arable cropping and 16.20 ha of set-aside. However, a set-aside area of 16.20 ha is insufficient to cover the whole of the 145.84 ha of cropping claimed. The sum for the maximum area of arable cropping on which aid can be paid is:

$$16.20 \times 90 \div 10 = 145.80 \text{ ha}$$

In this example, payment on the arable cropping claim would be **restricted** to 145.80 ha.

**To confirm the maximum area of cropping on which you will be paid AAPS aid, you are thus strongly advised to carry out the calculation as at (3).**

**(2) If you know the area of cropped land you want to claim cereals, linseed, oilseeds, proteins, flax and hemp payments on:**

$$\frac{\text{cropped area}}{\text{area}} \times \frac{10}{90} = \text{set-aside area}$$

For example, if you want to crop 140 ha the set-aside requirement is:

$$140 \times 10 \div 90 = 15.556 = 15.56 \text{ (rounded to the nearest second decimal place)}$$

You must thus set aside a minimum of 15.56 ha for the whole of your 140 ha of cropping to receive AAPS aid.

**NOTE:** If, when calculating your set-aside requirement, you round **down** to the nearest second decimal place, you will automatically as a result have **insufficient** set-aside to qualify the whole of your arable cropping claim for payment.

When calculating your set-aside requirement, you are therefore strongly advised to calculate your total set-aside requirement to three decimal places and to round **up** to the nearest second decimal place in order to qualify the whole of your arable cropping claim for payment.

For example, you want to crop 84.00 ha. The sum is:

$$84.00 \times 10 \div 90 = 9.333 = 9.33 \text{ (rounded to the nearest second decimal place)}$$

You thus set aside 9.33 ha of land. However, a set-aside area of 9.33 ha is insufficient to cover the whole of the 84.00 ha of arable cropping claimed. The sum for the maximum area of arable cropping on which AAPS aid can be paid is:

$$9.33 \times 90 \div 10 = 83.97 \text{ ha}$$

In this example, payment on the arable cropping claim would be **restricted** to 83.97 ha.

**To confirm the maximum cropping area on which you will be paid AAPS aid, you are thus strongly advised to carry out the calculation as at (3) below.**

**(3) If you know the total area of land you want to enter into SET-ASIDE:**

$$\frac{\text{set-aside area}}{\text{area}} \times \frac{90}{10} = \text{maximum cropping area on which you can be paid AAPS aid}$$

For example, if you want to set aside 7.43 ha the sum is:

$$7.43 \times 90 \div 10 = 66.87$$

You can therefore claim AAPS aid up to a maximum cropping area of 66.87 ha.

## SMALL PRODUCERS

1. Small producers are those who claim on an area no greater than that required to produce 92 tonnes of crops at the historic reference yields used for making AAPS payments. They receive the same rates of payment as other claimants but are not required to set aside any land.

2. The maximum area that can be claimed by **small producers** in the Scottish LFA is 17.66 hectares and in the Scottish non-LFA is 16.23 hectares.

3. If you wish to calculate whether the area on which you intend to claim is subject to obligatory set-aside, you should:

(i) multiply the area claimed (in hectares) by

5.67 (non-LFA)

5.21 (LFA)

(ii) add together the resulting figures for all areas claimed.

If the total figure that results is less than or equal to 92, there is no obligation to set aside any land. If the figure is greater than 92, then at least the obligatory percentage of land must be set aside to ensure full payment of the claimed cropping area.

N.B. The historical reference yields used above are for Scotland. Small producers claiming on land in more than one yield region should refer to Appendix 5.

4. You may submit a claim with too much land to qualify as a small producer, but with no set-aside land or insufficient set-aside land to meet the obligatory requirement. In such cases, the local Area Office will scale back your claim. There is no penalty where claims are scaled back in this way. The claim will be scaled back **either** by the reduction of the cropped area claimed to that supported by the area of eligible set-aside in the claim, **or** to the equivalent to the 92 tonnes limit, whichever is the greater. In scaling back claims, the area of each crop claimed will be reduced in proportion to the areas originally claimed.

5. Small producers can set aside land on a voluntary basis. The area of any such set-aside should be treated as an area of crops for the purpose of calculating the area that can be claimed without obligatory set-aside. Voluntary set-aside can also be scaled back where necessary, and must comply with the normal set-aside rules. You should note that, if you claim for more than 92 tonnes with sufficient set-aside, and all that set-aside is subsequently found not to comply with Scheme rules (other than the management rules), then you will not be paid on the cropped area. It is only claimed areas, without penalty, that can be scaled back to the 92 tonnes equivalent area.

**BASE AREA (PRODUCTION CEILING) AND PAYMENT RATES**

1. There is a limit on the total area which can be claimed for AAPS aid. However there is no limit on the area of land on which individual farmers can claim AAPS aid, provided that the land is eligible, is growing eligible crops and meets the other Scheme rules.

**Regional Base Area**

2. For Scotland, there is a single base area comprising LFA and non-LFA land.
3. The base area is the average number of hectares used to grow cereals, linseed, oilseed rape and protein crops, as calculated from Census data, and that land entered into the 5-Year Set-Aside Scheme in 1989, 1990 and 1991 and the One-Year Set-Aside Scheme in 1991. The base area was amended in 1994 to allow for the inclusion of linseed in the AAPS.
4. The total area on which claims are paid in a base area cannot exceed the average area sown to eligible crops, and in set-aside, in 1989-91. If in any year, total AAPS claims and all land in eligible arable crops declared as forage in the AAA, exceed the base area, then the AAPS payment rates will be reduced proportionately.

**Announcement of Penalties**

5. The Department will announce the financial penalty resulting from any Scottish base area overshoot in 2002. Please look for details in the farming press or check the position with your local Area Office.

**PAYMENT RATES**

6. The payment rates are based on the standard EU currency unit (euro) rates per tonne, which are then converted to rates per hectare using historic average cereal yields in each region. The euro rates will be converted into Sterling at the average green exchange rate applying in June 2002. **The rates quoted here, for illustrative purposes only, are those rates currently in force. The Council of Agriculture Ministers could decide to modify the payment rates in the future.** The full payment rates for Scotland, excluding modulation, at the 1 July 2001 rate of exchange (1 euro = £0.608097) are set out below.

Crop	Euros/ Hectare	Scottish LFA Region	Euros/ Hectare	Scottish non- LFA Region
		£/hectare		£/hectare
Cereals, linseed, oilseeds, flax, hemp and set-aside	328.23	199.60	357.21	217.22
Protein crops	377.73	229.70	411.08	249.98

## **MODULATION**

7. The UK has now implemented a Rural Development Programme (RDP) which will benefit farmers, the rural economy and the environment. To finance part of that Programme, the UK has introduced modulation in order to present the funding in a fair and transparent way.

8. Modulation is the recycling of a small proportion of direct payments made to farmers under CAP commodity regimes into rural development measures. It was introduced in 2001 at a flat rate of 2.5% and will rise gradually to 4.5% in 2005. In 2002, 3% of your AAPS payments, after the deduction of any base area overshoot or IACS penalty, will be recycled to help fund the RDP. Every Pound recycled in this way will be matched by a further Pound from the Government and returned to the rural economy through RDP.

### **Payment Dates**

9. Payments for cereals, linseed, oilseeds, protein crops, flax, hemp and set-aside will normally be made between **16 November 2002 and 31 January 2003**. This period is extended to 31 March for set-aside payments for land in non-food crops.

## SPECIAL CONDITIONS FOR RAPESEED, LINSEED, FLAX AND HEMP

### 1. RAPESEED

1. Payments will **not** be made to those planting rapeseed **unless** it is **either**:

1.1 A certified seed of a variety listed in the **Common Catalogue**. In this context, **certified seed** means breeder's seed, pre-basic, basic or certified seed. It does **not** include seed entered under statutory arrangements for the early multiplication of varieties prior to their entry on a UK National List or the Common Catalogue, for which an application for the issue of a breeder's confirmation certificate has been made or for which a breeder's confirmation certificate has been issued. Aid is payable on those varieties in the Common Catalogue, including varietal associations, which have each constituent listed separately. You are advised to check the position with your local Area Office if in doubt. The maximum glucosinolate levels for the purpose of defining double zero rapeseed should be expressed at a moisture content of 9%. The rules on minimum separation distances apply (see paragraph 1.3).

**Or**

1.2 **Farm-saved seed conforming to certain quality requirements.** In particular:

(i) The seed must, on analysis, have a **glucosinolate content of 18 micromoles per gramme or less at a moisture content of 9%**. The results of analysis, which must be carried out before sowing, will be required when an AAA is submitted.

(ii) The seed must normally be taken from a crop **harvested in 2001** and **produced from certified seed** sown in Autumn 2000 or Spring 2001.

In exceptional circumstances, seed from the 2000 harvest may be used when **climatic** conditions dictate that:

- sowing has to take place before harvest of the 2001 crop; or
- the time between harvest and sowing is so limited that the results of analysis cannot be obtained or the seed cannot be cleaned or dressed prior to sowing.

The grower is responsible for demonstrating to the seed sampler that the circumstances set out above apply.

(iii) The seed must be **sown only on the holding** (covered by the AAA) on which it was produced. If a holding changes hands before the farm-saved seed is sown the new occupier may not claim AAPS aid on any area in which that seed is sown. However, if the holding is taken over after the previous occupier's seed is sown, the in-coming occupier may claim AAPS aid on that crop.

(iv) The seed must have been produced, stored and handled according to **good agricultural practice**. In particular:

- the seed should have been taken from an area isolated from other varieties of rapeseed and free from weeds to ensure that the seed is not contaminated;
- the seed must have been **cleaned and dressed**. Seed of different varieties or any other seed must be dealt with separately. “Cleaning and dressing” means the removal of extraneous matter, and the separation and extraction through physical means of small and broken seeds so that only a clean, bold sample remains. You should seek expert advice on whether to treat the seed with agrochemicals;
- if the seed has to leave the holding for cleaning and dressing, it is the producer’s responsibility to ensure that it remains separate from other seed lots, to avoid the risk of it being mixed with seed from other holdings. Proof of cleaning and dressing should be retained for inspection.

(v) The seed must be sampled by an ‘appointed agent’ of SEERAD or one of the other UK Agriculture Departments who holds a letter of appointment for that purpose. This covers those who:

- hold a current seed sampler’s licence issued by one of the Agriculture Departments; or
- have attended one of the special training courses being run by the Official Seed Testing Station (OSTS), e.g. at the Scottish Agricultural Science Agency (SASA), East Craigs, Edinburgh, and who have passed the examination.

(vi) **Producers or their employees may not take samples of their own seed for the purposes of this Scheme.** Lists of appointed agents can be obtained from your local Area Office.

**Or**

1.3 High erucic acid rapeseed (HEAR), with a minimum erucic acid content of 40%, **grown under a contract**. The contract must be drawn up before sowing with an approved first buyer for the production of a crop for a specific non-food industrial use, or for use as seed for sowing to produce such a crop. If you are growing HEAR for non-food use on set-aside land, your contract must be with a collector/first processor. **A minimum separation distance of 50 metres between HEAR and double-zero rapeseed crops sown in the same season, whether on your own or a neighbour’s land, must be observed.** If there is no minimum separation distance, **both crops** will be considered **not be eligible** for AAPS aid. This rule applies to non-food crops grown on set-aside as well as crops on which oilseeds aid is claimed. There is no requirement for a minimum separation distance between spring sown and winter sown crops, i.e. spring double-zero/winter HEAR or winter double-zero/spring HEAR. A copy of the contract must be submitted with the AAA. HEAR varieties are subject to the Seeds Regulations (see paragraph 1.4(iii)).

**Or**

1.4 Seed planted:

In order to be eligible for AAPS aid, such seed must be planted:

(i) with the intention of producing a crop of breeder's seed, pre-basic, basic or certified seed for sowing (including the early movement of varieties not yet added to the UK National List or the Common Catalogue, for which a breeder's confirmation certificate has been issued); or

(ii) **for research**; or

(iii) **for testing purposes to determine whether the variety may be added to the UK National List.**

The seed in these categories must be the subject of a contract made before sowing between the producer and a seed breeder, agricultural merchant or other bona fide contractor. Documentary evidence showing the intended use of such seed must be submitted to your local Area Office no later than your application for AAPS aid. Such evidence may include copies of seed multiplication contracts between seed producers and growers or copies of official labels produced for such contracts, or copies of contracts with growers to produce crops for research or testing purposes. The Oil and Fibre Plant Seeds Regulations 1993, as amended, cover the certification and marketing of the seeds of oilseed rape (as well as linseed). If you are not familiar with the requirements of the Regulations, it is essential that you seek advice from the Department's Plants, Environment and Pollution (PEP) Division, Room 127, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY. One of the requirements is that the seed sown and resulting crop must remain the property of the first person, i.e. the National List applicant, Seed Certification applicant, Seed Merchant, Processor, Researcher or Tester, at all times.

**Or**

1.5 Seed of the varieties 'Jet Neuf' or 'Bienvenu', grown under contract with a specifically approved buyer to provide seed for oil production for a specific food use. A copy of the contract must be submitted with your AAA; the contract must be signed before sowing.

A list of the most popular oilseed varieties eligible for AAPS aid will be contained in the IACS Explanatory Booklet issued in the spring. For more detailed advice, please contact your local Area Office.

## **2. LINSEED, FLAX AND HEMP**

1. A list of the eligible linseed, flax and hemp varieties will be contained in the IACS Explanatory Booklet issued in the spring. For more detailed advice meantime, please contact your local Area Office.

## Special arrangements for fibre hemp

2. You will need to obtain a licence from the Home Office for any fields in which hemp is to be grown. It is a criminal offence to cultivate hemp in the United Kingdom, for any purpose, without such a licence. Unless you have made separate arrangements with the Home Office, an application for a licence should be made to:

Home Office Licensing Section  
Room 239  
50 Queen Anne's Gate  
LONDON. SW1H 9AT  
Tel: 020 7273 3731

Applications for a Home Office licence should be made as early as possible once serious consideration is being given to growing hemp. In considering each application, the bona fides of the applicant and the purpose of growing the hemp, together with the proposed locations of the growing sites, will be taken into account by the Home Office Drugs Branch Inspectorate. **Licences are not automatically issued by the Home Office.** In particular, in selecting growing sites, you should identify land where there is poor public access and visibility of the crop, ie, away from residential areas and major roads. Where minor roads abut the growing site, vehicular access to the site should not be possible. The Home Office may also require crops to be screened and other security measures to be taken in some cases. Evidence that you have a contract to supply the hemp produced to a Home Office approved processor may also be required.

### Contracts

3. Area aid in flax and hemp will not be paid unless a copy of the contract concluded with an authorised primary processor or a commitment to process is supplied to SEERAD. This contract or commitment is also required to enable a claim to be made for processing aid.

## ARABLE AREA PAYMENTS SCHEME

## APPLICANTS WITH LAND IN MORE THAN ONE YIELD REGION

**Note:** This Appendix describes the arrangements for farmers with land in more than one yield region. This could affect you in two ways. Firstly, if you are applying for AAPS aid and are a small producer, i.e. no obligatory set-aside requirement, you will need to calculate the maximum area on which you can claim aid. Secondly, if you have a minimum set-aside requirement, there are arrangements allowing you to count set-aside land in one yield region against crops in another. For 2002 the minimum set-aside requirement is 10% for both the Scottish LFA and non-LFA.

### 1. SMALL PRODUCERS CLAIMING ON AN AREA WITH NO SET-ASIDE REQUIREMENT

1.1 There are limits on the area that small producers can claim under AAPS without having to set land aside. These are:

	Hectares
Scotland LFA	17.66
Scotland non-LFA	16.23
England	15.62
Wales LFA	18.22
Wales non-LFA	17.79
N Ireland LFA	18.29
N Ireland non-LFA	17.62

If your AAA includes arable land in more than one yield region, e.g. you have both Scottish LFA and non-LFA land, **and** your total claim exceeds the area limit for any one of those regions, you will need to calculate the notional production on the area on which you can claim aid.

1.2 In essence, you can only claim AAPS aid, including voluntary set-aside, on the area of land needed to produce the equivalent of 92 tonnes using the relevant average regional yields. These reference yields are:

	Tonnes/hectare
Scotland LFA	5.21
Scotland non-LFA	5.67
England	5.89
Wales LFA	5.05
Wales non-LFA	5.17
N Ireland LFA	5.03
N Ireland non-LFA	5.22

1.3 **To check that your claim is within the maximum area** to qualify as a small producer, multiply the area claimed in each yield region by its reference yield. The total should be less than or equal to 92. For example, if your claim is for 10 hectares in the Scottish LFA and 7 hectares in the Scottish non-LFA, you should multiply each of the areas claimed by their reference yields.

Scottish LFA	10 x 5.21 = 52.10
Scottish non-LFA	7 x 5.67 = 39.69
TOTAL	= 91.79

This is below the 92 tonnes threshold and you would thus qualify as a small producer.

1.4 **Reducing your claim.** If your claim comes to more than the equivalent of 92 tonnes, you will need to reduce it. For example, if you have 10 hectares of cereals in the Scottish LFA and 10 hectares of linseed in the Scottish non-LFA, your total area of eligible arable crops (in all regions) exceeds the limit for the regions you are farming in. Your total production using the reference yields is the area in each region multiplied by its reference yield:

$$(10 \times 5.21) + (10 \times 5.67) = 108.8 \text{ tonnes}$$

This is 16.8 tonnes (i.e. 108.8 – 92) above the 92 tonnes threshold for the exemption from the requirement to have set-aside. You should thus reduce 16.8 tonnes of production from your claim.

If you choose to reduce only the Scottish LFA element of your claim, this would amount to 16.8 divided by the reference yield, i.e.:

$$\frac{16.8}{5.21} = 3.23 \text{ hectares (which is the area by which you have to reduce your LFA claim)}$$

Alternatively, if you choose to reduce only the Scottish non-LFA element of your claim you would have to divide 16.8 by the non-LFA reference yield, i.e.:

$$\frac{16.8}{5.67} = 2.96 \text{ hectares (which is the area by which you would have to reduce your non-LFA claim)}$$

Thus you could make your claim as a small producer on either:

- 10 hectares of cereals in the Scottish LFA plus 7.04 hectares of linseed (10-2.96) in the Scottish non-LFA; **or**
- 10 hectares of linseed in the Scottish non-LFA plus 6.77 hectares of cereals (10-3.23) in the Scottish LFA.

Other combinations of land in the two regions that meet the 92 tonnes ceiling would also be possible.

**If your claim exceeds the 92 tonnes ceiling and you do not reduce it, your claim will be reduced pro rata and you will be paid on an area equivalent to the 92 tonnes limit. We will not pay on the excess** – and you would not subsequently be able to claim it as part of your forage area.

1.5 If you are uncertain about how much land you can claim on, please seek professional advice or consult your local Area Office. If your claim exceeds the 92 tonnes limit and you have insufficient set-aside to support the cropping elements of your claim, we will scale back your claim to the area supported by the eligible set-aside or to the maximum area that can be claimed by a small producer, whichever is the greater.

## 2. APPORTIONMENT OF OBLIGATORY SET-ASIDE BETWEEN YIELD REGIONS

2.1 If you are claiming AAPS aid on an area above the small producer limit on land located in more than one yield region, **you will normally have to apportion your set-aside requirement**

**within each of those regions**, in accordance with the size of the cropped area claimed in each region. (However, see paragraph 2.3).

2.2 For example, if you are claiming for 60 hectares of crops on Scottish non-LFA land and for 40 hectares of crops on Scottish LFA land, your set-aside requirement must be met in each yield region. For 2002 this means:

$$\text{Scotland LFA:} \quad 40 \times \frac{10}{90} = 4.444 = 4.45$$

$$\text{Scotland non-LFA:} \quad 60 \times \frac{10}{90} = 6.666 = 6.67 \quad (\text{as above})$$

The same would apply, for example, if you had a unit in the Scottish LFA and another in England. (Please refer to Appendix 1 for examples of how to calculate your set-aside requirement in 2002.)

2.3 However, there is an **exception** to the general requirement to meet your set-aside requirement within each yield region:

**If you have land in adjoining yield regions with different reference yields**, you may meet your set-aside requirement in a single yield region, provided that the set-aside area to be offset is adjusted to take account of the differences in reference yields between the regions. When offsetting your set-aside obligation from either of the Scottish yield regions or from England, the area concerned must be multiplied by the factors in the table below:

<u>Offsetting set-aside from Scotland non-LFA to:</u>	<u>Factor</u>
Scotland LFA	1.09
England	1.00
<u>Offsetting set-aside from Scotland LFA to:</u>	<u>Factor</u>
Scotland non-LFA	1.00
England	1.00
<u>Offsetting set-aside from England to:</u>	<u>Factor</u>
Scottish LFA	1.13
Scottish Non-LFA	1.04

2.4 When calculating your offsetting set-aside requirement, you must treat the offset set-aside as shown in the examples below.

In the first two examples given below, the area of set-aside land offset in Scottish LFA to account for cropped land in the Scottish non-LFA is calculated on the basis of the set-aside requirement in respect of the area of non-LFA cropping claimed *less* the area of non-LFA set-aside (if any) *multiplied* by the 1.09 factor as above. A similar calculation would be required if offsetting set-aside in either of the Scottish yield regions against cropped land in England. In the other two examples, the area of set-aside land offset in the Scottish non-LFA to account for cropped land in the Scottish LFA is calculated on the basis of the set-aside requirement in respect of the area of LFA cropping claimed *less* the area of LFA set-aside (if any). As per offsetting set-aside in England against either of the Scottish yield regions, there is no need to apply a factor in these examples as the set-aside is being offset in a yield region with a higher reference yield.

If, in 2002, you farm and claim for 100 hectares in both the Scottish LFA and non-LFA yield regions, your claim would normally be for a minimum set-aside requirement of 10 hectares in both the LFA and non-LFA. This means that for the cropping elements of your claim to qualify in full for AAPS aid, they would thus normally have to be restricted to a maximum of 90 hectares in each yield region.

### Example 1

In 2002, you farm and claim for 100 hectares in the Scottish LFA and 100 hectares in the Scottish non-LFA yield regions. If you decide to site all of your set-aside in the Scottish LFA, you must adjust your AAPS claim as follows:

- Your claim in the Scottish non-LFA would be for 100 ha of cropped land.
- The set-aside requirement for the 100 ha of non-LFA cropping is:

$$100 \times (10 \div 90) = 11.12 \text{ ha} \\ \text{(rounded up from 11.111)}$$

- As you have no non-LFA set-aside and the LFA region has a lower reference yield, the 11.12 ha requirement must be multiplied by a factor of 1.09 to obtain the area to be set-aside in the LFA region:

$$11.12 \times 1.09 = 12.13 \text{ ha} \\ \text{(rounded up from 12.121)}$$

- Your claim in the Scottish LFA region would therefore be reduced to:

$$100 - 12.13 = 87.87 \text{ ha}$$

- The 87.87 ha includes the area of LFA land you want to claim cropping and set-aside payments on. Therefore, the minimum set-aside requirement for the LFA land is:

$$87.87 \times 10\% = 8.79 \text{ ha} \\ \text{(rounded up from 8.787)}$$

- In summary, your overall AAPS claim for 2002 would be:
  - 100 ha of non-LFA cropping
  - a maximum of 79.08 ha of LFA cropping (87.87 – 8.79)
  - a minimum of 20.92 ha of LFA set-aside (8.79 + 12.13)

**Please note that if you opt to offset your set-aside requirement and have insufficient set-aside to support the whole of the cropping elements of your claim, then the yield region which has sufficient set-aside will be paid in full and the set-aside excess in that region will be used to determine the supported cropping area in the other yield region(s).**

## Example 2

In 2002, you farm and claim for 100 hectares in the Scottish LFA and 100 hectares in the Scottish non-LFA. If you decide to site 2 hectares of your set-aside in the Scottish non-LFA and the remainder in the Scottish LFA, you must adjust your AAPS claim as follows:

- Your claim in the Scottish non-LFA would be for 98 ha of cropped land and 2 ha of set-aside.
- The set-aside requirement for the 98 ha of non-LFA cropping is:

$$98 \times \frac{10}{90} = 10.89 \text{ ha}$$

(rounded up from 10.888)

- As you have 2 ha of non-LFA set-aside, your offset requirement to the LFA region is:

$$10.89 - 2 = 8.89 \text{ ha}$$

- As the LFA region has a lower reference yield, the 8.89 ha requirement must be multiplied by a factor of 1.09 to obtain the area to be set-aside in the LFA:

$$8.89 \times 1.09 = 9.69 \text{ ha}$$

- Your claim in the Scottish LFA would thus be reduced to:

$$100 - 9.69 = 90.31 \text{ ha}$$

- The 90.31 ha includes the area of LFA land you want to claim cropping and set-aside payments on. Therefore, the minimum set-aside requirement for the LFA land is:

$$90.31 \times 10\% = 9.04 \text{ ha}$$

(rounded up from 9.031)

- In summary, your overall AAPS claim for 2002 would be:

- 98 ha of non-LFA cropping
- 2 ha of non-LFA set-aside
- a maximum of 81.27 ha of LFA cropping  
(90.31 – 9.04)
- a minimum of 18.73 ha of LFA set-aside  
(9.69 + 9.04)

**Please note that if you opt to offset your set-aside requirement and have insufficient set-aside to support the whole of the cropping elements of your claim, then the yield region**

**which has sufficient set-aside will be paid in full and the set-aside excess in that region will be used to determine the supported cropping area in the other yield region(s).**

### **Example 3**

In 2002, you farm and claim for 100 hectares in the Scottish LFA and 100 hectares in the Scottish non-LFA. If you decide to site all of your set-aside in the Scottish non-LFA, you must adjust your AAPS claim as follows:

- Your claim in the Scottish LFA would be for 100 ha of cropped land.
- Your total set-aside requirement for the 100 ha of LFA and 100 ha of non-LFA is:

$$200 \text{ ha} \times 10\% = 20 \text{ ha}$$

- As the non-LFA region has a higher reference yield, there is no need to apply a factor to the non-LFA land being set aside in respect of LFA crops.
- Your claim in the Scottish non-LFA region would therefore be reduced to:

$$100 - 20 = 80 \text{ ha}$$

- The 80 ha is the maximum area of non-LFA land you can claim cropping on.
- In summary, your overall AAPS claim for 2002 would be:
  - 100 ha of LFA cropping
  - a maximum of 80 ha of non-LFA cropping
  - a minimum of 20.00 ha of non-LFA set-aside

**Please note that if you opt to offset your set-aside requirement and have insufficient set-aside to support the whole of the cropping elements of your claim, then the yield region which has sufficient set-aside will be paid in full and the set-aside excess in that region will be used to determine the supported cropping area in the other yield region(s).**

### **Example 4**

In 2002, you farm and claim for 100 hectares in the Scottish LFA and 100 hectares in the Scottish non-LFA. If you decide to site 3 hectares of set-aside in the Scottish LFA and the remainder in the Scottish non-LFA, you must adjust your AAPS claim as follows:

- Your claim in the Scottish LFA would be for 97 ha of cropped land and 3 ha for set-aside.
- Your total set-aside requirement for 100 ha of LFA and 100 ha of non-LFA is:

$$200 \text{ ha} \times 10\% = 20 \text{ ha}$$

- As you have 3 ha of LFA set-aside, your requirement in the non-LFA is:

$$20 - 3 = 17 \text{ ha}$$

- As the non-LFA region has a higher reference yield than the LFA region, there is no need to apply a factor to the non-LFA land being set aside in respect of LFA crops.
- Your cropping claim in the Scottish non-LFA would thus be reduced to:

$$100 - 17 = 83 \text{ ha}$$

- The 83 ha is the maximum area of non-LFA land you can claim cropping on.
- In summary, your overall AAPS claim for 2002 would be:

- 97 ha of LFA cropping
- 3 ha of LFA set-aside
- a maximum of 83 ha of non-LFA cropping (100-17)
- a minimum of 17 ha of non-LFA set-aside

**Please note that if you opt to offset your set-aside requirement and have insufficient set-aside to support the whole of the cropping elements of your claim, then the yield region which has sufficient set-aside will be paid in full and the set-aside excess in that region will be used to determine the supported cropping area in the other yield region(s).**

2.5 If you have any doubts on the application of these rules, please seek professional advice or consult your local Area Office.

## SELECTING YOUR SET-ASIDE LAND

### INTRODUCTION

1. With the appropriate choice of site and management, set-aside can be used to meet agronomic objectives and can also benefit wildlife, provide public access and protect archaeological features. You need to decide upon your objectives and then choose your site and management techniques accordingly. You should take account of features, wildlife and agronomic problems on your own or on neighbouring land. You may wish to seek independent professional advice.

2. **Plan your set-aside to maximise both the agronomic and the environmental benefits.** You will need to consider:

- whether you will leave the set-aside land in one place or move it around;
- where you will position it;
- what cover you will choose; and
- how you will manage it.

You will also wish to take account of the opportunities presented on your farm including factors such as soil type, history of the land, neighbouring features, wildlife and archaeological sites in the area.

### WHETHER OR NOT TO MOVE YOUR SET-ASIDE

3. **Where suitable land is left in set-aside over several years it can bring significant environmental benefits.** Existing wildlife habitats can be expanded, buffered and linked, and new ones can be created. Leaving the set-aside in one place also means that you can avoid agricultural operations on the land at times when wildlife may be disturbed.

4. On the other hand, **moving your set-aside can also offer environmental benefits**, particularly if it follows cereals and the stubbles are allowed to regenerate over winter to provide feeding grounds for birds. With appropriate management, natural regeneration can provide floral diversity. In addition, rotating your set-aside can provide an effective break to reduce the populations of the more aggressive weeds and to combat diseases.

### SITING YOUR SET-ASIDE

#### Wildlife Benefits

5. **In all cases, the land must be AAPS eligible (see paragraphs 12-26 in Section B). For wildlife, set-aside land is best sited next to or linking existing important areas** such as woods and hedges, unimproved grazing land, rivers, lochs, lakes, streams and moorland, especially if designated as a Site of Special Scientific Interest (SSSI) (or otherwise listed as

important) and/or on land which has only recently come into agricultural production. (Scottish Natural Heritage can advise on SSSIs and other important sites.) Placed next to such areas, set-aside will act as a buffer to protect them. However, aggressive species on poorly managed set-aside could colonise a fragile SSSI. Most birds will gain maximum benefit from a variety of relatively small plots of set-aside across the farm, although a few require larger areas.

6. If set-aside is used **to link existing features**, not only are new habitats created within the set-aside land itself, but also beneficial “corridors” are created for wildlife.

### **Field Margins and Headlands**

7. **Setting aside field margins and headlands can offer considerable agronomic and environmental advantages.** It minimises the disturbance to existing farming patterns, and can be used to “square up” irregular fields. At the same time it can extend and link existing habitats such as hedgerows and small woodlands; or provide new ones, e.g. rough uncultivated strips that are vital as hunting grounds for barn owls and other important predators of crop pests. Setting aside field margins also allows easier access to maintain features such as hedges and ditches.

### **Short Rotation Coppice**

8. Short rotation coppice (SRC) can have a significant effect on the landscape. You should therefore take care to blend the coppice area into the landscape. In particular, you should:

- avoid sites of wildlife and archaeological interest;
- blend SRC into the landscape by avoiding strong rectangular or geometric shapes;
- consider groups, rather than isolated pockets, of SRC stands;
- consider the variation in heights which will occur throughout the coppice growing period;
- make use of existing trees and other features to blend the coppice into the landscape;
- ensure that interesting views and landscape features are not lost as a result of areas being planted next to public rights of way; if the land is crossed by a public right of way, consider how best this can be integrated into the layout;
- wherever possible, plant without ploughing to avoid soil disturbance; if it is necessary to plough ensure that the furrows follow the natural contour; and
- where the planting area includes a watercourse, leave an unplanted strip along the bank.

**Note:** SRC may qualify for an establishment grant under the Woodland Grant Scheme (WGS) but **not** for annual payments under the FWPS. To qualify for the WGS, SRC planting

must be in accordance with the WGS environmental guidelines. Growers may set aside more than 50% of the area claimed under the AAPS provided that **all** of their set-aside is used for multi-annual crops for biomass production.

9. For further advice on planting and managing SRC you are advised to consult the Forestry Commission, and particularly their recent publication “Forest Practice, Advice Note 1”.

### **Hedge Management**

10. Set-aside land can be used to benefit the management of your hedges and to increase their value for wildlife and the landscape. For example, it can provide access to hedges for trimming in late winter instead of autumn, so that birds and animals can use the berries and fruits as winter food. Access during the winter will also be easier for carrying out hedge restoration works such as laying, coppicing and gapping-up.

11. A variety of hedge heights and shapes across your farm will maximise wildlife benefit – but no established hedge should be less than 1.5 metres high. Avoid trimming when birds are nesting, and encourage flower and fruit production by not trimming every year; for example, trim on a 2 or 3 year rotation covering a proportion of your hedges each year, or trim one side of a hedge one year and the other the next. A narrow grassy headland between the hedge and the crop will provide a habitat for predators of crop pests and nesting areas for birds such as partridges.

### **Nitrate Leaching/Soil Erosion**

12. If part of your land is in a Nitrate Vulnerable Zone (NVZ), siting your set-aside within the NVZ will help reduce nitrate leaching. **Siting your set-aside land next to a watercourse will help to reduce accidental run-off of pesticides and fertilisers.**

13. In **areas prone to soil erosion**, siting set-aside on particularly vulnerable fields, or parts of fields, may help to reduce erosion and pesticide and fertiliser run-off.

### **Archaeological Sites**

14. **Set-aside can help to protect archaeological remains and deposits from further disturbance or erosion from cultivation.** Archaeological sites survive in arable land in 3 ways: as visible, upstanding areas which have not been ploughed in the recent past; as sites with no upstanding features but with buried remains visible from the air (cropmarks); and as sites which combine upstanding and cropmark remains. If you have an archaeological site on your arable land, keeping it in set-aside can improve its condition. Setting aside land adjacent to such sites, e.g. burial mounds preserved as “islands” in arable cropping, can enhance the site’s setting. Set-aside can also improve access.

15. If archaeological sites are set aside, sowing to grass is likely to be the most suitable method of management. Planting or regeneration of woodland and scrub would not be appropriate. If natural regeneration is used, care must be taken not to allow scrub to develop, as deep-rooted vegetation can cause damage. The key requirements are to ensure that the ground surface is not broken, that some form of green cover is maintained and that the cover is cut at least once a year to prevent development of scrub. The timing of the cut should

ideally reflect local conditions, e.g. the presence of ground-nesting birds, and the flowering of any rarer species of flowers; **to protect ground-nesting birds it is recommended that cutting be delayed, if possible, until mid-June.** An exemption from the management rules would be needed to conduct any excavations on the site, as this would destroy the cover; this exemption would be in addition to the usual consent required from Historic Scotland.

16. Information about the location, extent and importance of archaeological sites can be obtained from the appropriate Local Authority Archaeologist or from Historic Scotland. An information leaflet, "Archaeological Information and Advice in Scotland", is available from Historic Scotland free of charge.

## NON-FOOD SET-ASIDE

### GENERAL RULES

1. The requirement to provide a valid contract is **your** responsibility and it must contain the following:

- your main farm code number, i.e. the farm code under which you will be submitting your 2002 AAA;
- the name and address of all the contracting parties;
- the duration of the contract;
- the species of each raw material (crop) concerned and the area sown to each species;
- for each species, the forecast yield per hectare and total forecast quantity to be harvested (in tonnes). The forecast yield must fall within a yield range made available by the RPA to interested parties including collectors and first processors;
- the principal end-use of the raw material, each end-use being in conformity with the requirements of Articles 3(1) and 13(3) of EU Regulation (EC) 2461/99 as outlined in paragraph 143;
- an undertaking by the farmer to deliver all the harvested crop to the collector/first processor and the collector/first processor to take delivery of all of it and use an equivalent amount of material within the EU to make one or more of the end products listed in Table 3; and
- the forecast quantity of by-products to be produced which are not destined for human or animal consumption. This **only** applies to contracts relating to **rapeseed, colza, sunflower seeds or soya beans** falling under CN codes ex 1205 00 90, 1206 00 90 or 1201 00 90.

2. You **must** ensure that the valid, signed (by both parties) contract is concluded in time for it to be lodged by the collector or first processor with the RPA by the following dates:

- (a) **for crops sown between 1 July and 31 December inclusive (winter sown crops) by 31 January in the following year; or**
- (b) **for crops sown/to be sown between 1 January and 30 June inclusive (spring sown crops), by 15 May.**

The collector or first processor must deposit with the RPA a security equal to 250 euros per hectare for the area covered by the contract by the final date for the lodgement of the AAA in the year of harvest. If the land under contract is transferred to another IACS applicant you must contact the RPA, as such changes will affect your non-food contract.

**TABLE 1****CROPS WHICH CAN BE GROWN ON SET-ASIDE LAND FOR USE IN THE MANUFACTURE OF END PRODUCTS SET OUT IN TABLE 3**

In the Tables 1 and 2, an 'ex' in front of a CN code means that only the plant listed beside the code is permitted to be grown, and not all plants which fall under the code.

	<b>CN CODE</b>	<b>BRIEF DESCRIPTION</b>
	0602 90 59	Other outdoor plants (eg, <i>Kenaf</i> , <i>Hibiscus</i> , <i>Cannabinus L.</i> and <i>Cheopodium</i> ) with the exception of <i>Euphorbia lathyris</i> , <i>Sylibum marianum</i> and <i>Isatis tinctoria</i> .
	0701 90 10	Potatoes.
ex	0713 10 90	Peas ( <i>Pisum arvense L.</i> ) other than those for sowing.
	0713 50 00	Broad beans other than those for sowing.
ex	0714 90	Jerusalem artichokes (provided that they do not undergo the process known as hydrolysis as defined by Commission Regulation (EEC) No 1443/82, either in their natural state or as an intermediate product such as inuline, or as a by-product such as oligo fructose, or as any co-product).
	0810 30 10	Blackcurrants.
ex	0810 90 85	Fruits of the species <i>Aronia arbutifolia</i> , sea buckthorn and elder.
	0904 20	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , dried or crushed or ground.
	0909	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries.
	0910 50 00	Curry.
	0910 99 10	Fenugreek seed.
ex	0910 99 91	Spices, other than mixtures.
ex	0910 99 99	Spices, other than mixtures.
	1001 90 99	Spelt, common wheat and meslin other than for sowing.
ex	1002 00 00	Rye other than seed.
	1003 00 90	Barley other than seed.

	<b>CN CODE</b>	<b>BRIEF DESCRIPTION</b>
	1004 00 00	Oats other than seed.
	1005 90 00	Maize (corn) other than seed.
	1007 00 90	Grain sorghum, other than hybrids for sowing.
ex	1008 10 00	Buckwheat other than seed.
ex	1008 20 00	Millet other than seed.
ex	1008 90 10	Triticale other than seed.
ex	1008 90 90	Other cereals other than seed.
	1201 00 90	Soya beans other than for sowing.
	1201 20 00	Shelled groundnuts.
ex	1204 00 90	Linseed other than for sowing but intended for uses other than fibre production.
ex	1205 00 90	Rape or colza seeds other than for sowing (only those types referred to in Articles 4(1) and 4(2)(a), (b) and (e) of Commission Regulation (EC) No 2316/1999).
	1206 00 91	Sunflower seeds other than for sowing.
	1206 00 99	
	1207 30 90	Castor oil seeds other than for sowing.
	1207 40 90	Sesamum seeds other than for sowing.
	1207 50 90	Mustard seeds other than for sowing.
	1207 60 90	Safflower seeds other than for sowing.
	1207 99 99	Other oilseeds and oleaginous fruits other than for sowing.
ex	1209 29	Bitter lupin.
ex	1211	Plants, and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, other than lavender, lavandin and sage.

CN CODE	BRIEF DESCRIPTION
1212 91	Sugar beet (provided that sugar, as defined by Commission Regulation (EEC) No 1443/82 is not produced from it, either as an intermediate product, co-product or by-product).
1212 99 10	Chicory roots (provided that they do not undergo the process known as hydrolysis as defined by Commission Regulation (EEC) No 1443/82, either in their natural state or as an intermediate product such as inuline, or as a by-product such as oligo fructose, or as any co-product).
1214	Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sainfoin, forage kale, lupins, vetches and similar forage products.
Chapter 14	Vegetable plaiting, stuffing or padding materials, or those used in brooms or brushes; vegetable products not elsewhere specified or included (eg, Broomcorn ( <i>Sorghum vulgare var. technicum</i> )).

3. A wide range of crops with food or animal feed uses can be grown for non-food use on set-aside land. These are listed in Table 1. Some have special conditions next to their name, such as rapeseed, and these must be observed. In Tables 1 and 2, an 'ex' in front of a CN Code means that only the plant listed beside the code is permitted to be grown and not all plants that fall under the code. Not all these crops have readily apparent non-food uses. Sugar beet, Jerusalem artichokes and chicory can be grown on set-aside land provided the conditions set out next to their names in Table 1 are met **but there is no AAPS payment on any set-aside land used to grow these three crops.**

**TABLE 2****CROPS WHICH MAY BE SOWN ON LAND SUBJECT TO SET-ASIDE PROVIDED THAT THEY ARE INTENDED FOR THE MANUFACTURE OF THE PRODUCTS LISTED IN TABLE 3 OR FOR THE DIRECT USE OF THE CLAIMANT**

In Tables 1 and 2 an 'ex' in front of a CN Code means that only the plant listed beside the code is permitted to be grown, and not all the plants which fall under the code.

	<b>CN CODE</b>	<b>BRIEF DESCRIPTION</b>
ex	0602 90 41	Short rotation forest trees with a harvest cycle of 10 years or less.
ex	0602 90 49	Trees, shrubs and bushes producing plant material covered by CN Code 1211 and by Chapter 14 of the Combined Nomenclature, excluding all those which can be used for human or animal consumption.
ex	0602 90 51	Outdoor multi-annual plants, eg, <i>Miscanthus sinensis</i> , other than those which can be used for human or animal consumption, in particular those producing plant material covered by CN Code 1211 (other than lavender, lavandin and sage) and by Chapter 14 of the Combined Nomenclature.
ex	0602 90 59	<i>Euphorbia lathyris</i> , <i>Sylibum marianum</i> and <i>Isatis tinctoria</i> .
	1211 90 95	<i>Digitalis lanata</i> , <i>Secale cornutum</i> and <i>Hypericum perforatum</i> , excluding plant material which can be used for human or animal consumption.

**TABLE 3**

**END PRODUCTS WHICH ARE PERMITTED, OTHER THAN FOR HUMAN OR ANIMAL CONSUMPTION, MADE FROM THE RAW MATERIALS IN TABLE 1 AND TABLE 2**

- All products falling within Chapters 25-99 of the combined nomenclature;
- all of the products falling within Chapter 15 of the combined nomenclature and intended for uses other than human or animal consumption;
- products covered by CN Code 2207 20 00 and intended for direct use in motor fuel or for processing for use in motor fuel;
- packaging material covered by CN Codes ex 1904 10 and ex 1905 90 90, on condition that proof has been obtained that the products have been used for non-food purposes in accordance with the provisions of Article 15(4) of Commission Regulation (EEC) No 2461/1999 as amended;
- mushroom spawn covered by CN Code 0602 91 10;
- lac, natural gums, resins, gum resins and balsams covered by CN Code 1301;
- saps and extracts of opium covered by CN Code 1302 11 00;
- saps and extracts of pyrethrum or of the roots of plants containing rotenone covered by CN Code 1302 14 00;
- other mucilages and thickeners covered by CN Code 1302 39 00;
- all agricultural products listed in Annex I and products derived therefrom by an intermediary process and used as fuel for energy production;
- all products listed in Annex II and products derived therefrom and intended for energy purposes;
- *Miscanthus sinensis* falling within CN Code 0602 90 51, shredded, intended for use as horse litter, mulch, additives to improve compost and litter for the drying and cleaning of plants;
- all products referred to in Commission Regulation (EEC) No 1722/93 as last amended by Regulation (EC) No 87/1999, on condition that they are not obtained from cereals or potatoes cultivated on set-aside land, and that they do not contain products derived from cereals or potatoes cultivated on set-aside land;
- all products referred to in Council Regulation (EEC) No 1010/86 as last amended by Commission Regulation (EC) No 1148/98, on condition that they are not obtained from sugar beet, or contain products derived from sugar beet, cultivated on set-aside land.

## **MULTI-ANNUAL SET-ASIDE: MANAGEMENT RULES**

### **GREEN COVER REQUIREMENT**

1. You must keep the same land in set-aside for the length of the agreement. If you wish to change your cover during this time you may do so. However you must not destroy an existing cover unless:

- the soil conditions are suitable to replace the cover; and
- you have the new seed/planting material on farm.

In addition:

- the new cover must be sown as soon as possible after destruction of the old cover.

### **CUTTING THE GREEN COVER**

2. You must not cut the green cover between 1 April and 31 July, as this may harm nesting birds. This does not apply in the first year of your agreement, when cutting may be necessary to control aggressive weeds. *It applies in year two and all subsequent years.*

### **FERTILISERS, WASTES AND LIME**

3. In general, you must not apply any fertiliser, manure, organic waste or lime to multiannual set-aside land with the exception of waste arising from the maintenance of your set-aside land (e.g. cuttings, waste from dredging ditches in the same field). This is because floral diversity will be maximised under conditions of low fertility. You also must not use set-aside land as a storage, disposal or dumping ground for any other form of waste. The only exceptions are:

- If you are sowing a wild bird cover, you may apply up to 30 kg/hectare of nitrogen in the spring in any year in which you are establishing a new cover.
- If you want to establish goose pasture as a feeding area to attract wild geese away from crops, you must write to your local Area Office for a specific exemption allowing you to apply fertilisers. You must not apply any fertilisers until you receive written permission.

4. If the ban on manures would lead to over-application on the rest of your holding, you may write to your local Area Office for a specific exemption allowing you to apply manure or slurry from your own holding to set-aside land. You will have to provide details of your current levels of manure production, levels of application to cropped areas and proposed applications to set-aside land. The proposed level of applications to set-aside land should in no circumstances exceed 250 kg/ha/year total nitrogen.

5. If you are growing non-food crops, you may apply fertilisers, manures and crop-protection products in accordance with the needs of the crop and the PEPFAA Code provided the land is not in a Nitrate Vulnerable Zone where additional restrictions apply.

### **BAN ON CLOVERS, LUCERNE AND SAINFOIN IN THE GRASS COVER**

6. If the green cover you are establishing is a grass cover, you may include broad-leaved plants and wild flowers (including legumes such as trefoils) providing legumes do not exceed 5% by weight in the seed mixture; but clover, sainfoin and lucerne (alfalfa) must not be sown on multiannual set-aside. This is because they are generally aggressive species that will reduce the floral diversity of the land.

7. However, existing covers established on set-aside land in previous years may be left in place, even if they were sown with low quantities of clover. These species may also be included in a wild bird cover provided they do not exceed 5% by weight of the seed mixture.

### **CROPS**

8. The only crops permitted are non-food multiannual energy crops for biomass production, such as short-rotation coppice. Other crops such as oilseed rape are not allowed.

### **GRAZING**

9. You may keep your own ruminant animals on the land between 1 September and 14 January under the conditions described in paragraph 135 of this Booklet. However, they must not be kept in such numbers as to damage or destroy the green cover.

**SEERAD AREA OFFICES AND OTHER GOVERNMENT CONTACT POINTS**

The holding number(s) of your farm should be quoted on any correspondence with the Department.

**HEAD OFFICE ADDRESS:**

**Scottish Executive Environment and Rural Affairs Department**

Division CAPM 2

Pentland House

47 Robb's Loan

Edinburgh

EH14 1TY

**AYR:**

Russell House

King Street

Ayr

KA8 0BE

Tel No: 01292 610188

**BENBECULA:**

Argyll and Western Isles

Sub Office

Balivanich

Isle of Benbecula

HS7 5LA

Tel No: 01870 602346

**DUMFRIES:**

SEERAD

Southern Area Office

161 Brooms Road

Dumfries

DG1 3ES

Tel No: 01387 255292

**DUNDEE:**

SEERAD Area Office

Northern College of Education Buildings

Gardyne Road

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Dundee

DD5 1PE

Tel No: 01382 462840

**ELGIN:**

32 Reidhaven Street

Elgin

IV30 1VE

Tel No: 01343 547514

**GALASHIELS:**

Cotgreen Road

Tweedbank

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TD1 3SG

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**HAMILTON:**

Cadzow Court

3 Wellhall Road

Hamilton

ML3 9BG

Tel No: 01698 281166

**INVERNESS:**

Longman House

28 Longman Road

Inverness

IV1 1SF

Tel No: 01463 234141

**INVERURIE:**

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By Inverurie

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Tel No: 01467 626222

**KIRKWALL:**

Tankerness Lane

Kirkwall

Orkney

KW15 1AQ

Tel No: 01856 875444

**LAIRG:**

Ord Croft  
Lairg  
Sutherland  
IV27 4AZ  
Tel No: 01549 402167

**LERWICK:**

Charlotte House  
Commercial Road  
Lerwick  
ZE1 0HF  
Tel No: 01595 695054

**OBAN:**

Argyll and Western Isles Area Office  
Cameron House  
Albany Street  
Oban  
PA34 4AE  
Tel No: 01631 563071

**PERTH:**

1 Mill Street  
Perth  
PH1 5JE  
Tel No: 01738 443266

**PORTREE:**

Highland Area Sub Office  
Estates Office  
Portree  
Isle of Skye  
IV51 9DH  
Tel No: 01478 612516

**STIRLING:**

South Lodge  
2 St Ninians Road  
Stirling. FK8 2HR  
Tel No: 01786 473272

**STORNOWAY:**

Argyll and Western Isles Area  
Sub Office  
10 Keith Street  
Stornoway  
Isle of Lewis. HS1 2QG  
Tel No: 01851 702392

**THURSO:**

Strathbeg House  
Clarence Street  
Thurso. KW14 7JS  
Tel No: 01847 893104

**Other Agricultural Departments and Rural Payments Agency****England**

Department for Environment, Food and  
Rural Affairs  
10 Whitehall Place  
London. SW1A 2HH  
Tel: 020 7270 8567/8112  
Fax: 020 7270 8842

**Wales**

CAPM Division  
National Assembly for Wales  
Agriculture Department  
Ffynnon Las  
The Orchards  
Ilex Close  
Ty Glas Avenue  
Llanishen.  
Cardiff. CF14 5EZ  
Tel: 02920 681257  
Fax: 02920 681382

**Northern Ireland**

Department of Agriculture and  
Rural Development  
Dundonald House  
Upper Newtownards Road  
Belfast. BT4 3SB  
Tel: 028 9052 4477  
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Contact: Mr E Weatherall

**Rural Payments Agency**

PO Box 69  
Kings House, Kings Road  
Reading. RG1 3YD  
Tel: 0118 958 3626 Ext 7712  
Direct Line: 0118 968 7712  
Fax: 0118 968 7734  
Contact: Mrs Denise Sanders