



Single Farm Payment Scheme

INFORMATION LEAFLET 6

SET ASIDE LAND

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1. Introduction

Under the Single Farm Payment Scheme (SFPS) set-aside management rules will continue to apply. These management rules vary little to those which applied to set-aside land under the Arable Area Payments Scheme. The main changes are:

- detailed management rules for minimum 6 metre set-aside strips (section 2)
- recommendation that green cover should only be destroyed to make way for an arable crop or ley (section 9);
- encouraging agricultural clovers to be used in the seed mix for sown green cover crops (section 12);
- Multi-annual set-aside will not be operated under SFPS;
- you must abide by cross-compliance obligations including statutory requirements and maintaining land in Good Agricultural and Environmental Condition (GAEC).
- land eligible to be set-aside is any agricultural area of the holding taken up by arable land, except areas which on 15 May 2003 were under permanent crops, forests, or used for non-agricultural activities or under permanent pasture. (NB “permanent pasture” is presently defined as land used to grow grasses or other herbaceous forage naturally (self seeded) or through cultivation (sown) and that is not included in the crop rotation for five years or longer.)

2. Your set-aside requirement

2.1 If you were a main producer during the reference period of 2000 – 2002 you will have been notified of your provisional set-aside entitlement. You will have to set-aside a hectare of land for each set-aside entitlement, whether or not you remain in arable production. In general only arable land at 15 May 2003 can be used for set-aside, excluding permanent pasture, permanent crops, forests or non-agricultural activities.

2.2 Your set-aside entitlements are equal to the obligatory element of your AAPS claims during the reference period which was 10% of your total cereals and set-aside. Any hectares above this become part of your Single Farm Payment. For example if you had 90 hectares of cereals and 20 hectares of set-aside then your set-aside obligation was 11 hectares, i.e. 10% of the total claim of 110 hectares. Under SFPS your obligatory set-aside entitlement will be 11 hectares. The remaining 9 hectares of voluntary set-aside will become part of your Single Farm Payment entitlements. This does not need to be set aside. There is no obligatory percentage which needs to be set-aside.

2.3 Set Aside Entitlements must be claimed each year on the Area Aid Application and must be activated before your standard Payment Entitlements. If set aside entitlements are not claimed, and have not been sold or leased out, then a **sanction will apply**. If you sell or lease your set aside entitlements, the buyer or lessee is obliged to continue the set aside obligation. Except in cases of *force majeure* or exceptional circumstances you may only transfer payment entitlements after you have used at least 80% of your Payment Entitlement during at least one calendar year or, after you have given up voluntarily to the National Reserve all the payment entitlements you have not used in the first year of application to the SFPS. Any standard Payment Entitlements which has been unused for a period of 3 years will be allocated to the National Reserve.

2.4 Set-aside plot sizes can vary in relation to the width of the plot:

- Type A - The minimum size for a set-aside plot is 0.1 hectares for single plots not less than 10 metres wide at all points.
- Type B - The minimum set-aside plot size for areas next to permanent watercourses, hedges, woods, dykes, other environmental features and Sites of Special Scientific Interest (SSSIs) is 0.05 hectares for strips at least 6 metres wide.

2.5 You may decide to put all or part of your set-aside into the type B form of buffer strip. Type B strips will be subject to compliance with specific management restrictions. These conditions will be similar to those for grass margins in agri-environment schemes.

2.6 The main restrictions for Type B are:

- no herbicides or pesticides, except spot application for the control of spear thistle, creeping or field thistle, curled dock, broadleaved dock, ragwort and giant hogweed.
- no fertiliser or liming material.
- no crops must be grown; including industrial/energy crops.
- no storage of machinery, farm yard manure or other materials.
- set-aside strips should not be used for the movement of livestock.
- vehicle traffic on set-aside strips should be for agricultural purposes only and must not cause damage to the green cover or hinder its establishment.

2.7 Type B strips must not be separated from the watercourse, except by a fence, a wall, a hedge (including vegetation that has grown up from inside the watercourse), banks or belts of single trees.

2.8 Permanent watercourses include lochs, ponds, rivers, streams, canals, estuaries and field ditches. If the watercourse runs through a culvert, the culvert should be no more than six metres long.

3. Activating set-aside entitlements

3.1 One eligible hectare of land must be taken out of production to activate 1 hectare of set-aside entitlement i.e. if you have 10 set-aside entitlements you must set-aside 10 hectares of eligible land which you must identify on your claim form. However, there are exceptions:

- Organic farmers need not take land out of production to activate set-aside entitlements;
- Land in the Woodland Grant Scheme, Farm Woodland Premium Scheme or the Scottish Forestry Grant Scheme can activate set-aside entitlements;
- growing non-food crops (under certain conditions; the Regulation has yet to be published – details will follow later).

Land in woodland/forestry set-aside does not attract SFPS aid, but will be paid under the relevant woodland/forestry scheme at a rate equivalent to the current set-aside rate if this is lower.

3.2 Habitats scheme

3.2.1 If you made an application on or after 1 July 1995 to enter eligible arable land into the Waterside Habitats, Damp Lowland Grassland and Marsh Communities, or the Dry Lowland Grassland 20-year options of the former Habitats Scheme, you can count this land against your set-aside entitlement in 2005.

3.2.2 You must have met the rules and conditions of the Habitats Scheme for any land you want 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 claimed as set-aside under SFPS, cannot be higher than the SFPS set-aside entitlement rate in the yield region concerned.

4. Growing organic crops on set-aside land

4.1 If you manage your holding totally in compliance with the Organic Regulations, you may grow organic crops on your set-aside land. If you want to take advantage of this measure, you must:

- be registered as an organic producer with an approved organic-sector organisation; and
- manage your holding in compliance with the obligations of the Organic Regulation (EU Council Regulation Number 2092/91).

4.2 For the purposes of this measure, 'holding' is defined in the IACS Regulations as all the production units (that is, all the farms) managed by a farmer in a member state of the EU. This means that to be eligible to grow organic fodder legumes on set-aside land, **all the farms** making up the IACS business (the holding) must be wholly managed in compliance with the requirements of the Organic Regulation or be in the process of converting to organic production.

4.3 Holdings made up of a mixture of organic and non-organic farms are **not** eligible for this option.

4.4 Organic fodder legume crops on set-aside may be grazed by, or fed to, your own or someone else's animals **throughout the scheme year**. Normal green-cover rules do not apply. However, if the crop is grazed by, or fed to, someone else's animals, you or the other person must make no lucrative return in cash or in kind.

4.5 You may grow the following organic fodder crops on set-aside land.

Scientific name	Common name
Galega Spp.	Goat's-rue
Hedysarum Spp.	Sweet vetches
Lathyrus Spp.	Peas and vetchlings
Lotus Spp.	Trefoils
Lupinus Spp.	Lupins (other than sweet lupins)
Medicago Spp.	Medicks, Lucerne and alfalfa
Melilotus Spp.	Melilots
Onobrychus Spp.	Sainfoin
Ornithopus Spp.	Serradella
Trifolium Spp.	Clovers and trefoils
Trigonella Spp.	Fenugreeks
Vicia Spp.	Field beans, vetches and tares
Vigna Spp.	Mung beans and cowpeas

Mixtures of these crops with cereals or grasses are also allowed, as long as the fodder legume is the main part in the mixture.

5. Using set-aside land during the set-aside period

Important note – Under the EU Regulations, the set-aside period is 15 January to 31 August. However, there are also restrictions on what you can do on set-aside land during the period 1 September to the following 14 January.

6. Agricultural uses

6.1 During the set-aside period, you may not use the land for any type of agricultural or horticultural production, with the following exceptions.

- To produce non-food crops.
- After 15 July, to prepare for sowing or sow an arable crop for harvest or use after 15 January 2005. This includes ornamental bulbs, field-grown trees and shrubs, cane fruit and strawberries. You must **not** prepare the ground for or sow any agricultural crop which you intend to harvest **or graze** before 15 January 2005 (for example, stubble turnips, kale or any other fodder or vegetable crop).

6.2 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 later destroyed.

7. Non-agricultural uses

7.1 Under the strict EU rules, set-aside land must not be used for any non-agricultural purpose other than for approved non-food uses. These rules ban all uses of set-aside land which are either commercial or from which any organisation makes any income or benefits. Even if the proposed use is non-commercial and non-lucrative, you must always get approval in writing from your local area office before you carry out any non-agricultural activity on set-aside land. You **must** apply in writing for approval (giving full details) **preferably 15 working days before** the proposed activity and in good time to allow changes to arrangements in case the planned activity is not allowed. If you go ahead without getting approval in writing, we may apply penalties. The only activity you do not need approval for is grazing your own non-agricultural animals (for example, a pony kept for you or your family to ride), as long as you do not receive any return in cash or in kind.

7.2 You must not use set-aside land for any purpose that would bring a return in cash or in kind (lucrative use) **for you or anyone else**, with the exception of certain local small-scale, charitable fundraising events. You **must** always get permission in writing from your local area office **before** you allow anyone to use your set-aside land for any charitable event.

7.3 You do not need permission for those activities that could be carried out equally well if you were growing a standing crop on the land. So, if you sow a game cover, it would normally be acceptable to encourage wild game or to shoot over the land in the way you might shoot over arable land. But you must **not** use the land to rear birds for a commercial shoot or to establish new commercial shooting facilities that would not normally take place on arable land.

You are not allowed to put feed hoppers on set-aside land during the set-aside period, as it is classed as agricultural production (but see section 34).

7.4 You must not use the land for any activity that is not in line with the set-aside management rules. In particular, you must not use the land for anything that would damage the green cover. If you break the set-aside management rules, penalties will apply.

8. Research

8.1 Research cannot be carried out on set-aside land unless the research is into managing set-aside land. Research into growing non-food crops on set-aside land may be possible. However, you have to follow all the rules on non-food crops, including the restrictions on the end use.

9. Managing set-aside land

9.1 The rules in this section apply to all set-aside land (other than land being used for growing non-food crops or land under the structural set-aside option).

9.2 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.

- Traditional buildings
- Stone walls, hedges and trees including hedgerow trees
- Watercourses, ditches, ponds, pools and lochs
- Archaeological remains

9.3 Wherever practical, you must establish a cover by 15 January (that is, the start of the set-aside season). This cover is needed to minimise nitrate leaching and may be established through any of the options listed below.

- Leave existing cover in place
- Natural regeneration
- Sown green cover
- Sown wild-bird cover
- Bare fallow (but not for two years in a row)

9.4 If neither undersowing nor natural regeneration is an option, and weather and soil conditions after harvest make it impractical to establish a sown cover, you may leave the land alone until the following spring. However, light tillage – no deeper than seven centimetres –

after harvest would help to develop cover to avoid nitrate leaching. In the spring, you could sow a green cover. When you have established a cover, you will need to manage it in line with scheme rules.

9.5 If crops were still in the ground on 1 October 2004, you don't need to establish a green cover once they are harvested (which must be before 15 January). If you choose not to establish a green cover, you may leave land as bare fallow or allow the natural vegetation to develop to provide cover.

9.6 However, root or vegetable crops that were still in the ground on 1 October are **not acceptable** for natural regeneration the following year. This land will need to have an eligible cover sown as soon as is practical after harvest.

9.7 If you intend to leave the set-aside land in place for another year, you should cut the cover rather than destroy it. The green cover should only be destroyed to make way for an arable crop or ley.

- 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 line with the rules.
- You may replace the cover on the land if necessary.

10. Existing cover

10.1 If there is already an adequate cover on your set-aside land, you may leave that in place and manage it in line with the scheme rules.

11. Natural regeneration

11.1 You may use natural regeneration to establish a cover after a combinable crop including 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 want to use natural regeneration after other crops.

11.2 After harvest, you must leave land to develop a cover from the seed bank and volunteers. Using a straw chopper when combining crops can encourage cover to establish. 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 six to seven centimetres to encourage germination. You should do any discing or cultivation early before any significant growth of vegetation has taken place.

12. Sown green cover

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

12.2 Seed mixtures may include broad-leaved plants and wild flowers (including legumes). Other acceptable covers are mustard, phacelia and agricultural clovers. In other cases, contact your local office.

12.3 To make sure that the cover is not then used for herbage seed, you must sow grass covers with home-saved or certified seed. You must not sow breeders' pre-basic or basic seed.

13. Wild-bird cover

13.1 Wild-bird cover can provide valuable feeding grounds for birds that eat seeds and insects. If the land is still set aside for more than one year, you must replace this cover during the second calendar year after it was sown if the quality provides poor feeding for birds.

13.2 For example, if the cover was sown in the spring of 2003, you must replace it by the set-aside year starting on 15 January 2005. You must replace it if one crop group starts to dominate so that the cover is no longer a mixture where the different parts could not be harvested separately. You may destroy it after one year only if you need to do so (for example, because you want to rotate your set-aside land).

14. Types of wild-bird cover to sow

14.1 Wild-bird cover must be a mixture of at least two crop groups which would not normally be grown as a mixture for agricultural production **and** it must not be practical to harvest the different parts separately. It is irrelevant whether or not you **intend** to harvest or graze it. What matters is whether the mixture is **able** to be harvested or grazed. The mixture must be sown on the same land – you cannot sow alternate rows or blocks of each seed.

14.2 You must make sure that the cover cannot be harvested separately. This is particularly important if the land is to stay as set-aside land. If one part of the cover deteriorates, you must write to your local area office immediately and restore the cover by replacing either the lost parts or the whole cover as soon as possible. Sometimes it will be noticed too late to take corrective action immediately. In this case, it is acceptable to keep the existing cover, but you must destroy it before the plant cover becomes harvestable (normally mid to late July). Again, you must tell your local area office **in writing** if you intend to do this.

Example of acceptable wild-bird cover

- A mixture of cereals and brassicas

Examples of unacceptable wild-bird cover

- A mixture of cereals and grass
- A mixture of rape, kale and turnips

15. Managing wild-bird cover

15.1 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. You may use up to 30 kilograms of nitrogen for each hectare to help the cover to establish. You do not have to cut the cover **as long as** you follow all the rules in section 18. If you take advantage of this, you must **not** graze the cover, allow the cover to be grazed or use it for any agricultural purpose until after 15 January 2006.

16. Bare fallow

16.1 If you choose not to establish a sown green cover, you may leave your land as bare fallow, but must still comply with GAEC.

17. Compulsory cut

17.1 You can cut set-aside land as often as you want. However, you **must** cut the green cover short (to about 10 centimetres or less) between 15 July and the 15 August (you must not remove or use the cuttings, but leave them on the ground to rot). You may destroy the green cover by 31 August to make way for an arable crop or ley.

17.2 The cuttings will cause fewer problems to the sward if they are chopped and scattered. If leaving the cuttings on the ground would cause environmental problems, you **must** 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. **You may not use the cuttings for any agricultural purpose.**

17.3 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 reduce the damage to wildlife as far as possible by:

- starting regular mowing early in the year;
- setting the mower at the maximum safe height; and
- 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.

17.4 Try to avoid cutting on or near visible archaeological features. Where cutting is unavoidable, take extra care to avoid damage to these types of features.

18. Exemptions from the compulsory cutting requirements

18.1 The exemptions are as follows:

- You may leave up to 25% of each set-aside field or parcel uncut for up to three years to encourage a range of habitats. You don't need any specific exemption. However, if there is likely to be a problem of scrub encroachment onto set-aside land, you should cut the area more often than every three years. If you leave the green cover uncut, the land may not be grazed or cut for hay or silage between 1 September and 14 January.
- You may leave up to two metres adjacent to a hedge or wood permanently uncut to encourage the hedge to broaden or to naturally regenerate the woodland. You don't need any specific exemption.
- If you have sown a wild-bird cover, you don't need to cut it. However, if you want to graze the cover after the end of the set-aside period, you are **not** exempted from the cutting requirements.

- However, you may apply to your local area office (in writing and preferably at least 15 working days before) for an exemption to cut at a different time, to leave the grass longer or to allow regeneration as long as you do not intend to use the cover (for example, for hay, silage or grazing) at the end of the set-aside period.

19. Other exemptions

19.1 You may apply for exemptions from any of these rules, or to follow your own management plan, for one or more of the following reasons.

- For **environmental** or **archaeological** reasons (for example, to benefit or avoid damaging wildlife), to manage the land to encourage ground-nesting birds or to carry out an archaeological excavation. Applications for exemption for **archaeological** reasons must be supported by Historic Scotland or by the appropriate local authority archaeologist (LAA). You should first contact your LAA **unless** you know the set-aside area is a ‘scheduled ancient monument (SAM)’. In these cases, you should first contact Historic Scotland. If the LAA finds that the site is a SAM, they should refer you to Historic Scotland. However, if there is no LAA, or in the case of other difficulties, you should get advice from Historic Scotland.
- For **research** into different ways of managing set-aside land or the effects of set-aside land (or both). These 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** wanting to train students in agricultural techniques (for example, ploughing) as long as the training does not include sowing or growing any agricultural crop.
- If a gas or electricity company (or other organisation 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 more information, a leaflet is available from the Department).
- For reasons of **human or animal health or safety, or plant health**.

20. How to apply for an exemption

20.1 If you want to apply for an exemption because of one of these reasons, you must **write** to your local area office setting out why you need an exemption. Please attach any **supporting documents** (for example, copies of letters from the organisation) to your letter. **You must receive written agreement** from your local area office **before** you stop following any of the standard management rules for set-aside land.

21. Tenant farmers

21.1 If you are a tenant farmer, we strongly advise you to consult your landlord before you apply for an exemption for any management practice which might affect the nature or value of the land (for example, to allow regeneration). This will make sure that you are not breaking a term in your tenancy agreement.

22. Controlling weeds and volunteer crops

22.1 You must take action to control those weeds set out in the Weeds Act 1959 (common ragwort, broad-leaved dock, curled dock, spear thistle and creeping or field thistle). The Act allows agriculture ministers to take action against anyone who occupies and manages land from which these weeds are spreading.

22.2 You may need to take action to control aggressive weeds, crop volunteers or vigorous growth. You may do this using herbicides, cutting or cultivation. We must remind you that cultivation before mid to late July is still possibly one of the **most damaging** agricultural operations for wildlife and could destroy a wide range of species. As a result, we strongly advise you to consider alternatives such as using herbicides at the right time or frequent cutting to control weeds. In any case, you should always take the precautions set out in section 25.

23. Herbicides

23.1 In most situations, you do not need specific permission **as long as** you use it in line with its specific label or off-label approval.

23.2 You must get permission in writing from your local area office if you want to spray a herbicide **before 15 April**, which will result in the green cover being destroyed **and** the cover will not be replaced immediately.

23.3 You are **not** allowed to use residual, soil-acting herbicides unless they have a specific label approval for use on green cover on land that is temporarily removed from production (for example, set-aside land). However, if you are growing a non-food crop on the land, you may use only products with a specific label or off-label approval for the crop in question.

23.4 You may use non-residual herbicides (that is, herbicides which are mainly absorbed through the leaf and stem) on set-aside land as long as you don't take any action before 15 April that would be likely to destroy the green cover (except if you are replacing the cover, or creating or maintaining a bare strip next to the crop). **As a result, you should not spray broad-spectrum, non-selective herbicides on the land before 15 April.** However, you are allowed to use spot applications, wick applicators or selective herbicides which leave the bulk of the green cover intact before that date. If the cover is destroyed by herbicides and you want to keep the land in set-aside for another 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.

23.5 For non-residual products

- You may use products approved for a particular crop on a cover that is made up of mainly volunteers or natural regeneration of that crop (for example, you can use a product approved for cereals on cereal volunteers, and you can use one approved for grass on naturally regenerated grass).
- You may use products approved for use on non-crop land or land that is not intended for cropping on set-aside areas, as long as the land is not growing a crop for non-food use. (However, you must follow any restrictions on intervals between applying the product and sowing crops.)

- Off-label arrangements allow certain other herbicides to be used on certain set-aside areas. If you are not sure, please contact your local area office.

24. Pesticides (other than herbicides)

24.1 You must not use any other pesticides, fungicides or insecticides on set-aside land. However, you can apply to your local area office (in writing and preferably 15 working days before) for a specific exemption to use pesticides if you can show that this is necessary to control plant health problems that cannot be treated in other ways. You must not use these pesticides until you have received written authorisation, nor should you use pesticides near sensitive areas such as watercourses and hedges.

24.2 You may use only a herbicide with approval for the appropriate crop or situation. In all cases, you must make sure that you follow the statutory conditions set out on the herbicide label. If you intend to graze the green cover after the end of the set-aside period, you can use only pesticides approved for use on grazed land. You must follow all grazing re-entry periods.

25. Agricultural operations and timing

25.1 In order not to disturb the green cover, there is a general ban on the following.

- Before 1 May – cultivation and ploughing (if you are a registered organic farmer or converting your holdings to growing organic crops).
- Before 1 July – cultivation and ploughing (for all other farmers).
- Before 15 July – carrying out any preparation for sowing a crop.

25.2 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 started to seed.

25.3 You must do the following.

- Avoid operations such as non-selective herbicide treatment, cultivation or cutting unless they are strictly necessary (using appropriate selective herbicides can be beneficial).
- Where possible, 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 using herbicides (preferably selective ones) rather than cutting or cultivation.
- If using a non-selective herbicide, leave the rest 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.

26. Replacing a green cover

26.1 If you want to **replace** an existing cover, you may do so at any time as long as you meet the following conditions.

- Soil conditions are suitable for sowing the new cover.
- You have the seed for the replacement cover on the farm **before** you start to destroy the old cover.
- You sow the replacement cover as soon as possible after destroying the first cover.

26.2 If you want to keep the land in set-aside for another year, you must establish a replacement cover so that an adequate cover is in place by 15 January 2006.

27. Miscellaneous rules for set-aside land

27.1 Manure and wastes

27.1.1 You can only use slurry, manure or organic waste on set-aside land **if it is from your own holding**. You may only use this waste if there is an existing green cover on the land. You must not use the waste at levels that would destroy the green cover or could pollute watercourses.

27.1.2 If you are using animal manure or slurry, remember the following.

- You should use organic manure moderately. In no circumstances should you use more than 250 kilograms of total nitrogen on each hectare in each year.
- In no circumstances must the levels of manure you use on set-aside land be higher than the application rates set out in the ‘Code of Good Practice – Prevention of Environmental Pollution from Agricultural Activity’ (the PEPFAA Code).
- Some vigorous weed species (for example, black grass, wild oats and cleavers) are very responsive to nitrogen. To avoid encouraging these aggressive weeds, you should use only moderate amounts of animal manure.
- Using slurry and manure can disturb wildlife. Avoid using them when there are likely to be nesting birds (during the period early April to mid July).

- Keep manure away from field margins and hedges.
- If your land is in a nitrate vulnerable zone (NVZ), you must take account of the measures detailed in the NVZ action programme.

27.1.3 You may store manure or organic waste on set-aside land **before** spreading it on the field in question. You must not use set-aside land to store larger quantities of manure or waste than you use on the field you are storing them on.

27.1.4 You cannot use set-aside land to store, get rid of or dump any type of waste, **including sewage sludge**.

27.2 Fertilisers

27.2.1 You may not use fertilisers on land that is due to stay in set-aside the following year.

27.3 Liming

27.3.1 You may use lime and gypsum on set-aside land in its last year in set-aside as long as you do not disturb the green cover before 15 July. You may also use paper crumble as a liming agent to set-aside land, again only in its last year in set-aside. You can get more details of the conditions you must meet from your local area office.

27.4 Drainage

27.4.1 You may not carry out subsoiling, piped field drainage or mole drainage **before** 1 July. Drainage work can be damaging to sensitive deposits on or near archaeological sites. If a monument is scheduled, drainage operations need formal permission beforehand from the Scottish Ministers through Historic Scotland. For more information, refer to the leaflet 'Archaeological Information and Advice in Scotland', which is available from Historic Scotland or your local Area Office.

27.5 Access

27.5.1 In set-aside fields that are vulnerable to illegal access from vehicles you may create a bare ploughed strip of up to five metres wide close to likely access points.

27.5.2 If you disturb any **right of way** through cultivation, you must restore the path in line with Section 23 of the Land Reform (Scotland) Act 2003.

27.6 Burning

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

27.7 Storing produce from the previous harvest

27.7.1 You may use your set-aside land to **temporarily** store produce from your holding (for example, bales of straw) **as long as** there is no risk of damage to the green cover.

28. Using the land at the end of the set-aside period

28.1 If you want to leave the land in set-aside

28.1.1 The end of the set-aside period is 31 August. 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. You may not use cover established during the set-aside period for any commercial purpose.

28.1.2 You may do the following.

- Harvest hay or silage for your own use (as long as you have cut the cover between 15 July and the 15 August and left those cuttings to rot).
- Keep your own animals (including pigs), or other people's, on the land as long as you do not receive any return in cash or in kind. However, you must not keep animals in such numbers as to damage or destroy the green cover.
- Put game-bird release pens or feeding hoppers (or both) on the set-aside area as long as these are used only in connection with a totally non-commercial shoot from which neither you nor any other person receives any return in cash or in kind.

28.1.3 You may **not** do the following.

- Keep other people's animals on the cover for a return in cash or in kind, or lease the land for those purposes.
- Sell, trade or exchange any hay or silage harvested during this period.
- Use the set-aside cover for any other commercial purpose.
- Harvest the hay or silage cuttings from any cover cut before 1 September.

28.1.4 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 line with the rules.

28.2 If you want to sow a crop on the land for harvest the following year

28.2.1 From 15 July 2005 you may prepare the land for, and sow, cereals, linseed, oilseeds, protein crops, flax, hemp, ornamental bulbs (not including onions or garlic), field-grown trees or shrubs, cane fruits and strawberries (but **not** any other horticultural crops) intended for harvest after 15 January 2006. You can leave multi-annual set-aside land, 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. However, you cannot graze temporary grass leys, or other traditional forage crops (for example, stubble turnips, kale or any other fodder or vegetable crop established after

15 July 2005) until **after** 15 January 2006. No exemptions can be granted for this EU rule.

28.2.2 There are financial penalties for breaking the set-aside management rules.