

Cross Compliance – changes for 2025

GAEC 6 – Maintenance of soil organic matter

New requirements for peatlands and wetlands

Frequently asked Questions

Question

Why are the new requirements for peatland and wetlands being introduced?

Answer

Scotland has around 2 million hectares of peatland of which around three quarters (1.4 million hectares) are degraded through drainage, extraction, overgrazing, afforestation and development. The remaining quarter, roughly 0.5 million hectares, of peatland is in good condition. Degraded peatlands are a source of greenhouse gas (GHG) emissions, currently accounting for around 16% of the Scottish annual net total. The new requirements are intended to limit further greenhouse gas emissions by restricting certain damaging agricultural activities.

Question

Will the new cross compliance conditions apply to all farmers and crofters?

Answer

The new requirements are part of Cross Compliance and therefore they will apply to all farmers and crofters who claim supports scheme payments (Basic Payment Scheme, Less favoured support Scheme, etc) and have peatlands and/or wetlands on their farm or croft. If a farmer or crofter isn't planning to carry out any of the prohibited activities, the new requirements won't have any impact on their business.

Question

How do peatlands and wetlands fit in with the existing GAEC 6 requirements?

Answer

Existing GAEC 6 prohibits ploughing (and from 2025) cultivating from being carried out on 'rough grazing or other semi-natural areas'. Peatlands and wetlands are sub categories of 'rough grazing or other semi-natural areas' which means the restrictions on ploughing and cultivating also apply to peatlands and wetlands.

Question

Why is the definition of peatlands based on a peat thickness of 50 centimetres (cm) or more when the peatlands definition set out in the Wildlife Management and Muirburn (Scotland) Act 2024 is based on 40cm?

Answer

During the development of the new requirements three definitions of peatlands were considered based on a peat thickness of 30cm or more, 40cm or more and 50cm or more. A peat thickness of 50cm or more was considered appropriate because it confines the requirements to areas which are generally recognised as peatlands and has the least impact on the agricultural industry in terms of just transition. Had the definition been based on either 30cm or 40cm there would have been a greater impact affecting more farmers (and in some cases arable farmers) which would have carried a risk of some farmers and crofters opting out and not claiming support payments. Not only would this have had a significant effect on the viability of their businesses it would mean that as non-claimants they wouldn't be required to deliver any Cross Compliance related benefits.

In addition user research conducted with farmers and crofters highlighted an issue of how farmers and crofters can easily identify whether they have peatlands within their farm or croft boundary. The only reliable peatlands mapping dataset currently available is based on a peat depth of 50cm or more. The data set, available from the Scotland's Soils website, has been used to create a 'Peatland Areas' layer on Land Parcel Identification System (LPIS) viewer which farmers and crofters can overlay on to their farm or croft.

Question

I have several arable and improved grassland field that are shown as peatlands on LPIS viewer? Do the new requirements apply to these fields?

Answer

The 'Peatland Areas' layer is based on the most up to date mapping data from the Scotland's soil website but not definitive and can only be used as a guide. The new requirements for peatlands only apply to land where both parts of the peatlands definition apply; the peat depth has to be 50cm or more **and** it is uncultivated and associated with semi-natural vegetation (e.g. sphagnum mosses, cotton grasses, dwarf shrubs, including heather, blaeberry, crowberry and cowberry). Arable and improves grassland fields don't meet the second part of the definition and therefore the new peatlands requirements don't apply.

Question

I understand that the new requirements apply to peatlands and wetlands but why do they also apply to land that's adjacent to peatlands and wetlands and to what extent?

Answer

The requirements will only apply to areas adjacent to peatlands and wetlands where a prohibited activity will cause damage to the vegetation covering peatlands or wetlands or cause peatlands or wetlands to dry out. The intention is to prevent the requirements from being circumvented by carrying out a prohibited activity on land adjacent to peatlands or wetlands that would have the same effect had it been carried out on the peatlands or wetlands themselves. In practical terms the prohibited activity that this is most likely to relate to is draining where cutting a large ditch on land alongside and area of peatlands or wetlands would divert water away from that land to the same extent had the ditch been cut on the peatlands or wetlands.

Question

The prohibited activities include 'creating new roads and tracks (include vehicle rutting exposing the soil)'. ATVs are commonly used check stock particularly during calving or lambing time. How will tracking be defined and will I be prevented from driving my ATV across peatlands?

Answer

The new requirements not prevent vehicles from being used and the normal use of ATVs checking livestock isn't expected to cause tracking/rutting to the extent envisaged under the new requirements. There is no set definition of 'tracking', instead RPID Area Office inspectors will assess 'tracking' based on guidance which will take account the type of vehicle, the type of land (gateways, slope of the ground, etc.) and the extent of any damage. In cases where tracking is considered to be a breach of the requirements it's likely to result in a Warning Letter in the first instance with related guidance. The new requirements relate to the creation of road or tracks which means existing tracks across peatlands (hill areas) can continue to be used by vehicles even if the underlying soil is already exposed and is heavily tracked.

Question

One of the prohibited activities is new drainage or maintenance of existing drainage systems that causes peatlands or wetlands to dry out. What do you mean by 'causes peatlands or wetlands to dry out'?

Answer

If existing pipes/tiles and ditches are still diverting water away from an area regular maintenance won't be considered to cause the area to dry out further and will be allowed under the new requirements. On the other hand, if a drainage system is no longer functioning e.g. a ditch that has become closed and fully obstructed by vegetation the new requirements will prevent the ditch from being opened as this would result in further drying out.