

**2008 No. 233**

**AGRICULTURE**

**The Rural Development Contracts (Rural Priorities) (Scotland)  
Amendment Regulations 2008**

<i>Made</i> - - - -	<i>5th June 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>6th June 2008</i>
<i>Coming into force</i> - -	<i>28th June 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation, commencement and extent**

1. These Regulations may be cited as the Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2008 and come into force on 28th June 2008.

**Amendment of the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008**

2. The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(b) are amended in accordance with regulations 3 to 7.

**Amendment to regulation 2**

3. In regulation 2 (interpretation) for the definition of “area related options” substitute—  
““area related options” means those rural priorities options numbered 15 to 57, 60 and 61 and 74 to 77 in Schedule 2;”.

**Amendment to regulation 9**

4. In regulation 9 (undertakings) in paragraphs (5) and (6), after “numbered 15 to 57” insert “and 74 to 77”.

**Amendment to regulation 12**

5. In regulation 12 (claims and payment) in paragraph (3)(a), after “area related options” insert “(except those area related options numbered 74 to 77)”.

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2008/100.

### **Amendment to Schedule 1**

6. In Schedule 1 (interpretation of schedules) after the definition of “farmed deer” insert–

““favourable condition” means in relation to the features for which SSSI sites or European sites are designated that such sites are (1) in satisfactory condition as determined by SNH or (2) recovering, with the necessary management measures in place, such that SNH predicts that such sites will in due course reach satisfactory condition;”.

### **Amendment to Schedule 2**

7. In Schedule 2 (rural priorities options)–

- (a) in rural priorities option numbered 57 (specialist agri-environment plan) in column 2, after “numbered 15 to 56” insert “and 74 to 77”; and
- (b) at the end of the table in Part 1 (Option, Activities and Eligibility Conditions and Rates of Payment), insert the entries for the four options set out in columns 1, 2 and 3 of the Schedule to these Regulations.

*RICHARD LOCHHEAD*

A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
5th June 2008

## SCHEDULE

Regulation 7

<i>Column 1 Option</i>	<i>Column 2 Activity and eligibility conditions</i>	<i>Column 3 Rate of Payment</i>
<p>74. Removal of vegetation/debris from SSSI Sites notified for their geological features</p>	<p>(1) This is a capital item with a 5 year commitment attached.</p> <p>(2) A beneficiary is eligible for payment under this option for the removal of vegetation and/or debris on SSSI Sites notified for their geological features where—</p> <ul style="list-style-type: none"> <li>(a) such features have been assessed by SNH as being in unfavourable condition due to encroaching vegetation and/or accumulating debris; or</li> <li>(b) SNH confirms that these features are at risk of falling into unfavourable condition due to encroaching vegetation and/or debris.</li> </ul> <p>(3) The beneficiary must—</p> <ul style="list-style-type: none"> <li>(a) submit a management plan to the Scottish Ministers detailing how they will manage the site to benefit the geological features by removing— <ul style="list-style-type: none"> <li>(i) accumulating debris; and/or</li> <li>(ii) trees, tree saplings and scrub;</li> </ul> </li> <li>(b) keep a copy of the management plan and provide this on request by the Scottish Ministers. The management plan must— <ul style="list-style-type: none"> <li>(i) describe the area of conservation value that will benefit from the management;</li> </ul> </li> </ul>	<p>Up to 100% of actual costs.</p>

<i>Column 1 Option</i>	<i>Column 2 Activity and eligibility conditions</i>	<i>Column 3 Rate of Payment</i>
	<ul style="list-style-type: none"> <li>(ii) state the extent of the vegetation/debris to be removed;</li> <li>(iii) describe the type of management and treatments to be used to achieve this, including any follow-up action; and</li> <li>(iv) mark the areas on a 1:10,000 scale map;</li> </ul> <p>(c) provide a report to the Scottish Ministers on submission of a claim for payment of aid, that includes–</p> <ul style="list-style-type: none"> <li>(i) details of the methods of removal used;</li> <li>(ii) details of the time spent on removing the vegetation and/or debris, if the beneficiary carries out the works;</li> <li>(iii) details of the locations where the vegetation and/or debris was cleared from; and</li> <li>(iv) photographic evidence of the work carried out.</li> </ul> <p>(4) A beneficiary may make only one claim for payment under this option in any 5 years. A one off payment will be paid in arrears.</p>	
75. Erosion Control	<p>(1) This is a capital item with a 5 year commitment attached.</p> <p>(2) A beneficiary is eligible for payment under this option where a beneficiary carries out erosion control works as part of a management plan aimed at achieving the favourable condition of features for which SSSI Sites or European sites were notified.</p>	Up to 100% of actual costs.

<i>Column 1 Option</i>	<i>Column 2 Activity and eligibility conditions</i>	<i>Column 3 Rate of Payment</i>
	<p>(3) The beneficiary must–</p> <ul style="list-style-type: none"> <li>(a) submit a management plan that– <ul style="list-style-type: none"> <li>(i) demonstrates an understanding of the erosion processes affecting the site;</li> <li>(ii) considers the implications of controlling the erosion;</li> <li>(iii) provides details about intended management, where and when works will take place, what the benefits will be and how these will be monitored; and</li> <li>(iv) if features are being affected by other herbivores, includes measures to address these impacts and the impacts of burrowing animals in an integrated way;</li> </ul> </li> <li>(b) for sites affected by coastal erosion, obtain specialist advice and consult with the relevant local authority;</li> <li>(c) where controlling burrowing animals– <ul style="list-style-type: none"> <li>(i) does so through a control programme agreed with the Scottish Ministers; and</li> <li>(ii) complies with all appropriate legislation and relevant Codes of Practice as outlined in the programme guidance.</li> </ul> </li> </ul> <p>(4) A beneficiary may make only one claim for payment under this option in any 5 years. A one off payment will be paid in arrears.</p>	

<i>Column 1 Option</i>	<i>Column 2 Activity and eligibility conditions</i>	<i>Column 3 Rate of Payment</i>
76. Renewable energy powered pumps for water troughs	<p>(1) This is a capital item with a 5 year commitment attached.</p> <p>(2) A beneficiary is eligible for payment for a pump under this option where the pump installed is powered by renewable energy (solar, wind or water power) and is to provide water to a trough for livestock.</p> <p>(3) A beneficiary may make only one claim for payment under this option in any 5 years. A one off payment will be paid in arrears.</p>	Up to 100% of actual costs.
77. Capital works required for features for which SSSI Sites and European sites were notified to help bring them into favourable condition	<p>(1) This is a capital item with a 5 year commitment attached.</p> <p>(2) A beneficiary is eligible for payment under this option on land on or adjacent to SSSI Sites and European sites for capital works aimed at bringing the features for which the SSSI Site or European site was notified into favourable condition.</p> <p>(3) The beneficiary must agree the eligible costs in advance with the Scottish Ministers.</p> <p>(4) A beneficiary may make only one claim for payment under this option in any 5 years. A one off payment will be paid in arrears.</p>	Up to 100% of actual costs.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 (“the 2008 Regulations”) which introduce measures to supplement Council Regulation (EC) No. 1698/2005 (O.J. No. L 277, 21.10.2005, p.1) (“the Council Regulation”) which lays down general rules governing Community support for rural development (financed by the European Agricultural Fund for Rural Development established by Council Regulation (EC) No. 1290/2005 (O.J. No. L 209, 11.8.2005, p.1)) and Commission Regulation (EC) Nos. 1974/2006 (O.J. No. L 368, 23.12.2006, p.15) and 1975/2006 (O.J. No. L 368, 23.12.2006, p.74) laying down detailed rules for the application of the Council Regulation.

The 2008 Regulations provide for the payment of aid to be made available by the Scottish Ministers from the Scotland Rural Development Programme 2007-13 to any person who enters into an undertaking with the Scottish Ministers to carry out, or as the case may be, carry out and maintain the activities relevant to at least one of the rural priorities options set out in Schedule 2, and where relevant one or more than one of the capital items set out in relation to a particular rural priorities option or set out in Schedule 3.

The Regulations amend the 2008 Regulations by inserting four capital item rural priorities options into Schedule 2 (regulation 7).

The Regulations also make the necessary consequential amendments to the 2008 Regulations following the addition of the four rural priorities options (regulations 3 to 6).

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