

EXECUTIVE NOTE

THE RURAL DEVELOPMENT CONTRACTS (RURAL PRIORITIES) (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/106

The above Regulations (the 2011 Amendment Regulations) are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. They amend the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 (SSI 2008 No.100) (the “2008 Regulations”).

The 2008 Regulations allow Scottish Ministers to pay European and national funds from the Scotland Rural Development Programme (SRDP) to beneficiaries of Rural Priorities. The instrument is subject to negative resolution procedure.

Policy Objective

The purpose of the 2011 Amendment Regulations is to implement changes made to the SRDP which were recently agreed with the European Commission. The amendments to the 2008 Regulations relate primarily to changes to management and operating conditions such as application of pesticides, timing of mowing or grazing, allowing plots to be rotated etc, and changes to some payment rates e.g. for the eradication of rhododendron.

In addition, the 2011 Amendment Regulations:

- create 3 new options: Creation and management of grassland for hen harriers (option 79), Open grazed grassland management for chough (option 80) and Upland habitat management plan (option 81);
- extend 3 options: Management of mown grassland for corncrakes to include chough (option 19), Management of coastal or serpentine heath to include special interest heath (option 38), and Management of extended hedges to include hedgerow trees (option 48);
- delete option 26, Wardening for golden eagles;
- reduce the minimum forest holding required to apply for support under the Improving economic value of forests (option 10);
- amend option 30, Creation and management of species rich grassland to create 2 elements to benefit wildlife, and also bees, moths and butterflies;
- provide additional payment rates for pre-existing grass margins and beetlebanks (option 49), for shallow ploughing and for sharing ploughing equipment (Management of cropped machair, option 51), and for a grass sward created under a previous rural development scheme (option 54);

- amend option 60, Woodland creation to add two new eligible woodland types in the Northern and Western Isles and in Central Scotland, and
- amend Option 70, Active management to improve the condition of vernacular rural buildings, archaeological or historic sites and historic landscapes to clarify actions eligible for funding, involvement of professional advisers, and to remove the provision allowing beneficiaries to claim own labour costs.

Consultation and background

The European priorities for 2007-2013 are laid down in the Rural Development Regulation (Council Regulation (EC) 1698/2005). The SRDP including Rural Priorities is designed to deliver outcomes to achieve these priorities in Scotland.

The original SRDP was submitted to the European Commission following consultation with stakeholders and agreed on 19 February 2008. These latest changes reflect modifications approved by the European Commission.

Rural Priorities is a competitive scheme to ensure that contracts are awarded for the proposals which are best able to deliver the agreed regional priorities. Businesses, land managers and community groups can apply. There is a 2-stage application process. The initial stage is the submission of a simple Statement of Intent. In the second stage, applicants can prepare a detailed Proposal plus an Outcome Plan setting out how they would contribute to one or more regional priorities. Both stages are supported by case officers who advise on eligibility, regional priorities, budgetary positions and the need for consents/approvals. Regional Proposal Assessment Committees (RPACs) will select which proposal to recommend for approval to Scottish Ministers.

Although the proposed modifications to the SRDP were submitted to the Commission for approval last year, that approval (as confirmed only earlier this month) took longer than anticipated. In consequence, there has been a significant slippage in the overall timetable for these 2011 Amendment Regulations which meant that we were not in a position to undertake a consolidation of the 2008 Regulations as had been originally planned for last year. In the meantime, negotiations are already underway for a new Rural Development Regulation. Once agreed to, it will provide the legal basis for agreement of a new SRDP to replace the current SRDP which expires in 2013. That will of course require new domestic implementing legislation to completely replace the 2008 Regulations. In light of this, we think there is little merit at this stage in undertaking a wholesale consolidation exercise of the 2008 Regulations.

Financial effects

The instrument uses funding which the Scottish Government and the European Commission have allocated to Rural Development Contracts under the SRDP. We foresee no increase in costs to the Scottish Government, local government or business. We have therefore not carried out a Business and Regulatory Impact Assessment.

Rural Payments and Inspections Directorate
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