

## EXECUTIVE NOTE

### THE RURAL DEVELOPMENT CONTRACTS (LAND MANAGERS OPTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2011

#### SSI 2011/85

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 (Land Managers Options) (Scotland) Regulations 2008 (SSI 2008/159) (the 2008 Regulations).

The 2008 Regulations allow the Scottish Ministers to pay European Union and national funds from the Scotland Rural Development Programme (SRDP) to beneficiaries of Land Managers Options (LMO). These Regulations are subject to negative resolution procedure.

#### Policy Objectives

The purpose of the 2011 Amendment Regulations is to implement changes made to the SRDP which were agreed with the European Commission. The 2008 Regulations are amended as follows:

- New definitions are added to Schedule 1;
- Schedule 2, part 1:
  - Option 2 (business audit) and option 3 (nutrient management plan) are deleted;
  - option 9 (wild bird seed mix/unharvested crop) is amended to allow plot rotation and restrict the application of pesticides,
  - option 11 (summer cattle grazing) is amended to increase the payment rate;
  - option 12 (management of moorland grazing) and option 13 (management of linear features, hedgerows and hedgerow trees and dykes) are amended to make minor changes to management provisions;
  - option 14 (management of grass margins and beetlebanks) is amended to add an additional payment rate for ‘management only’ of grass margins etc, to reduce the minimum width of a grass margin to benefit certain bird species, to remove requirement to create a sterile strip, and to restrict the application of pesticides;
  - option 15 (biodiversity cropping on in-bye land), option 16 (management of conservation headlands) and option 17 (retention of

winter stubbles) are amended to restrict the application of pesticides, and for option 17 prohibits the application of pre-harvest desiccants;

- option 21 (active management to improve the condition of vernacular rural buildings, archaeological or historic sites or historic landscapes) is amended to specify additional ineligible management work, to clarify the requirements for maintaining photographic records, to remove provisions allowing applicants to claim own labour hours and machinery costs, and to change the payment limit;
- option 22 (animal welfare management programme) is amended to make minor changes, clarifications and corrections to 4 of the 'Actions to improve welfare'.
- two new options are added -
  - ❖ Option 23, (natural regeneration after cereals) - the aim of this option is to increase the number of birds that survive the winter by retaining stubbles from the harvest of spring or winter cereals, protein or oilseed crops to provide cover and food over the harsh winter months; and
  - ❖ Option 24, (maintenance of organic farming) - the aim of this option is to provide support to existing organic producers to maintain organic farming. This plays a valuable role in helping to protect and enhance the environment as well as assisting producers to meet consumer demand for organic products.

The 2011 Amendment Regulations also make the following minor changes to the 2008 Regulations in response to comments made by the Subordinate Legislation Committee in relation to the Rural Development Contracts (Land Managers Options) (Scotland) Amendment Regulations 2009 (SSI 2009/155) as follows:

- in sub-paragraph (f) of Action Four in paragraph (4) of column 2 of option 22 in Schedule 2, the reference to "untaken" is corrected to refer to "undertaken"; and
- the rate of payment specified in column 3 of Action One of paragraph (4) of option 22 in Schedule 2 has been amended to clarify the intended meaning.

## **Background**

The European priorities for 2007-13 are laid down in the Rural Development Regulation (Council Regulation (EC) No. 1698/2005). The SRDP, including LMOs, is designed to deliver outcomes to achieve these priorities in Scotland.

LMOs are non-competitive. There is no approval process and hence no approval letter issued. Each participant is limited to a maximum allowance based on the amount of land in their Single Application. Any land manager with land in Scotland

can apply. Applicants must be registered with the Scottish Government's Integrated Administration and Control System (IACS) and have a business reference number.

All applicants must submit a LMO application form and a Single Application by 15 May. LMO commitments start from this date and payments are made from the end of the scheme year the following May. Land based options are paid automatically and a claim must be submitted for other options by 31 August following the end of the scheme year.

### **Consultation**

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 EC.

### **Financial effects**

The instrument relates to the payment of 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.

The Scottish Government  
Rural Payments and Inspections Directorate  
February 2011