
 STATUTORY INSTRUMENTS

1985 No. 1025

AGRICULTURE

HORTICULTURE

The Agriculture and Horticulture Development (Amendment) Regulations 1985

<i>Made - - - -</i>	<i>5th July 1985</i>
<i>Laid before Parliament</i>	<i>8th July 1985</i>
<i>Coming into Operation</i>	<i>9th July 1985</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972 (a) in relation to the common agricultural policy of the European Economic Community (b), in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Agriculture and Horticulture Development (Amendment) Regulations 1985 and shall come into operation on 9th July 1985.

Saving

2. Regulations 4 and 6 below shall not apply in relation to—

(a) any work, facility or transaction included in an application received by the appropriate Minister before 9th July 1985 for approval of a development plan or for a variation of a development plan approved for the purposes of the Agriculture and Horticulture Development Regulations 1980 (c) (hereinafter called “the principal regulations”);
or

(b) any claim for grant towards expenditure incurred for the purposes of those regulations before that date;

and regulations 4 and 6 below shall not affect the operation of the principal regulations in relation to any such work, facility or transaction or claim for grant.

Amendment of principal regulations

3. The principal regulations shall be further amended in accordance with regulations 4 to 6 of these regulations.

4. In regulation 5 thereof (development plans)—

(a) in paragraph (3)(b)(ii) there shall be substituted for the words “550,

(a) 1972 c.68.

(b) S.I. 1972/1811.

(c) S.I. 1980/1298; the relevant amending instruments are S.I. 1981/1708, 1983/1763, 1984/618, 1922.

and in either case” the words “500 where the application is received on or after 9th July 1985 and before 31st December 1986, or 400 where the application is received on or after that date and before 31st December 1987, and in the case of subparagraph (i) above or this subparagraph”;

- (b) in paragraph (3) (j) there shall be inserted after the words “unless that Minister is satisfied” the words “that the effect of such expenditure will not be to exceed the reference quantity, or, where appropriate, the additional reference quantity determined in accordance with Council Regulation (EEC) No. 857/84 (a) adopting general rules for the application of the levy referred to in Article 5c of Council Regulation (EEC) No. 804/68 (b) in the milk and milk products sector and”.

5. For regulation 18 thereof (closing date for applications) there shall be substituted the following regulation—

“Closing date for applications

18. The appropriate Minister shall not approve a development plan under these regulations where the plan is received by him after 30th September 1985.”

6. For the Schedule thereto (eligible works, facilities and transactions and rates of grant) there shall be substituted the following Schedule—

-
- (a) OJ No. L90, 1.4.84, p.13; amended by Council Regulation (EEC) No. 590/85 (OJ No. L68, 8.3.85, p.1) and Council Regulation (EEC) No. 1305/85 (OJ No. L137, 27.5.85, p.12).
- (b) OJ No. L148, 28.6.68, p.13; Article 5c was inserted by Council Regulation (EEC) No. 856/84 (OJ No. L90, 1.4.84, p.10) and subsequently amended by Council Regulation (EEC) No. 1557/84 (OJ No. L150, 6.6.84, p.6) and Council Regulation (EEC) No. 1298/85 (OJ No. L137, 27.5.85, p.5).

AGRICULTURE
HORTICULTURE

“ SCHEDULE Regulations 7(1) and 8
ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF
GRANT

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of the main framework of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation, buildings designed and intended for the drying or storage of grain and buildings or structures designed and intended for the production of horticultural produce (see paragraph 2 of this Schedule)), yards, loading platforms, ramps or banks.	15	30	15
(ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of the main framework of permanent buildings, bulk dry stores or silos designed and intended for the drying or storage of grain for consumption solely by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates.	15	30	Nil
(iii) Provision, replacement, improvement,	15	30	Nil

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
<p>alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage.</p> <p>2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of the main framework of permanent buildings, of glasshouses (except glasshouses of a kind specified in paragraph 2(iii) of this Schedule) or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce (excluding any work or facility specified in paragraph 2(ii) of this Schedule).</p>	Nil	Nil	25
<p>(ii) Provision or enlargement of the main framework of permanent buildings, of glasshouses or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the</p>	Nil	Nil	5

AGRICULTURE
HORTICULTURE

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
production of horticultural produce.			
(iii) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glasshouses in existence on 1st December 1983 being heated internally by means of permanent installations for the consumption of fuel (excluding any work or facility specified in paragraph 2(ii) of this Schedule).	Nil	Nil	50
3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use.	Nil	Nil	15
4. Provision, replacement or improvement of systems for the disposal of agricultural waste.	30	37.5	30
5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes.	15	30	15
6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes.	15	30	15
7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching but excluding any hedge removal.	15	30	15
(ii) Works and facilities to prevent the flooding of agricultural land by watercourses.	15	30	15

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips.	15	20*	15
9. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering.	15	30	Nil
10. (i) Provision, replacement or improvement of hedges, walls and dykes (where the walls and dykes are built of materials traditional in the locality) and associated gates.	30	60	30
(ii) Provision, replacement or improvement of permanent fences, walls and dykes (where the walls and dykes are not built of materials traditional in the locality) and associated gates.	15	30	15
11. Provision, replacement or improvement of shelter belts.	5	60	15
12. (i) Reseeding and regeneration of grassland, laying down of permanent pasture and bracken control, including as part of a complete programme of work the application of lime or fertilizer.	15	Nil	Nil

*In accordance with regulation 8(1) this rate of grant is available only to agricultural businesses situated on severely disadvantaged land.

AGRICULTURE
HORTICULTURE

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
(ii) Reseeding and regeneration of grassland and laying down of permanent pasture; bracken control; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland.	Nil	30	Nil
(iii) Burning heather or grass or making muir-burn or regenerating heather by cutting.	15	30	15
(iv) In Northern Ireland only, reclamation of land, including the removal of obstructions to cultivation.	15	30	15
13. (i) Orchard grubbing.	15	15	15
(ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of—	35	35	35
(a) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple;			
(b) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the var-			

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
<p>ieties specified in subparagraph (a);</p> <p>(c) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination.</p> <p>(iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of—</p> <p>(a) the varieties of pear trees known as Conference pear or Doyenne du Comice pear;</p> <p>(b) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in subparagraph (a).</p> <p>14. Provision, replacement or improvement of stakes and wirework for—</p> <p>(i) hop gardens;</p> <p>(ii) cane fruit;</p> <p>(iii) vineyards.</p> <p>15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds.</p>	<p>35</p> <p>15</p> <p>15</p> <p>15</p> <p>Nil</p>	<p>35</p> <p>15</p> <p>15</p> <p>15</p> <p>Nil</p>	<p>35</p> <p>Nil</p> <p>15</p> <p>15</p> <p>15</p>

AGRICULTURE
HORTICULTURE

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of Grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of Grant. Per cent.	Horticultural production business. Rate of Grant. Per cent.
16. Plant or equipment designed and intended for the preparation for market of harvested horticultural produce.	Nil	Nil	20
17. Provision, installation or replacement of glasshouse heating systems including boilers.	Nil	Nil	20
18. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production.	5	10	Nil
19. Purchase of livestock.	5	5	Nil
20. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 19 of this Schedule or necessary or proper in carrying it out or providing it or securing the full benefit thereof.	The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations.		
21. Preparation of development plans.	15	30	15 ”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd July 1985.



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

Nicholas Edwards,
One of Her Majesty's Principal
Secretaries of State.

5th July 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Agriculture and Horticulture Development Regulations 1980, as amended ("the principal regulations") (implementing Council Directive No. 72/159/EEC (OJ No. L96, 23.4.72, p.1 (OJ/SE 1972 (II) p.324)) on the modernisation of farms and Council Directive No. 75/268/EEC (OJ No. L128, 19.5.75, p.1) on mountain and hill farming and farming in certain less-favoured areas) and comply with Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures.

The closing date for receipt of applications for approval of a development plan is brought forward from 31st December 1985 to 30th September 1985 (regulation 5).

In relation to any work, facility or transaction included in an application for a development plan, or for a variation of such a plan, received on or after 9th July 1985 and to claims for grant towards expenditure incurred on or after that date the regulations—

- (a) substitute a new Schedule of grant rates for items of eligible works, facilities and transactions (regulations 2 and 6);
- (b) set out further restrictions on the approval of grant in connection with pig and dairy enterprises (regulations 2 and 4).

SI 1985/1025
ISBN 0-11-057025-1



780110 570259