

2009 No. 411

AGRICULTURE

**The Rural Development Contracts (Rural Priorities) (Scotland)
Amendment (No. 4) Regulations 2009**

Made - - - - 24th November 2009

Laid before the Scottish Parliament 25th November 2009

Coming into force - - 18th December 2009

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 and commencement

1. These Regulations may be cited as the Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 and come into force on 18th December 2009.

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 9.

Amendment to regulation 2

3. In regulation 2 (interpretation) in the definition “area related option” for “77” substitute “78”.

Amendment to regulation 9

4. In regulation 9 (undertakings)—

- (a) in paragraph (6) for “either or both” substitute “any of”; and
- (b) in paragraph (6) after “numbered 61” insert “or the controlled livestock grazing of woodland option numbered 78”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1). 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 as amended by S.S.I. 2008/233, S.S.I. 2009/1, 2009/233 and 2009/335.

Amendment to Schedule 1

5. In Schedule 1 (interpretation of schedules) after the definition of “SAP” insert ““semi-natural native woodland” means an area of land where semi-natural native trees are growing and whose canopy, when mature, will cover at least 20% of the area;”.

Amendment to Schedule 2

6. In Schedule 2 (rural priorities options), Part 1 (option, activities and eligibility conditions and rates of payment)—

(a) in option 2 (setting up of young farmers)—

(i) in column 2 in paragraph (2) for “0.5” substitute “0.25”;

(ii) for the entry in column 3 substitute—

“Support up to a maximum of £47,945 (that is up to £27,397 interest rate relief plus an establishment grant equal to 75% of the interest rate relief awarded) for businesses with an agricultural standard labour requirement of a least 0.5 full time equivalent.

Support up to a maximum of £28,767 (that is, up to £16,438 interest rate relief plus an establishment grant equal to 75% of the interest relief awarded) for businesses with an agricultural standard labour requirement of between 0.25 and under 0.5 full time.

For the interest rate subsidy, payment will be made annually in arrears over a maximum period of 5 years. The interest rate for which subsidy is payable will be capped at 3.5% above the Bank of England Base Rate.

The establishment grant will be payable in one instalment;”;

(b) in option 62 (woodland improvement grants) in column 3 after “Table D in Part 2” insert “and up to 100% of the actual cost capital items listed in Table E in Part 2”.

7. In Schedule 2, at the end of the table in Part 1 (option, activities and eligibility conditions and rates of payment), insert the entry for the option set out in columns 1, 2 and 3, of Schedule 1 to these Regulations.

8. In Schedule 2, in Part 2, at the end of Table D(a) (standard costs for forestry operations/capital items) insert the entries set out in Columns 1 and 2 of Schedule 2 to these Regulations.

9. In Schedule 2, in Part 2, after Table D add Table E as set out in Schedule 3 to these Regulations.

RICHARD LOCHHEAD

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
24th November 2009

(a) Substituted by S.S.I. 2009/1.

SCHEDULE 1

Regulation 7

Option, Activities and Eligibility Conditions and Rates of Payment

78. Controlled livestock grazing of woodland	<p>(1) This is a five year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option if the beneficiary</p> <p>(a) has an area of semi-natural native woodlands of at least 10 hectare; or</p> <p>(b) has an area of semi-natural native woodlands designated as a Site of Special Scientific Interest; or</p> <p>(c) has an area of Plantation on Ancient Woodland Sites (PAWS) of at least 5 hectares that are actively being restored to native woodland; and</p> <p>(3)(a) implements a sustainable grazing management regime on that land, tailored to individual woodlands to reflect woodland type, grazing history and specific site management objectives;</p> <p>(b) submits an adaptive grazing management plan, agreed with Scottish Ministers. The plan must: include a site appropriate grazing regime determined by using the “Woodland Grazing Toolbox”(a); describing the expected environmental impact of livestock grazing; and taking account of the impact of grazing by wild deer.</p> <p>(c) provides evidence to support the adoption of a grazing management regime with the proposal for aid.</p> <p>(d) undertakes the following commitments:</p> <p>(i) Manages livestock in accordance with the agreed grazing management plan;</p> <p>(ii) Adjusts the livestock grazing regime only in line with the results of the site monitoring requirements detailed within the plan;</p>	£87 per hectare per year
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(a) is available at <http://beatsdesign.co.uk/projects/woodland>

	<ul style="list-style-type: none"> (iii) Implements a deer management plan agreed by the Deer Commission for Scotland; (iv) Manages the grazing of the woodland to maintain an appropriate balance between open ground, regenerating trees, scrub and closed canopy woodland; (v) Undertakes periodic monitoring (normally two times per year) and records the impact of the grazing regime in respect of the site specific objectives; (vi) Avoids excessive poaching by stock; (vii) Does not apply pesticides, lime, artificial fertiliser, farmyard manure or slurry to the site except that herbicides may be applied to control injurious weeds under the Weeds Act 1959 and/or non-native invasive plant species using a weed wiper, spot treatment or hand sprayer; (viii) Undertakes supplementary feeding of stock only when it is required to deliver the conservation objectives; (ix) Manages the trees in accordance with the silvicultural system for the woodland specified and agreed in the grazing management plan; (x) Does not install new drainage or modify/improve existing drainage systems. Existing drains can be maintained; (xi) In upland areas where relevant to Capercaillie and Black Grouse marks all new fences with bird strike markers.
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SCHEDULE 2

Regulation 8

Standard Costs for Forestry Operations and Capital Items

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Standard Cost</i>
Primary treatment of bracken	£200/hectare of infested land
Eradication of scrub/woody vegetation: Light vegetation	£600/hectare
Eradication of scrub/woody vegetation: Intermediate vegetation	£850/hectare
Eradication of scrub/woody vegetation: Heavy vegetation	£1250/hectare
Removal from site of the cut shrub/woody vegetation: Light vegetation	£500/hectare
Removal from site of the cut shrub/woody vegetation: Intermediate vegetation	£1050/hectare
Removal from site of the cut shrub/woody vegetation: Heavy vegetation	£1450/hectare
Peat dam	£0.26 per metre of moor grip to be blocked with peat dams. Minimum payment £300.
Provision of water troughs to replace traditional watering points	£195 each
Installation of water supply pipe to water trough or pasture pump	£3 per metre of pipe laid
Water trough pump: cattle operated pasture or nose pump	£180 per installed pump
Stock bridge for bog management: Small bridge	£170 per bridge
Large bridge (for ditch wider than 1.5m)	£620 per bridge
Heather management (in black grouse and Capercaillie core areas)	£250/hectare
Manual eradication of rhododendron	£3700/hectare of infested land
Mechanised (and/or chemical) eradication of rhododendron	£1750/hectare of infested land

SCHEDULE 3

Regulation 9

Table E – Actual Cost Capital Items

<i>Item Column</i>	<i>Column 2 Applicability</i>	<i>Column 3 Payment</i>
Operations required for Sites of Special Scientific Interest (SSSI) and Natura sites to help bring their special feature into favourable condition	Only available in exceptional circumstances where additional action or effort is required over and above the standard cost capital items, to maintain or bring the qualifying interests of SSSIs and Natura sites into favourable condition. Beneficiaries must provide justification of why the standard cost capital items and rates are not appropriate and provide details of the work required and the associated costs.	Up to 100% of actual costs
Control of rhododendron in geographical areas covered by a regional control strategy for this non-native species and in all native and ancient woodlands	Only available in exceptional circumstances where additional action or effort is required over and above the two standard cost items for the eradication of rhododendron. Beneficiaries must provide justification of why standard cost capital items and rates are not appropriate and provide details of the work required and the associated costs.	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), as amended, (“the Council Regulation”) laying 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 Regulations (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 as set out in Schedule 3.

The Regulations make minor amendments to the 2008 Regulations and add a new definition for “semi-natural native woodland” in Schedule 1 (regulation 5).

They also make amendments and additions to the payment rates to the setting up of young farmers option (Regulation 6).

A new rural priority option is added into Schedule 2 (regulation 7). This is option No. 78. The 2008 Regulations contained options 1 – 73 and options 74 to 77 were added by SSI 2008/233.

The Regulations amend table D to add new items (Regulation 8) and add a new Table E (regulation 9).

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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