

1983 No. 1763**AGRICULTURE****HORTICULTURE****The Agriculture and Horticulture Development (Amendment)
(No. 3) Regulations 1983***Made* - - - - - 29th November 1983*Laid before Parliament* 30th November 1983*Coming into Operation* 1st December 1983

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) (No. 3) Regulations 1983 and shall come into operation on 1st December 1983.

Application

2. These regulations (except the proviso to regulation 6 below) shall not apply in relation to—

- (a) any work, facility or transaction included in an application received by the appropriate Minister before 1st December 1983 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 1st December 1983.

Amendment of principal regulations

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

(a) 1972 c. 68.

(b) S.I. 1972/1811.

(c) S.I. 1980/1298, amended by S.I. 1981/1708, 1983/508, 924.

4. In regulation 2(1) thereof (interpretation) there shall be inserted immediately after the definition of "forestry income" the following definition—

"'glasshouse' means a fixed or mobile structure, used for the production of horticultural produce for sale, which is mounted on durable foundations, is not less than 1.67 metres high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass or such other translucent material as will give a durability and transparency similar to that of glass;"

5. In regulation 8 thereof (amounts of grant under regulation 7(1))—

- (a) in paragraph (1) for the words "paragraphs 1 to 20 and 22" there shall be substituted the words "paragraphs 1 to 19 and 21";
- (b) in paragraph (4) for the words "paragraphs 1 to 20" there shall be substituted the words "paragraphs 1 to 19";
- (c) in paragraph (5) for the words "paragraphs 1, 4 to 13 and 21" there shall be substituted the words "paragraphs 1, 4 to 13 and 20";
- (d) in paragraph (6) for the words "paragraphs 1 to 13, 14(i), 15, 19 and 21" there shall be substituted the words "paragraphs 1 to 13, 14(i), 15, 18 and 20".

6. The Schedule to these regulations shall be substituted for the Schedule to the principal regulations (eligible works, facilities and transactions and rates of grant)

Provided that such substitution shall not affect the operation of the principal regulations in relation to any work, facility or transaction included in an application received by the appropriate Minister before 1st December 1983 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 or in relation to expenditure incurred before 1st December 1983.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th November 1983.

(L.S.)

Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

29th November 1983.

George Younger,
Secretary of State for Scotland.

SCHEDULE Regulation 6
CONTAINING NEW SCHEDULE TO THE PRINCIPAL REGULATIONS
Regulations 7(1) and 8
"SCHEDULE
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. |
| <p>1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings or permanently sited durable structures for claddings 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.</p> <p>(ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings, bulk dry stores or silos designed and intended solely for the drying or storage of grain for consumption by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates.</p> <p>(iii) Provision, replacement, improvement, alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage.</p> | <p>32.5</p> <p>32.5</p> <p>32.5</p> | <p>37.5</p> <p>37.5</p> | <p>32.5</p> <p>Nil</p> <p>Nil</p> |

| 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>2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement 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> <p>(ii) Provision or enlargement 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 production of horticultural produce.</p> <p>(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).</p> | Nil | Nil | 32.5 |
| 3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of | Nil | Nil | 5 |
| | Nil | Nil | 50 |
| | Nil | Nil | 32.5 |

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| 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>temperature or atmosphere in buildings designed and intended for horticultural use.</p> | 32.5 | 37.5 | 32.5 |
| 4. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 32.5 | 37.5 | 32.5 |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 50 | 32.5 |
| 6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 50 | 70 | 50 |
| 7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching but excluding any hedge removal. | 32.5 | 50 | 32.5 |
| (ii) Works and facilities to prevent the flooding of agricultural land by watercourses. | 32.5 | 50 | 32.5 |
| 8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeks, piers, jetties or slips. | 32.5 | 50 | 32.5 |
| 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. | 32.5 | 50 | 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. |
| 10. (i) Provision, replacement or improvement of hedges, walls and associated gates. | 32.5 | 60 | 32.5 |
| (ii) Provision, replacement or improvement of permanent fences and associated gates. | 32.5 | 50 | 32.5 |
| 11. Provision, replacement or improvement of shelter belts. | 5 | 60 | 32.5 |
| 12. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including as part of a complete programme of work the application of lime or fertiliser. | 32.5 | Nil | Nil |
| (ii) Reseeding and regeneration of grassland; laying down of permanent pasture; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 50 | Nil |
| (iii) Clearance and reclamation of land; sub-soiling; burning heather or grass or making muirburn or regenerating heather by cutting; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control. | 32.5 | 50 | 32.5 |
| (iv) Claying or marling or soil mixing. | 5 | 10 | 5 |

| 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. |
| 13. (i) Orchard grubbing. (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— (a) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seeding 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 varieties specified in subparagraph (a); (c) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. (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— (a) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | 32.5 32.5 | 32.5 32.5 | 32.5 32.5 32.5 |

| 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>(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> | | | |
| 14. Provision, replacement or improvement of stakes and wirework for— (i) hop gardens; (ii) cane fruit; (iii) vineyards. | 32.5 20 32.5 | 32.5 20 32.5 | Nil 20 32.5 |
| 15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 32.5 |
| 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 |

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| 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. |
| 19. Purchase of livestock. | 5 | 10 | 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. | 32.5 | 32.5 | 32.5 " |

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Agriculture and Horticulture Development Regulations 1980 (implementing Council Directive No. 72/159/EEC (OJ No. L 96, 23.4.72, p. 1 (OJ/SE 1972 (II) p. 324)) on the modernisation of farms and Council Directive 75/268/EEC (OJ No. L 128, 19.5.75, p. 1) on mountain and hill-farming and farming in certain less-favoured areas.

The regulations substitute a new Schedule of items of eligible works, facilities and transactions and rates of grant for the existing Schedule to the principal regulations in relation to any work, facility or transaction which is included in an application for a development plan received on or after 1st December 1983 and to claims for grants towards expenditure incurred on or after that date. The new Schedule consolidates the previous Schedule with some amendments. An increased rate of grant is introduced in relation to the replacement, alteration, etc. of heated glasshouses in a horticultural production business (paragraph 2(iii) of the Schedule) and in relation to the provision etc. of hedges, walls and shelter belts in less-favoured areas (paragraphs 10(i) and 11 of the Schedule).

Grant is no longer available in relation to—

- (a) the provision etc. of permanent buildings, bulk dry stores or silos for the drying or storing of grain unless these are designed and intended solely for grain for consumption by livestock kept on the land on which the relevant agricultural business is run;
- (b) plant or equipment designed and intended for the production, cultivation, harvesting or storage of horticultural produce in a horticultural production business (except glasshouse heating systems including boilers);
- (c) the provision etc. of plant or machinery for agricultural purposes.

The regulations also make it clear that grant is not available for hedge removal (paragraph 7(i) of the Schedule).

Consequential amendments are made to regulation 8 of the principal regulations, and a definition of "glasshouse" is introduced into regulation 2(1) of those regulations (interpretation).

SI 1983/1763
ISBN 0-11-037763-X

