

1986 No. 1295**AGRICULTURE
HORTICULTURE****The Farm and Horticulture Development (Amendment)
Regulations 1986**

<i>Made - - - -</i>	<i>23rd July 1986</i>
<i>Laid before Parliament</i>	<i>25th July 1986</i>
<i>Coming into Operation</i>	<i>26th July 1986</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 on 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 Farm and Horticulture Development (Amendment) Regulations 1986 and shall come into operation on 26th July 1986.

Saving

2. These regulations shall not apply in relation to—

- (a) any work, facility or transaction which was before 26th July 1986 included in a development plan or in an application received by the appropriate Minister for a variation of a development plan approved for the purposes of the Farm and Horticulture Development Regulations 1981 (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 these regulations 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. For Schedule 2 to the principal regulations (eligible works and facilities and rates of grant) there shall be substituted the Schedule to these regulations.

(a) 1972 c.68.

(b) S.I. 1972/1811.

(c) S.I. 1981/1707; relevant amending instruments are S.I. 1983/1762, 1984/620, 1924.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1986.



Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

Gray of Contin,
Minister of State, Scottish Office.

23rd July 1986.

Regulation 3

SCHEDULE

CONTAINING NEW SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

“SCHEDULE 2 Regulations 3(1)(a), 11(1)(a)
and 12(2), (3), (8), (9) and (10)

ELIGIBLE WORKS AND FACILITIES 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 and permanently sited durable structures for cladding with plastic (except living accommodation and buildings and structures designed and intended for horticultural use or for any use mentioned in paragraph 11 of this Schedule and works and facilities specified in paragraphs 1 (ii), 2 and 3 of this Schedule); bulk dry stores (other than bulk dry stores intended for grain drying or storage), yards, loading platforms, ramps or banks.	15	30	Not applicable
(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	Not applicable
2. Provision, replacement, improvement, alteration, enlargement or reconditioning of silos (other than silos intended for grain storage); provision and installation of equipment for loading or unloading such silos.	15	30	Not applicable

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.
3. Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings for cattle (except for any use mentioned in paragraph 11 of this Schedule); dairy and parlour buildings and associated collecting yards.	15	30	Not applicable
4. Provision, replacement or improvement of systems for the disposal of farm 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 of water, including the provision, replacement or improvement of facilities for water storage.	15	30	15
7. Field drainage, including under-drainage and ditching but excluding any hedge removal.	15	30	15
8. Provision or improvement of farm flood protection works, protection or improvement of river banks.	15	30	15
9. Provision, replacement or improvement of roads, paths and other permanent ways, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips.	15	20*	15
10. Provision, replacement or improvement of sheep grids or cattle grids.	15	20	15
11. 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 sheep or cattle or for sheltering them in periods of adverse weather but not for in-wintering.	15	30	Not applicable

* In accordance with regulation 12(2) 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.
12. (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
13. Provision, replacement or improvement of shelter belts.	5	60	15
14. (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	Not applicable	Not applicable
(ii) Reseeding and regeneration of grassland and laying down of permanent pasture; bracken control; application of lime or fertilizer (other than normal husbandry applications) for the benefit of grassland.	Not applicable	30	Not applicable
(iii) Burning heather or grass or making muirburn 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
15. (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—	32.5	32.5	32.5
(a) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple;			

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 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);</p> <p>(c) any species of crab apple tree and any hybrid varieties of crab apple trees 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>	32.5	32.5	32.5
16. Provision, replacement or improvement of wirework for hop gardens.	15	15	Not applicable
17. Provision, replacement or improvement of stakes and wirework for vineyards.	15	15	15
18. Provision, replacement or improvement of stakes and wirework for cane fruit.	15	15	15
19. Claying or marling or soil mixing.	5	10	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.
20. 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 production of horticultural produce.	Not applicable	Not applicable	5
21. (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 21(iv) 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 horticultural use (excluding any work or facility specified in paragraph 20 of this Schedule).	Not applicable	Not applicable	25
(ii) Provision or enlargement of the main framework of permanent buildings designed and intended for horticultural use (excluding buildings of a kind specified in paragraph 20 of this Schedule) where the business is situated—			
(a) in a less-favoured area;	Not applicable	Not applicable	30
(b) outside a less-favoured area.	Not applicable	Not applicable	15
(iii) 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 (excluding buildings of a kind specified in paragraph 20 of this Schedule).	Not applicable	Not applicable	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.
(iv) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glass-houses 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 20 of this Schedule).	Not applicable	Not applicable	50
22. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds.	Not applicable	Not applicable	15
23. Plant or equipment designed and intended for the preparation for market of harvested horticultural produce.	Not applicable	Not applicable	20
24. Provision, installation or replacement of glasshouse heating systems including boilers.	Not applicable	Not applicable	20
25.(i) Purchase of livestock (except freshwater fish for food production).	5	5	Not applicable
(ii) Purchase of freshwater fish for food production.	5	5	Not applicable
26. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production.	5	10	Not applicable
27. Any work or facility incidental to the carrying out or provision of any work or facility specified in any of paragraphs 1 to 26 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 or facility in accordance with the provisions of these regulations.		
28. Preparation of development plans.	15	30	15''

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Farm and Horticulture Development Regulations 1981, 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).

The regulations substitute a new Schedule of items of eligible works, facilities and transactions and rates of grant for Schedule 2 to the principal regulations in relation to any work, facility or transaction included in an application for a variation of an approved development plan received on or after 26th July 1986 and to claims for grant towards expenditure incurred on or after that date (regulations 2 and 3 and Schedule). The new Schedule consolidates the previous Schedule 2 and reduces the rates of grant in relation to many of the items of eligible works, facilities and transactions.

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