

2009 No. 233

AGRICULTURE

**The Rural Development Contracts (Rural Priorities) (Scotland)
Amendment (No. 2) Regulations 2009**

<i>Made</i> - - - -	<i>3rd June 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>4th June 2009</i>
<i>Coming into force</i> - -	<i>26th June 2009</i>

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. 2) Regulations 2009 and come into force on 26th June 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 and 4.

Amendment to Schedule 2

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

- (a) in rural priorities option numbered 17 (management of mown grassland for wildlife) in column 2 paragraph (2)(g) before “ensures little or no tree cover around fields” insert “(where this could result in a negative impact on the target species)”;
- (b) in rural priorities option numbered 35 (creation and management of water margins and enhanced riparian buffer areas) in column 2 for paragraph (2) substitute–
“The margin/buffer must start after the 2m margin/buffer on which no fertiliser may be applied.”;
- (c) in rural priorities option numbered 50 (bio-diversity cropping on in-bye) in column 2 paragraph (4) after “the 2004 Regulations” insert “is not eligible”;

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

- (d) in rural priorities option numbered 60 (woodland creation) in column 3–
- (i) for the first entry substitute–
“Payment rates for establishment up to 70% (up to 80% in Less Favoured Areas) of the standard cost of planting and maintenance (up to 100% of standard costs) are shown at Table C in Part 2 of this Schedule.”; and
- (ii) for the second entry(a) substitute–
“Payment rates for additional fencing capital items are up to 70% (up to 80% in Less Favoured Areas) of the standard cost shown for fencing related items in Table D in Part 2 of this Schedule.”;
- (e) in rural priorities options numbered 74 (removal of vegetation/debris from SSSI sites notified for their geological features), 75 (erosion control) and 77 (capital works required for features for which SSSI sites and European sites were notified to help bring them into favourable condition)(b), in column 2, in each case, for paragraph (4) substitute:–
“(4) A beneficiary may make a maximum of one claim in any one year and a maximum of 5 claims during the period of their contract. Each payment will be paid in arrears.”; and
- (f) in rural priorities number 76(b) (renewable energy powered pumps for water troughs) in column 2 for paragraph (3) substitute:–
“(3) In any 5 year period a beneficiary may make one claim for each single pump purchased (subject to (2)), to serve each trough or system of troughs and in each case payment will be made in arrears.”.

4. In Schedule 2 (rural priorities options) in Part 2 for Table C substitute–

“Table C

Woodland Type	Initial Planting Standard Cost Rate £/ha *	Maintenance Standard Cost Rate £/ha/year **
Productive conifer woodland (low cost)	1194.21	161.39
Productive conifer woodland (high cost)	1395.14	186.40
Productive broadleaved woodland	2251.98	229.79
Native woodland	1259.12	218.20
Naturally regenerated native woodland	902.12	101.60
Mixed conifer/broadleaf woodland	2080.59	222.40

* Paid as a lump sum on completion of planting

** Paid as an annual payment for a period of 5 years. Trees must be satisfactorily ‘established’ within 10 years of planting. Only payable where planting has occurred on agricultural land or abandoned agricultural land (i.e. at least 50% of a woodland type must be on agricultural land and/or abandoned agricultural land to be eligible for the maintenance payments)

The term ‘established’ means that trees must be present to the minimum stocking densities specified, healthy, and in a condition capable of continued growth given no further weeding

(a) Inserted by S.S.I. 2009/1.
(b) Inserted by S.S.I. 2008/233.

but subject to normal ongoing maintenance operations such as protection from inappropriate grazing by wild or domestic animals.

An additional establishment premium for using genetically improved planting material is available as follows:

Categories of genetically improved planting material	£ per hectare
Sitka spruce seed orchard material that falls within the tested category in terms of regulation 4 of the Forest Reproductive Material (Great Britain) Regulations 2002 ^(a)	50
Sitka spruce vegetatively propagated tested 'family mixture' material derived from controlled cross-pollination.	150

”.

St Andrew's House,
Edinburgh
3rd June 2009

RICHARD LOCHHEAD
A member of the Scottish Executive

^(a) S.I. 2002/3026.

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) (“the Council Regulation”) which lays 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 Regulation (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 or set out in Schedule 3.

The Regulations amend the activity and eligibility conditions in options 17, 35, 50, 74, 75, 76 and 77 and the payment rates in option 60.

The Regulations also amend Table C in Part 2 of Schedule 2 to the 2008 Regulations by substituting a new Table C containing new Initial Planting Standard Cost Rates and Maintenance Standard Cost Rates.

© Crown Copyright 2009

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.