

## SCHEDULE 1

Regulation 2(5)

### INTERPRETATION OF SCHEDULES

In Schedules 2, 3 and 4 and in this Schedule—

“the 1994 Regulations” means the Organic Aid (Scotland) Regulations 1994 <sup>M1</sup>;

“the 2004 Regulations” means the Organic Aid (Scotland) Regulations 2004 <sup>M2</sup>;

“alpaca” means any alpaca of any breed which are kept by way of business for the primary purpose of fibre production;

“ancient wood pasture” means land currently listed in, and land which is a candidate for listing in, the “Inventory of Ancient Wood Pasture in Scotland” as maintained by Scottish Natural Heritage <sup>M3</sup>;

“arable crops” means cereals, linseeds, oilseed, root crops, fruit crops or protein crops, including vining peas;

“arable land” means land which was in an arable crop (or under set aside or lying fallow as part of a normal crop rotation) in one or more years during the five years prior to the 15th May in the year of submission of the application for aid;

[<sup>F1</sup>“BASC Codes of Practice on Shooting, Lamping and Trapping of Pest Animals” means the Code of Good Shooting Practice 2008, the Code of Practice on Lamping 2004, the Code of Practice on Trapping of Pest Mammals 2007 and the Code of Practice on the Trapping of Pest Birds 2001 produced by the British Association for Shooting and Conservation;]

“beetlebank” means a grass strip between 1.5 metres and 6 metres created in the margin of or through an arable field in order to allow beneficial insects to over-winter;

“bio-bed” means a shallow excavation filled with biomass;

“breeding cow” means a cow that forms part of a herd either used for rearing calves for meat production or used for milk production and which has borne a calf;

“coastal heath” means land bordering the sea containing moorland or species-rich grassland affected by salt spray and exposure;

[<sup>F2</sup>“community woodland” means woodland where at least 50% of the planting is located within 1 kilometre of the homes of 2000 or more people following liaison and consultation with the community and designed to provide opportunities for public access and recreation;

“control body” means an independent private third party organisation carrying out inspection and certification in organic production as in Article 2 of Council Regulation 834/2007;]

[<sup>F3</sup>“Council Regulation 834/2007” means Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 as amended from time to time;]

“cropped machair” means sandy plains formed when calcareous shell-sand has been blown over glacial deposits and peat and which has been subject to cultivation within the last 10 years;

“designed landscape” means a garden or a landscape, including parkland policy grassland, which is included in a record, recognised by the Scottish Ministers, of existing historic gardens and designed landscapes;

“ditches” means a man-made channel or adapted watercourse on in-bye land, which has a bed width of not less than 0.3 metres and which generally carries water away from surrounding land or field drainage systems throughout the year;

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“ewe” means a female sheep which is at least one year old on the 1st of January preceding the application for aid and which is kept in a breeding flock;

“European site” has the meaning given in regulation 10 of the Conservation (Natural Habitats &c.) Regulations 1994 <sup>M4</sup>;

“farmed deer” means any deer (of any species) which are managed on a holding enclosed by a deer-proof barrier and are kept on the holding by way of business for the primary purpose of the production of meat;

[<sup>F4</sup>“favourable condition” means in relation to the features for which SSSI sites or European sites are designated that such sites are (1) in satisfactory condition as determined by SNH or (2) recovering, with the necessary management measures in place, such that SNH predicts that such sites will in due course reach satisfactory condition;]

“floodplain” means eligible land adjacent to a watercourse which is subject to flooding in times of high water level;

“formally in conversion” means that the necessary formal written consent has been obtained by the applicant from [<sup>F5</sup>a control body] that the land is in conversion;

“full organic certification” means certification from [<sup>F5</sup>a control body] that the land is fully organic;

“fully organic” means land which is farmed in accordance with [<sup>F6</sup>Council Regulation 834/2007] and the Organic Standards Compendium which has been certified as fully organic by [<sup>F5</sup>a control body];

[<sup>F7</sup>“General Licence” means a licence granted by the Scottish Ministers to allow an individual to take or kill birds or eggs or nests of specific named species for the licensable purposes listed in section 16 of the Wildlife and Countryside Act 1981;]

“goat” means any goat (of any species) which is kept by way of business for the purposes of fibre, meat or milk production;

“grass margin” means a grass strip between 1.5 metres and 6 metres created in the margin of or through an arable field in order to allow beneficial insects to over-winter;

“HAP” means a Habitat Action Plan which is part of the UK Biodiversity Action Plan <sup>M5</sup>;

“hedge” means a line of shrubs or trees which delineate field boundaries;

“herd” means two or more breeding cows of either pure-bred or first cross native or traditional breed;

“IACS business” means a business registered on the Integrated Administration and Control System run by the Scottish Government Rural Payments and Inspections Directorate and given a unique business reference number;

“improved grassland” means either land used for grazing (other than arable land) where over one third of the sward comprises, singly or in mixture, ryegrass, cocksfoot or timothy, or land that has been improved by management practices such as liming and top dressing, where there is not a significant presence of sensitive plant species indicative of native unimproved grassland;

“in-bye land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;

“indicator species” means the following:–

Yarrow (*Achillea millefolium*);

Lady's Smock (*Cardamine pratensis*);

Marsh Thistle (*Cirsium palustre*);

Tufted Hair-grass (*Deschampsia caespitosa*);

Waxy Hair-grass (*Deschampsia flexuosa*);

Cat's-ear (*Hypochoeris radicata*);

Wood-rush (*Luzula* spp.);

Black Medick (*Medicago lupulina*);

Selfheal (*Prunella vulgaris*);

Common sorrel (*Rumex acetosa*);

Gorse (*Ulex europaeus*);

Germander Speedwell (*Veronica chamaedrys*);

“injurious weeds” means spear thistle, creeping or field thistle, curled dock, broadleaved dock, and common ragwort;

“Less Favoured Area” has the same meaning as in regulation 2(1) of the Less Favoured Area Support Scheme (Scotland) Regulations 2007 <sup>M6</sup>;

“livestock” means bovine, ovine, caprine, alpaca and farmed deer;

“livestock unit” means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:–

- (a) one cow (including suckling calves);
- (b) one unit of cattle, other than a cow, aged 24 months and over;
- (c) 1.66 cattle, other than cows, aged over 6 months but less than 24 months;
- (d) 6.66 ewes (including suckling lambs);
- (e) 6.66 sheep, other than ewes;
- (f) 6.66 goats;
- (g) 2.5 adult stags farmed deer aged 27 months and over;
- (h) 3.33 hinds farmed deer (including suckling calves) aged 27 months and over;
- (i) 5 juvenile farmed deer, aged over 6 months but less than 27 months;
- (j) 3.33 alpacas;

“local ranger or access officer” means a ranger or access officer employed by SNH or a local authority or, if within a National Park, by the relevant Park Authority;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 <sup>M7</sup>;

“local development strategy” means a coherent set of projects, contracts or arrangements or other actions to meet local objectives and needs implemented in partnership at the appropriate level allowing achievement of the objective of improving the quality of life in rural areas and encouraging diversification of economic activity and encompassing one or more of the measures under Article 52 of Council Regulation 1698/2005;

“locally distinctive built boundary features” means the following – earthen and turf banks, ha has, parkland fencing, walled garden walls, bridges, gateposts, gatepiers, mounting stands, mile markers and stone stiles;

“lowland heath” means land generally found below 300 metres in altitude, usually characterised by plants such as heather, dwarf grass and cross based heath; amongst the heather layer, there are generally scattered areas of trees and scrub;

“lowland raised bog” means an isolated peat deposit over one metre thick that is surrounded by non peat soils;

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“machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat but does not include cropped machair;

“moorland” means land with predominantly semi natural upland vegetation or comprising predominantly rock outcrops and semi natural upland vegetation, which is used for rough grazing;

“muirburn” has the same meaning as in section 39(1)(f) of the Hill Farming Act 1946 <sup>M8</sup>;

“NSA” means a national scenic area defined as such in part 11 of “Scotland’s Scenic Heritage” published by the Countryside Commission for Scotland on 26th April 1978 <sup>M9</sup>;

“National Park” means an area designated as such under section 2 of the National Parks (Scotland) Act 2000 <sup>M10</sup>;

“Nitrates Action Programme” means the action programme set out in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003 <sup>M11</sup>;

“nitrate vulnerable zone” means any area designated as a nitrate vulnerable zone by regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002 <sup>M12</sup> and regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002 <sup>M13</sup>;

“native woodland” means self seeded woodland of native species or woodland derived from an originally naturally occurring woodland;

F8  
.....

“organic production” means land which is farmed in accordance with [F9 Council Regulation 834/2007] as read with any additional provisions as set out in the Organic Standards Compendium;

“organic production unit” means land, other than a common grazing, which is fully organic;

“Organic Standards Compendium” means the Compendium of UK Organic Standards published by the Department of Environment, Food and Rural Affairs <sup>M14</sup>;

“organic viability proposal” means a proposal outlining how land will be converted to organic production as approved by [F5 a control body];

“outcomes of the SRDP” means the 5 main outcomes for rural development in Scotland as set out in the 2007 to 2013 Rural Development Programme for Scotland approved under Council Regulation 1698/2005 by the European Commission describing the measures arising out of Council Regulation 1698/2005 which will apply to Scotland over the period 2007 to 2013;

“overgrazing” means grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree;

“poaching” means the trampling or treading of the ground surface by livestock resulting in permanent damage to the vegetation;

“potential SPA” means a site identified by Scottish Ministers as potentially qualifying for special protection area classification and for which a decision to classify has yet to be taken pending consultation by SNH <sup>M15</sup>;

“rough grazings” means land containing semi natural vegetation including heathland, heather moorland, bog and rough grassland used or suitable for use as grazing;

“rural community group” means a community group which has a written constitution and which holds a bank account for the benefit of that group and whose membership is drawn from a rural settlement;

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“rural settlement” means a settlement which has a population of less than 3000 according to the Scottish Executive Urban Rural [F10Classifications] 2003-2004 M16[F11, 2005–2006 or Scottish Government Urban Rural Classification 2007–2008];

“scrub” means low growing woody vegetation of small trees and shrubs including linear scrub along field margins and includes all stages from scattered bushes to closed canopy vegetation dominated by locally native shrubs or tree saplings usually less than 5 metres tall occasionally with a few scattered trees, carr, scrub in the uplands and lowlands (including wood edge habitats), montane scrub and coastal scrub are included;

“SAC” means a special area of conservation designated as such pursuant to regulation 8 of the Conservation (Natural Habitats &c.) Regulations 1994 M17;

“SAP” means a Species Action Plan which is part of the UK Biodiversity Action Plan M18;

[F12“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;]

“SEPA” means the Scottish Environment Protection Agency;

“small unit” means an agricultural business with no more than 20 hectares of in by land;

“SNH” means Scottish Natural Heritage;

“SPA” means a special protection area being an area classified as such pursuant to Article 4(1) or (2) of Council Directive [79/409/EEC](#) on the conservation of wild birds;

“species-rich grassland” means in-by land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute rough grazing, but which is floristically diverse;

“SSSI Site” means a site of special scientific interest within the meaning of section 3(6) or of Schedule 5 to the Nature Conservation (Scotland) Act 2004 M19;

“the Treaty” means the Treaty establishing the European Community;

“the UK Forestry Standard” means the UK Forestry Standard: the government's approach to sustainable forestry published by the Forestry Commission M20;

“undergrazing” means grazing at a level where there is evidence of the annual growth not being fully utilised or scrub or coarse vegetation is becoming evident and such changes are detrimental to the environmental interest of the site;

“unimproved grassland” means in-by land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute either improved grassland or rough grazings;

“vegetable and fruit land” means land used for growing vegetable and fruit;

“water margin” means an area of in-by land bordering an area of still or flowing water;

“wetland” means in by ground which is normally saturated with water for a significant proportion of the year; and

“young farmer” means a person who at the time of submitting the application for aid is under 40 years of age.

### Textual Amendments

- F1** Words in Sch. 1 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **6(a)** (with reg. 9)
- F2** Words in Sch. 1 inserted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **7(a)**

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- F4** Words in Sch. 1 inserted (28.6.2008) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2008 \(S.S.I. 2008/233\)](#), regs. 1, **6**
- F5** Words in Sch. 1 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **7(e)**
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#### Marginal Citations

- M1** [S.I. 1994/1701](#) as amended by [S.I. 1996/3083](#) and [1999/107](#).
- M2** [S.S.I. 2004/143](#) as amended by [S.S.I. 2004/174](#) and [2005/619](#).
- M3** Scottish Natural Heritage was established under section 1 of the [Natural Heritage \(Scotland\) Act 1991](#) (c. 28).
- M4** [S.I. 1994/2716](#). Regulation 10 was relevantly amended by [S.S.I. 2004/475](#).
- M5** The UK Biodiversity Plan was published in 1994 and has a dedicated website, [www.ukbap.org.uk](http://www.ukbap.org.uk).
- M6** [S.S.I. 2007/439](#).
- M7** [1994 c. 39](#). Section 2 was amended by the [Environment Act 1995](#) (c. 25), **Schedule 22**, paragraph 232.
- M8** [1946 c. 73](#) (9 & 10 Geo. 6).
- M9** A map showing the National Scenic Areas is available online at [www.scotland.gov.uk/Topics/Environment/Countryside/Heritage](http://www.scotland.gov.uk/Topics/Environment/Countryside/Heritage).
- M10** [2000 asp 10](#).
- M11** [S.S.I. 2003/51](#) as amended by [S.S.I. 2003/169](#).
- M12** [S.S.I. 2002/276](#) as amended by [S.S.I. 2005/305](#).
- M13** [S.S.I. 2002/546](#).
- M14** The latest publication of the Organic Standards Compendium was published September 2006 and is available from defra online at [www.defra.gov.uk/farm/organic](http://www.defra.gov.uk/farm/organic) or from Nobel House, 17 Smith Square, London SW1P 3JR.
- M15** A list of SPAs and potential SPAs is maintained by SNH and can be obtained online at [www.snh.gov.uk](http://www.snh.gov.uk) or by contacting SNH at Great Glen House, Leakin Road, Inverness IV3 8NN. Potential SPAs are listed as “at consultation stage”.
- M16** The Scottish Executive Urban Rural Classification is available online at [www.scotland.gov.uk/publications](http://www.scotland.gov.uk/publications) or by contacting Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M17** [S.I. 1994/2716](#). A list of the sites can be obtained from SNH online at [www.snh.org.uk](http://www.snh.org.uk) or from SNH area offices.
- M18** The UK Biodiversity Action Plan was published in January 1994 and has a dedicated website, [www.ukbap.org.uk](http://www.ukbap.org.uk).
- M19** [2004 asp 6](#).

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**M20** The latest edition of this publication is the 2nd Edition published 2004, ISBN 0855386266 and copies are available online at [www.forestry.gov.uk](http://www.forestry.gov.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.

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<b>M19</b>	<b>2004 asp 6.</b>
<b>M20</b>	The latest edition of this publication is the 2nd Edition published 2004, ISBN 0855386266 and copies are available online at <a href="http://www.forestry.gov.uk">www.forestry.gov.uk</a> or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.

SCHEDULE 2

Regulation 9(1)

RURAL PRIORITIES OPTIONS

**PART 1**

**OPTION, ACTIVITIES AND ELIGIBILITY CONDITIONS AND RATES OF PAYMENT**

F13 ...

<b>Column 1 Option</b>	<b>Column 2 Activity and eligibility conditions</b>	<b>Column 3 Rate of payment</b>
<b>1.</b> Skills development for individual land managers	<p>(1) A beneficiary is eligible for payment under this option if the beneficiary undertakes either–</p> <p>(a) vocational training courses for individual persons eligible to apply for any of the options numbered 2 to 62 in this schedule, the training courses must relate directly to an application for aid under any of those options; or</p> <p>(b) vocational training for persons involved in land management, including farming, crofting and forestry and who belong to an existing group set up with terms of reference and aims to improve land or business management performance and the following must apply–</p> <p>(i) there must be a minimum of 10 eligible trainees from at least 60% of the businesses belonging to such group;</p> <p>(ii) training must support the overall aims of the group, contribute to the SRDP</p>	<p>75percent; of the cost of training. An additional 10% for the organising member of the group based on the total cost of group training.</p>



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outcomes and fall within one of the following categories—

- (aa) information and communications technology;
  - (bb) business skills, including marketing and promotion;
  - (cc) conservation and environment skills;
  - (dd) diversification opportunities;
  - (ee) managing resources;
  - (ff) self and staff management;
  - (gg) looking at new ways of working;
  - (hh) technical skills;
  - (ii) on farm food production and processing skills.
- (iii) the group must have been formed at least 6 months before the date the application for aid was submitted;
- (iv) the group must consist of at least 10 eligible businesses.

For both (a) and (b) above:

- (i) the beneficiary must be either a land manager, employee or immediate family member involved in the business and must be 16 years of age or older;
- (ii) the training provider must be certified by an appropriate certification body; and
- (iii) the course must not:
  - (aa) form part of normal agricultural, forestry or other programmes at secondary or higher education levels;
  - (bb) be required or lead to a certificate, licence, diploma or other qualification that is required by law to carry out the beneficiary's basic work activities; or
  - (cc) be funded, in whole or in part, by other public funds.

## 2. Setting up of young farmers

(1) A beneficiary is eligible for payment under this option if the beneficiary is a young farmer, is head (either sole trader or the majority partner in partnership or an equal partner with another young farmer) of an agricultural business registered on IACS for the first time and has been head for no more than 12 months and—

- (a) prepares a business plan detailing the initial state of the business; the scope and aims of the project with milestones for development; the investments involved and any training advice or other action required and where the

[<sup>F15</sup>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

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beneficiary does not hold a suitable agricultural qualification at least at Scottish Vocational Qualification level 2 or equivalent, the business plan must include a personal development plan including an objective to obtain an appropriate qualification within 3 years after approval of the application for aid. The plan must also include an objective to gain membership of a Quality Assurance Scheme appropriate to the business within 3 years of approval of the application.

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;]

(2) The business must have an agricultural standard labour requirement of at least [<sup>F14</sup>0.25] full time equivalent  
M21 .

F16

. . .

F16

. . .

5. Restructuring (1) A beneficiary is eligible for payment under this of agricultural option if the beneficiary is an agricultural business and– businesses

- (a) produces a review of the business, detailing its strengths and weaknesses and options for change and identifies the expected improvements in performance of the business

Up to 40% of eligible costs (non Less Favoured Areas) and 50% (Less Favoured Areas) with a

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- and shows that the proposed investments are part of a longer term process of improving viability and competitiveness;
- (b) incurs costs for providing or upgrading buildings and associated structure, necessary equipment, infrastructure or information technology and associated fees where these investments—
- (i) are an essential part of the restructuring or re orientation of the business; and
  - (ii) the restructuring will result in improvements in business viability, environmental management, health and safety and/or animal health and welfare.
6. Manure/ slurry storage and treatment
- (1) A beneficiary is eligible for payment under this option if the beneficiary undertakes either or both (a) or (b)—
- (a) improvements in manure storage, handling and application facilities through one or more of the following—
- (i) new or enhanced slurry stores or manure storage;
  - (ii) roofs for slurry stores;
  - (iii) slurry separation equipment;
  - (iv) equipment for slurry spreading that controls more efficiently the application of nutrients;
- (b) manure treatment with one or more of the following—
- (i) storage facilities for slurry and biogas;
  - (ii) biogas [<sup>F17</sup>(including anaerobic digestion)] structures, machinery and equipment;
  - (iii) composting structures, machinery and equipment.
- (2) For (a) and (b) above—
- (i) the beneficiary must identify the expected improvements in performance of the business, as a result of the planned investment, against the following criteria; business viability, animal health and welfare, environmental management, or health and safety; and
  - (ii) manure and slurry must be stored to minimise the risk of water pollution and the beneficiary must comply with the Control of Pollution (Silage, Slurry
- Up to [<sup>F18</sup>50%] of eligible costs (non Less Favoured Areas) and [<sup>F19</sup>60%] (Less Favoured Areas) with a 10% premium for investments undertaken by young farmers.

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and Agricultural Fuel Oil) (Scotland) Regulations  
2003 <sup>M22</sup>.

- 7. Establishment of short rotation coppice crops of willow or poplar**
- (1) This is a capital payment with a 5 year commitment attached.
- (2) A beneficiary is eligible for payment under this option if the beneficiary–
- plants a minimum of 2 hectares with 10,000 willow or poplar cuttings per hectare;
  - maintains the established trees for a period of at least 5 years;
  - has established an end use for the produce; and
  - has planted the trees in compliance with the UK Forestry Standard.
- 40% of eligible actual costs (non Less Favoured Areas) and 50% [<sup>F20</sup>of eligible actual costs] (Less Favoured Area) [<sup>F21</sup>including the cost of fencing (for both non Less Favoured Areas and Less Favoured Areas)] up to a maximum [<sup>F22</sup>payment of £1000] per hectare.
- 8. Support for renewable energy – agriculture**
- (1) Eligible beneficiaries are agricultural land managers.
- (2) A beneficiary is eligible for payment under this option, for purchase and installation, construction, upgrading or development of infrastructure and/or equipment for small scale renewable energy capacity if the beneficiary–
- develops small scale renewable energy capacity that uses a range of renewable technologies where the investment will contribute to–
    - a reduction in carbon emission;
    - helping towards developing a local, sustainable energy supply;
    - improving business efficiency; and
  - produces documentation to demonstrate the renewable energy system was installed by a registered installer on the Department for Business and Regulatory Reform accredited list <sup>M23</sup> and provides the Scottish Ministers with a receipted invoice.
- Up to 50% of eligible costs in Less Favoured Areas (60% for young farmers). Up to 40% of eligible costs in non Less Favoured Areas (50% for young farmers).
- 9. Support for renewable energy – forestry**
- (1) Eligible beneficiaries are forestry land managers.
- (2) A beneficiary is eligible for payment under this option, for purchase and installation, construction, upgrading or development of infrastructure and/or
- Up to 50% of eligible costs in Less Favoured Areas. Up to 40% of eligible costs

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equipment for small scale renewable energy capacity if the beneficiary– in non Less Favoured Areas.

- (a) develops small scale renewable energy capacity that uses a range of renewable technologies where the investment will contribute to:
  - (i) a reduction in carbon emission;
  - (ii) helping towards developing a local, sustainable energy supply;
  - (iii) improving business efficiency; and
- (b) produces documentation to demonstrate the renewable energy system was installed by a registered installer on the Department for Business and Regulatory Reform accredited list <sup>M24</sup> and provides the Scottish Ministers with a receipted invoice.

**10. Improving the economic value of forests**

(1) A beneficiary is eligible for payment under this option if the beneficiary–

- (a) has a forest holding of 30 hectares or greater which is managed in accordance with a Forest Plan approved by Forestry Commission Scotland;
- (b) produces an investment plan quantifying the estimated costs of investment operations and estimated income from produce; and
- (c) implements one or more of the eligible investment operations outlined in such plan and as listed below–
  - (i) early pruning to improve timber quality;
  - (ii) high pruning to improve timber quality;
  - (iii) pre commercial and non commercial thinning to improve average stem quality;
  - (iv) re spacing of natural regeneration where stem density exceeds 4,000 trees/hectare;
  - (v) reducing deer numbers to minimise browsing and fraying damage which results in stem deformities or fungal rot so as to improve the conditions for the production of quality timber; or
  - (vi) controlling grey squirrels to prevent bark stripping damage and enable quality timber production from broadleaved woodland.

Up to 50% of net actual costs identified and approved in the investment plan.

(2) Where independent certification of the forest holding has been undertaken, in accordance with the UK Woodland Assurance Standard (2nd Edition) <sup>M25</sup>,

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additional support will be given to associated costs of preparing and implementing a plan required by the certification body to close out Corrective Action Requests issued by such certification body.

**11. Processing and marketing** (1) Eligible beneficiaries are individual land managers, farmers and small rural businesses directly linked to on farm or near holding production units, groups of primary producers or companies involved in primary production, processing and marketing. In the Highlands and Islands up to 50% of eligible costs. Up to 40% elsewhere.

(2) Support is limited to micro enterprises and small and medium sized enterprises within the meaning of Commission Recommendation 2003/361/EC of 6th May 2003 concerning the definition of micro, small and medium sized enterprises <sup>M26</sup>except in the case of forestry where support is limited to micro enterprises.

(3) All primary sectors listed in Annex 1 to the Treaty except fishery products (and drinks where the primary inputs are covered by Annex 1 to the Treaty) are eligible as well as forestry products.

(4) A beneficiary is eligible for payment under this option if the beneficiary–

(a) does any of the following–

(i) develops new or improves existing primary product processing facilities;

(ii) purchases plant and equipment including computer hardware and software and incurs directly related general costs including architects, engineers and consultants fees; or

(iii) undertakes a range of business development activities to support the food processing operation;

(b) does not have separate accounts for farm business and processing; and

(c) has a turnover of less than £150,000 for the processing business.

(5) General related costs including fees up to a combined maximum of 11% of total eligible costs and marketing costs up to a combined maximum cost of 11% of total eligible costs are eligible.

**12. Co operation** (1) Eligible beneficiaries are individuals, primary producers, groups of primary producers or companies. Up to 100% of eligible costs.

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food and forest products)

(2) Beneficiaries are eligible for payment if they co operate with other producers, suppliers or third parties and this may include developing one or more of the following–

- (a) innovative processing facilities;
- (b) new added value;
- (c) new markets for products.

(3) The new products, processes and technologies must not displace existing products or businesses within the Scottish land based sectors.

(4) The following costs are eligible–

- (a) non capital costs of resources to support co operation, collaboration, and development within the supply chain;
- (b) costs of developing innovative new products in a co operative way across 2 or more partners;
- (c) support for market research to increase current market share, or aid market penetration for new products;
- (d) support for market development plans at a strategic level to support the sector;
- (e) aiding the organisation and development of the sector, with a view to facilitating a greater degree of vertical integration.

(5) The following costs are not eligible–

- (a) purchase of buildings intended for demolition or which have been used for the same purpose previously;
- (b) working capital;
- (c) harvesting equipment;
- (d) the company's own labour and equipment costs;
- (e) consumables such as paper and ink;
- (f) repair and maintenance costs;
- (g) office equipment and other furniture (specific telephone equipment, computers and software related to the development are eligible);
- (h) landscaping and ornamental work;
- (i) general costs including fees relating to planning, building and works.

**13. Provision and upgrading option** (1) A beneficiary is eligible for payment under this option if they are a land manager and if the beneficiary– Up to 50% of eligible costs in

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<p>of infrastructure related to access to farm and forest land, energy supplies and water management</p>	<p>(a) provides or upgrades infrastructure elements where it can be shown that–</p> <ul style="list-style-type: none"> <li>(i) they are an essential part of the restructuring or re orientation of the business; and</li> <li>(ii) the restructuring will result in improvements in access to farm or forest land, in the supply of energy or in water management;</li> </ul> <p>(b) is compliant with existing European Community standards applicable to any new areas of activity undertaken as a result of investment concerned; and</p> <p>(c) identifies in the application the expected improvements in performance of the business as a result of the planned investment, against the criteria of improved viability, increased market orientation, enhanced animal welfare or protection of the water environment.</p>	<p>Less Favoured Areas (60% for young farmers). Up to 40% of eligible costs in non Less Favoured Areas (50% for young farmers).</p>
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<p><b>14.</b> Treatment of run-off of nutrients and other pollutants</p>	<p>(1) A beneficiary is eligible for payment under this option if the beneficiary is an agriculture or forestry manager and does either or both of the following–</p> <p>(a) plans to and constructs bio beds in accordance with recognised design principles in a SEPA endorsed design manual and does the following–</p> <ul style="list-style-type: none"> <li>(i) mixes and handles pesticides and wash down either directly over the bio bed or in an adjacent bunded concrete area which drains to the bio bed;</li> <li>(ii) registers any waste exemptions with SEPA;</li> <li>(iii) obtains an authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 <sup>M27</sup> where liquid residue is disposed of to land; or</li> </ul> <p>(b) plans to and constructs and demonstrates that a constructed farm wetland–</p> <ul style="list-style-type: none"> <li>(i) will be of environmental benefit; and</li> <li>(ii) will deal with pollutants by collecting, storing and treating lightly contaminated water from the steading.</li> </ul>	<p>Up to 50% of eligible costs in Less Favoured Areas (60% for young farmers). Up to 40% of eligible costs in non Less Favoured Areas (50% for young farmers).</p>
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<p><b>15.</b> Conversion to</p>	<p>(1) In this option “production unit” means land, other than a common grazing, farmed in Scotland by an applicant or a beneficiary which has been accepted by an organic</p>	<p>As set out in Table A in Part 2 of the Schedule</p>
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- maintenance of certification body as viable for conversion to organic or a minimum of  
organic farming farming methods. £500 per annum  
per holding per  
management  
option –  
conversion (any  
one of, or a  
combination  
of, elements  
A and B) or  
maintenance  
(any one of, or  
combination of,  
elements C and  
D) irrespective of  
the land area at  
the rates set out in  
Table A in Part 2  
of this Schedule.
- (2) There are 5 elements to this option–
- A. Conversion of land to organic production
  - B. Conversion of land to organic production in phases
  - C. Maintenance of organic production
  - D. Maintenance of organic production of land converted to organic production in phases
  - E. Capital Items
- A. Conversion of land to organic production
- This is a minimum 5 year commitment.  
A beneficiary is eligible for payment under this option if the beneficiary–
- (a) converts land to organic production to gain full organic certification;
  - (b) gains full organic certification;
  - (c) maintains that certification with [F<sup>23</sup>a control body] for the remainder of the relevant period of the undertaking and submits confirmation of such certification to the Scottish Ministers;
  - (d) continues to farm the land in accordance with Council Regulation [F<sup>24</sup>834/2007] and the Organic Standards Compendium throughout the relevant period of the undertaking;
  - (e) submits an organic viability proposal with the application;
  - (f) begins organic conversion of the land either–
    - (i) within 6 months of the date of approval of the application; or
    - (ii) by the date of commencement of the undertaking, whichever date is later;
  - (g) does not manage the land as formally in conversion or as fully organic before submitting an application for aid;
  - (h) submits confirmation to the Scottish Ministers from [F<sup>23</sup>a control body] that organic conversion has begun by the dates specified in (f) above;
    - (i) ensures that where land is to be registered with a different [F<sup>25</sup>control body], such registration must be completed before registration of the land ends with the existing [F<sup>25</sup>control body];
  - (j) where the beneficiary has responsibility for organic production on other land which is already fully organic at the date of the application, maintains that certification for the relevant period of the undertaking or, where shorter, the period of such responsibility; and

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- (j) where land is vegetable and fruit land, produces vegetables or fruit for a minimum of one year in any of years 3 to 5 of the relevant period of the undertaking.

**B. Conversion of land to organic production in phases**

A beneficiary may undertake to convert land under element A to organic production to gain full organic certification in phases and in such circumstances the commitment may extend to a maximum of 9 years.

A beneficiary is eligible for payment to convert land in phases if the beneficiary—

- (a) meets the eligibility obligations and requirements specified under (a) to (k) in element A above for the whole production unit or common grazing that the undertaking refers to;
- (b) divides the land into no more than 5 areas of land with each area of land deemed to be a separate production unit or common grazing;
- (c) specifies each area of land and nominates in the application for aid the order in which these areas of land will be converted to organic production;
- (d) agrees the relevant period of the undertaking for each particular area of land to be converted to organic production in phases with the Scottish Ministers; and
- (e) starts conversion of the last area of the land to be converted to organic production no later than 5 years from the start of the relevant period of the undertaking relating to the first area of land to be so converted.

For both elements A and B above—

- (a) land is eligible if—
  - (i) the land is a production unit, or if the applicant is a grazings committee, a common grazing which has been accepted by [<sup>F26</sup>a control body] as viable for conversion to organic production;
  - (ii) the land is any of the following:—
    - (aa) arable land;
    - (bb) improved grassland;
    - (cc) rough grazing or unimproved grassland;
    - (dd) vegetable and fruit land;
  - (iii) the land extends to not less than one hectare; and
  - (iv) it is land which has not been formally in conversion or fully organic at any time during the period from 1st January 2000 until the date of submission of the application for aid; and

- (b) payments of aid for conversion shall be made in respect of a maximum of 1000 hectares per holding or common grazing and within this maximum payments in relation to arable land, improved grassland and vegetable and fruit land shall not be made in respect of more than 300 hectares of any such land taken together or separately.

#### C. Maintenance of Organic Production

This is a minimum 5 year commitment.

A beneficiary is eligible for payment for the maintenance of organic production if the beneficiary–

- (a) submits to the Scottish Ministers evidence of full organic certification for the land included in the application;
- (b) continues to farm the land in accordance with Council Regulation [F27834/2007] and the Organic Standards Compendium throughout the relevant period of the undertaking;
- (c) ensures that where land is to be registered with a different [F27control body], such registration must be completed before registration of the land ends with the existing [F27control body];
- (d) maintains full organic certification throughout the relevant period of the undertaking and submits confirmation of such certification to the Scottish Ministers; and
- (e) where land is vegetable and fruit land, produces vegetables or fruit for a minimum of 2 years during the relevant period of the undertaking.

#### D. Maintenance of land converted to organic production in phases

Where a beneficiary has undertaken to convert land to organic production to gain full organic certification in phases under element B above, the beneficiary may undertake to phase in the maintenance of full organic certification of land converted to organic production and in such circumstances the commitment may extend to a maximum of 9 years.

A beneficiary is eligible for payment to phase in the maintenance of full organic certification of land if–

- (a) the beneficiary meets the eligibility obligations and requirements specified under (a) to (e) above for the whole organic production unit or common grazing that the undertaking refers to;
- (b) the conversion of the land to organic production has been phased in either under

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- these Regulations, the 2004 Regulations or the 1994 Regulations and the last area of land to be converted has not been converted;
- (c) in the application for aid, the beneficiary identifies the areas of land which have been and are being converted to organic production in phases and identifies the order in which these areas of land will start to be maintained which shall be the same order as the order in which the areas of land were converted to organic production and each area of land is deemed to be a separate organic production unit or common grazing;
- (d) the beneficiary agrees the relevant period of the undertaking with the Scottish Ministers for the maintenance of each particular area of land;
- (e) the beneficiary maintains full organic certification of the converted land as and when phased in for the relevant period of the undertaking.

For both elements C and D above–

- (a) land is eligible if–
- (i) the land is an organic production unit, or if the applicant is a grazings committee, a common grazings which is fully organic;
- (ii) the land extends to not less than one hectare;
- (iii) the land is any of the following:–
- (aa) arable land;
- (bb) improved grassland;
- (cc) rough grazing or unimproved grassland;
- (dd) vegetable and fruit land; and
- (iv) either–
- (aa) no aid is payable under these Regulations, the 2004 Regulations or the 1994 Regulations in respect of the land; or
- (bb) aid is payable under an undertaking under these Regulations, the 2004 Regulations or the 1994 Regulations in respect of the land but the undertaking has ended or will have ended before the commencement of the relevant period of the undertaking under element C or D above; and
- (b) payments of aid for maintenance shall be made in respect of a maximum of 1000 hectares per holding or common grazing and within this maximum payments in relation to arable land, improved grassland and vegetable and fruit land shall not be made in respect of

more than 300 hectares of any such land taken together or separately.

Where land has been converted to organic production in phases under element B above or under the 2004 Regulations or the 1994 Regulations, an undertaking for the land can be entered into under element D above but payments for each area of land can only commence once the relevant period of the undertaking for the conversion to organic production for that area of land has ended.

#### E. Capital Items

A beneficiary is eligible for payment for capital items if the beneficiary—

- (a) converts land to organic production to gain full organic certification under either element A or B above;
- (b) meets the eligibility obligations and requirements specified under (a) to (k) under element A above for the whole production unit or common grazing;
- (c) carries out any of the capital items specified in column 1 of Schedule 3 in accordance with the requirements outlined in the programme guidance; and
- (d) completes the capital item within 2 years of the start of the conversion of the land to organic production and where conversion is undertaken in phases, within 2 years of the start of the conversion of each particular area of phased in land.

<b>16.</b> Wild bird seed mix/ unharvested crop	(1) This is a 5 year commitment.	£391.26 per hectare per year.
	(2) A beneficiary is eligible for payment under this option if the beneficiary either—	
	(a) spring sows a mixture of annual crops, including at least one cereal which will provide seed for the targeted species and does not plough down until after 15th March the following year; or	
	(b) [ <sup>F28</sup> spring] sows a mixture of at least 2 crops, one of which must seed in the first year and one in the second and ploughs in after 15th March following last seeding year.	
	(3) For both options (a) and (b) above—	
	(i) plots must be on arable or improved grassland and a maximum of 2 hectares in size;	
	(ii) pesticides may be applied where necessary to aid establishment of the crop, otherwise no application of pesticides is permitted.	

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(4) In Corn Bunting areas (East Scotland, Uists and Borders) either one-year cereal-based mixes must be established or, where 2 year mixes are sown, at least 2 plots must be established in alternate years.

17. Management of mown grassland for wildlife
- (1) This is a 5 year commitment. £174.88 per hectare per year.
- (2) A beneficiary is eligible for payment under this option on a grassland field on which an extensive crop of hay or silage will be grown if the beneficiary–
- (a) does not roll, harrow or graze the field from 1st April until 30th June inclusive or until the crop has been secured, whichever is the later;
  - (b) mows the field but neither mowing nor the reintroduction of grazing may take place before 1st July or the end of the exclusion period, whichever is later;
  - (c) cuts the hay and silage in a wildlife friendly manner in accordance with the programme guidance;
  - (d) does not apply artificial fertilizer before 15th May, or 1st June where later ground-nesting birds and young may be found;
  - (e) after mowing, leaves uncut a strip of grass 2 metres wide around the field boundary and herbicides may be applied to this strip only with the prior written agreement of the Scottish Ministers;
  - (f) does not apply pesticides to the 2 metre strip; and
  - (g) [F29 (where this could result in a negative impact on the target species)] ensures little or no tree cover around fields.

(3) Beneficiaries need not manage the same field each year, but must give details of the different fields and their locations and their areas in the application for aid. If during the lifetime of the undertaking a different rotation to that originally approved is agreed with the Scottish Ministers, the area upon which the annual management payment is calculated will be restricted to either the originally approved area or the revised area, whichever is smaller.

(4) Fields in the first year in which spring sown grass is being established are ineligible.

(5) Fields receiving substantial applications of fertiliser or slurry are ineligible.

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- 18. Management of mown grassland for corn buntings**
- (1) This is a 5 year commitment. £224.48 per hectare per year.
- (2) A beneficiary is eligible for payment under this option on fields used for growing a hay or silage crop within the breeding distribution of Corn Buntings in East Scotland, Uists and Borders if the beneficiary–
- (a) excludes stock from hay or silage fields from 1st May;
  - (b) does not roll, harrow or graze fields from 1st May until after the field has been mown and where ground nests are present before 1st May, they must be marked and avoided;
  - (c) mows fields but mowing must be delayed until after 1st August;
  - (d) cuts hay and silage in a wildlife friendly manner in accordance with the programme guidance;
  - (e) leaves uncut a strip of grass 2 metres wide around the field boundary; and
  - (f) does not apply pesticides to the 2 metre strip.
- 19. Management of mown grassland for corncrakes**
- (1) This is a 5 year commitment. Option 1 – £271 per hectare per year.
- (2) A beneficiary is eligible for payment under this option on a grassland field on which an extensive crop of hay or silage will be grown if they are a land manager on the Argyll Islands, Skye, Small Isles, Western Isles, Orkney and parts of the North Sutherland and the West Argyll coast that support Corncrake populations and if they–
- (a) carry out this option in combination with one of the following rural priorities options, which must be undertaken on directly adjacent land–
    - (i) Management of early and late cover for corncrakes;
    - (ii) Creation and management of early and late cover for corncrakes;
    - (iii) Management of grazed grasslands for corncrakes; or
    - (iv) Wild bird seed mix/unharvested crop;
  - (b) exclude livestock from hay or silage fields from 15th May;
  - (c) do not roll, harrow or graze the field from 15th May until after it has been mown and where ground nests are present before 15th May, they must be marked and avoided;
- Option 2 £381 per hectare per year.  
Option 3 £691 per hectare per year.

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- (d) mow these fields but mowing must be delayed until after either—
  - 1st August; in which case the rate of payment for Option 1 in column 3 applies;
  - 15th August; in which case the rate of payment for Option 2 in column 3 applies;
  - 1st September in which case the rate of payment for Option 3 in column 3 applies;
- (e) cut the hay and silage in a wildlife friendly manner in accordance with programme guidance;
- (f) leave a strip of uncut grass 2 metres wide around the field boundary; and
- (g) do not apply pesticides to the 2 metre strip.

(3) The same field need not be managed each year if hay or silage production is rotated around grassland area. Details of the fields to be rotated in this way, their location and areas must be given in the application for aid. If, during the lifetime of the undertaking, a different rotation to that originally agreed is approved, the area upon which the annual management payment is calculated will be restricted to either the area originally approved or the revised area, whichever is smaller.

<p><b>20. Management of grassland for corncrakes</b></p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option if the beneficiary is a land manager on the Argyll Islands, Skye, Small Isles, Western Isles, Orkney and parts of the North Sutherland and West Argyll coast that support Corncrake populations and—</p> <ul style="list-style-type: none"> <li>(a) removes all livestock before 1st March;</li> <li>(b) manages an area of at least 0.5 hectares, at least 30% of which must comprise vegetation likely to be taller than 20 cm by early May and suitable for Corncrakes if ungrazed;</li> <li>(c) does not return livestock before 16th July;</li> <li>(d) keeps livestock density below 1.4 livestock units per hectare until the end of August; and</li> <li>(e) grazes the in bye land sufficiently in the autumn to prevent the sward becoming rank.</li> </ul>	<p>£313 per hectare per year.</p>
<p><b>21. Creation and management</b></p>	<p>(1) This is a 5 year commitment.</p>	<p>£800 per hectare per year.</p>



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of early and (2) A beneficiary is eligible for payment under this  
late cover for option if the beneficiary is a land manager on the Argyll  
corncrakes Islands, Skye, Small Isles, Western Isles, Orkney and parts  
of the North Sutherland and West Argyll coast that support  
Corncrake populations and–

- (a) carries out this option on land adjacent to land on which the “Management of mown grassland for corncrakes” option in this Schedule is being undertaken;
- (b) carries out the option on an area at least 0.15 hectares but not exceeding 1 hectare. The area must either be sheltered by man made or natural features or by creating a strip within the field, at least 5 metres wide, protected from grazing in late winter and spring;
- (c) creates early cover during autumn/winter months using the following method–
  - (i) only with the prior written agreement of the legal occupier, digs up and collects iris from existing beds, mixes the iris rhizomes with farmyard manure in at least equal proportions by volume and spreads the mixture over the site to a depth of at least 20 centimetres;
- (d) does not graze from 1st March until 30th September inclusive, except with the prior written agreement of the Scottish Ministers;
- (e) at other times, grazes at a level not exceeding 0.3 livestock units per hectare, except with the prior written agreement of the Scottish Ministers; and
- (f) cuts the area only with the prior written agreement of the Scottish Ministers.

(3) The combined area of existing and created early and late cover for Corncrakes managed under an undertaking must not exceed 6 hectares.

(4) The site must be improved grassland or arable land managed to ensure that it is normally in damp condition for the establishment of iris beds and other tall vegetation. Where iris is not available locally, other appropriate tall vegetation may be used, but only with the prior written agreement of the Scottish Ministers.

**22. Management** (1) This is a 5 year commitment. £162 per hectare  
of early and per year.  
late cover for  
corncrakes (2) A beneficiary is eligible for payment under this  
option if the beneficiary is a land manager on the Argyll

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Islands, Skye, Small Isles, Western Isles, Orkney and parts of the North Sutherland and West Argyll coast that support Corncrake populations and the land is either reverted improved grassland or unimproved in bye grassland with clumps of suitable tall vegetation and the beneficiary–

- (a) carries out this option on one or more blocks of land adjacent to land on which the “Management of mown grassland for corncrakes” option in this Schedule is being undertaken;
- (b) ensures each individual area of early and late cover is at least 0.15 hectare but no more than 1 hectare, with a maximum total area of 5 hectares. The beneficiary may create an additional 1 hectare of early and late cover under the “Creation and management of early and late cover for corncrakes” option in this Schedule;
- (c) does not graze from 1st March until 30th September inclusive, except with the prior written agreement of the Scottish Ministers;
- (d) at other times, grazes at a level not exceeding 0.3 livestock units per hectare, except with the prior written agreement of the Scottish Ministers; and
- (e) cuts the area only with the prior written agreement of the Scottish Ministers.

<p><b>23. Management of open grazed or wet grassland for wildlife</b></p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option on in bye grassland if the beneficiary– either–</p> <ul style="list-style-type: none"> <li>(a) agrees a grazing plan with Scottish Ministers that describes a livestock management and grazing regime, taking into account the preferences of individual target species, site conditions and farming operations; or</li> <li>(b) <ul style="list-style-type: none"> <li>(i) excludes farm livestock for 6 consecutive weeks between 15th March and 15th June inclusive or restricts numbers to a maximum of 1 livestock unit per hectare during the whole 3 month period;</li> <li>(ii) ensures the intensity of grazing is sufficiently low during the 3 month period so that the nests of ground nesting birds are not damaged;</li> <li>(iii) does not harrow or roll from 1st April until 31st July inclusive;</li> </ul> </li> </ul>	<p>£111 per hectare per year.</p>
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- (iv) does not apply artificial fertiliser to the site before 15th May and does not apply farmyard manure and slurry from 1st March until 15th May inclusive;
- (v) does not apply pesticides to the site; and
- (vi) does not top until after 31st July.

**24. Mammal and bird control**

- (1) This is a 5 year commitment. A. £2 per hectare.  
B. £270 per year.
- (2) There are three elements to this option–
  - A. Predator control
  - B. Crow control
  - C. Predator control for black grouse and capercaillie£270 per trap per year with no more than 1 trap per hectare.  
C. Actual costs up to £7.50 per hectare per year.

with corresponding rates of payment in column 3.

Rates of payment correspond to the 3 elements in column 2.
- (3) A beneficiary is eligible for payment under–
  - A. Predator control on SSSI sites and European sites where there are ground nesting birds that are vulnerable to predation as endorsed by SNH;
  - B Crow control on SSSI sites and European sites where there are birds that are vulnerable to crow predation and likely to benefit from crow control as endorsed by SNH; and
  - C Predator control for black grouse and capercaillie on sites containing active leks or on adjoining sites where control would be complementary;

if the beneficiary–

  - (a) carries out mammal and bird control in a legal and humane manner and complies with the <sup>F30</sup>... General Licence as issued each year by the Scottish Ministers and the British Association for Shooting and Conservation (BASC) Codes of Practice on Shooting, Lamping, Trapping of Pest Mammals and Trapping of Pest Birds <sup>M28</sup>.

either–

  - (i) as part of a habitat management programme aimed at achieving favourable condition of the natural heritage interests on the site. Effort must be targeted where it will give most benefit to the notified features rather than being focused on agricultural benefits; or
  - (ii) as part of a Capercaillie or Black Grouse conservation plan that includes a site-specific predator/crow control plan targeted where it will give most benefit to the species;
  - (b) ensures, for elements A and C that the habitat management programme includes details of the predator control programme which should set out–
    - (i) the areas where control will be undertaken;
    - (ii) the species to be controlled;

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- (ii) the methods that will be used;
  - (iv) the most appropriate period for the activity within the targeted spring/early summer period (control outwith this period will not be funded);
  - (v) a summary of any other predator control effort in the remainder of the year;
  - (vi) the number of days and nights that the activity will be undertaken in each month;
  - (vii) plans, for those activities that are planned on a weekly basis, such as lamping or shooting, which must be kept up to date throughout the control period and available for inspection on request. Dates when other activities will take place such as setting and managing snares, must be included in the management programme;
  - (viii) the impact that the mammal and bird control will have, looking for reductions in numbers of fox scats and prey remains and increases in numbers of breeding birds;
  - (ix) a description of any predator control effort in the past 5 years and a description of the existing predation problem as it affects breeding birds,
- (c) ensures for element B that the habitat management programme details the proposed trap locations on a map;
- (d) ensures for elements B and C that crow traps will be operated within the requirements of the BASC Code of Practice on the Trapping of Pest Birds in particular–
- (i) traps will be of a legal design and operated legally;
  - (ii) the beneficiary will provide all decoy birds with shelter, food and water at all times;
  - (iii) the beneficiary must have enough staff to inspect traps every day;
  - (iv) captured crows must be killed quickly and humanely; and
  - (v) all non target species will be released immediately and unharmed;
- (e) for elements A, B and C above an annual report must be provided which must include–
- (i) details of the methods employed;
  - (ii) time spent on mammal and bird control across the specified period;
  - (iii) number and species controlled and date of control;
  - (iv) location of effort – where traps are located and where other methods are applied;

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- (v) the impact of the mammal and bird control, in terms of numbers taken, counts of fox scats and crows and numbers of nesting birds; and
- (vi) records of the above must be kept up to date throughout the period that control is undertaken and they must be available for inspection on request;
- (f) for elements A and C above a summary of any other predator control effort carried out in the remainder of the year must be provided.

25. Supplementary(1) This is a 5 year commitment.  
food provision for  
raptors

- (2) There are 2 elements to this option–
  - A. Supplementary food provision for Hen Harriers
  - B. Provision of deer carcasses for Golden Eagleswith corresponding rates of payment in column 3.

(3) For element A above, a beneficiary is eligible for payment under this option if the Moorland Management Plan identifies a conflict between Grouse moor management and Hen Harriers' predation of Grouse chicks and if the beneficiary–

- (a) is a land manager within an SPA or potential SPA with breeding hen harriers;
- (b) agrees with SNH the number and location of hen harrier nests for which food will be provided;
- (c) checks feeding posts and provides food in the nesting area on a daily basis, in accordance with the practice described in “Substitute Feeding of Hen Harriers on Grouse Moors” (Moorland Working Group 1999) <sup>M29</sup>;
- (d) carries out feeding for 100 days, covering both the pre-nesting period as well as the breeding season. If a nest should fail within the 100 day period, then feeding must cease subject to agreement by SNH and payments will be reduced accordingly;
- (e) agrees the start date with SNH for feeding at each site; (the start date being the date that birds arrive on territory);
- (f) purchases appropriate food and ensures that it is appropriately stored and retains purchase receipts for inspection;
- (g) records the work undertaken using the recording forms provided by SNH and identifies on a map the sites where feeding has taken place.

A: £1,076 per  
nest per year.

B: £32 per  
carcass.

Rates of payment  
correspond to  
the 2 elements in  
column 2.

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- (4) For element B—A beneficiary is eligible for payment under this option if the beneficiary—
- (a) is a land manager within a Golden Eagle SPA or potential SPA where SNH considers it will benefit the Golden Eagle population;
  - (b) draws up a plan and agrees it with the Scottish Ministers or SNH, outlining the number of deer carcasses to be left on the hill each month (either one or 2 per month) for 4 months (November February) and how and where carcasses will be left;
  - (c) undertakes this work in conjunction with existing annual hind culls and in accordance with best practice and all relevant legislation and does not use this as an incentive to cull additional deer; and
  - (d) keeps a record of work undertaken, giving the dates and showing where carcasses were left and retains these records for inspection.

**26. Wardening for Golden Eagles**

- (1) This is a 5 year commitment. £55 per farm unit per year.
- (2) A beneficiary is eligible for payment under this option if the beneficiary— £82 per common grazings committee per year.
  - (a) is a land manager within a Golden Eagle SPA or potential SPA; where SNH considers that it will benefit the Golden Eagle population—
  - (b) records observations of Golden Eagles on a regular basis throughout the year on an annual record sheet and submits this with claims for payment;
  - (c) where a nest is present on the beneficiary's land, participates in a network of contacts working in co operation to help prevent Golden Eagle persecution, including egg theft, in accordance with information and guidance provided to land managers by SNH; and
  - (d) co operates with any accredited eagle workers visiting their land for survey or monitoring purposes.

**27. Control of invasive non-native species**

- (1) This is a 5 year commitment.
  - (2) There are 2 elements to this option:—
    - A named invasive non native plant control; and
    - B grey squirrel control with corresponding rates of payment in column 3.
- For Japanese knotweed, giant hogweed, Himalayan balsam, £160 per hectare per annum.

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- (3) For element A a beneficiary is eligible for payment under this option for named invasive non native plant control if the beneficiary is a land manager and–
- (a) is within the specific targeted area where the plant species have been identified as a particular threat by SNH, SEPA or the Forestry Commission Scotland. Within these areas applications must be part of a collaborative area project/plan. Applications must either complement an existing plan or be part of a new co ordinated plan/project within an area, catchment wide or other self contained area/ habitat;
  - (b) requires funding in order to undertake work where action is consequential on another option in this schedule. When action is required to control the named invasive non-native plant species for another option in this schedule to succeed; or
  - (c) is the first land manager in the area to have their land colonised by one of the named invasive non native plant species.
- (4) For element A, for Japanese knotweed, giant hogweed and Himalayan balsam the beneficiary must provide the following evidence:
- (a) with the application for aid, on a 1:10,000 OS map, in the first year, map the current distribution of the plant species being treated before control work starts and each year thereafter, map the affected area following control work;
  - (b) keep a work programme that contains–
    - (i) spraying records and evidence of agreement from appropriate statutory bodies to spraying regimes around water courses or protected areas;
    - (ii) evidence of regrowth monitoring;
    - (iii) disposal transportation records and copies of Waste Transfer documentation;
    - (iv) approval from SEPA for any spoil sites;
    - (v) copies of the risk assessment carried out according to the requirements of the Control of Substances Hazardous to Health Regulations 2002 <sup>M30</sup>; and
    - (vi) copies of certificates of spraying for individuals undertaking work or directly supervising spraying.
- For the control of grey squirrels for red squirrel conservation using a single capture trap, £185 per trap site per annum.  
For the control of grey squirrels for the protection of identified stands of high biodiversity value broadleaf woodland using multi-capture traps, £111 per trap per annum. Rhododendron payments are capital items and the item and payment rates are set out in Schedule 3.

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- (c) if spraying is to be undertaken near a watercourse, obtain SEPA agreement to the operation prior to any spraying. If spraying is proposed on or near a designated area, the beneficiary must obtain SNH agreement to the operation prior to any spraying. Written evidence of the SNH and SEPA agreement must be provided; and
- (d) start the control work in the first year of the undertaking. At the end of year 5 there must be no Japanese knotweed, giant hogweed or Himalayan balsam, as appropriate, present on the treated area.

(5) For Japanese Knotweed under element A control measures must kill the plant. Cutting, flail mowing or strimming must not be undertaken.

Eradication must be by one or more of the following–

- (i) chemical control – spray with a herbicide only in the growing season when green leafy material is present. The herbicide must be an approved Glyphosate based herbicide and must be used according to the Code of Practice for Using Plant Protection Products in Scotland published by the Scottish Ministers <sup>M31</sup> and the label instructions. There must be a minimum of 2 sprays in each growing season, further spraying is allowed if necessary. The plant must be monitored regularly for signs of regrowth during the period of the undertaking, and any regrowth must be resprayed. Glyphosate must not be applied until early/mid May or when the plant is 0.5 1.5m tall. Both the top and underside of the leaves must be sprayed;
- (ii) digging – the beneficiary must consult SEPA before undertaking this method. Above ground leaf and stem material must be cleared. All ground material including all roots, fibre, soil and earth containing any roots/fibre must be removed. The soil around the plant for up to 7 metres must be removed off site. Any plant regrowth during the period of the undertaking must be sprayed with herbicide as detailed in the chemical control method;
- (iii) disposal – Japanese knotweed must not be composted. Infested material must be removed from the site for disposal, unless otherwise agreed by SEPA. Japanese knotweed infested soil and plant material to be discarded as “controlled waste” as defined under the Environmental Protection Act 1990 <sup>M32</sup> and the Controlled Waste Regulations 1992 <sup>M33</sup> and must be removed from site for disposal by a SEPA licensed haulier to a licensed or permitted landfill site and must be accompanied by



appropriate Waste Transfer documentation prepared by the licensed haulier. All containers and bags contained infested material must be covered to avoid spread along public roads.

(6) For element A, for Giant Hogweed control measures must reduce or kill the plant, prevent flowering and seed dispersal. Strimming must not be undertaken.

A risk assessment must always be carried out prior to commencing work and records of this must be kept according to the requirements of the Control of Substances Hazardous to Health Regulations 2002 <sup>M34</sup> requirements.

Eradication must be by one or more of the following–

- (i) chemical control – spray with a herbicide only during the growing season when green leafy material is present. The herbicide must be an approved Glyphosate based herbicide and must be used according to the Code of Practice for Using Plant Protection Products in Scotland, published by the Scottish Ministers <sup>M35</sup> and the label instructions. There must be a minimum of 2 sprays in each growing season. Glyphosate must be applied before the plant flowers and sets seed. It should not be applied until the plants are 0.5 metres – 1.5 metres tall. Both the top and underside of the leaves must be sprayed. Plants must be monitored for signs of regrowth during the period of the undertaking. Regrowth must be sprayed when the plant/seedlings reach 0.5 metres tall;
- (ii) cutting/mowing –this must only be undertaken following consideration of the risk assessment results;
- (iii) digging out – SEPA must be consulted before this method can be undertaken. Above ground leaf and stem material must be removed. All ground material including any roots, fibre, soil and earth containing any roots/fibres must be removed. The soil around the plant for a diameter of 4 metres around the plant must be removed. The crown must be dug out below ground, roots must be cut all the way through by hand, a minimum of 3.8 centimetres below ground. Any plant regrowth during the period of the undertaking must be sprayed with herbicide as detailed in the chemical control method;
- (iv) disposal Giant hogweed must not be composted. Infested material must be removed from the site for disposal, unless otherwise agreed by SEPA. Giant hogweed infested soil and plant material must be discarded as “controlled waste” as defined under the Environmental Protection Act 1990 <sup>M36</sup> and

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the Controlled Waste Regulations 1992<sup>M37</sup> and must be removed from site for disposal by a SEPA licensed haulier to a licensed or permitted landfill site and must be accompanied by appropriate Waste Transfer documentation prepared by the licensed haulier. All containers and bags must be covered to avoid spread along public highways.

(7) For element A, for Himalayan Balsam, control measures must reduce or kill the plant, prevent flowering and seed dispersal.

Eradication must be by one or more of the following.

- (i) chemical control – spray with a herbicide only in the growing season when there is green leafy material present. The herbicide must be an approved Glyphosate based herbicide and must be used according to the Code of Practice for Using Plant Protection Products in Scotland published by the Scottish Ministers<sup>M38</sup>, and the label instructions. There must be a minimum of one spray during the growing season before the plant flowers and sets seed. Spot spraying must be undertaken unless the plants grow in a dense sward. Plants must be monitored for signs of regrowth during the period of the undertaking and further spraying must be undertaken to kill seedlings when the seedlings/plants are visible;
- (ii) cutting/mowing – must only be undertaken before the plant reaches the flowering stage. Cut at ground level using a scythe. Cutting must be repeated annually throughout the period of the undertaking until no more growth occurs;
- (iii) pulling any germinating seeds must be pulled up. The roots must be pulled up with the plant;
- (iv) grazing – grazing by cattle and sheep is effective from April throughout the growing season and must be continued until no new growth occurs;
- (v) disposal – Himalayan balsam plants must only be composted or burnt when no seeds are present. Following eradication, beneficiaries must ensure soil which may contain Himalayan balsam seeds is not used until the year following the year where no new seedlings appeared.

(8) For Rhododendron under element A the beneficiary must–

- (a) with the application, submit a 1:10,000 OS map, showing the current outlying area affected by Rhododendron proposed for treatment before control work starts, and highlight the area proposed for treatment;

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- (b) provide evidence that they have followed the guidance in the Forestry Code of Practice Guide Managing and controlling invasive rhododendron published by the Forestry Commission <sup>M39</sup>;
- (c) if spraying is to be undertaken near a watercourse, obtain SEPA's agreement to the operation prior to any spraying. If spraying is proposed on or near a designated area, the beneficiary must have obtained SNH agreement to the operation prior to any spraying.
- (d) begin control work in the first year of the undertaking. At the end of year 5 there must be no Rhododendron present on the treated area.

Eradication must be by one or more of the following–

- (i) manual eradication – this method must be used on sensitive sites and/or where mechanised clearance methods are not possible. Plants must be cut low to the ground. Subsequent operations must ensure that no regrowth results from flailed stools, this includes manual clearance and the use of herbicide treatments;
- (ii) mechanised and/or chemical control – these methods may include the use of flails fitted on machinery and/or herbicide treatment on re-growth. A second application of herbicide must be applied when required;
- (ii) chemical control of standing Rhododendron – this may include the use of stem injection of herbicide to kill off established Rhododendron bushes. Follow up applications of herbicide or hand pulling of seedlings must be undertaken to ensure there are no successful seedling or sprouting bushes on site.

(9) For element B a beneficiary is eligible for payment under this option for grey squirrel control if the beneficiary is a land manager and their land is–

- (a) within one of the control areas defined under the Red Squirrel Action Plan 2006 2011 published by SNH <sup>M40</sup>, and there is evidence of grey squirrels on their land; or
- (b) has a stand of broadleaf woodland identified by Forestry Commission Scotland as being part of a UK Biodiversity Action Plan Priority Habitat <sup>M41</sup> or high biodiversity value, being mixed broadleaved woodland in a designed landscape.

(10) For grey squirrel control–

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- (a) SNH or Forestry Commission Scotland must agree that the application for aid is valid by consideration of current grey squirrel levels, current damage levels and current risk to the red squirrel population;
- (b) the beneficiary must with the application include, a work programme. The work programme must meet the objectives and priority actions in the Red Squirrel Action Plan, 2006 2011 published by SNH. The work programme must identify by grid reference the location of the woodland, the number of traps being deployed, the location of each trap and the dates between which traps will be set and details about any collaboration with neighbouring land owners or grey squirrel control officers authorised by SNH must be included;
- (c) keep a record of ongoing activity and regularly update it. Traps must be checked daily. A record of dates when animals were trapped and numbers of grey squirrels caught must be kept. Detailed sightings records of grey squirrels must be kept, including dates and locations. When no record of grey squirrel presence is obtained for existing activities, a transect survey as detailed in the Forestry Commission Practice Note 11 Practical Techniques for Surveying and Monitoring Squirrels<sup>M42</sup> will be required to verify the presence and extent of grey squirrels and any information must be submitted on a OS 1:10,000 map;
- (d) within areas of the south of Scotland as defined by SNH and the Forestry Commission Scotland submit, grey squirrels trapped in locations which contribute to the squirrel pox surveillance programme when requested by and under the supervision of the grey squirrel control officers authorised by SNH; and
- (e) submit maps, dates trapped and numbers caught and dispatched, and records of all samples sent for squirrelpox testing where relevant must be submitted with claims for payment; and
- (f) adhere to the following conditions in relation to the trapping method–
  - (i) live multi capture traps must not be used where red squirrels are present;
  - (ii) a minimum of 4 trapping sessions per year per trapping unit area must be

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- carried out. If grey squirrels are present all year a minimum of 6 trapping sessions per year per trapping unit area must be carried out;
- (iii) live capture traps for protection of broadleaf stands must only be set between April and September; and
- (iv) any grey squirrels captured in traps must be humanely dispatched without delay.
- (g) comply with the guidance set out in Forestry Commission Practice Note 4 Controlling Grey Squirrel Damage to Woodlands, Forestry Commission Practice Note 5 Red Squirrel Conservation and the survey methods set out in the Forestry Commission Practice Note 11 Practical Techniques for Surveying and Monitoring Squirrels <sup>M43</sup>;
- (h) comply with the Pests Act 1954 <sup>M44</sup>;
- (i) keep evidence that all trapping is carried out in accordance with the requirements in (f) above and that all guidance specified in (g) above has been complied with and that the legislation specified in (h) has been complied with.

- 28. Management of species rich grassland**
- (1) This is a 5 year commitment. £111 per hectare per year.
  - (2) A beneficiary is eligible for payment under this option on species rich unimproved grassland if the beneficiary–
    - (a) agrees a grazing plan with Scottish Ministers which sets out a livestock management and grazing regime, limiting grazing in order to promote the growth, structure and species composition of vegetation on the land. The plan must reflect the specific biodiversity requirements of the site and may be subject to change as the site develops;
    - (b) manages grazing levels to create a sward at a range of heights, including some short grassland and some dense tussocks;
    - (c) ensures the sward is at its longest in the summer and shorter in the spring and autumn;
    - (d) where grazing is impractical, cuts the grassland once between mid July and mid August to a height between 5 and 10 cm, and once again in the autumn or the following spring. Cuttings must be turned in the field in order to allow their seed to drop and then removed;

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- (e) in areas where Corn Buntings breed, does not graze or mow from 16th April until 15th August inclusive and includes this requirement in the plan;
- (f) does not apply fertilisers, slurry, farmyard manure, pesticides or lime. However, spot treatment for injurious weeds will be allowed;
- (g) does not use the site for supplementary feeding.

<p><b>29.</b> Bracken management programme for habitat enhancement</p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option on land where the management of bracken will enhance an existing habitat of conservation value, prevent loss of habitat or benefit associated species and, if the beneficiary–</p> <ul style="list-style-type: none"> <li>(a) prepares and implements a systematic programme of treatment and follow up actions, as specified within a Bracken Management Plan (BMP) to be submitted with the application. The plan must describe the following, and, where directed, show on a 1:10,000 scale map– <ul style="list-style-type: none"> <li>(i) the habitat of conservation value that will benefit from the bracken management – in hectares and on the map;</li> <li>(ii) the extent of the bracken and density of the bracken cover – in hectares and on the map;</li> <li>(iii) the area of bracken to be actively managed – in hectares and on the map;</li> <li>(iv) the type of management proposed (eradication or control or no interference) and treatments proposed to achieve this, including follow up action;</li> </ul> </li> <li>(v) where bracken is to be eradicated or controlled, the type of vegetation expected to replace it; <ul style="list-style-type: none"> <li>(vi) the locations of any sensitive areas and appropriate buffer zones, including– <ul style="list-style-type: none"> <li>(aa) where plant or animal species of conservation value are present and are likely to be damaged by the control method;</li> <li>(bb) in gullies or steep slopes where regeneration of more desirable vegetation will be difficult or impossible to achieve and soil erosion may result;</li> </ul> </li> </ul> </li> </ul>	<p>£28 per hectare per year.</p>
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- (cc) close to ponds, lochs or watercourses, if chemical control is proposed;
  - (dd) where there is a well developed woodland flora, under the bracken canopy; and
  - (ee) archaeological features which might be damaged by mechanical control;
- (b) carries out primary treatment of bracken, where the need for more intensive initial control methods has been identified within the bracken management programme, in year 1 of a BMP;
  - (c) if chemical control is proposed, obtains consent from the appropriate bodies including SEPA, the local water authority, SNH and the local authority environmental services; and
  - (d) if mechanical eradication of bracken is proposed, carries out cutting or crushing 3 times per year, at appropriate stages during the growing season.

**30.** Creation and management of species rich grassland

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option on arable land or improved or semi improved grassland if the beneficiary–
  - (a) creates a new grassland sward from arable or improved grassland by–
    - (i) destroying any existing grassland cover and carrying out a programme agreed with the Scottish Ministers to establish a new sward. This may include measures to reduce the fertility of the soil and address weed problems; and
    - (ii) sowing the site with a low productivity grass and herb mix agreed with Scottish Ministers to create a new sward; or
  - (b) restores an existing semi-improved grassland sward by–
    - (i) creating a short sward through cutting or grazing;
    - (ii) creating 50% bare ground on each sward by light mechanical disturbance such as raking, harrowing or scarifying; and
    - (iii) sowing a low productivity grass and herb mix agreed with Scottish Ministers on the bare patches.

£223.57 per hectare per year.

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(3) There must be at least 3 indicator species of potential for restoration on grasslands under this option–

For both (a) and (b) above–

- (i) A livestock management and grazing regime must be set out in a grazing plan to be agreed with Scottish Ministers; and
- (ii) seed of local origin must be used wherever possible;
- (iii) pesticides, fertiliser, slurry or farmyard manure must not be applied to the site. However spot treatment for injurious weeds will be allowed;
- (iv) supplementary feeding must not be carried out on the site.

**31. Management of habitat mosaics** (1) This is a 5 year commitment. £104 per hectare per year.

(2) A beneficiary is eligible for payment under this option on in bye land where a mosaic of habitats occur if the beneficiary–

- (a) agrees a grazing plan with Scottish Ministers that describes the livestock management and grazing regime, identifies and reflects the specific biodiversity requirements of the site and identifies the biodiversity outcomes to be delivered. The application for aid must be supported by evidence to support the management proposed in the grazing plan. The grazing plan may be subject to change as the site develops;
- (b) does not apply fertilisers, slurry, farmyard manure, pesticides or lime. However, spot treatment for injurious weeds is permitted;
- (c) does not use the land for supplementary feeding. Where improved grass is present, feeding can take place on these areas provided there is benefit to the rest of the habitats in doing so. Details of any supplementary feeding must be included and justified in the grazing plan.

**32. Management of wetland** (1) This is a 5 year commitment. £90 per hectare per year.

(2) A beneficiary is eligible for payment under this option on wetland on in bye land including salt marsh and reed beds if the beneficiary–

- (a) agrees a livestock management and grazing plan with the Scottish Ministers. The plan must reflect the specific biodiversity requirements of the site and may be subject to change as the site



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develops. It must identify the type of wetland community and the area to be managed, the outcome that will be achieved and how it will be achieved;

- (b) does not apply pesticides or fertiliser including slurry or farmyard manure to the site;
- (c) includes a statement in the grazing plan outlining the method to control rank vegetation growth;
- (d) removes cuttings where it is practical to do so;
- (e) provides no supplementary feeding on the site;
- (f) provides hibernacula where management is for the great crested newt;
- (g) creates a sward through grazing farm livestock with a range of heights across the wetland. The height of the sward at the end of the grazing period must range from 2 cm to up to 30 cm;
- (h) removes livestock from the site when poaching is likely to occur;
- (i) manages the build up of plant litter so that unless the area is a reed bed, rank growth and litter accumulation are not widespread;
- (j) manages the sward so that it is at its tallest during the summer, with short sedge swards extending to between 10 and 15 cm and fen sedge communities growing up to 50 cm. Reedbeds will be taller and often of a more uniform height;
- (k) aims for 30% of the vegetation to be in tussocks or patches over 50 cm in height. The vegetation should also include a mosaic of shorter and/or taller plant species;
- (l) enhances the management of drier rank areas by the addition of late summer cutting (in August and September) followed by a period of aftermath grazing until the ground becomes too wet for grazing;
- (m) outlines the necessary control measures where there may be a problem with the development of woodland or scrub on the wetland site; and
- (n) provides evidence to support the management proposed in the grazing plan with the application for aid.

**33.** Creation, restoration and management of wetland

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option on arable land or improved grassland if the

£226.17 per hectare per year.

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beneficiary manages the site to ensure that it is saturated with water for a significant proportion of the year by either–

- (a) agreeing a livestock management and grazing plan with the Scottish Ministers. This is mandatory for the management of saltmarsh. Such plan must reflect the specific biodiversity requirements of the site and may be subject to change over time. The plan will identify the area that will be managed, the outcome that will be achieved and how it will be achieved. The outcome may be achieved by adjusting the grazing or cutting regime; or
- (b) not grazing or mowing the site for a period of at least 3 consecutive months from 1st April until 31st July inclusive, after which rank growth should be controlled. On fertile sites, cutting and removal may be allowed between these dates, where practicable, but only with the prior written agreement of Scottish Ministers.

(3) For both (a) and (b) above, if rank vegetation builds up during the period of the undertaking, the grazing regime must be modified to address this. In addition, the beneficiary must–

- (i) not apply pesticides or fertiliser including slurry or farmyard manure to the site;
- (ii) not provide supplementary feeding on the site;
- (iii) provide hibernacula where management is for the great crested newt;
- (iv) ensure that the action to be taken to create the damp conditions will only affect the proposed site;
- (v) prevent the reversion to woodland or domination by a few aggressive species. If there is to be no grazing or mowing, the site may eventually become woodland. In such cases young trees must be removed.

<p><b>34. Management/</b> restoration of lowland raised bogs</p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option on lowland raised bog if the beneficiary submits and implements a management plan which–</p> <p>(a) provides an audit of the current extent, condition and management of the bog and includes guidance on suitable grazing regimes and any additional work required to secure its maintenance and recovery, with bog</p>	<p>£40 per hectare per year except where the beneficiary produces and implements a grazing management plan in which case – £83 per hectare per year.</p>
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conservation being the key management priority;

- (b) keeps the peat and vegetation of the bog surface intact and undisturbed and as wet as possible;
- (c) ensures that the following activities are not carried out–
  - (i) muirburn, unless specified in the management plan;
  - (ii) peat extraction;
  - (iii) cultivation;
  - (iv) the use of fertilisers, manures or herbicides;
- (v) track creation, unless specified in the management plan;
  - (vi) tree planting;
  - (vii) dumping of any materials;
  - (viii) overgrazing; and
  - (ix) digging or clearing out ditches, unless specified in the management plan;
- (d) monitors the site each year to ensure peatland habitats are in good condition and submits an annual monitoring report with their claim for payment;
- (e) where ditch blocking is carried out, inspects dams twice a year and carries out maintenance work to prevent leaking.

(3) The management plan may identify additional operations such as woodland clearance, seedling tree removal, scrub clearance and grazing management, however these operations need only be undertaken by the beneficiary where required on the individual site. If such operations are required then the beneficiary must do the following in each particular case–

- (a) woodland clearance beneficiaries will clear plantation and other woodland where it is affecting the hydrology of a raised bog and curbing its ability to support bog vegetation. Sites that support bog woodland; are ineligible;
- (b) seedling tree removal: beneficiaries will clear tree seedlings where they have the potential to significantly adversely affect the hydrology of a raised bog and its ability to support bog vegetation;

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- (c) scrub clearance –remove scrub and prevent re-colonisation by herbicide treatment and/or the introduction of stock;
- (d) grazing management –continue to or introduce grazing to control the growth of heather and re-growth of scrub. Grazing must be removed if poaching is evident.

(4) In addition, a beneficiary is eligible to receive a supplement if the beneficiary produces and implements a grazing management plan that–

- (a) details the maintenance of cover and abundance of characteristic bog plants;
- (b) keeps any regeneration of birch in check by grazing;
- (c) stops grazing where poaching is evident;
- (d) submits an annual record of grazing management including numbers and types of livestock and dates of livestock movements.

(5) If ditch blocking is carried out, dams should be inspected at least twice a year. The beneficiary must carry out any minor maintenance work to prevent the dams from leaking. Evidence of such monitoring and maintenance should be submitted with the claim for payment form.

(6) Where woodland clearance, seedling tree or scrub removal is carried out, the beneficiary should make an inspection of any tree seedling establishment, and/or tree and scrub re growth each summer. A report of this inspection shall be provided with the claim for payment form.

**35.** Creation and management of water margins and enhanced riparian buffer areas

(1) This is a 5 year commitment.

£286.63 per hectare per year.

<sup>F31</sup>(2) .....

(3) A beneficiary is eligible for payment under this option on in-bye land where the water margin comprises land which borders still water or a watercourse with a bed width of at least 0.6 metres and–

- (a) for a site bordering still water, has a width of between 12 and 24 metres;
- (b) for a site bordering a watercourse with a bed width of less than 1.2 metres, has a minimum overall width of 5 times the bed width of the watercourse and a maximum width of 12 metres; or

- (c) for a site bordering a watercourse with a bed width of at least 1.2 metres, has a width of between 6 and 12 metres on any one side;
- (d) for sites with steep ground or existing semi-natural habitat, the water margin width may be extended to 20m.

(4) A beneficiary must–

- (a) provide a management plan to describe the existing vegetation and outline their management objectives and how they will be achieved; and does one or both of (b) and (c)–
- (b) enhance biodiversity interest by carrying out very occasional, light grazing to maintain a sward at a range of heights, avoids poaching the ground, and controls rank, tussocky growth and maintains close, even sward by grazing in late summer/early autumn to reduce the sward height to between 10 and 15 cm;
- (c) reduce diffuse pollution by controlling rank, or tussocky growth to maintain a close, even sward, either by light grazing or by mowing to reduce the sward height to between 10 and 15 cm in late summer/early autumn. and removing cuttings from the site, or by agreeing an alternative management plan with Scottish Ministers where the particular conservation interest of the site would not be met by this approach.

For both (b) and (c) a beneficiary must–

- (i) control grazing to limit poaching and avoid damage to river and loch banks;
- (ii) ensure farm livestock have access to adjacent field whilst grazing the buffer area;
- (iii) not apply pesticides, lime or fertilisers, including slurry or farmyard manure;
- (iv) control injurious weeds, Giant Hogweed and Japanese Knotweed;
- (v) not cultivate the area;
- (vi) not clear existing drains or cut new drains;
- (vii) not modify or reinforce the river or loch banks;
- (viii) install water troughs or fence off an access point where farm livestock are prevented from accessing traditional watering places by the water margin option. The access area must be separate from, and not part of, the buffer area;
- (ix) not provide supplementary feeding on the buffer area; and

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- (x) use native species, of local origin where planting small trees to extend or enhance the habitat and avoid excess shading of the water.

**36. Management of flood plains** (1) This is a 5 year commitment. £39 per hectare per year.

(2) A beneficiary is eligible for payment under this option on land that forms all or part of a flood plain that may flood without adversely affecting other agricultural land and if the beneficiary–

- (a) ensures that the natural flooding of the land is not hindered;
- (b) ensures that cultivations are not carried out within 12 metres of the water's edge (mean summer water level); and
- (c) agrees any additional management specific to the site with Scottish Ministers.

**37. Management of buffer areas for fens and lowland raised bogs** (1) This is a 5 year commitment. £267.90 per hectare per year.

(2) Where this option is being carried out in a field which is in a nitrate vulnerable zone the margin/buffer must start after the 2m margin/buffer on which no fertiliser may be applied in accordance with the Nitrates Action Programme.

(3) A beneficiary is eligible for payment under this option, on improved in-bye (including areas of rush pasture) or arable land surrounding a fen or lowland raised bog if the beneficiary–

- (a) manages the fen or lowland raised bog area in accordance with the Management of Wetlands option or the Management/restoration of lowland raised bogs option – in this Schedule;
- (b) manages the surrounding area as a grass/semi-natural vegetation buffer. The external boundary of the buffer area must be at least 10 metres in width;
- (c) leaves existing semi-natural swards intact. If no sward exists at the time of agreeing the management, establishes buffer vegetation the first spring following the commencement of the undertaking by sowing a suitable mixture of native grass/sedge and wildflower seeds;
- (d) ensures field drains and culverts are broken and brought to the surface to reduce the direct flow of water, nutrients and chemicals into the

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wetland and encourage drainage water to flow across the established sward in the buffer;

- (e) does not apply pesticides, fertiliser, slurry or manure to the buffer area;
- (f) does not cultivate within the buffer area unless the existing use is arable; and
- (g) carries out scrub control only with the prior written agreement of the Scottish Ministers.

<p><b>38. Management of coastal or serpentine heath</b></p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option on unimproved land bordering the sea containing characteristic moorland dependent on salt spray or exposure, and serpentine heath and if the beneficiary either–</p> <ul style="list-style-type: none"><li>(a) carries out (i) to (vii) below–<ul style="list-style-type: none"><li>(i) excludes farm livestock from the area from 1st April until 31st August inclusive;</li><li>(ii) grazes livestock on the site from 1st September until 30th November inclusive at a level not exceeding 1.2 livestock units per hectare during this period;</li><li>(iii) adjusts the grazing regime to ensure that tall grasses do not shade out the small broad leaved herbs;</li><li>(iv) ensures that, if the site is grazed from 1st December until 31st March inclusive, grazing level does not exceed 0.15 livestock units per hectare during this period except with the prior written agreement of the Scottish Ministers;</li></ul></li><li>(v) ensures that the desired conservation benefits are delivered by varying any of the requirements set out in (i), (ii), (iii) or (iv) above in any year with the prior written agreement of the Scottish Ministers;</li><li>(vi) does not burn the site without the prior written agreement of the Scottish Ministers; and</li><li>(vii) does not apply fertiliser, slurry or farmyard manure to the site; or</li></ul> <p>(b) where these requirements would not reflect the specific biodiversity requirements of the site, the beneficiary must set out in a grazing plan, to be agreed with the Scottish Ministers, a farm livestock management and grazing regime. The</p>	<p>£77 per hectare per year up to 30 hectares.</p> <p>£44 per hectare per year for next 40 hectares.</p> <p>£1.30 per hectare per year thereafter.</p>
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grazing plan may be subject to change as the site develops.

(3) A grazing plan is obligatory when management is for Scottish primrose.

**39. Management of lowland heath** (1) This is a 5 year commitment. £123 per hectare per year.

(2) A beneficiary is eligible for payment under this option on an area of lowland heath if the beneficiary–

- (a) agrees with the Scottish Ministers a farm livestock management and grazing regime set out in a grazing plan drawn up in consultation with a recognised conservation organisation;
- (b) excludes farm livestock from the area from 1st November to the end of February inclusive;
- (c) does not exceed grazing levels of 0.3 livestock units per hectare at other times;
- (d) does not allow bracken or scrub to exceed 20% cover of the total site area and where this occurs carries out ongoing management;
- (e) does not apply fertiliser, slurry or farmyard manure to the site.

**40. Wildlife management on upland and peatland sites** (1) This is a 5 year commitment. £0.70 per hectare per year.

(2) A beneficiary is eligible for payment under this option on sites that are dominated by peat or thin upland soils that are sensitive to erosion if the beneficiary–

- (a) prepares and implements a Moorland Management Plan (MMP) that takes account of both wildlife and farm livestock management and which provides–
  - (i) an audit of the current extent, condition and management of the upland and peatland habitats on the holding;
  - (ii) guidance on suitable grazing regimes;
  - (iii) details of any additional work required to secure their maintenance and recovery, with wildlife conservation as the key management priority;
  - (iv) addresses, in an integrated way, all the impacts that can lead to erosion of peat and upland soils including: trampling by deer, tracking by All Terrain Vehicles (ATVs), muirburn and peat cutting;



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- (v) consideration of the impacts of any woodland present on the site, and identify zones where tree and seedling tree removal or clearance would benefit the site's conservation value;
- (vi) identification of zones where ditch blocking would be beneficial and details methods to be used;
- (b) where the land is also grazed by farm livestock, undertakes the Management of moorland grazings option in this Schedule, in relation to that land;
- (c) uses only low ground pressure vehicles on existing tracks of dry, hard ground, wherever possible, and outwith reseeded areas and only for essential agricultural management;
- (d) where peat is cut for domestic fuel, cuts existing peatbanks, provided that the turfs are replaced on the cut surface with the vegetation side uppermost; and
- (e) agrees a muirburn plan with SNH if the land involved forms part of an SSSI site or a European site or potential SPA. The plan must detail areas proposed for muirburn, and appropriate burning rotation, fire-free areas and additional resources available to control fires and—
  - (i) no muirburn is to be undertaken between 16th April and 30th September inclusive; and
  - (ii) burning must be carried out in strips no more than 20m wide.

<b>41. Management of moorland grazing</b>	(1) This is a 5 year commitment.	£1.30 per hectare per year.
	(2) A beneficiary is eligible for payment under this option on moorland if the beneficiary— <ul style="list-style-type: none"><li>(a) prepares and implements a moorland grazing plan which must be in place by the commencement of the undertaking, and which takes account of the combined impacts of livestock and other grazing animals present on the land;</li><li>(b) includes in the plan a report on the current condition and management of the moorland and the proposed changes in shepherding, managing livestock and feeding practices that will benefit the environment and wildlife, which the beneficiary will carry out; and</li></ul>	

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- (c) uses the moorland for agricultural livestock production.

**42. Management of moorland grazings on sites designated for their uplands and peatlands** (1) This is a 5 year commitment. £2 per hectare per year.

(2) A beneficiary is eligible for payment under this option where the beneficiary undertakes farm livestock management on sites designated for their uplands and peatlands and if the beneficiary–

- (a) prepares and implements a Moorland Management Plan (MMP) that addresses, in an integrated way, all the impacts that can lead to erosion of peat and upland soils including: trampling by livestock, tracking by all terrain vehicles, muirburn and peat cutting;
- (b) agrees a muirburn plan with SNH if the land involved forms part of an SSSI site, a European site or potential SPA. The MMP must detail areas proposed for muirburn, and appropriate burning rotation, fire-free areas and additional resources available to control fires and–
  - (i) no muirburn may be undertaken between 16th April and 30th September inclusive;
  - (ii) burning must be carried out in strips no more than 20m wide; and
  - (iii) the Muirburn Code published by the Scottish Ministers must be followed <sup>M45</sup>;
- (c) uses only low ground pressure vehicles on existing tracks of dry, hard ground, wherever possible, and outwith reseeded areas and only for essential agricultural management; and
- (d) replaces turfs cut in existing peatbanks, where peat is cut for domestic fuel, on the cut surface with the vegetation side uppermost.

**43. Moorland stock disposal** (1) This is a 5 year commitment. £19.63 per hectare per year.

(2) A beneficiary is eligible for payment under this option on moorland of conservation interest which would benefit from a reduced stocking density if the beneficiary–

- (a) removes the agreed number of ewes from the site and the IACS business and does not increase the number of ewes on the moorland or business during the undertaking;
- (b) prepares and implements a Moorland Management Plan. The plan must describe the current condition of the moorland and how it is managed; how many ewes the flock will be

reduced by and explain why this will benefit the condition of the moorland; and

- (c) removes from the IACS business the livestock before 1st March in the first year of the undertaking.

**44.** Away wintering of sheep

- (1) This is a 5 year commitment.

£21 per hectare per year.

- (2) A beneficiary is eligible for payment under this option if the beneficiary–

- (a) prepares and implements a Moorland Management Plan which must–
  - (i) justify the need for reduced winter grazing in terms of anticipated improvement in habitat condition; and
  - (ii) detail an appropriate grazing regime that will sustain the moorland habitats and, where appropriate, lead to enhancement, describing indicators of success appropriate to the site;
- (b) removes an agreed number of ewes and/or hogs from the notified moorland site and the IACS business for at least 22 weeks during the winter;
- (c) submits an annual record of management that includes details of the numbers and timings of stock away wintered; and
- (d) reviews the plan with SNH or Scottish Ministers and agrees any changes necessary to meet the indicators of success.

**45.** Off-wintering of sheep

- (1) This is a 5 year commitment.

£9 per hectare per year.

- (2) A beneficiary is eligible for payment under this option if the beneficiary–

- (a) prepares and implements a Moorland Management Plan which must–
  - (i) justify the need for reduced winter grazing in terms of anticipated improvement in habitat condition; and
  - (ii) detail an appropriate grazing regime that will sustain the moorland habitats; and, where appropriate, lead to enhancement, describing indicators of success appropriate to the site.
- (b) removes an agreed number of ewes and/or hogs from the notified moorland site to in-bye

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	land on the holding for at least 22 weeks during the winter;	
	(c) submits an annual record of management that includes details of the numbers and timings of livestock off wintered; and	
	(d) reviews the plan with SNH or Scottish Ministers and agrees any changes necessary to meet the indicators of success.	
<b>46. Muirburn and heather swiping</b>	(1) This is a 5 year commitment.	£67 per hectare per year.
	(2) A beneficiary is eligible for payment under this option if the beneficiary–	Payment will be based on the average area to be burned each year.
	(a) prepares and implements a muirburn plan. The plan must identify–	
	(i) the total area of moorland in the IACS business and the areas suitable for burning and frequency of rotation;	
	(ii) the average number of hectares planned to burn each year, the proposed methods of burning/swiping and the resources available to manage muirburn safely;	
	(iii) fire-free areas to protect sensitive vegetation;	
	(iv) firebreaks and access routes for fire-fighting;	
	(v) the methods to be used to control the fires and fire sizes; and	
	(vi) justification for planned fires outwith 0.4 hectare and 1.0 hectare in size. Fires must also be no more than 50 metres wide;	
	(b) follows the Muirburn Code published by the Scottish Ministers <sup>M46</sup> for all muirburning;	
	(c) does not burn within fire free zone identified on plan and takes reasonable precautions to prevent fire spreading accidentally; and	
	(d) carries out swiping from 1st September to 15th April only.	
<b>47. Management of Hedgerows</b>	(1) This is a 5 year commitment.	Trimmed once in 3 years £0.93 per metre per year.
	(2) A beneficiary is eligible for payment for established or beaten up hedges under this option if the beneficiary–	Trimmed once in 2 years £0.93 per metre per year.
	(a) fills gaps in the hedge by coppicing, laying or planting;	

- (b) when managing a hedge for landscape benefits, cuts the hedge on both sides a maximum of once every 2 years and cuts one half of the length of the hedgerow in any one year;
- (c) when managing for biodiversity benefits, cuts the hedge on both sides a maximum of once every 3 years and cuts only one third of the hedge in any one year;
- (d) manages hedges so they are at least 1.5 metres tall and at least 2 metres wide at the base;
- (e) trims hedges between 1st December and 1st March;
- (f) does not apply pesticides within 2 metres of an established hedge;
- (g) uses an approved herbicide for any spot treatment of weeds within 1m of any new hedge plant;
- (h) does not mow or graze the hedge bottom;
- (i) sites any fences at least 1 metre from the centre line of the hedge;
- (j) manages both sides of the hedgerow, 1 metre on either side of the centre line, which equals a 2 metre strip in total to be managed;
- (k) plants new hedges as early as possible in the first year and no later than by the autumn immediately following the start of the undertaking. The hedge must be fully established within its first 18 months of development;
- (l) when undertaking new hedging or gapping up of existing hedges, establishes plants in a double row with a minimum of 6 plants per metre. A single species must not account for more than 75% of plants established. Species used must be native species of trees and shrubs, although beech and sycamore may be planted where these are appropriate and traditional in hedges locally. Plants should be used from the local area wherever possible;
- (m) protects plants from grazing livestock (farmed and wild) and rabbits; protection may be in the form of stockproof fencing with rabbit proof netting, where necessary;
- (n) controls weeds around each hedge plant for 3 4 years, by frequent cutting or mulching (including black polythene sheeting) or spot treatment using a herbicide approved for this purpose;

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- (o) obtains road authority's consent for planting or replanting hedges within 5 metres of the edge of any major road; and
- (p) where necessary, coppices leggy hedges by cutting the main stem at a slight angle (to allow water to run off) 75 100 centimetres above ground level and erects fences where necessary to prevent stock from browsing the re growth.

(3) Both sides of the hedge must be within the boundary of the relevant farm. This option cannot be adopted for a hedge that itself forms a march whether it be a boundary hedge or a roadside hedge.

(4) The cost of coppicing, laying and any later planting cannot be claimed under the Planting or re planting of hedge, Coppicing of hedge or Laying of hedge capital items as set out in Schedule 3.

(5) Only new hedge planting or gapping up carried out during the first 18 months of development of a newly planted hedge can be claimed under the Planting or re planting of hedge capital item as set out in Schedule 3.

<p><b>48. Management of Extended Hedges</b></p>	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option on a strip of arable land or improved grassland situated alongside an existing or newly created hedge, if the beneficiary—</p> <ul style="list-style-type: none"> <li>(a) excludes all farm livestock from, and does not carry out arable cultivations within a strip extending to at least 3 metres from the centre line of the hedge;</li> <li>(b) trims the hedge between 1st December and 1st March inclusive and once trimmed, does not trim the hedge again for at least 3 years;</li> <li>(c) leaves the grass in the strip uncut, unless with the prior written agreement of Scottish Ministers;</li> <li>(d) does not apply fertiliser, slurry or farmyard manure to the site;</li> <li>(e) does not apply pesticides on the site;</li> <li>(f) creates an extended hedge during the first year of the undertaking and maintains and manages it for a minimum 5 years;</li> <li>(g) uses where possible appropriate native-species trees and shrubs in hedge gaps;</li> </ul>	<p>Trimmed once in 3 years £0.53 per metre per year.</p>
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- (h) where only one side of hedgerow is being managed, cuts the other side no more than once a year between 1st December and 1st March.

(4) The cost of coppicing, laying and any later planting cannot be claimed under the Planting or re planting of hedge, Coppicing of hedge or Laying of hedge capital items as set out in Schedule 3.

(5) Only new hedge planting or gapping up carried out during the first 18 months of development of a newly planted hedge can be claimed under the Planting or re-planting of hedge capital item as set out in Schedule 3.

- |  |   |                                      |
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| <p><b>49. Management of grass margins and beetlebanks in arable fields</b></p> | <p>(1) This is a 5 year commitment.</p> <p>(2) For this option, suitable areas must be identified through an environment/diffuse pollution audit.</p> <p>(3) A beneficiary is eligible for payment under this option if the beneficiary–</p> <ul style="list-style-type: none"><li>(a) manages a strip between 1.5 metres and 6 metres in width in an arable field, with a minimum width of 6 metres or more where the management is to benefit Hen Harriers, Corn Buntings, Barn Owl or Kestrel;</li><li>(b) ensures that where the entire field is not sown to an arable crop, the minimum width of the arable area adjacent to the grass strip is 30 metres;</li><li>(c) establishes the strip by sowing a suitable mix of grass seed, including at least one species of nectar-feeding plant such as red clover, into a sterile seedbed;</li><li>(d) does not apply fertiliser, slurry or farmyard manure to the strips. Spot treatment of scheduled and non native invasive weeds is permitted;</li><li>(e) does not carry out scrub control except with the prior written agreement of Scottish Ministers. Beneficiaries are not eligible for additional payment to control scrub or weeds.</li><li>(f) creates a sterile strip up to 0.5 metres in width which is then maintained by rotovation and herbicide along the inner edge of the grass margin;</li><li>(g) does not apply pesticides to the site;</li></ul> | <p>£473.76 per hectare per year.</p> |
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- (h) if grazing or topping the grass margin or beetlebank after harvest, ensures the average height of vegetation is not taken below 100 millimetres;
- (i) retains any area adjacent to the grass margins or beetlebanks in an arable crop for the duration of the undertaking;

(4) In a mixed arable situation where an area will be put into grass or other non-eligible crop after 3 years, the beetlebank/margin may be transferred to another eligible field for the remaining 2 years of the relevant period of the undertaking. In this situation, a beetlebank/grass margin may only be carried out once during the relevant period of the undertaking. On organic farms where the normal rotation is a 2 year cycle, the beetlebank/margin may be moved twice during the relevant period of the undertaking to ensure that the area is in an eligible crop. Details of the beetlebank/grass margins to be “rotated” in this way including field identifiers and area measurements must be submitted with the application for aid.

**50.** Bio-diversity cropping on in bye

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option on in-bye land if the beneficiary–
  - (a) sows plots of spring cereals, fodder root crops or fodder rape each up to 2 hectares; their total area should not exceed 4 hectares over the whole unit;
  - (b) only undertakes cultivations and spreads fertiliser between 1st March and 15th May inclusive. Exceptionally, for fodder rape or root crops, cultivations may be carried out after 15th May; any nests located must be marked and avoided;
  - (c) does not apply herbicides or insecticides without prior written agreement of Scottish Ministers;
  - (d) does not apply pesticides to the site;
  - (e) after cropping does not plough or cultivate the area before 1st March of the following year;
  - (f) maintains the same area of cropped land in each year of the undertaking unless as otherwise agreed by the Scottish Ministers.
- (3) Any cropping rotation and crop within that rotation which is traditional in the area is eligible. Arable silage is not an eligible crop.

£70.94 per hectare per year.  
Where cereal crop is harvested by binder and stooks gathered into stacks £470.94 per hectare per year.



(4) Land which is in conversion to organic production under an undertaking under the “Conversion to and maintenance of organic farming” option in Schedule 2 to these Regulations or under the 1994 Regulations or the 2004 Regulations [<sup>F32</sup>is not eligible] .

<b>51. Management of cropped machair</b>	(1) This is a 5 year commitment.	Arable cropping £233 (without farmyard manure/ seaweed) per hectare per year.
	(2) A beneficiary is eligible for payment under this option on previously cultivated machair land (i.e. improved grassland, land in crop or lying fallow after an arable crop) if it is brought into the required crop/fallow rotation in the first, second or third year of the undertaking by the sowing of a spring crop and has been subject to cultivation within the last 10 years and if the beneficiary—	£279 (with farmyard manure/ seaweed) per hectare per year. £222 supplement when harvested with binder and stooks gathered into stacks, per hectare per year.
	(a) ensures the site is included in an arable rotation, comprising at least 15% of the ploughable area of the machair on the site and is sown to an arable crop or left fallow; (b) after harvesting the arable crop, leaves the site fallow to revert to natural grassland for a minimum of 2 and a maximum of 3 years; (c) only undertakes any cultivation or rolling between 1st March and 15th May inclusive; (d) does not exceed a shallow cultivation depth of 100 millimetres; (e) only applies herbicides with prior written agreement of Scottish Ministers; (f) pesticides must not be applied to the site; (g) seaweed and farmyard manure may be applied in accordance with traditional practice; and will be eligible for a premium payment in accordance with the rate of payment set out in Column 3.	
	(3) A supplementary premium will be paid if a cereal crop is harvested by binder and the stooks gathered into stacks at the rate of payment set out in Column 3.	

<b>52. Management of ancient wood pasture</b>	(1) This is a 5 year commitment.	£105 per hectare per year for in- bye land.
	(2) Sites currently listed in, and candidate sites for the Inventory of Ancient Wood Pasture in Scotland <sup>M47</sup> are eligible under this option.	£50 per hectare per year for rough grazing.
	(3) This option may be adopted for ancient wood pasture sites where there are existing veteran trees and for areas which are contiguous with existing ancient wood	

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pasture and now devoid of veteran trees but where there is historical evidence, from 1st edition 1860 maps, that such a habitat has existed.

(4) A beneficiary is eligible for payment under this option if the beneficiary.

(a) where the open pasture element of the wood pasture is grassland, improved or unimproved, on the in bye either–

(i) excludes livestock for 6 consecutive weeks from 1st April until 15th June inclusive and at other times, sets grazing levels to maintain an average sward height of between 5 and 20 centimetres; or

(ii) where the aim of this option would not be achieved by adopting (i) above set out and agree with Scottish Ministers a livestock management and grazing regime. Stocking rates must be set to maintain an average sward height of between 5 and 20 cm. Evidence to support the adoption of the management and grazing regime must accompany the application for aid;

And, for both (i) and (ii) above, the beneficiary must–

- (aa) not apply pesticides, lime, artificial fertiliser, farmyard manure or slurry to the site. Herbicides may be applied to control injurious weeds using a weed wiper, spot treatment or hand sprayer;
- (bb) not carry out any topping before 31st July;
- (cc) not use the site for supplementary feeding of stock;
- (dd) where planting of small trees will serve to extend or enhance this habitat, use species appropriate to the site and, where available, of local provenance;
- (ee) protect newly planted trees or any successful regeneration either as individual trees or in groups. The stem density within such groups must not exceed 50 trees per hectare while the spacing between them must not be less than 20 metres;
- (ff) erect wooden post-and-rail fencing or metal tree guards where required to maintain and prolong the life of individual veteran trees;
- (gg) make provision through a deer control plan, agreed with the Deer Commission for Scotland, for the control of deer grazing;
- (b) where the open pasture element of the wood pasture is acid grassland or heath, on the rough grazings, does the following–
  - (i) does not apply pesticides, lime, artificial fertiliser, farmyard manure or slurry must

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- not be applied to the site. Herbicides may be applied to control injurious weeds using a weed wiper, spot treatment or hand sprayer;
- (ii) excludes farm livestock between 1st November and 28th February inclusive. At other times, grazing levels should be set to maintain an average grass sward height of between 5 and 20 centimetres;
  - (iii) does not use the site for supplementary feeding of stock.;
  - (iv) where planting of small trees will serve to extend or enhance this habitat, use Species appropriate to the site and, where available, of local provenance;
  - (v) protects newly planted trees or any successful regeneration, either as individual trees or in groups. The stem density within such groups will not exceed 50 trees per hectare while the spacing between them will not be less than 20 metres;
  - (vi) erects wooden post-and-rail fencing or metal tree guards where required to maintain and prolong the life of individual veteran trees; and
  - (vii) makes provision through a deer control plan, agreed with the Deer Commission for Scotland, for the control of deer grazing.

- 53. Management of scrub and tall herb communities**
- (1) This is a 5 year commitment. £94 per hectare per year.
  - (2) A beneficiary is eligible for payment under this option on scrub of high environmental value that can be maintained or enhanced where it would not be detrimental to existing landscape character or to sites of wildlife interest, if the beneficiary–
    - (a) manages the grazing of scrub and open habitat mosaic to maintain an appropriate balance between these components, ensuring that scrub is in good condition and regeneration is present at a level sufficient to maintain current extent. The open habitats must be managed according to the programme guidance;
    - (b) eradicates any Rhododendron present on the site;
    - (c) avoids poaching by managing stock carefully when ground conditions are wet;
    - (d) unless otherwise agreed with Scottish Ministers, retains all mature or over-mature standing trees and all standing and fallen deadwood, unless they are a genuine safety hazard. Tree surgery must be limited to that

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required for the safety of people and farm livestock;

- (e) in upland areas, marks all new fences with bird strike markers, where relevant to Capercaillie and Black Grouse;
- (f) does not apply fertilisers, slurry, farmyard manure, or lime to areas of scrub habitat except with the prior written agreement of Scottish Ministers;
- (g) does not apply pesticides to the site;
- (h) does not provide supplementary feeding on the site;
- (i) does not plough or carry out cultivation such as reseeded, rolling or chain harrowing work unless these are required to establish trees and shrubs and as agreed with Scottish Ministers;
- (j) does not cut new drains or modify or improve existing drainage systems although existing drains may be maintained;

and where appropriate–

- (k) cuts areas of scrub to encourage regeneration from the stump and carries out thinning to enhance structural diversity of the stand;
- (l) removes dense vegetation and scarifies the ground in order to help create favourable condition for natural regeneration of scrub species to occur;
- (m) mows or flails open areas each year – to be carried out in late summer or autumn to avoid destroying seeding herbs;
- (n) considers planting as a last resort or layering to regenerate stands, where there is no natural source of regeneration and if seeding cannot occur naturally.

54. Arable reversion to grassland

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option if the beneficiary–
  - (a) identifies risk areas through a specialist Diffuse Pollution Audit or Soil and Water Management Plan and converts fields or areas within fields that are prone to flooding, runoff and/or erosion risk from arable farming to grassland–
    - (i) grassland must be established by sowing a suitable mix of grass seed, any areas of soil compaction must be addressed before grass seed is sown;
  - (b) when the grass sward is established–

£250 per hectare per year.

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- (i) controls grazing to limit poaching and avoid damage to river and loch banks;
- (ii) does not apply fertiliser, slurry or farmyard manure;
- (iii) does not apply pesticides except with the prior approval of Scottish Ministers. Spot treatment of scheduled and non-native invasive weeds is permitted without prior written agreement; and
- (iv) does not cultivate;
- (v) does not clear existing drains or cut new drains except with the prior written approval of Scottish Ministers.

<b>55.</b> Conservation management plan with special measures for small units	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option if the area of in bye land occupied by the business is no more than 20 hectares (excluding any apportionments, house and steading) and the beneficiary–</p> <ul style="list-style-type: none"><li>(a) prepares and carries out a conservation management plan for the whole unit (the entire in bye and any apportionments but excluding any share in the common grazings) and such plan–<ul style="list-style-type: none"><li>(i) sets out clear environmental objectives, and describes how the unit will be managed to meet these objectives; and</li><li>(ii) addresses all relevant activities on the unit (i.e. grazing management, winter feed production, cropping, farm livestock management, management of special habitats/features including BAP habitats and species, and pollution control).</li></ul></li></ul> <p>(3) Within crofting communities, an application for aid which is one of at least 4 applications from the same crofting community will be deemed to be part of a collective application.</p>	<p>£25 per hectare per year plus a fixed sum of £180.</p> <p>4 or more current applications from the same crofting community will be deemed to be part of a collective application: £25 per hectare per year plus a fixed sum of £275.</p>
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<b>56.</b> Grazing management of cattle	<p>(1) This is a 5 year commitment.</p> <p>(2) A beneficiary is eligible for payment under this option if it is undertaken in combination with the “Conservation management plan with special measures for small units” option in this Schedule and the beneficiary either–</p>	<p>Introduction of cattle £273 per hectare per year.</p> <p>Retention of cattle £185 per hectare per year.</p>
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- (a) keeps cattle in which case the beneficiary must continue to keep 2 or more breeding cows of Scottish traditional or native breed(s) on the holding for the lifetime of the undertaking; or
- (b) introduces cattle where no breeding cows are present, or the existing herd has only one or no dams of either pure breed or first cross native or traditional stock 2 or more breeding cows or heifers of traditional or native breeds must be run on the unit by the end of the first year of the undertaking with the heifers to calve down by the end of the second year of the undertaking and—
  - (i) if determined by Scottish Ministers, the number of any sheep must be reduced in proportion to the number of cattle introduced to achieve sustainable stocking levels;
  - (ii) for the remainder of the undertaking the beneficiary must continue to keep 2 or more breeding cows of Scottish traditional or native breed(s) on the holding.

(3) Only the following breeds are acceptable under this option;

Aberdeen Angus  
 Ayrshire  
 Belted Galloway  
 Galloway  
 Highland  
 Luing  
 Shetland  
 Shorthorn

First crosses of these native breeds.

Also, the use of a continental bull across the herd is permitted.

**57. Specialist agri environment plan**

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option if the Scottish Ministers approve the preparation of a specialist agri environment plan prepared by a specialist or following specialist advice in such form and containing such information as the Scottish Ministers reasonably require and if the beneficiary—
  - (a) develops and implements a specialist agri environment plan in order to deliver the desired outcomes in support of an application for aid which includes activities in any of the rural

This is a capital item £1.02 per hectare per annum for the first 150 hectares and £0.20 per hectare per annum for the next 100 hectares up to a maximum of £873.28 per plan over 5 years

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priorities options numbered 15 to 56 [<sup>F33</sup>and 74 per application to 77]; and for aid.

- (b) provides evidence that the concrete agri environment commitments set out in the specialist agri environment plan referred to in (a) above have been completed.

<sup>F34</sup>(3) .....

**58.** Habitat grazing management

(1) This is a 5 year commitment. £7.82 per hour.

(2) A beneficiary is eligible for payment under this option for land within moorland and upland SSSI sites and European sites where a moorland plan has identified a need for extra shepherding to address localised overgrazing or undergrazing issues and other approaches would be ineffective or impractical and the beneficiary–

- (a) undertakes additional shepherding efforts to achieve outcomes specified in the moorland management plan; and
- (b) submits an annual record of management work detailing the number of hours when undertaken problems encountered any visible signs of change in target habitat and any changes in sheep behaviour.

(3) This option cannot be used to address an overgrazing problem caused by feed locations or inappropriate stock numbers.

**59.** Livestock tracks, gates and river crossings

(1) This is a 5 year commitment.

(2) A beneficiary is eligible for payment under this option if the beneficiary–

- (a) identifies any livestock tracks, gateways or river crossings that are not suitably positioned, or could be improved, to prevent soil, nutrient or faecal contamination of watercourse and identifies more appropriate sites for these features;
- (b) identifies on a plan the location and nature of the risk factors for all sites (track, gate, and river crossing) and the activities to be undertaken, and describes how they will reduce the risk to the water environment; and
- (c) takes appropriate remedial action based on (a) and (b).

Up to 50% of actual costs except for gates which are a standard cost capital item.

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- 60. Woodland creation**
- (1) This is a 10 year commitment.
  - (2) A beneficiary is eligible for payment under this option if the beneficiary–
    - (a) establishes and maintains new woods using one or a mix of the following woodland types–
      - (i) productive conifer woodland (low cost);
      - (ii) productive conifer woodland (high cost);
      - (iii) productive broadleaved woodland;
      - (iv) native woodland;
    - (v) naturally regenerated native woodland;
    - (vi) mixed conifer/broadleaf woodland;
    - (b) ensures the design of the woodland conforms to the design criteria in table B set out in Part 2 of this schedule; and.
    - (c) ensures the planting complies with the UK Forestry Standard.
- [<sup>F35</sup>Payment rates for establishment up to [<sup>F36</sup>80%] (up to [<sup>F37</sup>90%] 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.]
- [<sup>F38</sup>Payment rates for additional fencing capital items are up to [<sup>F36</sup>80%] (up to [<sup>F37</sup>90%] in Less Favoured Areas) of the standard cost shown for fencing related items in Table D in Part 2 of this Schedule.]
- Annual payments for agricultural income foregone for up to 15 years are Per hectare–
- Arable and improved on non Less Favoured Areas £300
  - Arable and Improved on disadvantaged areas of the Less Favoured Areas £230
  - Arable and improved on severely disadvantaged areas of Less Favoured Areas £160
  - Unimproved land £60



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		Payment rates for each woodland type are shown at Table C in Part 2 of this schedule.
		[ <sup>F39</sup> A supplementary payment of £1,500 per hectare may be made for a community woodland].
61. Sustainable management of forests and woodlands	(1) This is a 10 year commitment.	Up to £28 per hectare per year.
	(2) A beneficiary is eligible for payment under this option if the beneficiary has a forest holding of 1 hectare or greater and—	Up to £56 per hectare per year in areas of high level of public access overlap with either native woodlands or areas of LISS.
	(a) manages the land in accordance with an approved forest plan that complies with the UK Forestry Standard; and	£41 per hectare per year where the removal of livestock results in agricultural income forgone. Payment will be approved for 10 years but with a review after 5 years.
	(b) delineates and provides information on the environmental condition and environmental outcomes to be delivered in each of the following areas—	£130 per hectare for a period of 4 years for those areas undergoing restructuring felling. Payment will commence on completion of the felling in the identified areas.
	(i) areas of native woodland consisting of woodland types that are recognised HAP priorities and are under active management towards or to maintain favourable condition;	
	(ii) areas designated and agreed for positive management under low impact silvicultural systems (LISS);	
	(iii) areas of woodland subject to a high level of access and recreational use, and where evidence of additional costs associated with environmental management are provided;	
	(iv) in areas of native woodland and areas designated LISS a deer management plan must be produced (as a component of the Forest Plan) and to reduce deer numbers in these areas;	
	(c) produces a costed action plan that demonstrates that the proposed expenditure exceeds £28 per hectare per year for the relevant period of the undertaking; and	

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- (d) delineates areas of even-aged planting undergoing restructuring felling during the period of the forest plan.

<b>62.</b> Woodland improvement grants	<p>(1) A beneficiary is eligible for payment under this option if the beneficiary–</p> <ul style="list-style-type: none"> <li>(a) justifies either in a forest plan or management plan that they will deliver one or more of the following– <ul style="list-style-type: none"> <li>(i) improvement of the ecological value of the woodland by reducing deer numbers;</li> <li>(ii) improvement of the ecological value of native woodlands, through work related to priority woodland HAPs and SAPs;</li> <li>(iii) improvement of the environmental value of non-native woodland, through work related to priority woodland HAPs and SAPs;</li> <li>(iv) improvement of the environmental value of even aged planted woodland by restructuring their age and species composition;</li> </ul> </li> <li>(v) improvement of the environmental value of priority non-woodland habitats within native and non native woodlands; and <ul style="list-style-type: none"> <li>(vi) improvement of the environmental value of priority non woodland habitats within native and non-native woodlands. In the case of non woodland habitat restoration this must not exceed 20% of the area classified as woodland; and</li> </ul> </li> <li>(b) carries out one or more of the items listed in Table D in Part 2.</li> </ul>	<p>Up to [<sup>F40</sup>100%] of the standard costs for each item listed in Table D in Part 2 [<sup>F41</sup>and up to 100% of the actual cost capital items listed in Table E in Part 2][<sup>F42</sup>Approved operations must be carried out and paid once during the 5 year contract period].</p>
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<b>63.</b> Support for diversification out with agriculture	<p>(1) A beneficiary is eligible for payment under this option if the beneficiary is a member of the farm household as defined in Article 35 of Commission Regulation 1974/2006 and–</p> <ul style="list-style-type: none"> <li>(a) demonstrates that there is a market for the proposed product or service which is a diversified activity outwith agriculture and that the beneficiary has or can acquire the skills and resources to provide these on a commercial basis; and</li> <li>(b) demonstrates that these diversified activities will improve the household income stream and complement existing agricultural activities.</li> </ul>	<p>Up to 50% of eligible costs.</p>
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- (2) The capital investments eligible for funding include tangible or intangible costs related to–
  - (i) new or upgraded buildings or structures;
  - (ii) changes in land use from agricultural to non agricultural uses;
  - (iii) the development or upgrading of services or other infrastructural elements;
  - (iv) new machinery or equipment including information technology; and
  - (v) general costs related to these expenditures including architects, consultants and engineers fees.

- 64.** Support for the development and creation of micro enterprises
- (1) A beneficiary is eligible for payment under this option if the beneficiary is–
    - (a) a land manager (other than a farmer) who diversifies or adds value to their existing land based enterprises to complement or supplement their income from traditional land management activities; or
    - (b) an entrepreneur who sets up or develops unique businesses which will contribute to the vibrancy of the rural community, create employment opportunities and/or meet market demand for the provision of certain facilities and services in rural areas;
- Up to 50% of eligible costs.

- (2) For both (a) and (b) in (1) above the capital investments eligible for funding will include tangible or intangible costs related to–
  - (i) new or upgraded buildings or structures;
  - (ii) the development or upgrading of services or other infrastructural elements;
  - (iii) new machinery or equipment including information technology;
  - (iv) general costs related to these expenditures including architects, consultants and engineers fees; and
  - (v) marketing and promotional costs.

- 65.** Support for renewable energy (non land based)
- (1) A beneficiary is eligible for payment under this option if the beneficiary is a producer network, rural community group or a rural business and the beneficiary–
    - (a) develops small scale renewable energy capacity that uses a range of renewable technologies and investment will–
      - (i) result in improvement in the viability of any non land based business enterprise;
- Up to 50% of eligible costs.

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- (ii) benefit a rural community; and
- (iii) produce environmental benefits;
- (b) where applicable, shows that a viable fuel supply and an adequate installation and after sales support will be available to the end user.

(3) Renewable devices must be installed by an accredited installer <sup>M48</sup>.

- (4) Eligible costs include–
- (a) purchase and installation, construction, upgrading or development of infrastructure and/or equipment of renewable device;
  - (b) purchase of specialist equipment for harvesting, pre use processing, quality assurance and handling;
  - (c) direct costs related to the creation of producer groups, including legal and administrative work in setting up, rental of office accommodation and purchase/rental of office and information technology equipment.

- 66. Information and awareness raising**
- (1) A beneficiary is eligible for payment under this option if the beneficiary is a rural land manager, community group or non profit organisation and the beneficiary–
- (a) provides small scale recreational and interpretational infrastructure, and develops and markets services in relation to access to the countryside through the provision of one or more of the following–
    - (i) publications and other media which include information appropriate to the target audience;
    - (ii) interpretation panels/trails/signage which must provide information to the public on the area or activities they can see out on a trail;
    - (iii) accessibility improvements for the public; and
    - (iv) coach parking and turning areas for disabled parking and school groups.
  - (b) in their application for aid, identifies how they propose to promote and market the project. This must include the activities to be undertaken and written confirmation from their local authority as defined in section 32 of the
- Up to 75% of actual costs for capital items with a ceiling limit of £500 per item. This is a one-off payment per item paid in arrears.

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Land Reform (Scotland) Act 2003 <sup>M49</sup> that the beneficiary has liaised with them prior to submitting the application;

- (c) with their application include a 1:10 000 scale map showing the detail of the project including the location of any capital items included in the application. A copy of the map must be submitted by the beneficiary to their local authority as defined in section 32 of the Land Reform (Scotland) Act 2003 prior to submitting their application. Written evidence of receipt of the map by the local authority must be submitted with the application;
- (d) keeps a record of the relevant biosecurity and health and safety requirements undertaken to support this option;
- (e) provides written confirmation that they are not in receipt of other funding sources for any items being applied for under this option;
- (f) submits at least 2 quotes with the application.

67. Area access management and monitoring, creation and upgrading of paths and routes

- (1) This is a 5 year commitment.
- (2) A beneficiary is eligible for payment under this option if the beneficiary is a rural land manager, community group or non profit organisation and if they undertake one or more of the following–
  - (a) to increase and improve the amount and quality of paths/routes in and around communities, or at locations which experience or have potential for significant visitor use;
  - (b) to increase and improve the amount and quality of paths/routes between communities;
  - (c) to improve shared path use (multi-use), and use by specific user groups;
  - (d) increase and improve the amount and quality of paths/routes to, through and along places of interest;
  - (e) improve the integration between access and land management; and
  - (f) assist the suitable implementation and monitoring of core paths as defined in accordance with Section 17 of the Land Reform (Scotland) Act 2003 <sup>M50</sup>;
- (3) In all cases beneficiaries must–
  - (a) provide evidence that they have consulted the local authority within the meaning of

Up to 75% of actual costs for capital items <sup>F43</sup> ....

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section 32 of the Land Reform (Scotland) Act 2003, to help co ordinate with local access priorities; and

- (b) undertake one or more of the following activities—
  - (i) path/route construction, upgrading and associated works, including those for particular user groups;
  - (ii) vegetation reduction to enable access;
  - (iii) provision of car parking areas, seats, picnic tables, hard-standings;
  - (iv) provision of dog exercise areas close to arrival points;
- (v) provision of safety features if required to facilitate access to viewpoints, water margins and well used areas;
  - (vi) management of fields and areas near to communities to integrate access and informal recreational use with productive use including the installation of gates and link paths;
  - (vii) manage responsible access in relation to sensitive areas;
  - (viii) monitor levels and characteristics of public use including by operation of people-counters and/or surveys;
  - (ix) provide signage – signposts, fingerposts, way marks and/or information boards; and
- (x) provides visitor information leaflets.

(4) Tarmac/bitumen surfaced motor-vehicle tracks are ineligible for upgrading under this option.

(5) Bridge capital items available under option are only eligible where the bridge is of a type which is not designed for motorised vehicle use, other than one which has been constructed or adapted for use by a person who has a disability. The bridge must be for members of the public exercising their rights under Part 1 of the Land Reform (Scotland) Act 2003 and must link 2 paths or routes together and cannot be used for vehicle infra structure purposes.

- (6) In all cases, a beneficiary must—
  - (a) submit a 1:10 000 scale map, with their application for aid, showing the detail of the project and identifying the location and type

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of path/route and each capital item contained within the proposal;

- (b) submit a copy of the map to their relevant local access authority prior to submitting their application. Written evidence of receipt of the map by the local authority must be submitted with the application;
- (c) ensure all paths and routes and capital items meet the technical specifications contained within the programme guidance, unless the beneficiary provides prior written agreement to any variation to such technical specifications from their local authority as defined in section 32 of the Land Reform (Scotland) Act 2003<sup>MS1</sup> prior to submitting their application; and
- (d) with their application, confirms in writing that no other funding mechanism, organisation or individual is enhancing or maintaining any of the paths or facilities identified in the proposal.

- 68.** Reducing bacterial contamination in watercourses
- (1) A beneficiary is eligible for payment under this option if they are persons or businesses with responsibility for the disposal or treatment of sewage in rural areas, including through septic tanks in sensitive waters such as shellfish growing waters or bathing waters and the beneficiary—
- (a) has a septic tank or other sewage treatment system that meets basic environmental protection criteria, as confirmed by SEPA;
  - (b) SEPA confirms that this discharge is in need of additional (secondary or tertiary) treatment in order to meet the microbiological objectives of downstream protected areas, including marine waters; and
  - (c) improves the means of disposal or treatment of sewage in a rural area by either or both—
    - (i) improvement of a septic tank system; and
    - (ii) installation of further treatment including biological treatment or a reed bed.
- (2) Schemes already receiving or projected for funding through Scottish Water developments are ineligible for funding.
- One off capital payment of 50% of actual cost of investment in the infrastructure on project completion.

- 69.** Provision of leisure, recreation, sporting, catering
- (1) A beneficiary is eligible for payment under this option if the beneficiary—
- (a) is a rural community group;
- Up to 100% of approved eligible costs.

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- and other rural community services and facilities
- (b) provides or improves rural community structures, services or facilities;
  - (c) provides evidence that such provision or improvement have economic and environmental sustainability; and
  - (d) demonstrates community need and demand for the structure, service or facility to be provided.

- 70.** Active management to improve condition of vernacular buildings, archaeological or historic sites and historic landscapes
- (1) A beneficiary is eligible for payment if they are a rural land manager, business, non profit organisation, the community group or individual with eligible buildings or sites and if the beneficiary undertakes either or both of the following–
- (a) carries out management works to improve the condition of specified archaeological or historic sites or historic landscapes and subsequently monitors and manages the improved sites; or
  - (b) carries out a programme of specified repair and/or development works to conserve and enhance pre 1940 rural buildings, excluding buildings designated as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979 <sup>M52</sup> of traditional character for the area.
- For option (a),<sup>F44</sup> ...payment in arrears, at 100% of actual costs incurred during the claim year.  
For option (b), one off payment in arrears, at 75% of total project costs incurred.
- (2) Where a beneficiary undertakes (a) above the following applies–
- (a) the beneficiary must–
    - (i) detail, on a map or sketch, the precise area to be managed;
    - (ii) keep a photographic record of each site managed before management commences, during year 3 of the undertaking and during year 5 of the undertaking; and
    - (iii) consult Historic Scotland before carrying out any work on a site designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 and comply with that Act; and
  - (b) a beneficiary is eligible for payment if they undertake any of the following works–
    - (i) tree felling and removal, which must be supported by a precautionary survey to assess tree health, historic significance and integrity, and presence of protected species;



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- (ii) control of scrub, bracken, regenerating trees and other woody plants;
    - (iii) muirburn, which must be undertaken in accordance with the Muirburn Code published by the Scottish Ministers <sup>M53</sup>;
    - (iv) grazing control. If the site managed is designated under as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979, fences, stiles or gates must be located outside the scheduled area. If the site managed is not designated under that Act, fences, stiles or gates must be located at least 10m from the outermost visible features on site;
  - (v) earthwork repair and reseeded. Beneficiaries must consult SEPA before importing earth or topsoil to the site and comply with the requirements of the Waste Management Licensing Regulations 1994 <sup>M54</sup>;
    - (vi) consolidation works to, and vegetation removal from, masonry structures;
    - (vii) removal of recent field-cleared stone from archaeological or historic sites;
    - (viii) establishment of a 10 metre unploughed buffer zone around visible archaeological or historic sites; or
    - (ix) taking an archaeological site visible as cropmarks in aerial photographs out of cultivation and sowing to grass. When establishing the sward, plough depth must not exceed 100 millimetres; and
  - (c) a beneficiary must submit a record of labour hours and costs incurred on materials and machinery use (in the form of receipts where possible) in support of payment claims. If a beneficiary undertakes the work themselves, the skilled labour hourly rate will apply. If a beneficiary employs a contractor to undertake the work on their behalf, receipted invoices must be provided in support of payment claims. Works associated with the requirements of the Waste Management Licensing Regulations 1994 <sup>M55</sup> are ineligible for funding.
- (3) Where a beneficiary undertakes (b) above the following applies–
- (a) a beneficiary must–

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- (i) seek advice from the local planning authority regarding the need for planning permission within the meaning of the Town and Country Planning (Scotland) Act 1997 <sup>M56</sup>, listed building consent within the meaning of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 <sup>M57</sup> or building warrant and obtain the necessary consents when required; and
- (ii) undertake a precautionary survey to assess for the presence of protected species prior to works commencing;
- (b) a beneficiary is eligible for payment if the beneficiary submits a record of labour hours and costs incurred on materials and machinery use (in the form of receipts where possible) in support of payment claims. If a beneficiary undertakes the work themselves, the skilled labour hourly rate will apply. If a beneficiary employs a contractor to undertake the work on their behalf, receipted invoices must be provided in support of payment claims. Specialist fees, including architects' and engineers' fees, are eligible for payment;
- (c) a beneficiary is not eligible for payment—
  - (i) if the building managed is used for human habitation or occupation, either permanent, temporary or seasonal;
  - (ii) the beneficiary is already receiving payment under another rural priorities option for non productive investments as defined in Article 36(b)(vii), Article 41 and Article 49 of Council Regulation 1698/2005) on the same building.

- 71. Enhancing enjoyment and maintaining the character of rural landscapes**
- (1) This is a 5 year commitment. Items funded under this option must be maintained for 5 years following the end of the year in which the funding was given. 75% of actual costs for capital items paid in arrears up to £5500 per beneficiary.
  - (2) A beneficiary is eligible for payment under this option if the beneficiary is a rural land manager, community group or a non profit organisation and if they do one or more of the following—
    - (a) screen intrusive structures, storage areas and infrastructure in which case—
      - (i) intrusive structures, storage areas and infrastructure must be one or more of the following—

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- (aa) visible from accessible viewpoints, public roads and access routes and within 500 metres of features and structures of historic interest;
    - (bb) within a NSA, National Park, Regional Park or area near to and easily accessible from communities; or
    - (cc) next to path networks, well used access areas and in areas where there is demand for increased access provision;
  - (ii) the beneficiary must carry out one or more of the following site clearance and establishment activities—
    - (aa) erecting temporary fencing to demarcate works areas where necessary;
    - (bb) providing alternative temporary access where appropriate;
    - (cc) preparing ground works and draining as necessary;
    - (dd) spraying off vegetation when required; or
    - (ee) removing non native invasive species when required in conjunction with the “Control of invasive non native species” option in this schedule; and
  - (iii) the beneficiary must carry out one or more of the following new works—
    - (aa) erecting fencing, walls and dyking;
    - (bb) planting hedging;
    - (cc) creating well shaped earth graded to create gentle slopes; or
    - (dd) planting trees and shrubs;
  - (iv) the applicant must submit with their application for aid, a 1:10 000 map showing the location of the proposals and photographs of the area to be screened;
- (b) create and manage viewpoints which must be within a NSA or from a public road, accessible historic feature and other landmark, access route or designation point within a National Park, Regional Park or within the Inventory

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of Gardens and Designed Landscape<sup>M58</sup> or an area near to and accessible from communities in which case the beneficiary must carry out the following activities–

- (i) initially clear the site by removing trees, scrub and/or structures to reveal views by carrying out one or more of the following–
  - (aa) removal of vegetation and relocating fences obstructing the proposed viewpoint to provide a clear, unimpeded view of features or landscape. Activities may include crown lifting, limb removal and thinning of trees;
  - (bb) removal of vegetation, trees or structures. Any tree surgery works must be carried out between December and March by a qualified tree surgeon; and
  - (cc) any removal of non invasive species must be carried out in conjunction with the “Control of invasive non native species” option in this Schedule;
- (ii) manage the viewpoint by carrying out one or more of the following activities annually–
  - (aa) reducing the height of scrub and vegetation to ground level through grazing, cutting or flailing vegetation close to the ground. Cutting or flailing must be carried out between August and March; and
  - (bb) removing litter from the viewpoint site in spring, summer and autumn;
- (iii) the applicant must submit with their application for aid, a 1:10 000 map showing the location of the proposed viewpoint and any capital items associated with the viewpoint, identifying the location of views from public roads, accessible historic features, access routes and elevated view points; and
- (iv) the applicant must submit photographs of the proposed site of the viewpoint and the view from that site with their application for aid;

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- (c) restore or reinstate existing stone walls, dykes and/or flagstone walls as linear features which are deteriorated and/or damaged and locally distinctive building boundary features that contribute to the landscape character and need to be restored and or replaced in which case—
  - (i) walls, dykes, flagstone walls and locally distinctive built boundary features must be constructed in the style of, and using methods and material traditional to, the locality. The style, methods and material of the restoration, or reinstatement and replacement must match the adjacent areas of the wall/dyke and for locally distinct built boundary features other similar features on the site. Stone which has obviously fallen from the wall or dyke must be used for the repair;
  - (ii) to be eligible dykes must be between 50 and 80% complete and continuous along one field length; and
  - (iii) temporary fencing must be used as required while repairs are being undertaken;
  - (iv) the following items must be submitted with the application for aid—
    - (aa) photographs of the item proposed for restoration, reinstatement and in the case of locally distinctive built boundary features, replacement;
    - (bb) a 1:10 000 map identifying the location and extent of such item; and
    - (cc) prior written permission from Historic Scotland for any work to sites within the Inventory of Gardens and Designed Landscapes <sup>M59</sup> and in the curtilage of a building listed under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 <sup>M60</sup> monument scheduled pursuant to the Ancient Monuments and Archaeological Areas Act 1979 <sup>M61</sup>; or
- (d) establishes and manages single and small groups of up to 24 trees as landscape features in which case—

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- (i) the tree and/or trees must be visually prominent; and/or accessible to the public; and/or cultural, biodiversity, historic or, landscape interest. In all cases the tree/trees must be either—
  - (aa) subject to a Tree Preservation Order under section 160 or 164 of the Town and Country Planning (Scotland) Act 1997 <sup>M62</sup>, or located within a Conservation Area designated as such pursuant to section 61 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 <sup>M63</sup>, or listed in the Inventory of Gardens and Designed Landscapes <sup>M64</sup>;
  - (bb) agreed by Historic Scotland to be of inventory standard;
  - (cc) within a NSA or a National Park;
  - (dd) within an area that is either—
    - () near to and accessible from communities;
    - () along roadsides; or
    - () located where public access is encouraged;
- (ii) the beneficiary must carry out one or more of the following activities—
  - (aa) undertake tree surgery and maintenance works by carrying out one or more of the following—
    - () a survey of existing tree health and condition by a qualified tree surgeon, arboriculturalist or chartered forester. The survey must include information on the existing health of the tree, current and proposed management activities to expand the tree lifespan and any requirements for planned tree replacement, retention and rejuvenation;
    - () felling of trees, pruning of limbs and thinning crowns to make safe, restore, improve the health and secure the longevity of trees.

- Felling of trees must be carried out by a qualified tree surgeon;
- (i) coppicing, branch thinning and/or planting to encourage the regeneration and rejuvenation of an appropriate scrub layer within or associated with small woodland features; or
  - (i) the erection of protective fencing appropriate to the historic or landscape character to prevent damage to individual trees from livestock or vehicles;
- (bb) establish or replace a tree or trees by carrying one or more of the following activities–
- (i) planting standard or semi standard trees. These must be staked at ground level and watered, mulched and fertilised with granular fertiliser following the instructions on the label at the recommended application rate;
  - (i) maintaining new trees and mulch, water, beat up and fertilise at the recommended application rate, annually as appropriate for the first 4 years;
  - (i) protecting trees from livestock, deer, voles, rabbits and hares by the use of tree guards and fencing. Wooden post and rail fencing or metal tree guards must be used. Other materials may be used for fencing where these are characteristic of the historic or landscape character; or
- (cc) establish replacement or new shrub species for single and small groups of up to 24 trees by carrying out one or more of the following–
- (i) planting shrubs which must be 60 80 cm bare root plants planted at 1 metre spacing in prepared ground with up to a maximum 25% of the area. Shrubs must be watered, mulched and fertilised with granular fertiliser following

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the instructions on the label at the recommended application rate;

- (i) maintaining new shrubs and water, weed, beat up, mulch and fertilise at the recommended application rate annually as appropriate for the first 4 years; or
- (i) protecting shrubs from livestock, deer, voles, rabbits and hares by the use of tree guards and fencing. Wooden post and rail fencing or metal tree guards must be used. Other materials may be used for fencing where these are characteristic of the historic or landscape character; and

(iii) the beneficiary must—

- (aa) submit with the application for aid, a 1:10 000 map identifying the location and trees proposed for management and/or replacement;
- (bb) submit with the application for aid, consent for the works from local authority if any of the tree/s identified in the proposal lie with a Conservation Area designated as such pursuant to section 61 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 <sup>M65</sup> or are subject to a Tree Order under section 160 or 164 of the Town and Country Planning (Scotland) Act 1997 <sup>M66</sup>; and
- (cc) confirm in the application if any of the trees proposed for management already receive existing protection or management and if so demonstrate how this application goes further than the current protection/ management;
- (dd) submit with the application 2 quotes for the works.

(3) Items funded in this option must not be adopted in areas where they will compromise biodiversity objectives



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or will be used to comply with conditions imposed on a grant of planning permission within the meaning of the Town and Country Planning (Scotland) Act 1997 or a condition to which planning permission has granted by virtue of the Town and Country Planning (Scotland) (General Permitted Development) Order 1992<sup>M67</sup>.

**72. Skills development rural areas** (1) A beneficiary is eligible for payment under this option if the beneficiary undertakes vocational training courses for individual persons eligible to apply for any of options numbered 63 to 73 in this schedule and the beneficiary is a rural economic actor (including farmers, crofters, foresters and other land managers and community groups), their immediate family members and employees and is 16 years of age or older. 75% of the cost of training.

(2) The following conditions apply—

- (a) the training courses must relate directly to an application for aid under options numbered 63 to 73 in this schedule;
- (b) the training provider must be certified by an appropriate certification body; and
- (c) the course must not—
  - (i) form part of normal agricultural, forestry or other programmes at secondary or higher education levels;
  - (ii) be required or lead to a certificate, licence, diploma or other qualification that is required by law to carry out the beneficiary's basic work activities; or
  - (iii) be funded, in whole or in part, by other public funds.

F16

...

**[<sup>F45</sup>74. Removal of vegetation/debris from SSSI Sites notified for their geological features** (1) This is a capital item with a 5 year commitment attached. Up to 100% of actual costs.

(2) A beneficiary is eligible for payment under this option for the removal of vegetation and/or debris on [<sup>F46</sup>or adjacent to]SSSI Sites notified for their geological features where [<sup>F47</sup>Sites have been assessed by SNH as being in, or at risk of falling into, unfavourable condition either because of living vegetation or accumulated debris is obscuring the site's special interest or because root growth may adversely affect the geological interest.] [<sup>F50</sup>Up to £11,232.88.]

(3) A beneficiary must—

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- (a) submit, with an application to the Scottish Ministers, a management plan agreed with SNH detailing-
  - (i) the current conditions of the special features, including a photographic record;
  - (ii) an explanation of the actions, methods and timing to be used including an assessment of the positive effect on each special feature on the site; and
- (b) on completion of the works, submit a report to the Scottish Ministers which shall include-
  - (i) a record showing the completion of the agreed outcomes;
  - (ii) a photographic record showing the condition of the site following completion of the works;
  - (iii) a record of the time spent removing the vegetation/debris from the site; and
  - (iv) details of any other agreed costs incurred.]

[<sup>F49</sup>(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.]

**75. Erosion Control**

[<sup>F51</sup>(1) A beneficiary is eligible for payment under this option on, or adjacent to, SSSI and European sites where the qualifying interests are in, or at risk of falling into unfavourable condition due to the levels of burrowing animal activity.

(2) The beneficiary must—

- (a) submit, with an application to the Scottish Ministers, a management plan agreed with SNH detailing—
  - (i) the current condition of the special features, how the condition of these features is being put at risk by burrowing animals and the outcomes the proposal will deliver;
  - (ii) a photographic record of the current condition of the site and burrows;
  - (iii) a 10,000 OS scale map showing the area containing active burrows and proposed locations of control devices;
  - (iv) an estimate of the density and numbers of burrowing animals at the start and end of the programme;

Up to 100% of actual costs [<sup>F52</sup>with a limit of £5,616.44 for undertaking the control programme, net of income from the sale of burrowing animal carcasses. Sale receipts for any such sale of burrowing animals must be submitted with the claim.]

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- (v) the methodology including an assessment of the positive effect on each of the special features;
  - (vi) information on the most appropriate timing for the control activity including number of control devices to be deployed;
  - (vii) proposed collaboration with neighbouring land managers; and
  - (viii) six figure grid references listing the locations of control effort;
- (b) on completion of the works, submit a report to the Scottish Ministers which must include—
- (i) a 10,000 scale OS map showing the area that has been controlled and the hectare covered;
  - (ii) the number of animals trapped or shot and the number of burrows gassed and the date of the control;
  - (iii) a record showing completion of the agreed outcomes; and
  - (iv) a photographic record showing the condition of the site following completion;
- (c) where control of targeted animals is required—
- (i) undertake in a legal and humane manner, live trapping with fen or box traps, gassing with moisture activated compounds and/or shooting and lamping; and
  - (ii) comply with all relevant General Licences and the BASC Codes of Practice on Shooting, Lamping and Trapping of Pest Mammals and Birds.

(3) 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.]

**76.** Renewable energy powered pumps for water troughs

- (1) This is a capital item with a 5 year commitment attached.
- (2) A beneficiary is eligible for payment for a [F53water pumping system] under this option where the [F53water pumping system] installed is powered by renewable energy (solar, wind or water power) and is to provide water to a trough for livestock. [F54Payment may be made for the power supply, pump, reservoir tank, battery and associated switches and cabling.]

Up to 100% of actual costs.  
[F57Up to £2,500 for a system supplying individual troughs and up to £7,500 for a multiple trough system.]

[F55(3) In any 5 year period a beneficiary may make one claim for each [F56water pumping system] purchased

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(subject to (2)), to serve each trough or system of troughs and in each case payment will be made in arrears.]

<p>[<sup>F58</sup>77. Capital works required for SSSI and European Site features which enhance the public amenity value of those features]</p>	<p>(1) This is a capital item with a 5 year commitment attached.</p> <p>(a) [<sup>F59</sup>(2) (a) A beneficiary is eligible for payment under this option on land on SSSI Sites and European site features.</p> <p>(b) the list of eligible capital items are set out in table B in Schedule 3.</p> <p>(c) the items contained in the table referred to in paragraph (b)—</p> <p style="padding-left: 20px;">(i) may be undertaken only once on each area of land; and</p> <p style="padding-left: 20px;">(ii) are subject to the following specifications:—</p> <p style="padding-left: 40px;">(aa) where the standard cost capital items rate is to be exceeded, beneficiaries must provide full justification to explain why this is necessary;</p> <p style="padding-left: 40px;">(bb) where the standard cost capital items rate is to be exceeded, proposed actions must be accompanied by at least two quotes.]</p> <p>(3) The beneficiary must agree the eligible costs in advance with the Scottish Ministers.</p> <p>[<sup>F49</sup>(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.]</p>	<p>Up to 100% of actual costs.]</p> <p>[<sup>F60</sup>Up to a maximum of £7,000 per hectare or up to £136,986 whichever is the greater]</p>
<p>[<sup>F61</sup>78. Controlled livestock grazing of woodland</p>	<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 style="padding-left: 20px;">(a) has an area of semi-natural native woodlands of at least 10 hectare; or</p> <p style="padding-left: 20px;">(b) has an area of semi-natural native woodlands designated as a Site of Special Scientific Interest; or</p> <p style="padding-left: 20px;">(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>£87 per hectare per year]</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”;  
  
describing the expected environmental impact of livestock grazing; and taking account of the impact of grazing by wild deer.
- (c) provides evidence to support the adoption of a grazing management regime with the proposal for aid.
- (d) undertakes the following commitments:
  - (i) Manages livestock in accordance with the agreed grazing management plan;
  - (ii) Adjusts the livestock grazing regime only in line with the results of the site monitoring requirements detailed within the plan;
  - (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;

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- (xi) In upland areas where relevant to  
Capercaillie and Black Grouse marks all  
new fences with bird strike markers.

### Textual Amendments

- F13** Words in Sch. 2 Pt. 1 omitted (7.11.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(a)**
- F14** Word in Sch. 2 Pt. 1 substituted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), regs. 1, **6(a)(i)**
- F15** Words in Sch. 2 Pt. 1 substituted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), regs. 1, **6(a)(ii)**
- F16** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(a)** (with reg. 9)
- F17** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(b)(i)** (with reg. 9)
- F18** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(b)(ii)** (with reg. 9)
- F19** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(b)(iii)** (with reg. 9)
- F20** Words in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(i)**
- F21** Words in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(ii)**
- F22** Words in Sch. 2 Pt. 1 substituted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(iii)**
- F23** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(i)**
- F24** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(ii)**
- F25** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(iii)**
- F26** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(iv)**
- F27** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(v)**
- F28** Word in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(b)**
- F29** Words in Sch. 2 Pt. 1 inserted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(a)**
- F30** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(c)** (with reg. 9)
- F31** Words in Sch. 2 Pt. 1 omitted (7.11.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(c)**
- F32** Words in Sch. 2 Pt. 1 inserted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(c)**
- F33** Words in Sch. 2 inserted (28.6.2008) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2008 (S.S.I. 2008/233), regs. 1, **7(a)**
- F34** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(d)** (with reg. 9)
- F35** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(d)(i)**

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- F36** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(e)(i)** (with reg. 9)
- F37** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(e)(ii)** (with reg. 9)
- F38** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(d)(ii)**
- F39** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(d)**
- F40** Word in Sch. 2 Pt. 1 substituted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(d)**
- F41** Words in Sch. 2 Pt. 1 inserted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), regs. 1, **6(b)**
- F42** Words in Sch. 2 Pt. 1 inserted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(e)**
- F43** Words in Sch. 2 Pt. 1 omitted (1.2.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(e)**
- F44** Word in Sch. 2 Pt. 1 omitted (1.2.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(f)**
- F45** Words in Sch. 2 Pt. 1 inserted (28.6.2008) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2008 (S.S.I. 2008/233), reg. 1, **sch.**
- F46** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(i)** (with reg. 9)
- F47** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(ii)** (with reg. 9)
- F48** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(iii)** (with reg. 9)
- F49** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(e)**
- F50** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(iv)** (with reg. 9)
- F51** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(g)(i)** (with reg. 9)
- F52** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(g)(ii)** (with reg. 9)
- F53** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(i)(aa)** (with reg. 9)
- F54** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(i)(bb)** (with reg. 9)
- F55** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(f)**
- F56** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(ii)** (with reg. 9)
- F57** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(iii)** (with reg. 9)
- F58** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(i)** (with reg. 9)
- F59** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(ii)** (with reg. 9)
- F60** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(iii)** (with reg. 9)
- F61** Words in Sch. 2 Pt. 1 inserted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), reg. 1, **Sch. 1**

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## Marginal Citations

- M21** Details of the full time equivalent and information relating thereto can be found in the programme guidance published by the Scottish Ministers relating to these Regulations and available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or by contacting Scottish Government Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M22** [S.S.I. 2003/531](#) as amended by [S.S.I. 2006/133](#).
- M23** Accredited lists are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, Victoria Street, London, SW1H 0ET.
- M24** Accredited lists are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, Victoria Street, London, SW1H 0ET.
- M25** The UK Woodland Assurance Standard (2nd Edition) was published 1st November 2006 and is available on line at [www.ukwas.org.uk](http://www.ukwas.org.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M26** O.J. No. L 124, 20.5.2003, p.36.
- M27** [S.S.I. 2005/348](#) as amended by [S.S.I. 2006/553](#) and 2007/219.
- M28** These Codes of Practice are published by the British Association for Shooting and Conservation and are available on line at [www.basc.org.uk](http://www.basc.org.uk) or from the head office at Marford Mill, Rossett, Wrexham, LL12 0HL. Information regarding Open General Licence is available in the programme guidance issued by the Scottish Ministers relating to these Regulations or on line at [www.scotland.gov.uk](http://www.scotland.gov.uk).
- M29** Substitute feeding of Hen Harriers on Grouse Moors was published by SNH and is available on line at [www.snh.org.uk](http://www.snh.org.uk) or by contacting Great Glen House, Leakin Road, Inverness, IV3 8NN.
- M30** [S.I. 2002/2677](#) as amended by [S.I. 2003/978](#), 2004/3386, 2006/557 and 2007/1573.
- M31** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M32** 1990 c. 43 as last amended by [S.S.I. 2007/251](#).
- M33** [S.I. 1992/588](#) as relevantly amended by [S.I. 1994/1056](#), 1996/972, [S.S.I. 2005/22](#) and [S.I. 2006/937](#).
- M34** [S.I. 2002/2677](#) as amended by [S.I. 2003/978](#), 2004/3386, 2006/557 and 2007/1573.
- M35** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M36** 1990 c. 43 as amended by [S.S.I. 2007/251](#).
- M37** [S.I. 1992/588](#) as relevantly amended by [S.I. 1994/1056](#), 1996/972, [S.S.I. 2005/22](#) and [S.I. 2006/937](#).
- M38** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M39** The Forestry Code of Practice Guide – Managing and controlling invasive rhododendron is available on line at [www.forestry.gov.uk](http://www.forestry.gov.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M40** Copies of the plan can be obtained from SNH either on line at [www.snh.org.gov](http://www.snh.org.gov) or from SNH, Great Glen House, Leakin Road, Inverness, IV4 8NW.
- M41** The UK Biodiversity Action Plan was published in January 1994 and has a dedicated website – [www.ukbap.org.uk](http://www.ukbap.org.uk).
- M42** This Practice Note is published by the Forestry Commission and is available on line at [www.forestry.gov.uk](http://www.forestry.gov.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M43** All these Practice Notes are published by the Forestry Commission and are available on line at [www.forestry.gov.uk](http://www.forestry.gov.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M44** 1954 c. 68.
- M45** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.



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- M46** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M47** The Inventory of Ancient Wood Pasture in Scotland is maintained by Scottish Natural Heritage and is available from them on line at [www.snh.org.gov](http://www.snh.org.gov) or Great Glen House, Leakin Road, Inverness, IV3 8NW.
- M48** Lists of accredited installers are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, 7 Victoria Street, London, SW1H 0ET.
- M49** 2003 asp 2.
- M50** 2003 asp 2.
- M51** 2003 asp 2.
- M52** 1979 c. 46.
- M53** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M54** S.I. 1994/1056 as relevantly amended by S.I. 1994/1137, 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and S.S.I. 2000/323 and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.
- M55** S.I. 1994/1056 as relevantly amended by S.I. 1994/1137, 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and S.S.I. 2000/323 and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.
- M56** 1997 c. 8.
- M57** 1997 c. 9.
- M58** The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at [www.historic-scotland.gov.uk/index/gardens.htm](http://www.historic-scotland.gov.uk/index/gardens.htm) or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
- M59** The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at [www.historic-scotland.gov.uk/index/gardens.htm](http://www.historic-scotland.gov.uk/index/gardens.htm) or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
- M60** 1997 c. 9.
- M61** 1979 c. 46.
- M62** 1997 c. 8.
- M63** 1997 c. 9.
- M64** The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at [www.historic-scotland.gov.uk/index/gardens.htm](http://www.historic-scotland.gov.uk/index/gardens.htm) or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
- M65** 1997 c. 9.
- M66** 1997 c. 8.
- M67** S.S.I. 1992/223.

### Textual Amendments

- F13** Words in Sch. 2 Pt. 1 omitted (7.11.2009) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009](#) (S.S.I. 2009/335), regs. 1, **8(a)**
- F14** Word in Sch. 2 Pt. 1 substituted (18.12.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 4\) Regulations 2009](#) (S.S.I. 2009/411), regs. 1, **6(a)(i)**
- F15** Words in Sch. 2 Pt. 1 substituted (18.12.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 4\) Regulations 2009](#) (S.S.I. 2009/411), regs. 1, **6(a)(ii)**
- F16** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/87), regs. 1, **7(a)** (with reg. 9)
- F17** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/87), regs. 1, **7(b)(i)** (with reg. 9)
- F18** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/87), regs. 1, **7(b)(ii)** (with reg. 9)

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- F19** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(b)(iii)** (with reg. 9)
- F20** Words in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(i)**
- F21** Words in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(ii)**
- F22** Words in Sch. 2 Pt. 1 substituted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(a)(iii)**
- F23** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(i)**
- F24** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(ii)**
- F25** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(iii)**
- F26** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(iv)**
- F27** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(b)(v)**
- F28** Word in Sch. 2 Pt. 1 inserted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(b)**
- F29** Words in Sch. 2 Pt. 1 inserted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(a)**
- F30** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(c)** (with reg. 9)
- F31** Words in Sch. 2 Pt. 1 omitted (7.11.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(c)**
- F32** Words in Sch. 2 Pt. 1 inserted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(c)**
- F33** Words in Sch. 2 inserted (28.6.2008) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2008 (S.S.I. 2008/233), regs. 1, **7(a)**
- F34** Words in Sch. 2 Pt. 1 omitted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(d)** (with reg. 9)
- F35** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(d)(i)**
- F36** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(e)(i)** (with reg. 9)
- F37** Word in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(e)(ii)** (with reg. 9)
- F38** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(d)(ii)**
- F39** Words in Sch. 2 Pt. 1 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(d)**
- F40** Word in Sch. 2 Pt. 1 substituted (1.2.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(d)**
- F41** Words in Sch. 2 Pt. 1 inserted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), regs. 1, **6(b)**
- F42** Words in Sch. 2 Pt. 1 inserted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, **8(e)**
- F43** Words in Sch. 2 Pt. 1 omitted (1.2.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(e)**
- F44** Word in Sch. 2 Pt. 1 omitted (1.2.2009) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/1), regs. 1, **4(f)**

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- F45** Words in Sch. 2 Pt. 1 inserted (28.6.2008) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2008 (S.S.I. 2008/233), reg. 1, **sch.**
- F46** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(i)** (with reg. 9)
- F47** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by virtue of The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(ii)** (with reg. 9)
- F48** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(iii)** (with reg. 9)
- F49** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(e)**
- F50** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(f)(iv)** (with reg. 9)
- F51** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(g)(i)** (with reg. 9)
- F52** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(g)(ii)** (with reg. 9)
- F53** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(i)(aa)** (with reg. 9)
- F54** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(i)(bb)** (with reg. 9)
- F55** Words in Sch. 2 Pt. 1 substituted (26.6.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 2) Regulations 2009 (S.S.I. 2009/233), regs. 1, **3(f)**
- F56** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(ii)** (with reg. 9)
- F57** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(h)(iii)** (with reg. 9)
- F58** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(i)** (with reg. 9)
- F59** Words in Sch. 2 Pt. 1 substituted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(ii)** (with reg. 9)
- F60** Words in Sch. 2 Pt. 1 inserted (27.3.2010) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/87), regs. 1, **7(i)(iii)** (with reg. 9)
- F61** Words in Sch. 2 Pt. 1 inserted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), reg. 1, **Sch. 1**

### Marginal Citations

- M21** Details of the full time equivalent and information relating thereto can be found in the programme guidance published by the Scottish Ministers relating to these Regulations and available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or by contacting Scottish Government Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M22** [S.S.I. 2003/531](#) as amended by [S.S.I. 2006/133](#).
- M23** Accredited lists are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, Victoria Street, London, SW1H 0ET.
- M24** Accredited lists are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, Victoria Street, London, SW1H 0ET.
- M25** The UK Woodland Assurance Standard (2nd Edition) was published 1st November 2006 and is available on line at [www.ukwas.org.uk](http://www.ukwas.org.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M26** O.J. No. L 124, 20.5.2003, p.36.
- M27** [S.S.I. 2005/348](#) as amended by [S.S.I. 2006/553](#) and 2007/219.
- M28** These Codes of Practice are published by the British Association for Shooting and Conservation and are available on line at [www.basc.org.uk](http://www.basc.org.uk) or from the head office at Marford Mill, Rossett, Wrexham, LL12

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- M29** Substitute feeding of Hen Harriers on Grouse Moors was published by SNH and is available on line at [www.snh.org.uk](http://www.snh.org.uk) or by contacting Great Glen House, Leakin Road, Inverness, IV3 8NN.
- M30** [S.I. 2002/2677](#) as amended by [S.I. 2003/978](#), 2004/3386, 2006/557 and 2007/1573.
- M31** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M32** [1990 c. 43](#) as last amended by [S.S.I. 2007/251](#).
- M33** [S.I. 1992/588](#) as relevantly amended by [S.I. 1994/1056](#), 1996/972, [S.S.I. 2005/22](#) and [S.I. 2006/937](#).
- M34** [S.I. 2002/2677](#) as amended by [S.I. 2003/978](#), 2004/3386, 2006/557 and 2007/1573.
- M35** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M36** [1990 c. 43](#) as amended by [S.S.I. 2007/251](#).
- M37** [S.I. 1992/588](#) as relevantly amended by [S.I. 1994/1056](#), 1996/972, [S.S.I. 2005/22](#) and [S.I. 2006/937](#).
- M38** Code of Practice for Using Plant Protection Products in Scotland published January 2007, ISBN 0755950933 available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M39** The Forestry Code of Practice Guide – Managing and controlling invasive rhododendron is available on line at [www.forestry.gov.uk](http://www.forestry.gov.uk) or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.
- M40** Copies of the plan can be obtained from SNH either on line at [www.snh.org.gov](http://www.snh.org.gov) or from SNH, Great Glen House, Leakin Road, Inverness, IV4 8NW.
- M41** The UK Biodiversity Action Plan was published in January 1994 and has a dedicated website – [www.ukbap.org.uk](http://www.ukbap.org.uk).
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- M44** [1954 c. 68](#).
- M45** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M46** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M47** The Inventory of Ancient Wood Pasture in Scotland is maintained by Scottish Natural Heritage and is available from them on line at [www.snh.org.gov](http://www.snh.org.gov) or Great Glen House, Leakin Road, Inverness, IV3 8NW.
- M48** Lists of accredited installers are available on line at [www.berr.gov.uk](http://www.berr.gov.uk) or by contacting the Department for Business, Enterprise and Regulatory Reform, 7 Victoria Street, London, SW1H 0ET.
- M49** [2003 asp 2](#).
- M50** [2003 asp 2](#).
- M51** [2003 asp 2](#).
- M52** [1979 c. 46](#).
- M53** The Muirburn Code published 2001 is available on line at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from the Scottish Government, Rural Directorate, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.
- M54** [S.I. 1994/1056](#) as relevantly amended by [S.I. 1994/1137](#), 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and [S.S.I. 2000/323](#) and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.
- M55** [S.I. 1994/1056](#) as relevantly amended by [S.I. 1994/1137](#), 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and [S.S.I. 2000/323](#) and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.

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<b>M56</b>	<a href="#">1997 c. 8.</a>
<b>M57</b>	<a href="#">1997 c. 9.</a>
<b>M58</b>	The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at <a href="http://www.historic-scotland.gov.uk/index/gardens.htm">www.historic-scotland.gov.uk/index/gardens.htm</a> or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
<b>M59</b>	The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at <a href="http://www.historic-scotland.gov.uk/index/gardens.htm">www.historic-scotland.gov.uk/index/gardens.htm</a> or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
<b>M60</b>	<a href="#">1997 c. 9.</a>
<b>M61</b>	<a href="#">1979 c. 46.</a>
<b>M62</b>	<a href="#">1997 c. 8.</a>
<b>M63</b>	<a href="#">1997 c. 9.</a>
<b>M64</b>	The Inventory of Gardens and Designed Landscapes is published and maintained by Historic Scotland and is available on line at <a href="http://www.historic-scotland.gov.uk/index/gardens.htm">www.historic-scotland.gov.uk/index/gardens.htm</a> or from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
<b>M65</b>	<a href="#">1997 c. 9.</a>
<b>M66</b>	<a href="#">1997 c. 8.</a>
<b>M67</b>	<a href="#">S.S.I. 1992/223.</a>

## PART 2

Table A

Land type	Year 1	Year 2	Year 3	Year 4	Year 5
	Conversion				
Arable	£220	£220	£60	£60	£60
Improved grassland	£105	£105	£50	£50	£50
Fruit & vegetable	£300	£300	£60	£60	£60
Unimproved grassland/ rough grazing	£5	£5	£5	£5	£5
	Maintenance				
Arable	£60	£60	£60	£60	£60
Improved grassland	£50	£50	£50	£50	£50
Fruit & vegetable	£60	£60	£60	£60	£60
Unimproved grassland/ rough grazing	£5	£5	£5	£5	£5

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**Table B**

<b>Woodland Type</b>	<b>Minimum wood or individual block size planted per year (hectares)</b>	<b>Composition</b>	<b>Minimum stocking density per hectare at year 5 or when considered to be 'established'</b>
Productive conifer woodland (low cost)	5.0	( ) up to 85% conifers but predominantly spruce  ( ) at least 5% broadleaves  ( ) up to 10% open ground	Spruce – 2500 Broadleaves – 1100
Productive conifer woodland (high cost)	5.0	( ) up to 85% other conifers e.g. Scots Pine, Douglas Fir, Larch  ( ) at least 5% broadleaves  ( ) up to 10% open ground	Pine – 3000 Douglas Fir, Larch – 2000 Broadleaves – 1100
Productive broadleaved woodland	2.0	( ) at least 85% productive broadleaves e.g. Oak, Beech, Sycamore, Ash  ( ) up to 5% other broadleaves  ( ) up to 10% open ground	Oak, Beech – 3100 Sycamore, Ash – 2500 Other Broadleaf – 1100
[ <sup>F62</sup> Native and riparian woodland (planting)]	0.25	( ) at least 75% species native to the locality and appropriate to the site  ( ) up to 25% open ground	[ <sup>F62</sup> 1100]

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[<sup>F62</sup>Native and riparian woodland (natural regeneration)] 0.25 ( ) at least 75% [<sup>F62</sup>1100] species native to the locality

( ) up to 25% open ground

Mixed conifer / broadleaf woodland 0.25 ( ) at least 80% Conifer – 2500 mixed conifer and Broadleaves – broadleaves, the latter [<sup>F62</sup>1100] being at least half of the planted area.

( ) up to 20% open ground

**Textual Amendments**

**F62** Words in Sch. 2 Pt. 2 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **8(f)**

[<sup>F63</sup>Table C

<i>Woodland Type</i>	<i>Establishment £/ha *</i>	<i>Maintenance Standard Cost Rate £/ha/year **</i>
Productive conifer woodland (low cost)	1724	161.39
Productive conifer woodland (high cost)	2064	186.40
Productive broadleaved woodland	3317	229.79
Native and riparian (planting model)	2802	218.20
Native and riparian (natural regeneration model)	905	101.60
Mixed conifer/broadleaf woodland	3063	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 but subject to

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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	50
Sitka spruce vegetatively propagated tested ‘family mixture’ material derived from controlled cross-pollination.	150]

**Textual Amendments**

**F63** Sch. 2 Pt. 2 Table C substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **8(g)**

**[<sup>F64</sup>Table D**

**Standard Costs For Forestry Operations/ Capital Items**

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Standard Cost</i>
Fell/extract dangerous trees	£200 per tree
Manual brashing	£0.35 per tree
High pruning	£1.30 per tree
Badger gates installed in fence lines which are cutting across an established badger run	£110 per gate
Respace natural regeneration	[ <sup>F65</sup> £600] per hectare
Early pruning of trees	£250 per hectare
High pruning of trees	£400 per hectare
Pre commercial and non commercial woodland thinning	£150 per hectare
Removal of tree crop to waste 3 – 6 metres high	£750 per hectare
Woodland clearance benefiting raised bog/ blanket bog felling of waste	£975 per hectare
Woodland clearance benefiting raised bog/ blanket bog – felling and extraction	£1375 per hectare
Seedling tree removal	£35 per hectare
Small scale woodland thinning	£300 per hectare
Chipping/mulching of tree debris and brash	£500 per hectare



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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Standard Cost</i>
Restructuring with Caledonian Scots pine	[ <sup>F66</sup> £411.64] per hectare
Restructuring with diverse conifers	[ <sup>F66</sup> £411.64] per hectare
Restructuring with mixed broadleaves	[ <sup>F67</sup> £1,030.14] per hectare
Restructuring with native broadleaves	[ <sup>F68</sup> £1,100] per hectare
Woodland deer impact reduction	£30 per hectare for deer control during the first 5 years of a Deer Management Plan
Forest plan preparation	£20 per hectare for first 200 hectares, £5 per hectare thereafter with a minimum payment of £400 and a maximum payment of £15,000
Dead wood management	£40 per hectare
Stock fence	£4 per metre
Enhancing/modifying a stock fence in black grouse and capercaillie core areas	£2 per metre
[ <sup>F69</sup> New deer fence	£7.25 per metre]
Upgrading stock to deer fence	£2.75 per metre
Scare or temporary fencing	£1.50 per metre
Rabbit proofing – existing or new stock/deer fence	£1.90 per metre
Enhancing/modifying a deer fence in black grouse and capercaillie core areas	£5 per metre
Conversion of deer fence to stock fence in black grouse and capercaillie core areas	£2 per metre
Fence removal	£2 per metre
Gate for stock fence	£100 each
Gate for deer fence	£170 each
Ditch/drain blocking with plastic piling dams:	£60 per dam
Small ditches (up to 0.5 metres wide and deep)	
Ditch/drain blocking with plastic piling dams:	£120 per dam
Medium ditches (between 0.5 and 1 metre wide and deep)	
Ditch/drain blocking with plastic piling dams:	£280 per dam
Large ditches (between 1 and 2 metres wide and 0.5 and 1 metre deep)	
Peat dam	£0.26 per metre of drain or furrow blocked with peat dams. Minimum payment £300

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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Standard Cost</i>
Small scale tree and shrub planting (on a site not exceeding 0.25 hectares)	£2 per tree or shrub
Heather restoration (in Black Grouse core areas)	£250 per hectare
Provision of bat and bird boxes	£15 per box.
[ <sup>F70</sup> 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]]

#### Textual Amendments

**F64** Sch. 2 Pt. 2 Table D substituted (1.2.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/1\)](#), regs. 1, 5

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<b>F65</b>	Sum in Sch. 2 Pt. 2 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, <b>8(h)</b>
<b>F66</b>	Sum in Sch. 2 Pt. 2 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, <b>8(i)</b>
<b>F67</b>	Sum in Sch. 2 Pt. 2 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, <b>8(j)</b>
<b>F68</b>	Sum in Sch. 2 Pt. 2 substituted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, <b>8(k)</b>
<b>F69</b>	Words in Sch. 2 Pt. 2 inserted (7.11.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 3) Regulations 2009 (S.S.I. 2009/335), regs. 1, <b>8(l)</b>
<b>F70</b>	Words in Sch. 2 Pt. 2 inserted (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), reg. 1, <b>Sch. 2</b>

[<sup>F71</sup>Table E –

**Actual Cost Capital Items**

<i>Item Column</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>Applicability</i>	<i>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]

**Textual Amendments**

**F71** Sch. 2 Pt. 2 Table E added (18.12.2009) by The Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No. 4) Regulations 2009 (S.S.I. 2009/411), reg. 1, **Sch. 3**

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## SCHEDULE 3

Regulation 9(7)

## Standard Payment Rates for Capital Items

A beneficiary is eligible for payment for these capital items only where the beneficiary has undertaken to carry out or beneficiary has undertaken to carry out or carry out and maintain an activity under [<sup>F72</sup>any of the rural priorities options numbered 15 to 57]. The capital items must be carried out in accordance with the requirements in the programme guidance .

[<sup>F73</sup>Table A]

<i>Column 1</i> <i>Capital Item</i>	<i>Column 2</i> <i>Rate of Payment</i>
F74	
...	
F74	
...	
Primary treatment of bracken	£200 per hectare of infested land
Manual eradication of rhododendron	[ <sup>F75</sup> £3700] per hectare of infested land
[ <sup>F76</sup> Mechanised (and/or chemical) eradication of rhododendron]	[ <sup>F76</sup> £1750] per hectare of infested land
F77	F77
...	...
Eradication of scrub/woody vegetation:Light vegetation category	£600 per hectare
Eradication of scrub/woody vegetation:Intermediate vegetation category	£850 per hectare
Eradication of scrub/woody vegetation:Heavy vegetation category	£1250 per hectare
Removal from site of the cut scrub/woody vegetation: Light vegetation cover	£500 per hectare
Removal from site of the cut scrub/woody vegetation: Intermediate vegetation cover	£1,050 per hectare
Removal from site of the cut scrub/woody vegetation: Heavy vegetation cover	£1,450 per hectare
Dead wood management	£40 per hectare
Stock fence	£4.00 per metre
Enhancing/ modifying a stock fence (in black grouse and capercaillie core areas)	£2 per metre
Upgrading stock to deer fence	£2.75 per metre
Scare or temporary fencing	£1.50 per metre

Rabbit proofing existing or new stock/ deer fence	£1.90 per metre
Deer fence	[ <sup>F78</sup> £7.25] per metre
Enhancing/ modifying a deer fence (in black grouse and capercaillie core areas)	£5 per metre
Conversion of deer fence to stock fence (in black grouse and capercaillie core areas)	£2 per metre
Fence removal	£2 per metre
Gate	(i) Gate for stock fence: £100 each (ii) Gate for deer fence: £170 each
Kissing gate/self-closing gate for non-vehicular access	£350 each
Stile	£55 each
Stock bridge for bog management	Small bridge : £170 per bridge Large bridge for ditch wider than 1.5m : £620 per bridge
Small-scale tree and shrub planting (on a site not exceeding 0.25 hectares)	£2 per tree or shrub
Replacement or new single trees within a Designed Landscape or to enhance the rural landscape	£100 per tree
Post & rail fence	£10 per metre
Building/restoring drystone or flagstone dykes	£17.50 per square metre
Sand blow fencing	£10.00 per metre
Planting of marram grass into areas threatened with erosion	£8 per square metre
Provision of water trough 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
Soil analysis (including sampling)	£24.90 per sample
Planting or re-planting of hedge	£4.30 per metre
Coppicing of hedge	£4.00 per metre
Laying of hedge	£8.00 per metre
Creation or restoration of a pond	£3.00 per square metre
Laying down species-rich grassland	£680 per hectare
Heather restoration (in black grouse core areas)	£250 per hectare

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Heather track creation for bog management	£1.50/ metre
Peat dam	£0.26 per metre of moor grip to be blocked with peat dams. Minimum payment £300.
Ditch blocking with plastic piling dams	(a) (a) For small ditches up to 0.5 metres wide and deep: £60 per dam.  (b) (b) For medium ditches up to 1 metre wide and deep: £120 per dam.  (c) (c) For large ditches of depth up to 1 metre and 2 metre wide:£280 per dam
Underdrain (or culvert) breaking	£20 per drain (or culvert) broken
Watercourse Channel Enhancement	£4.00 per linear metre of watercourse
Provision of bat or bird box	£15.00 per box
Open range deer management to enhance the natural heritage	£3 per hectare of eligible deer range
[ <sup>F79</sup> Environmental audit	50% of costs up to a maximum of £200 per plan.]

[<sup>F80</sup>Table B—

**Eligible Capital Items Available Through Capital Item Option 77**

<i>Capital Item</i>	<i>Maximum Actual Cost</i>
Primary treatment of bracken	Up to £400 per hectare of infested land
Manual eradication of rhododendron	Up to £7,000 per hectare of infested land
Mechanised (and / or chemical) eradication of rhododendron	Up to £1,700 per hectare of infested land
Eradication of scrub / woody vegetation:	
Light vegetation	Up to £1,800 per hectare
Intermediate vegetation	Up to £2,550 per hectare
Heavy vegetation	Up to £3,750 per hectare
Removal from site of the cut shrub / woody vegetation: light vegetation cover	Up to £1,000 per hectare
Removal from site of the cut shrub / woody vegetation: intermediate vegetation cover	Up to £2,100 per hectare

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<b>Capital Item</b>	<b>Maximum Actual Cost</b>
Removal from site of the cut shrub / woody vegetation: heavy vegetation cover	Up to £2,900 per hectare
Stock fence	Up to £8 per metre
Enhancing / modifying a stock fence (in Black Grouse and Capercaillie core areas)	Up to £4 per metre
Upgrading stock to deer fence	Up to £5.51 per metre
Scare or temporary fencing	Up to £3 per metre
Rabbit proofing – existing or new stock / deer fence	Up to £3.79 per metre
Deer fence	Up to £13.79 per metre
Enhancing / modifying a deer fence (in Black Grouse and Capercaillie core areas)	Up to £14.11 per metre
Conversion of deer fence to stock fence (in Black Grouse and Capercaillie core areas)	Up to £4 per metre
Fence removal	Up to £4 per metre
Gate:	
For stock fence	Up to £150 each
For deer fence	Up to £255 each
Stock bridge for bog management:	
Small bridge	Up to £340 per bridge
Large bridge (for ditch wider than 1.5m)	Up to £2,000 per bridge
Sand blow fencing	Up to £20 per metre
Planting of marram grass into areas threatened with erosion	Up to £16 per square metre
Creation or restoration of a pond	Up to £6 per square metre
Ditch blocking with plastic piling dams:	
Small ditches (up to 0.5m wide & deep)	Up to £120 per dam
Medium ditches (between 0.5m and 1m wide & deep)	Up to £240 per dam

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<b>Capital Item</b>	<b>Maximum Actual Cost</b>
Large ditches (between 1m and 2m wide and 0.5m and 1m deep)	Up to £1027.40 per dam]

### Textual Amendments

- F72** Words in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(a)**
- F73** Words in Sch. 3 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(a)** (with reg. 9)
- F74** Words in Sch. 3 omitted (27.3.2010) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(b)** (with reg. 9)
- F75** Sum in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(b)**
- F76** Words in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(c)**
- F77** Words in Sch. 3 omitted (7.11.2009) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(d)**
- F78** Sum in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(e)**
- F79** Words in Sch. 3 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(c)** (with reg. 9)
- F80** Sch. 3 Table B inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, 8(d), **Sch.** (with reg. 9)

### Textual Amendments

- F72** Words in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(a)**
- F73** Words in Sch. 3 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(a)** (with reg. 9)
- F74** Words in Sch. 3 omitted (27.3.2010) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(b)** (with reg. 9)
- F75** Sum in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(b)**
- F76** Words in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(c)**
- F77** Words in Sch. 3 omitted (7.11.2009) by virtue of [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(d)**
- F78** Sum in Sch. 3 substituted (7.11.2009) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment \(No. 3\) Regulations 2009 \(S.S.I. 2009/335\)](#), regs. 1, **9(e)**
- F79** Words in Sch. 3 inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, **8(c)** (with reg. 9)
- F80** Sch. 3 Table B inserted (27.3.2010) by [The Rural Development Contracts \(Rural Priorities\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/87\)](#), regs. 1, 8(d), **Sch.** (with reg. 9)



## SCHEDULE 4

Regulation >9(5)

### PART 1

#### Historic Environment Condition

The damage or destruction of any feature or areas of historic or archaeological interest must be avoided and guidance approved by the Scottish Ministers must be followed for the protection of such features or areas <sup>M68</sup>.

#### Marginal Citations

**M68** The guidance to be followed is outlined in the programme guidance.

#### Marginal Citations

**M68** The guidance to be followed is outlined in the programme guidance.

### PART 2

#### Primary Legislation

The Ancient Monuments and Archaeological Areas Act 1979 (c. 46).

The Wildlife and Countryside Act 1981 (c. 39).

The Clean Air Act 1993 (c. 11).

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9).

The Water Environment and Water Services (Scotland) Act 2003 (asp 11).

The Nature Conservation (Scotland) Act 2004 (asp 6).

#### Secondary Legislation

The Control of Pesticides Regulations 1986 <sup>M69</sup>.

#### Marginal Citations

**M69** [S.I. 1986/1510](#) as amended by [S.I. 1994/3142](#), 1997/188 and 2001/880.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

**Marginal Citations**

**M69** [S.I. 1986/1510](#) as amended by [S.I. 1994/3142](#), 1997/188 and 2001/880.

The Sludge (Use in Agriculture) Regulations 1989 <sup>M70</sup>.

**Marginal Citations**

**M70** [S.I. 1989/1263](#) as relevantly amended by [S.I. 1996/593](#) and [S.S.I. 2000/62](#).

**Marginal Citations**

**M70** [S.I. 1989/1263](#) as relevantly amended by [S.I. 1996/593](#) and [S.S.I. 2000/62](#).

The Waste Management Licensing Regulations 1994 <sup>M71</sup>.

**Marginal Citations**

**M71** [S.I. 1994/1056](#) as relevantly amended by [S.I. 1994/1137](#), 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and [S.S.I 2000/323](#) and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.

**Marginal Citations**

**M71** [S.I. 1994/1056](#) as relevantly amended by [S.I. 1994/1137](#), 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/2203, 1998/606 and 2746, and [S.S.I 2000/323](#) and 235, 2003/170, 171 and 593, 2004/275, 2005/22, 2006/128 and 541, 2007/172 and 251.

The Conservation (Natural Habitats etc.) Regulations 1994 <sup>M72</sup>.

**Marginal Citations**

**M72** [S.I. 1994/2716](#) as relevantly amended by [S.I. 2007/1843](#), [S.S.I. 2004/475](#), 2006/270, 2007/80, 349, 485 and 517 and 2008/17.

**Marginal Citations**

**M72** [S.I. 1994/2716](#) as relevantly amended by [S.I. 2007/1843](#), [S.S.I. 2004/475](#), 2006/270, 2007/80, 349, 485 and 517 and 2008/17.

The Ancient Monuments (Class Consents) (Scotland) Order 1996 <sup>M73</sup>.

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**Marginal Citations**

**M73** [S.I. 1996/1507](#).

**Marginal Citations**

**M73** [S.I. 1996/1507](#).

The Pollution Prevention and Control (Scotland) Regulations 2000 <sup>M74</sup>.

**Marginal Citations**

**M74** [S.S.I. 2000/323](#) as amended by [2004 asp 8](#), [Schedule 2](#), paragraph 7, [S.S.I. 2002/493](#), [S.S.I. 2003/146](#), [170](#), [221](#), [235](#) and [411](#), [2004/26](#), [110](#), [112](#) and [512](#), [2005/101](#), [340](#) and [510](#), [2006/127](#) and [S.I. 2007/2325](#).

**Marginal Citations**

**M74** [S.S.I. 2000/323](#) as amended by [2004 asp 8](#), [Schedule 2](#), paragraph 7, [S.S.I. 2002/493](#), [S.S.I. 2003/146](#), [170](#), [221](#), [235](#) and [411](#), [2004/26](#), [110](#), [112](#) and [512](#), [2005/101](#), [340](#) and [510](#), [2006/127](#) and [S.I. 2007/2325](#).

The Contaminated Land (Scotland) Regulations 2000 <sup>M75</sup>.

**Marginal Citations**

**M75** [S.S.I. 2000/178](#) as amended by [S.S.I. 2000/323](#), [2005/658](#) and [2007/179](#).

**Marginal Citations**

**M75** [S.S.I. 2000/178](#) as amended by [S.S.I. 2000/323](#), [2005/658](#) and [2007/179](#).

The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003 <sup>M76</sup>.

**Marginal Citations**

**M76** [S.S.I. 2003/51](#) as amended by [S.S.I. 2003/169](#).

**Marginal Citations**

**M76** [S.S.I. 2003/51](#) as amended by [S.S.I. 2003/169](#).

The Animal By-Products (Scotland) Regulations 2003 <sup>M77</sup>.

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**Marginal Citations**

**M77** [S.S.I. 2003/411](#) as amended by [S.S.I. 2006/530](#) and 2007/1.

**Marginal Citations**

**M77** [S.S.I. 2003/411](#) as amended by [S.S.I. 2006/530](#) and 2007/1.

The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 <sup>M78</sup>.

**Marginal Citations**

**M78** [S.S.I. 2003/531](#) as amended by [S.S.I. 2006/133](#) and 2008/54.

**Marginal Citations**

**M78** [S.S.I. 2003/531](#) as amended by [S.S.I. 2006/133](#) and 2008/54.

The Plant Protection Products (Scotland) Regulations 2005 <sup>M79</sup>.

**Marginal Citations**

**M79** [S.S.I. 2005/331](#) as amended by [S.S.I. 2006/241](#), 449 and 576 and 2007/119 and 410.

**Marginal Citations**

**M79** [S.S.I. 2005/331](#) as amended by [S.S.I. 2006/241](#), 449 and 576 and 2007/119 and 410.

The Water Environment (Controlled Activities) (Scotland) Regulations 2005 <sup>M80</sup>.

**Marginal Citations**

**M80** [S.S.I. 2005/348](#) as amended by [S.S.I. 2006/553](#) and 2007/219.

**Marginal Citations**

**M80** [S.S.I. 2005/348](#) as amended by [S.S.I. 2006/553](#) and 2007/219.

The EC Fertilisers (Scotland) Regulations 2006 <sup>M81</sup>.

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**Marginal Citations**

**M81** [S.S.I. 2006/543](#).

**Marginal Citations**

**M81** [S.S.I. 2006/543](#).

The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006 <sup>M82</sup>.

**Marginal Citations**

**M82** [S.S.I. 2006/582](#) as amended by 2006/614.

**Marginal Citations**

**M82** [S.S.I. 2006/582](#) as amended by 2006/614.

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- Sch. 1 words inserted by [S.S.I. 2011/106 reg. 12\(h\)](#)
- Sch. 1 words inserted by [S.S.I. 2011/106 reg. 12\(i\)](#)
- Sch. 1 words inserted by [S.S.I. 2011/106 reg. 12\(j\)](#)
- Sch. 1 words inserted by [S.S.I. 2012/215 Sch. para. 6](#)
- Sch. 1 words omitted by [S.S.I. 2011/106 reg. 12\(b\)](#)
- Sch. 1 words omitted by [S.S.I. 2011/106 reg. 12\(e\)](#)
- Sch. 1 words omitted by [S.S.I. 2011/106 reg. 12\(f\)](#)
- Sch. 1 words substituted by [S.S.I. 2011/106 reg. 12\(a\)](#)
- Sch. 1 words substituted by [S.S.I. 2011/106 reg. 12\(c\)](#)
- Sch. 1 words substituted by [S.S.I. 2011/106 reg. 12\(d\)](#)
- Sch. 1 words substituted by [S.S.I. 2011/106 reg. 12\(g\)](#)
- Sch. 1 words substituted by [S.S.I. 2014/373 reg. 4\(2\)](#)
- Sch. 2 Pt. 1 option 80 column 2 paragraph (2)(l) and word inserted by [S.S.I. 2012/307 reg. 4\(c\)](#)
- Sch. 2 Pt. 1 option 75 column 2 paragraph (3) omitted by [S.S.I. 2012/307 reg. 3](#)
- Sch. 2 Pt. 1 option 80 column 2 paragraph (2)(j) word omitted by [S.S.I. 2012/307 reg. 4\(b\)](#)
- Sch. 2 Pt. 2 Table B words inserted by [S.S.I. 2011/106 reg. 55\(a\)](#)
- Sch. 2 Pt. 2 Table C words inserted by [S.S.I. 2011/106 reg. 55\(b\)](#)
- sch. 2 Pt. 1 words substituted by [S.S.I. 2010/222 art. 13](#)
- sch. 2 Pt. 1 words substituted by [S.S.I. 2010/322 art. 8](#)
- Sch. 2 Pt. 2 Table D words substituted by [S.S.I. 2011/106 reg. 55\(c\)](#)Sch. 2
- Sch. 2 Pt. 2 Table E words substituted by [S.S.I. 2011/106 reg. 55\(d\)\(i\)](#)
- Sch. 2 Pt. 2 Table E words substituted by [S.S.I. 2011/106 reg. 55\(d\)\(ii\)](#)
- Sch. 2 Pt. 1 words substituted by [S.S.I. 2011/228 Sch. 6 para. 8\(1\)](#)
- Sch. 2 Pt. 1 option 80 column 2 paragraph (2)(i) words substituted by [S.S.I. 2012/307 reg. 4\(a\)](#)
- Sch. 2 Pt. 1 option 80 column 2 paragraph (2)(j) words substituted by [S.S.I. 2012/307 reg. 4\(b\)](#)
- Sch. 3 Table A words inserted by [S.S.I. 2011/106 reg. 56\(d\)](#)
- Sch. 3 Table A words substituted by [S.S.I. 2011/106 reg. 56\(a\)](#)
- Sch. 3 Table A words substituted by [S.S.I. 2011/106 reg. 56\(b\)](#)
- Sch. 3 Table A words substituted by [S.S.I. 2011/106 reg. 56\(c\)](#)
- Sch. 3 Table B words substituted by [S.S.I. 2011/106 reg. 57\(a\)](#)
- Sch. 3 Table B words substituted by [S.S.I. 2011/106 reg. 57\(b\)](#)
- Sch. 4 words inserted by [S.S.I. 2011/106 reg. 58\(b\)](#)
- Sch. 4 words omitted by [S.S.I. 2011/106 reg. 58\(a\)](#)
- Sch. 4 Pt. 2 words substituted by [S.S.I. 2011/228 Sch. 6 para. 8\(2\)](#)
- Sch. 4 Pt. 2 words substituted by [S.S.I. 2012/360 Sch. 11 para. 18\(2\)](#)
- Regulations continued (with modifications) by [S.S.I. 2015/192, reg. 22\(3\)](#), Sch. 2 (as inserted) by [S.S.I. 2019/209 reg. 2](#)
- Regulations revoked by [S.S.I. 2015/192 Sch.](#)
- reg. 2 words omitted by [S.S.I. 2011/106 reg. 3\(b\)](#)
- reg. 2 words omitted by [S.S.I. 2011/106 reg. 3\(e\)](#)
- reg. 2 words substituted by [S.S.I. 2011/106 reg. 3\(a\)](#)
- reg. 2 words substituted by [S.S.I. 2011/106 reg. 3\(c\)](#)
- reg. 2 words substituted by [S.S.I. 2011/106 reg. 3\(d\)](#)
- reg. 2 words substituted by [S.S.I. 2011/106 reg. 3\(f\)](#)
- reg. 7(1)(a)(i) words substituted by [S.S.I. 2011/106 reg. 4](#)
- reg. 7(2) words substituted by [S.S.I. 2011/106 reg. 4](#)

- reg. 9(5)(6) words substituted by S.S.I. 2011/106 reg. 5(a)
- reg. 9(6) words inserted by S.S.I. 2011/106 reg. 5(b)
- reg. 10(2)(c) words substituted by S.S.I. 2011/106 reg. 6
- reg. 12(3)(a) words omitted by S.S.I. 2011/106 reg. 7(a)
- reg. 12(3)(a)(i) substituted by S.S.I. 2011/106 reg. 7(b)
- reg. 14(2)(d) words substituted by S.S.I. 2011/106 reg. 8
- reg. 15(1)(c) words substituted by S.S.I. 2011/106 reg. 9
- reg. 16(e) words substituted by S.S.I. 2011/106 reg. 10
- reg. 17(4) words substituted by S.S.I. 2011/106 reg. 11

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

**Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):**

- Sch. 1 para. 1 words substituted by S.S.I. 2010/460 art. 12
- Sch. 2 Pt. 1 option26 omitted by S.S.I. 2011/106 reg. 25
- Sch. 2 Pt. 1 option17 words inserted by S.S.I. 2011/106 reg. 17(a)
- Sch. 2 Pt. 1 option17 words inserted by S.S.I. 2011/106 reg. 17(c)
- Sch. 2 Pt. 1 option17 words inserted by S.S.I. 2011/106 reg. 17(e)
- Sch. 2 Pt. 1 option18 words inserted by S.S.I. 2011/106 reg. 18(b)
- Sch. 2 Pt. 1 option18 words inserted by S.S.I. 2011/106 reg. 18(c)
- Sch. 2 Pt. 1 option19 words inserted by S.S.I. 2011/106 reg. 19(a)
- Sch. 2 Pt. 1 option21 words inserted by S.S.I. 2011/106 reg. 20(b)
- Sch. 2 Pt. 1 option22 words inserted by S.S.I. 2011/106 reg. 21(c)
- Sch. 2 Pt. 1 option24 words inserted by S.S.I. 2011/106 reg. 23(a)
- Sch. 2 Pt. 1 option24 words inserted by S.S.I. 2011/106 reg. 23(c)
- Sch. 2 Pt. 1 option25 words inserted by S.S.I. 2011/106 reg. 24(c)
- Sch. 2 Pt. 1 option30 words inserted by S.S.I. 2011/106 reg. 28(b)
- Sch. 2 Pt. 1 option31 words inserted by S.S.I. 2011/106 reg. 29(b)
- Sch. 2 Pt. 1 option32 words inserted by S.S.I. 2011/106 reg. 30(d)
- Sch. 2 Pt. 1 option33 words inserted by S.S.I. 2011/106 reg. 31(b)
- Sch. 2 Pt. 1 option34 words inserted by S.S.I. 2011/106 reg. 32(c)
- Sch. 2 Pt. 1 option35 words inserted by S.S.I. 2011/106 reg. 33(d)
- Sch. 2 Pt. 1 option37 words inserted by S.S.I. 2011/106 reg. 34(c)
- Sch. 2 Pt. 1 option43 words inserted by S.S.I. 2011/106 reg. 37
- Sch. 2 Pt. 1 option47 words inserted by S.S.I. 2011/106 reg. 38(a)
- Sch. 2 Pt. 1 option47 words inserted by S.S.I. 2011/106 reg. 38(b)
- Sch. 2 Pt. 1 option47 words inserted by S.S.I. 2011/106 reg. 38(e)
- Sch. 2 Pt. 1 option48 words inserted by S.S.I. 2011/106 reg. 39(c)
- Sch. 2 Pt. 1 option49 words inserted by S.S.I. 2011/106 reg. 40(a)(ii)
- Sch. 2 Pt. 1 option49 words inserted by S.S.I. 2011/106 reg. 40(e)
- Sch. 2 Pt. 1 option49 words inserted by S.S.I. 2011/106 reg. 40(g)
- Sch. 2 Pt. 1 option50 words inserted by S.S.I. 2011/106 reg. 41(b)
- Sch. 2 Pt. 1 option51 words inserted by S.S.I. 2011/106 reg. 42(a)
- Sch. 2 Pt. 1 option51 words inserted by S.S.I. 2011/106 reg. 42(b)
- Sch. 2 Pt. 1 option51 words inserted by S.S.I. 2011/106 reg. 42(e)
- Sch. 2 Pt. 1 option51 words inserted by S.S.I. 2011/106 reg. 42(f)
- Sch. 2 Pt. 1 option51 words inserted by S.S.I. 2011/106 reg. 42(g)
- Sch. 2 Pt. 1 option52 words inserted by S.S.I. 2011/106 reg. 43(b)
- Sch. 2 Pt. 1 option52 words inserted by S.S.I. 2011/106 reg. 43(e)
- Sch. 2 Pt. 1 option53 words inserted by S.S.I. 2011/106 reg. 44
- Sch. 2 Pt. 1 option54 words inserted by S.S.I. 2011/106 reg. 45(a)(ii)
- Sch. 2 Pt. 1 option60 words inserted by S.S.I. 2011/106 reg. 46(a)
- Sch. 2 Pt. 1 option60 words inserted by S.S.I. 2011/106 reg. 46(b)
- Sch. 2 Pt. 1 option60 words inserted by S.S.I. 2011/106 reg. 46(c)

- Sch. 2 Pt. 1 option61 words inserted by S.S.I. 2011/106 reg. 47
- Sch. 2 Pt. 1 option66 words inserted by S.S.I. 2011/106 reg. 48(c)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(a)(iii)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(a)(ix)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(a)(vi)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(a)(vii)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(a)(xi)(bb)
- Sch. 2 Pt. 1 option70 words inserted by S.S.I. 2011/106 reg. 49(b)(iii)
- Sch. 2 Pt. 1 option79-81 words inserted by S.S.I. 2011/106 reg. 54Sch. 1
- Sch. 2 Pt. 1 option15 words omitted by S.S.I. 2011/106 reg. 15(a)
- Sch. 2 Pt. 1 option15 words omitted by S.S.I. 2011/106 reg. 15(b)
- Sch. 2 Pt. 1 option17 words omitted by S.S.I. 2011/106 reg. 17(b)
- Sch. 2 Pt. 1 option17 words omitted by S.S.I. 2011/106 reg. 17(d)
- Sch. 2 Pt. 1 option21 words omitted by S.S.I. 2011/106 reg. 20(a)
- Sch. 2 Pt. 1 option22 words omitted by S.S.I. 2011/106 reg. 21(b)
- Sch. 2 Pt. 1 option32 words omitted by S.S.I. 2011/106 reg. 30(c)
- Sch. 2 Pt. 1 option33 words omitted by S.S.I. 2011/106 reg. 31(a)
- Sch. 2 Pt. 1 option34 words omitted by S.S.I. 2011/106 reg. 32(b)
- Sch. 2 Pt. 1 option35 words omitted by S.S.I. 2011/106 reg. 33(a)
- Sch. 2 Pt. 1 option35 words omitted by S.S.I. 2011/106 reg. 33(f)
- Sch. 2 Pt. 1 option37 words omitted by S.S.I. 2011/106 reg. 34(a)
- Sch. 2 Pt. 1 option37 words omitted by S.S.I. 2011/106 reg. 34(b)
- Sch. 2 Pt. 1 option47 words omitted by S.S.I. 2011/106 reg. 38(d)
- Sch. 2 Pt. 1 option49 words omitted by S.S.I. 2011/106 reg. 40(c)
- Sch. 2 Pt. 1 option49 words omitted by S.S.I. 2011/106 reg. 40(d)
- Sch. 2 Pt. 1 option50 words omitted by S.S.I. 2011/106 reg. 41(a)
- Sch. 2 Pt. 1 option51 words omitted by S.S.I. 2011/106 reg. 42(d)
- Sch. 2 Pt. 1 option52 words omitted by S.S.I. 2011/106 reg. 43(d)
- Sch. 2 Pt. 1 option70 words omitted by S.S.I. 2011/106 reg. 49(a)(i)
- Sch. 2 Pt. 1 option70 words omitted by S.S.I. 2011/106 reg. 49(a)(v)
- Sch. 2 Pt. 1 option70 words omitted by S.S.I. 2011/106 reg. 49(a)(xi)(aa)
- Sch. 2 Pt. 1 option74 words omitted by S.S.I. 2011/106 reg. 50
- Sch. 2 Pt. 1 option75 words omitted by S.S.I. 2011/106 reg. 51
- Sch. 2 Pt. 1 option77 words omitted by S.S.I. 2011/106 reg. 52
- Sch. 2 Pt. 1 option78 words omitted by S.S.I. 2011/106 reg. 53(b)
- Sch. 2 Pt. 1 option10 words substituted by S.S.I. 2011/106 reg. 14(a)
- Sch. 2 Pt. 1 option10 words substituted by S.S.I. 2011/106 reg. 14(b)
- Sch. 2 Pt. 1 option15 words substituted by S.S.I. 2011/106 reg. 15(c)
- Sch. 2 Pt. 1 option16 words substituted by S.S.I. 2011/106 reg. 16
- Sch. 2 Pt. 1 option18 words substituted by S.S.I. 2011/106 reg. 18(a)
- Sch. 2 Pt. 1 option18 words substituted by S.S.I. 2011/106 reg. 18(d)
- Sch. 2 Pt. 1 option19 words substituted by S.S.I. 2011/106 reg. 19(b)
- Sch. 2 Pt. 1 option19 words substituted by S.S.I. 2011/106 reg. 19(c)
- Sch. 2 Pt. 1 option22 words substituted by S.S.I. 2011/106 reg. 21(a)
- Sch. 2 Pt. 1 option23 words substituted by S.S.I. 2011/106 reg. 22
- Sch. 2 Pt. 1 option24 words substituted by S.S.I. 2011/106 reg. 23(b)
- Sch. 2 Pt. 1 option25 words substituted by S.S.I. 2011/106 reg. 24(a)
- Sch. 2 Pt. 1 option25 words substituted by S.S.I. 2011/106 reg. 24(b)
- Sch. 2 Pt. 1 option25 words substituted by S.S.I. 2011/106 reg. 24(d)
- Sch. 2 Pt. 1 option27 words substituted by S.S.I. 2011/106 reg. 26
- Sch. 2 Pt. 1 option28 words substituted by S.S.I. 2011/106 reg. 27
- Sch. 2 Pt. 1 option30 words substituted by S.S.I. 2011/106 reg. 28(a)
- Sch. 2 Pt. 1 option31 words substituted by S.S.I. 2011/106 reg. 29(a)
- Sch. 2 Pt. 1 option32 words substituted by S.S.I. 2011/106 reg. 30(a)
- Sch. 2 Pt. 1 option32 words substituted by S.S.I. 2011/106 reg. 30(b)
- Sch. 2 Pt. 1 option34 words substituted by S.S.I. 2011/106 reg. 32(a)
- Sch. 2 Pt. 1 option35 words substituted by S.S.I. 2011/106 reg. 33(b)
- Sch. 2 Pt. 1 option35 words substituted by S.S.I. 2011/106 reg. 33(c)



- Sch. 2 Pt. 1 option35 words substituted by S.S.I. 2011/106 reg. 33(e)
- Sch. 2 Pt. 1 option38 words substituted by S.S.I. 2011/106 reg. 35(a)
- Sch. 2 Pt. 1 option38 words substituted by S.S.I. 2011/106 reg. 35(b)
- Sch. 2 Pt. 1 option41 words substituted by S.S.I. 2011/106 reg. 36
- Sch. 2 Pt. 1 option47 words substituted by S.S.I. 2011/106 reg. 38(c)
- Sch. 2 Pt. 1 option48 words substituted by S.S.I. 2011/106 reg. 39(a)
- Sch. 2 Pt. 1 option48 words substituted by S.S.I. 2011/106 reg. 39(b)
- Sch. 2 Pt. 1 option49 words substituted by S.S.I. 2011/106 reg. 40(a)(i)
- Sch. 2 Pt. 1 option49 words substituted by S.S.I. 2011/106 reg. 40(b)
- Sch. 2 Pt. 1 option49 words substituted by S.S.I. 2011/106 reg. 40(f)
- Sch. 2 Pt. 1 option51 words substituted by S.S.I. 2011/106 reg. 42(c)
- Sch. 2 Pt. 1 option52 words substituted by S.S.I. 2011/106 reg. 43(a)
- Sch. 2 Pt. 1 option52 words substituted by S.S.I. 2011/106 reg. 43(c)
- Sch. 2 Pt. 1 option54 words substituted by S.S.I. 2011/106 reg. 45(a)(I)
- Sch. 2 Pt. 1 option54 words substituted by S.S.I. 2011/106 reg. 45(a)(iii)
- Sch. 2 Pt. 1 option54 words substituted by S.S.I. 2011/106 reg. 45(b)
- Sch. 2 Pt. 1 option66 words substituted by S.S.I. 2011/106 reg. 48(a)
- Sch. 2 Pt. 1 option66 words substituted by S.S.I. 2011/106 reg. 48(b)
- Sch. 2 Pt. 1 option66 words substituted by S.S.I. 2011/106 reg. 48(d)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(ii)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(iv)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(viii)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(x)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(xii)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(a)(xiii)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(b)(i)
- Sch. 2 Pt. 1 option70 words substituted by S.S.I. 2011/106 reg. 49(b)(ii)
- Sch. 2 Pt. 1 option78 words substituted by S.S.I. 2011/106 reg. 53(a)
- Sch. 2 Pt. 1 option78 words substituted by S.S.I. 2011/106 reg. 53(c)
- reg. 12(3)(ii)(iii) words substituted by S.S.I. 2011/106 reg. 7(c)