

2009 No. 1

AGRICULTURE

**The Rural Development Contracts (Rural Priorities) (Scotland)
Amendment Regulations 2009**

<i>Made</i> - - - -	<i>8th January 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>9th January 2009</i>
<i>Coming into force</i> - -	<i>1st February 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2009 and come into force on 1st February 2009.

Amendment of the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008

2. The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(b) are amended in accordance with regulations 3 to 5.

Amendment to Schedule 1

3. In Schedule 1 (interpretation of schedules) in the definition of “rural settlement”–
- (a) for “classification” substitute “classifications”; and
 - (b) after “2003-2004” insert “, 2005-2006 or Scottish Government Urban Rural Classification 2007-2008(c).”

Amendment to Schedule 2

4. In Schedule 2 (rural priorities options), Part 1 (option, activities and eligibility conditions and rates of payment)–
- (a) in rural priorities option numbered 7 (establishment of short rotation coppice crops of willow or poplar) in column 3–

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2008/100 as amended by S.S.I. 2008/233.

(c) The Scottish Executive Urban Rural Classifications and Scottish Government Urban Rural Classification are available online at www.scotland.gov.uk/publications or by contacting Rural Directorate, Pentland House, Robb’s Loan, Edinburgh, EH14 1TY.

- (i) after “50%” insert “of eligible actual costs”;
 - (ii) after “(Less Favoured Area)” insert “including the cost of fencing (for both non Less Favoured Areas and Less Favoured Areas)”;
 - (iii) for “cost of £1540” substitute “payment of £1000”;
 - (b) in rural priorities option numbered 16 (wild bird seed mix/unharvested crop) in column 2, in paragraph (2)(b) before “sows a mixture” insert “spring”;
 - (c) in rural priorities option numbered 60 (woodland creation) in column 3, after the first entry insert “Payment rates for additional fencing capital items are 70% of the standard cost shown for fencing related items in Table D in Part 2 of this Schedule”;
 - (d) in rural priorities option numbered 62 (woodland improvement grants) in column 3, for “70%” substitute “100%”;
 - (e) in rural priorities option numbered 67 (area access management and monitoring, and creation and upgrading of paths and routes) in column 3, omit “, up to a maximum of £500 per item”;
 - (f) in rural priorities option numbered 70 (active management to improve the condition of vernacular rural buildings, archaeological or historic sites and historic landscapes) in column 3, omit “annual”.
5. In Schedule 2 (rural priorities options) in Part 2 for Table D (woodland improvement grants option) substitute–

“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	£500 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
Restructuring with Caledonian Scots pine	£448 per hectare
Restructuring with diverse conifers	£448 per hectare
Restructuring with mixed broadleaves	£1,002 per hectare
Restructuring with native broadleaves	£1,099 per hectare
Woodland deer impact reduction	£30 per hectare for deer control during the first 5 years of a Deer Management Plan

<i>Column 1 Item</i>	<i>Column 2 Standard Cost</i>
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
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: Small ditches (up to 0.5 metres wide and deep)	£60 per dam
Ditch/drain blocking with plastic piling dams: Medium ditches (between 0.5 and 1 metre wide and deep)	£120 per dam
Ditch/drain blocking with plastic piling dams: Large ditches (between 1 and 2 metres wide and 0.5 and 1 metre deep)	£280 per dam
Peat dam	£0.26 per metre of drain or furrow blocked with peat dams. Minimum payment £300
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.

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RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
8th January 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 (“the 2008 Regulations”) which introduce measures to supplement Council Regulation (EC) No. 1698/2005 (O.J. No. L 277, 21.10.2005, p.1) (“the Council Regulation”) which lays down general rules governing Community support for rural development (financed by the European Agricultural Fund for Rural Development established by Council Regulation (EC) No. 1290/2005 (O.J. No. L 209, 11.8.2005, p.1)) and Commission Regulation (EC) Nos. 1974/2006 (O.J. No. L 368, 23.12.2006, p.15) and 1975/2006 (O.J. No. L 368, 23.12.2006, p.74) laying down detailed rules for the application of the Council Regulation.

The 2008 Regulations provide for the payment of aid to be made available by the Scottish Ministers from the Scotland Rural Development Programme 2007 - 13 to any person who enters into an undertaking with the Scottish Ministers to carry out, or as the case may be, carry out and maintain the activities relevant to at least one of the rural priorities options set out in Schedule 2, and where relevant one or more than one of the capital items set out in relation to a particular rural priorities option or set out in Schedule 3.

The Regulations amend the definition of ‘rural settlement’ to include each of the current versions of the Scottish Executive Urban Rural Classifications (2003 – 2004; 2005 – 2006) and the Scottish Government Urban Rural Classifications (2007 – 2008) under which eligibility of a rural community group can be assessed (regulation 3). The Regulations also amend the activity and eligibility conditions and rates of payment in options 7, 16, 60, 62, 67 and 70 in Schedule 2 (regulation 4).

The Regulations also amend Table D of Part 2 of Schedule 2 to the 2008 Regulations by substituting a new table D containing new items: ‘Fell/extract dangerous trees’; ‘Manual brashing’; ‘High pruning’; ‘Early pruning of trees’; ‘High pruning of trees’; ‘Restructuring with diverse conifers’ and ‘Heather restoration (in Black Grouse core areas)’. The standard cost for ‘Forest plan preparation’ is amended to give a minimum and maximum payment threshold (regulation 5).

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