

**1983 No. 1762****AGRICULTURE****HORTICULTURE****The Farm and Horticulture Development (Amendment) (No. 3) Regulations 1983**

*Made* - - - - - 29th November 1983  
*Laid before Parliament* 30th November 1983  
*Coming into Operation* 1st December 1983

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Economic Community(b), in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Farm and Horticulture Development (Amendment) (No. 3) Regulations 1983 and shall come into operation on 1st December 1983.

*Application*

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

- (a) any work, facility or transaction included in an application received by the appropriate Minister before 1st December 1983 for a variation of a development plan approved for the purposes of the Farm and Horticulture Development Regulations 1981(c) (hereinafter called “the principal regulations”); or
- (b) any claim for grant towards expenditure incurred for the purposes of those regulations before 1st December 1983.

*Amendment of principal regulations*

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

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(a) 1972 c. 68.

(b) S.I. 1972/1811.

(c) S.I. 1981/1707, amended by S.I. 1983/507, 925.

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

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

5. In regulation 12 thereof (amounts of grant under regulation 3(1))—

- (a) in paragraph (2) for the words “paragraphs 1 to 28 and 30” there shall be substituted the words “paragraphs 1 to 26 and 28”;
- (b) paragraph (5)(b) shall be deleted;
- (c) in paragraph (8) for the words “paragraphs 1 to 28 of Schedule 1 or Schedule 2” there shall be substituted the words “paragraphs 1 to 28 in column 1 of Schedule 1 or paragraphs 1 to 26 in column 1 of Schedule 2”;
- (d) in paragraph (9) for the words “paragraphs 1 to 16, 20 to 23 and 28 to 29 in column 1 of Schedule 1 or Schedule 2” there shall be substituted the words “paragraphs 1 to 16, 20 to 23, 28 and 29 in column 1 of Schedule 1 or paragraphs 1 to 16, 19 to 22, 26 and 27 in column 1 of Schedule 2”.

6. The Schedule to these regulations shall be substituted for Schedule 2 to the principal regulations (eligible works and facilities and rates of grant in respect of applications received on or after 1st February 1980):

Provided that such substitution shall not affect the operation of the principal regulations in relation to any work, facility or transaction included in an application received by the appropriate Minister before 1st December 1983 for a variation of a development plan approved for the purposes of the Farm and Horticulture Development Regulations 1981 or in relation to expenditure incurred before 1st December 1983.

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

(L.S.)

*Michael Jopling,*  
Minister of Agriculture,  
Fisheries and Food.

29th November 1983.

*George Younger,*  
Secretary of State for Scotland.

## Regulation 6

## SCHEDULE

## CONTAINING NEW SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

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

## "SCHEDULE 2

## ELIGIBLE WORKS AND FACILITIES AND RATES OF GRANT

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings and permanently sited durable structures for cladding with plastic (except living accommodation and buildings and structures designed and intended for horticultural use or for any use mentioned in paragraph 11 of this Schedule and works and facilities specified in paragraphs 1(ii), 2 and 3 of this Schedule); bulk dry stores (other than bulk dry stores intended for grain drying or storage), yards, loading platforms, ramps or banks.	32.5	37.5	Not applicable
(ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings, bulk dry stores or silos designed and intended solely for the drying or storage of grain for consumption by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates.	32.5	37.5	Not applicable

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
2. Provision, replacement, improvement, alteration, enlargement or reconditioning of silos (other than silos intended for grain storage); provision and installation of equipment for loading or unloading such silos.	32.5	37.5	Not applicable
3. Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings for cattle (except for any use mentioned in paragraph 11 of this Schedule); dairy and parlour buildings and associated collecting yards.	32.5	37.5	Not applicable
4. Provision, replacement or improvement of systems for the disposal of farm waste.	32.5	37.5	32.5
5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes.	32.5	37.5	32.5
6. Provision, replacement or improvement of facilities for the supply of water, including the provision, replacement or improvement of facilities for water storage.	32.5	50	32.5
7. Field drainage, including under-drainage and ditching but excluding any hedge removal.	50	70	50
8. Provision or improvement of farm flood protection works, protection or improvement of river banks.	32.5	50	32.5
9. Provision, replacement or improvement of roads, paths and other permanent ways, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips.	32.5	50	32.5

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Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
10. Provision, replacement or improvement of sheep grids or cattle grids.	32.5	50	32.5
11. Provision, replacement or improvement of pens, dips, stells, or other facilities designed and intended for use in connection with the gathering, treatment or feeding of sheep or cattle or for sheltering them in periods of adverse weather but not for in-wintering.	32.5	50	Not applicable
12. (i) Provision, replacement or improvement of hedges, walls and associated gates.	32.5	60	32.5
(ii) Provision, replacement or improvement of permanent fences and associated gates.	32.5	50	32.5
13. Provision, replacement or improvement of shelter belts.	5	60	32.5
14. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including the application of lime or fertiliser (other than normal husbandry applications).	32.5	Not applicable	Not applicable
(ii) Reseeding and regeneration of grassland; laying down of permanent pasture, application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland.	Not applicable	50	Not applicable
(iii) Clearance and reclamation of land; subsoiling, burning heather or grass or making muirburn; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control.	32.5	50	32.5

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
15. (i) Orchard grubbing. (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— (a) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; (b) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in subparagraph (a); (c) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— (a) the varieties of pear trees known as Conference pear or Doyenne du Comice pear;	32.5 32.5     32.5	32.5 32.5     32.5	32.5 32.5     32.5

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Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
<p>(b) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in subparagraph (a).</p>			
16. Provision, replacement or improvement of wirework for hop gardens.	32.5	32.5	Not applicable
17. Provision, replacement or improvement of stakes and wirework for vineyards.	32.5	32.5	32.5
18. Provision, replacement or improvement of stakes and wirework for cane fruit.	20	20	20
19. Claying or marling or soil mixing.	5	10	5
20. Provision or enlargement of permanent buildings, of glasshouses or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce.	Not applicable	Not applicable	5
21. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of permanent buildings, of glasshouses (except glasshouses of a kind specified in	Not applicable	Not applicable	32.5

Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
<p>paragraph 21(iv) of this Schedule) or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glass-houses or structures are designed and intended for horticultural use (excluding any work or facility specified in paragraph 20 of this Schedule).</p> <p>(ii) Provision or enlargement of permanent buildings designed and intended for horticultural use (excluding buildings of a kind specified in paragraph 20 of this Schedule).</p> <p>(iii) Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use (excluding buildings of a kind specified in paragraph 20 of this Schedule).</p> <p>(iv) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glass-houses in existence on 1st December 1983 being heated internally by means of permanent installations for the consumption of fuel (excluding any work or facility specified in paragraph 20 of this Schedule).</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Nil</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Nil</p>	<p>32.5</p> <p>32.5</p> <p>50</p> <p>32.5</p>
22.	Not applicable	Not applicable	32.5



Column 1	Column 2	Column 3	Column 4
Kind of work or facility or transaction	Agricultural business. Rate of grant. Per cent.	Agricultural business in Less-Favoured Area. Rate of grant. Per cent.	Horticultural production business. Rate of grant. Per cent.
23. Plant or equipment designed and intended for the preparation for market of harvested horticultural produce.	Not applicable	Not applicable	20
24. Provision, installation or replacement of glasshouse heating systems including boilers.	Not applicable	Not applicable	20
25. (i) Purchase of livestock (except freshwater fish for food production).	5	10	Not applicable
(ii) Purchase of freshwater fish for food production.	5	10	Not applicable
26. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production.	5	10	Not applicable
27. Any work or facility incidental to the carrying out or provision of any work or facility specified in any of paragraphs 1 to 26 of this Schedule or necessary or proper in carrying it out or providing it or securing the full benefit thereof.	The rate appropriate to that work or facility in accordance with the provisions of the Scheme.		
28. Preparation of development plans.			

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations further amend the Farm and Horticulture Development Regulations 1981 (implementing Council Directive No. 72/159/EEC (OJ No. L 96, 23.4.72, p.1 (OJ/SE 1972 (II) p.324)) on the modernisation of farms and Council Directive 75/268/EEC (OJ No. L 128, 19.5.75, p.1) on mountain and hill farming and farming in certain less-favoured areas).

The regulations substitute a new Schedule of items of eligible works, facilities and transactions and rates of grant for the existing Schedule 2 to the principal regulations in relation to any work, facility or transaction which is included in an application for a variation of an approved development plan received on or after 1st December 1983 and to claims for grants towards expenditure incurred on or after that date. The new Schedule consolidates the previous Schedule 2 with some amendments.

An increased rate of grant is introduced in relation to the replacement, alteration etc. of heated glasshouses in a horticultural production business (paragraph 21(iv) of new Schedule 2) and in relation to the provision etc. of hedges, walls and shelter belts in less-favoured areas (paragraphs 12(i) and 13 of new Schedule 2). Grant is no longer available in relation to:

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

The regulations also make it clear that grant is not available for hedge removal (paragraph 7 of new Schedule 2). Consequential amendments are made to regulation 12 of the principal regulations, and a definition of "glasshouse" is introduced into regulation 2(1) of these regulations (interpretation).

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