

1990 No. 1125

**AGRICULTURE
HORTICULTURE**

**The Farm and Conservation Grant (Amendment)
Regulations 1990**

<i>Made</i> - - - -	<i>21st May 1990</i>
<i>Laid before Parliament</i>	<i>8th June 1990</i>
<i>Coming into force</i> -	<i>1st July 1990</i>

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

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Farm and Conservation Grant (Amendment) Regulations 1990 and shall come into force on 1st July 1990.

(2) In these Regulations, unless the context otherwise requires—

- (a) “the principal Regulations” means the Farm and Conservation Grant Regulations 1989(c);
- (b) “the 1985 Regulations” means the Agriculture Improvement Regulations 1985(d);
- (c) “the appropriate Minister” has the meaning provided by regulation 2(1) of the principal Regulations.

Savings

2. Regulations 5 to 7 below shall not apply in relation to an improvement plan approved under the principal Regulations before 1st July 1990, or to a request for the variation of such a plan or an application for approval of an improvement plan received before 1st July 1990 by the appropriate Minister, and these Regulations shall not affect the operation of the principal Regulations in relation to any such plan, request or application.

(a) 1972 c.68.
(b) S.I. 1972/1811.
(c) S.I. 1989/219.
(d) S.I. 1985/1266, amended by S.I. 1987/1950, 1988/1201, 1982, 2065 and 1989/219. By S.R. (N.I.) 1987 No. 156, the Agriculture Improvement Regulations were revoked in so far as they formed part of the law of Northern Ireland.

Amendment of principal Regulations

3. The principal Regulations shall be amended in accordance with regulations 4 to 7 below.

4. In regulation 2(1) thereof (interpretation), in sub-paragraph (b) of the definition of "designated maps", for the words from "at Plas Crug" to the end of the sub-paragraph there shall be substituted the following:

"at Trawsgoed, Aberystwyth, Dyfed SY23 4HT".

5. In regulation 3 thereof (eligible persons)–

(a) for sub-paragraph (i) of paragraph (1)(a), there shall be substituted the following sub-paragraph–

"(i) (α) derives not less than half of his annual income, calculated in accordance with the provisions of paragraph (2) below, from agricultural activities relating to that business and any qualifying activity carried on by him on land to which the business or an ancillary farm business relates,

(β) derives not less than one quarter of his annual income, so calculated, from agricultural activities relating to the agricultural business, and

(γ) spends time in such agricultural and qualifying activities amounting to at least 1,100 hours per year, and";

(b) in each of sub-paragraphs (b) and (c) of paragraph (1), for the words "practises farming as his main occupation, as" there shall be substituted "meets the requirements";

(c) in paragraph (2), after the word "business" there shall be inserted "and (as the case may be) qualifying activities";

(d) after paragraph (2) there shall be inserted the following paragraph–

"(2A) For the purposes of this regulation–

"ancillary farm business" means a business consisting in the pursuit of a qualifying activity where that business is carried on by the person also carrying on the eligible agricultural business on the same or adjacent land;

"qualifying activity" means any activity carried on for the purpose of–

(a) forestry;

(b) tourism, including the provision of any of the following: accommodation; food and drink; facilities for camping and caravanning; facilities for sports and recreation; educational facilities relating to farming and the countryside; accommodation and care for horses and ponies; or horses and ponies for hire;

(c) craft activities, including the manufacture and sale of craft items or tourist souvenirs; or

(d) maintaining the countryside, including the conservation and enhancement of the natural beauty of an area, the conservation of the flora or fauna or geological or physiographical features of an area, or the protection of buildings or other objects of archaeological, architectural or historic interest in an area, where aid is paid in respect of that activity out of money provided by Parliament, by any local authority or other statutory body, or by the European Economic Community."

6. In regulation 6 thereof (restrictions on approval of improvement plans)–

(a) for paragraph (1) there shall be substituted the following paragraph–

"(1) An improvement plan shall not be approved under these Regulations unless the appropriate Minister is satisfied that the investments to be made under the plan are justified from the point of view of the situation of

the agricultural business and its economy and that implementation of the plan—

- (a) will bring about a lasting improvement of that situation and in particular of the income per labour unit reasonably required in the carrying on of the business, or
 - (b) is necessary for maintaining the present level of income per labour unit so required.”;
- (b) in paragraph (3), for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
- “(b) proposed expenditure in connection with the breeding or keeping of pigs unless that Minister is satisfied—
 - (i) that after completion of the work, facility or transaction to which the expenditure relates, the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates will not exceed 800; and
 - (ii) that the plan provides that on its completion not less than 35 per cent of the feeding stuffs required for the pigs kept on that land can be produced therefrom;
 - (bb) proposed expenditure in connection with the breeding or keeping of pigs which entails an increase in production, except that where a plan submitted for approval which includes such expenditure is received before 1st January 1991, that Minister may approve for the purposes of grant expenditure which serves to increase the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates to no more than 300 such places;”;
- (c) in paragraph (3), after sub-paragraph (h) there shall be inserted the following sub-paragraph—
- “(j) proposed expenditure in connection with the breeding or keeping of beef livestock, unless that Minister is satisfied—
 - (i) that, subject to sub-paragraph (ii) below, the effect of such expenditure will not be to increase the number of such livestock kept on the land occupied for the purposes of the agricultural business to which the plan relates,
 - (ii) that, where the effect of such expenditure will be to increase the number of such livestock on such land, the number of such livestock at the completion of the plan will not exceed the equivalent of three livestock units for every hectare of that land comprising forage area, or
 - (iii) that such expenditure is in respect of any work, facility or transaction which has the effect of safeguarding the environment.”;
- (d) after paragraph (5) there shall be inserted the following paragraph—
- “(5A) For the purposes of paragraph (3)(j) above—
 - “beef livestock” means bovine animals which by reason of their breed or suitability are exclusively or principally kept for the production of meat either for human consumption or for processing into meat products,
 - “livestock unit” means one bovine animal over two years old, and a bovine animal under two years old but over six months old shall be taken to be 0.6 of a livestock unit, and
 - “forage area” means, in relation to land occupied for the purposes of the agricultural business to which the plan relates, so much of that land as is used for grazing by, or producing the feeding stuffs for, the beef livestock.”.

7. In Schedule 1 thereto (eligible works, facilities and transactions and rates of grant)—

- (a) in paragraph 1, column 1, for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a)(i) hedges (including associated protective fencing and hedgerow trees),

- (ii) walls built of materials traditional in the locality,
- (iii) banks built of materials traditional in the locality (including associated protective fencing),
and associated gates, stiles and footbridges;";
- (b) in paragraph 11, column 1, the words "plastic-clad" shall be omitted and after the word "structures" there shall be inserted "clad with translucent plastic";
- (c) in paragraph 12, column 1, the words "plastic-clad" shall be omitted and after the word "structures" there shall be inserted "clad with translucent plastic".

Amendment of the 1985 Regulations

8. The 1985 Regulations shall be amended in accordance with the provisions of the Schedule to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th May 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Sanderson of Bowden
Minister of State, Scottish Office

21st May 1990

SCHEDULE

Regulation 8

**AMENDMENT OF THE AGRICULTURE IMPROVEMENT
REGULATIONS 1985**

For regulation 8 of the 1985 Regulations (variation and withdrawal of improvement plans) there shall be substituted the following regulation—

"8.—(1) Subject to the provisions of paragraph (2) below, the appropriate Minister may, on the written request of the person currently responsible for the carrying on of an agricultural business to which an improvement plan relates, vary or withdraw the approval of that plan where that Minister considers that there are exceptional circumstances warranting such a variation or withdrawal.

(2) In respect of a request for the variation of approval of an improvement plan received by the appropriate Minister on or after 1st July 1990, that Minister shall not approve for the purposes of grant under these Regulations—

- (a) proposed expenditure in connection with the breeding or keeping of pigs unless that Minister is satisfied—
 - (i) that after completion of the work, facility or transaction to which the expenditure relates, the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates will not exceed 800; and
 - (ii) that the plan provides that on its completion not less than 35 per cent of the feeding stuffs required for the pigs kept on that land can be produced therefrom;
- (b) proposed expenditure in connection with the breeding or keeping of pigs which entails an increase in production, except that where the request for variation of approval which proposes such expenditure is received before 1st January 1991, that Minister may approve for the purposes of grant expenditure which serves to increase the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates to no more than 300 such places;

- (c) proposed expenditure in connection with the breeding or keeping of beef livestock, unless that Minister is satisfied—
- (i) that, subject to sub-paragraph (ii) below, the effect of such expenditure will not be to increase the number of such livestock kept on the land occupied for the purposes of the agricultural business to which the plan relates,
 - (ii) that, where the effect of such expenditure will be to increase the number of such livestock on such land, the number of such livestock at the completion of the plan will not exceed the equivalent of three livestock units for every hectare of that land comprising forage area, or
 - (iii) that such expenditure is in respect of any work, facility or transaction which has the effect of safeguarding the environment.

(3) For the purposes of paragraph (2)(c) above—

“beef livestock” means bovine animals which by reason of their breed or suitability are exclusively or principally kept for the production of meat either for human consumption or for processing into meat products,

“livestock unit” means one bovine animal over two years old, and a bovine animal under two years old but over six months old shall be taken to be 0.6 of a livestock unit, and

“forage area” means, in relation to land occupied for the purposes of the agricultural business to which the plan relates, so much of that land as is used for grazing by, or producing the feeding stuffs for, the beef livestock.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Farm and Conservation Grant Regulations 1989 (“the principal Regulations”), implementing changes introduced by Council Regulation (EEC) No. 3808/89 (OJ No. L371, 20.12.89, p.1) in Title I of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, as previously amended by Council Regulation (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p.1) and Council Regulation (EEC) No. 1137/88 (OJ No. L108, 29.4.88, p.1). The amendments implementing those changes are:—

- (a) the classes of person eligible for grant under the Regulations are extended by modifying the provisions in relation to those who derive income from, and spend time in, certain activities in addition to farming (regulation 5),
- (b) grant aid is made available where implementation of an improvement plan is necessary to maintain the income of an eligible agricultural business (and not only in respect of plans bringing about a lasting improvement of the economy of the business) (regulation 6(a)), and
- (c) restrictions are introduced in relation to beef production enterprises where production is to be increased (regulation 6(c) and (d)).

The Regulations also make the following changes:—

- (a) the address of deposit of the designated maps in relation to Wales is amended (regulation 4),
- (b) the restrictions in relation to grant for pig production enterprises are amended in order to reflect fully Community requirements (regulation 6(b)),
- (c) provision is made for grant to be paid for protective fencing in association with work on field banks (regulation 7(a)), and
- (d) provision is made to clarify which type of horticultural structures may qualify for grant purposes (regulation 7(b) and (c)).

The provisions of the Agriculture Improvement Regulations 1985 (“the 1985 Regulations”), being earlier Regulations relating to improving agricultural structures are amended—

- (a) by providing for plans approved under those Regulations to be varied or withdrawn in exceptional circumstances at any time after approval, and

(b) by making the same restrictions in relation to pig and beef production enterprises as are introduced in the principal Regulations where variations to plans approved under the 1985 Regulations are requested.

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