
WELSH STATUTORY INSTRUMENTS

2003 No. 529 (W.74)

AGRICULTURE, WALES

The Tir Gofal (Amendment) (Wales) Regulations 2003

Made - - - - *5th March 2003*

Coming into force - - *7th March 2003*

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Name, commencement, application and interpretation

1.—(1) These Regulations are called the Tir Gofal (Amendment) (Wales) Regulations 2003 and come into force on 7th March 2003.

(2) These Regulations apply in relation to Wales.

(3) “The principal Regulations” means the Land in Care Scheme (Tir Gofal) (Wales) Regulations 1999⁽³⁾.

Amendment of regulation 2

2. At the end of regulation 2 of the principal Regulations there is added the following paragraph:

—
“(4) In these Regulations, references to “hardwood” mean Welsh oak only and payments in relation to any other wood are to be made at the “softwood” rate.”

Amendment of Schedule 2

3.—(1) Schedule 2 to the principal Regulations is amended in accordance with the provisions of this regulation.

(2) For paragraph 2 there is substituted:—

“2. In relation to the management of heath land which is—

(a) high mountain heath and upland heath — £50 per hectare per agreement year

(1) S.I.1999/2788.

(2) 1972 c. 68.

(3) S.I. 1999/1176 as amended by S.I. 1999/3337 (W. 45) and 2001/423 (W.17).

- (b) lowland heath — £80 per hectare per agreement year”.
- (3) Paragraph 3(b) is deleted and the following text inserted:
 - “(b) management of unimproved neutral grassland — £90 per hectare per agreement year”.
- (4) Paragraph 3(d) is deleted and the following text inserted:
 - “(d) management of semi-improved grassland — £90 per hectare per agreement year”.
- (5) Paragraph 4(a) is deleted and the following text is inserted:
 - “(a) management of bogs — £40 per hectare per agreement year”.
- (6) Paragraph 4(b) is deleted.
- (7) Paragraph 5(a) is deleted and the following text is inserted:
 - “(a) management of improved land which is coastal grazing marsh or floodplain grassland
 - (i) lightly grazed — £180 per hectare per agreement year
 - (ii) moderately grazed — £100 per hectare per agreement year”.

Amendments to Schedule 3

- 4.—(1) Schedule 3 to the principal Regulations is amended in accordance with the provisions of this regulation.
 - (2) In paragraph 2(c), sub-paragraphs (i) and (ii) are deleted.
 - (3) In paragraph 2(c) for sub-paragraphs (iii) and (iv) there is substituted:
 - “(iii) on neutral grassland — £110 per hectare per agreement year
 - (iv) on acid and limestone grassland — £130 per hectare per agreement year”.
 - (4) For sub-paragraphs 3(e) and (f) there is substituted:
 - “(e) establishment of heathland vegetation on acid grassland or maritime cliffs and slopes — £110 per hectare per agreement year”.
 - (5) For sub-paragraphs 3(h) and 3(i) there is substituted:
 - “(h) establishment of new saltmarshes and creation of reedbeds on existing saltmarshes — £230 per hectare per agreement year.”
 - (6) Paragraph 4 is deleted.

Amendments to Schedule 4

- 5.—(1) Schedule 4 to the principal Regulations is amended in accordance with the provisions of this regulation.
 - (2) After sub-paragraph 1(h) there is added:
 - “(ha) erection of post, wire and netting fencing which is made of—
 - softwood — £1.75 per metre
 - hardwood — £2.00 per metre”
 - (3) In sub-paragraph 1(k)(ii) for “£2.60” there is substituted “£2.88”.
 - (4) In sub-paragraph 1(l)(ii) for “£11” there is substituted “£10.80”.
 - (5) In sub-paragraph 1(m)(i) for “£110” there is substituted “£120”.
 - (6) In sub-paragraph 1(m)(ii) for “£160” there is substituted “£144”.
 - (7) In paragraph 3 there is inserted:

- “(c) heather cutting — £60 per hectare”.
- (8) For sub-paragraph 5(a) there is substituted:
- “(a) removal or reduction of bracken by mechanical means or tractor mounted sprayer — £50 per hectare”.
- (9) For sub-paragraph 5(b) there is substituted:
- “(b) removal or reduction of bracken by aerial spraying or hand held sprayer — £120 per hectare”.
- (10) Sub-paragraph 5(c) is deleted.
- (11) For sub-paragraph 8(a) there is substituted:
- “(a) introducing wild plants — £150 per hectare”.
- (12) Sub-paragraphs (b), (c), (d) and (e) of paragraph (8) are deleted.
- (13) For sub-paragraph 9(a) there is substituted:
- “(a) creation or restoration of a pond — £2.50 per square metre and subject to a maximum of £500 per pond”.
- (14) Sub-paragraph 9(b) is deleted.
- (15) For sub-paragraph 9(c) there is substituted:
- “(c) installation of soil bunds — £35 per bund”.
- (16) For sub-paragraph 9(d) there is substituted:
- “(d) installation of a timber sluice — £140 per sluice”.
- (17) For sub-paragraph 9(f) there is substituted:
- “(f) hard surfacing — £5 per square metre”.
- (18) Sub-paragraph 9(g) is deleted.
- (19) In sub-paragraph 11(a)(i) for “£100” there is substituted “£120”.
- (20) In sub-paragraph 11(a)(ii) for “£150” there is substituted “£144”.
- (21) In sub-paragraph 11(b)(i) for “£110” there is substituted “£120”.
- (22) In sub-paragraph 11(b)(ii) for “£160” there is substituted “£144”.
- (23) Sub-paragraph 11(m) is deleted.

Amounts of Aid

6. In regulation 9 there are added the following paragraphs—

“(3) Payments for capital activities in accordance with Schedule 4 are subject to the following overall limits for the duration of the Tir Gofal agreement—

- (a) For farms of less than 20 hectares — £5,000;
- (b) For farms of 20-50 hectares — £10,000;
- (c) For farms of more than 50 hectares — £20,000.

(4) The Countryside Council may increase any payment in relation to habitats referred to in Schedule 2 or 3 by 10% where cattle have been used to achieve an environmental benefit, and by a further 10% of the original figure where Welsh Black cattle have been so used.”.

Transitional provisions

7.—(1) These Regulations have immediate effect in relation to Tir Gofal agreements signed on or after the date these Regulations come into force.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In relation to Tir Gofal agreements signed before these Regulations come into force, these Regulations apply as follows—

- (a) In the case of paragraphs that have been substituted, the substituted provisions apply from the date these Regulations come into force;
- (b) In the case of paragraphs that have been deleted, the agreement holder will be entitled to continue to receive payments under the deleted provisions applicable when the Tir Gofal agreement in question was signed rather than the provisions inserted by these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

5th March 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Land in Care Scheme (Tir Gofal) Regulations 1999 (as amended by the Tir Gofal and Organic Farming (Amendment) (Wales) Regulations 1999 and the Tir Gofal (Amendment) (Wales) Regulations 2001. The amendments reflect changes approved by the European Commission as part of the 2001 modifications to the Rural Development Plan. The amendments have the following effects:—

regulation 2

A more precise meaning is given to the term “hardwood” when used in the principal Regulations (regulation 2).

Schedule 2

- The rates for high mountain heath and upland heath are merged (regulation 3(2));
- the distinction between grazing land and haymeadow is removed in the entries for management of grassland (regulation 3(3) and (4));
- the distinction between blanket and raised bogs is removed (regulation 3(5) and (6));
- different rates of payment are provided for the management of improved land which is coastal grazing marsh and floodplain grassland according to the level of grazing (regulation 3(7)).

Schedule 3

- The payment structure for the conversion of semi-improved grassland to unimproved grassland is simplified (regulation 4(2) and (3));
- Two entries in relation to the establishment of heathland vegetation are merged (regulation 4(4));
- Two entries in relation to saltmarshes are merged (regulation 4(5));
- The entry in relation to managing buffer zones is removed (regulation 4(6)).

Schedule 4

- Payments in relation to fencing and gates are changed to provide a merged rate of payment when post and wire fencing and netting are used as part of the same exercise and vary payment rates (regulation 5(2) to (6));
- A new entry in relation to heather cutting is inserted (regulation 5(7));
- entries in relation to bracken are merged and clarified (regulation 5(8) to (10));
- entries in relation to the introduction of wild plants are merged (regulation 5(11) and (12));
- An entry in relation to eroded historic landscape sites is removed (regulation 5(12));
- Two entries in relation to ponds are merged (regulation 5(13) and (14));
- entries in relation to bunds and sluices are clarified (regulation 5(15) and (16); and
- entries in relation to hard surfacing are merged (regulation 5(12), (17), (18) and (23));

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- rates in relation to wooden gates are revised (regulation 5(19) to (22)).

Regulation 9

New overall limits are introduced in relation to capital activities covered by Schedule 4 and enhanced payments are introduced relating to the use of cattle (regulation 6).

Coming into force and transitional provisions

These Regulations come into force on 7th March 2003 in relation to new Tir Gofal agreements (regulations 1(1) and 7). The effect on the holders of existing agreements is also provided for in regulation 7.