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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 109**

**AGRICULTURE**

**The Rural Stewardship Scheme  
(Scotland) Amendment Regulations 2004**

<i>Made</i>	- - - -	<i>10th March 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th March 2004</i>
<i>Coming into force</i>	- -	<i>31st March 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 98(1) and (2) of the Environment Act 1995<sup>(1)</sup> 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 Rural Stewardship Scheme (Scotland) Amendment Regulations 2004 and shall come into force on 31st March 2004.

**Amendment to the Rural Stewardship Scheme (Scotland) Regulations 2001**

2.—(1) The Rural Stewardship Scheme (Scotland) Regulations 2001<sup>(2)</sup> are amended in accordance with the following paragraphs of this regulation.

(2) In Schedule 2 (management activities)—

(a) in item 1—

(i) for item 1 a. substitute—

“(a) The field must not be rolled, harrowed or grazed between 15th March and 30th June or until the crop has been secured, whichever is the later;”;  
and

(ii) for item 1 d. substitute—

“(d) Artificial fertiliser must not be applied to the field before 15th May, or 1st June where later-nesting, ground-nesting birds and young may be

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(1) 1995 c. 25. Section 98(1) was amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 120(7). See definition of “appropriate Minister” in section 98(5). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain the consent of the Treasury was removed by S.I. 1999/1820.

(2) S.S.I. 2001/300 amended by S.S.I 2003/177 and 303.

found. Farmyard manure and slurry must not be applied between 28th February and 15th May, or 1st June where later-nesting, ground-nesting birds and young may be found;”;

(b) for item 2 a. substitute–

“(a) Livestock must be excluded for 6 consecutive weeks between 15th March and 15th June, or livestock must be restricted to 1.4 livestock units per hectare during the whole period;”;

(c) for item 2 c. substitute–

“(c) Artificial fertiliser must not be applied to the field before 15th May. Farmyard manure and slurry must not be applied between 28th February and 15th May;”;

(d) after item 2 g. insert–

“(h) The intensity of grazing between 15th March and 15th June should be sufficiently low as to avoid damage to nests of ground-nesting birds.”;

(e) for item 3 a. substitute–

“(a) The field must not be rolled, harrowed or grazed between 15th May and 31st July. Where ground nests are present before 15th May, the nests should be marked and avoided;”;

(f) in item 5–

(i) for item 5 a. substitute–

“(a) (i) Livestock must be excluded for 6 consecutive weeks between 1st April and 15th June. The intensity of grazing between 1st April and 15th June should be sufficiently low as to avoid damage to nests of ground-nesting birds; or

(ii) if no barrier exists between the site and adjoining pasture, overall grazing levels must not exceed 1.4 livestock units per hectare for the selected 6 week period;”;

(ii) for item 5 c. substitute–

“(c) Artificial fertiliser or slurry must not be applied to the site. Farmyard manure must not be applied between 28th February and 15th May.”;

(g) in item 8, for the entry in column 2 (site requirements) substitute–

“Eligible arable land and improved grassland not eligible for Arable Aid Area payments.”;

(h) in item 12–

(i) for the entry in column 2 (site requirements) substitute–

“An area of lowland raised bog – an isolated peat deposit averaging over 1 metre thick that is surrounded by non-peat soils.”; and

(ii) for items 12b. to h. substitute–

“(b) The clearing of encroaching scrub and trees and prevention of colonisation;

(c) The preparation of a grazing plan, to be agreed with the Scottish Ministers, where grazing will improve the condition of the bog habitat;

(d) An agreement not to undertake any supplementary feeding on the site;

(e) An agreement that no peat cutting will be carried out without the prior written agreement of the Scottish Ministers; and

(f) An agreement that no muirburn will be carried out on the site.”;

- (i) for item 23 c. substitute–
  - “(c) Pesticides must not be applied within one metre of an established hedge. Spot treatment of weeds within one metre of any new hedge planting may be carried out using an approved herbicide but only with the prior written agreement of the Scottish Ministers;”;
- (j) in item 26–
  - (i) for the entry in column 2 (site requirements) substitute–

“Arable or improved grassland in plots of up to 2 hectares in size and totalling no more than 8 hectares over the whole unit.”; and
  - (ii) for item 26c. substitute–
    - “(c) No herbicides or pesticides may be applied.”;
- (k) in item 30, for the entry in column 2 (site requirements) substitute–

“Units up to 20 hectares of in bye on entry to the scheme (excluding any apportionment).”;
- (l) in item 31, for the entry in column 2 (site requirements) substitute–

“Units up to 20 hectares of in bye on entry to the scheme (excluding any apportionments). The unit must be participating in the management prescription, conservation management plan with special measures for small units.”; and
- (m) after item 33(3) insert–

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<p>“34. Management of basin and valley mire buffer areas.</p>	<p>Improved in bye or arable land surrounding a basin and valley mire. Basin and valley mires as identified by Scottish Natural Heritage.</p>	<ul style="list-style-type: none"><li>(a) The wetland area must be managed in accordance with the requirements of the management of wetlands option;</li><li>(b) The surrounding area of catchment must be managed as a grass buffer – this is to reduce the risk of nutrients applied to adjacent crops leaching into the wetland area. The external boundary of the buffer area will be defined by Scottish Natural Heritage but the grass buffer must be at least 10 metres in width;</li><li>(c) If it does not exist on entry to the Scheme, the grass buffer must be</li></ul>
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established in the first spring following approval by sowing a suitable mixture of grass seeds for which an additional payment is available;

- (d) Fertiliser, slurry or manure must not be applied to the buffer area;
- (e) Scrub control and the use of pesticides may be allowed only with the prior written agreement of the Scottish Ministers;
- (f) A grassland management regime must be set out and agreed with the Scottish Ministers. The grazing regime for the grass buffer will be that adopted for the wetland area.”.

- (3) In Schedule 3 (capital activities)–
  - (a) after item 12 insert–

<p>“<b>12A.</b> Blocking ditches on lowland raised bogs and on created wetland.</p>	Block ditches at intervals using impermeable plastic sheeting (known as plastic piling) to raise or maintain the water table at or just below the surface of the vegetation.
<p><b>12B.</b> Erosion control plan.</p>	Put in place a 5 year programme of measures to control burrowing animals.
<p><b>12C.</b> Provision of bat boxes.</p>	Bat boxes are to be made with soft wood. No wood preservatives should be used. The wood must be 2.5 cm thick leaving a 15 20 mm entrance gap underneath the base of the box. The wood should be rough sawn on all surfaces. The box lid should be screwed down.
<p><b>12D.</b> Provision of bird boxes (small).</p>	Bird boxes are to be made with soft wood. If required, treat with a water based preservative on the outside of the box. The wood must be 15 mm thick and the bottom of any entrance hole must be at least 125 mm from the floor

of the box. The inside front surface should be rough.

**12E.** Provision of bird boxes (large). Boxes are to be made with hard or soft wood. If required, treat with a water based preservative on the outside of the box. Dimension and design of the box will depend on the species of bird utilising the habitat where the box will be placed.”; and

(b) after item 14 insert–

“**14A.** Amenity tree planting on a site not exceeding 0.25 hectares. (a) Planting density must not exceed one tree per 10 square metres; and (b) Native species appropriate to the site must be planted.”.

(4) In Schedule 4 (rates of payment for activities)–

(a) in Part 1 (management activities)–

(i) for item 2.3 substitute–

“**2.3.** Creation and management of species rich grassland. (a) £250 per hectare on eligible arable land; or (b) £150 per hectare on improved grassland.”;

(ii) after item 3.5 insert–

“**3.6.** Management of basin and valley mire buffer areas. £250 per hectare.”;

(iii) for item 9.1 substitute–

“**9.1.** Conservation management plan with special measures for small units. (a) £50 per hectare (in bye); or (b) If a collective application covering a minimum of 4 crofts within the same crofting community, £60 per hectare (in bye).”; and

(iv) for item 9.2 b. substitute–

“(b) If a herd of cattle of traditional or native breed(s) is introduced to the croft by the end of the first plan year and numbers of any sheep on the crofts are reduced to ensure no increase in overall stocking density, £340 per hectare (in bye).”;

(b) in Part II (capital activities)–

(i) after item 11 insert–

“**11A.** Blocking ditches on lowland raised bogs and on created wetland. £100 per dam.

**11B.** Erosion control plan £1,100 per hectare (over 5 years).

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**11C.** Provision of bat boxes. £15 each.

**11D.** Provision of bird boxes £10 each.  
(small).

**11E.** Provision of bird boxes £20 each.”;  
(large).

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(ii) after item 13 insert–

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“**13A.** Amenity tree planting on a £1.50 per tree.”; and  
site not exceeding 0.25 hectares.

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(c) in Part III (rates of payment) for item 1 substitute–

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- “**1.** Environmental audit.
- (a) Small unit (up to and including 20 hectares excluding any apportionments and common grazings) 75% of actual cost with a minimum payment of £150 and a maximum payment of £225; and
  - (b) Other units (over 20 hectares excluding any apportionments and common grazings) 50% of actual cost with a maximum payment of £300.”
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Pentland House, Edinburgh  
10th March 2004

*ALLAN WILSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Rural Stewardship Scheme (Scotland) Regulations 2001 (“the principal Regulations”), which implement Commission Regulation (EC) No. 1750/1999 (O.J. No. L 214, 13.8.99, p.31) on support for rural development from the European Agricultural Guidance and Guarantee Fund. The principal Regulations extend to Scotland only.

The principal Regulations provide for payment of aid to be made to any person who enters into an undertaking with the Scottish Ministers to comply with the general environmental requirements set out in Schedule 1 and to carry out, or as the case may be, to carry out and maintain at least one of either the management activities set out in Schedule 2 or the capital activities set out in Schedule 3. Schedule 4 to the principal Regulations makes provision for rates of payment for management and capital activities.

These Regulations amend the principle Regulations as follows—

- (a) in Schedule 2 (management activities)—
  - (i) amend the management requirements for the extensive management of mown grassland for birds, the management of open grazed grassland for birds, the extensive management of mown grassland for corncrakes, the management of wet grassland for waders, the management of lowland raised bogs, the management of hedgerows and unharvested crops (regulation 2(2)(a) to (f), (h)(ii), (i) and (j) (ii));
  - (ii) amend the site requirements for the creation and management of species-rich grassland, management of lowland raised bogs, unharvested crops, conservation management plan with special measures for small units and the retention or introduction of cattle of native or traditional breed(s) (regulation 2(2)(g), (h)(i), (j) (i), (k) and (l));
  - (iii) introduce a new management requirement of the management of basin and valley mire buffer areas (regulation 2(2)(m));
- (b) in Schedule 3 (capital activities)—
  - (i) introduce new capital activities of blocking ditches on lowland raised bogs and on created wetland, erosion control plan and provision of bat and bird boxes (regulation 2(3)(a));
  - (ii) introduce a new capital activity of amenity tree planting on a site not exceeding 0.25 hectares for designed landscapes only (regulation 2(3)(b));
- (c) in Schedule 4 (rates of payment for activities)—
  - (i) amend the rates of payment for the management activities of creation and management of species-rich grassland, conservation management plan with special measures for small units and retention or introduction of breeding cattle of native or traditional breed(s) in crofting areas (regulation 2(4)(a)(i), (iii) and (iv));
  - (ii) introduce a rate of payment for the new management activity of management of basin and valley mire buffer areas (regulation 2(4)(a)(ii));
  - (iii) introduce rates of payment for the new capital activities of blocking ditches on lowland raised bogs and on created wetland, erosion control plan, provision of bat

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boxes, bird boxes and, on designed landscapes only and amenity tree planting on a site not exceeding 0.25 hectares (regulation 2(4)(b));

- (iv) amend the definition of a small unit in respect of environmental audit payment rates (regulation 2(4)(c)).

No Regulatory Impact Assessment has been carried out in respect of these Regulations.