
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 109

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

Amendment to the Rural Stewardship Scheme (Scotland) Regulations 2001

2.—(1) The Rural Stewardship Scheme (Scotland) Regulations 2001⁽¹⁾ 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 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;” and
- (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(2) insert–

“34. Management of basin and valley mire buffer areas.	Improved in by or arable land surrounding a basin and valley mire. Basin and valley mires as identified by Scottish Natural Heritage.	<ul style="list-style-type: none">(a) The wetland area must be managed in accordance with the requirements of the management of wetlands option;(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;(c) If it does not exist on entry to the Scheme, the grass buffer must be 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
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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>“12A. 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>12B. Erosion control plan.</p>	Put in place a 5 year programme of measures to control burrowing animals.
<p>12C. 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 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>12D. 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.
<p>12E. Provision of bird boxes (large).</p>	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–

<p>“14A. Amenity tree planting on a site not exceeding 0.25 hectares.</p>	<p>(a) Planting density must not exceed one tree per 10 square metres; and</p> <p>(b) Native species appropriate to the site must be planted.”.</p>
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- (4) In Schedule 4 (rates of payment for activities)–
(a) in Part 1 (management activities)–
(i) for item 2.3 substitute–

<p>“2.3. Creation and management of species rich grassland.</p>	<p>(a) £250 per hectare on eligible arable land; or</p>
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(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).

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

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

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

(ii) after item 13 insert–

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

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

“**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

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common grazings) 50% of actual cost with a maximum payment of £300.”
