SCOTTISH STATUTORY INSTRUMENTS

2004 No. 109

AGRICULTURE

The Rural Stewardship Scheme (Scotland) Amendment Regulations 2004

Made - - - -	*10th March 2004*
Laid before the Scottish Parliament - - - -	*10th March 2004*
Coming into force - -	*31st March 2004*

The Scottish Ministers, in exercise of the powers conferred by section 98(1) and (2) of the Environment Act 1995(**1**) 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(**2**) 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

(**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;"; 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(**3**) insert–

"**34.** Management of basin and valley mire buffer areas.	Improved in bye or arable land surrounding a basin and valley mire. Basin and valley mires as identified by Scottish Natural Heritage.	(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

(**3**) Item 38 was inserted by S.S.I. 2003/177 regulation 2(5).

	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 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–

"**12A.** Blocking ditches on lowland raised bogs and on created wetland.	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.
12B. Erosion control plan.	Put in place a 5 year programme of measures to control burrowing animals.
12C. Provision of bat boxes.	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