Draft Regulations laid before the Scottish Parliament under section 2(3) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, for approval by resolution of the Scottish Parliament.

D R A F T S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2024 No.

AGRICULTURE

The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2024

Made - - - -	*2024*
Coming into force - -	*1st January 2025*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(**a**) and all other powers enabling them to do so.

In accordance with section 2(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2024 and come into force on 1 January 2025.

Amendment of the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014

2.—(1) Paragraph 6 (maintenance of soil organic matter) of Part 2 (standards for good agricultural and environmental condition) of the schedule (standards for good agricultural and environmental condition) of the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014(**b**) is amended as follows.

(2) In sub-paragraph (3), after "up" insert "or cultivate".

(3) After sub-paragraph (3) insert—

"(4) Subject to sub-paragraphs (7) and (8), a beneficiary must not carry out any of the following activities on peatlands or wetlands—

(a) reseeding;

(b) drainage;

(c) maintenance of existing drainage systems where that maintenance causes peatlands or wetlands to dry out;

(**a**) 2020 asp 17.
(**b**) S.S.I. 2014/325, relevant amending instrument is S.S.I. 2019/60.

(d) application or use of—

(i) pesticides;

(ii) chemical fertilisers;

(iii) nitrogen fertilisers;

(iv) organic manure;

(v) soil conditioners;

(e) creation of roads or tracks;

(f) any activity which damages, disrupts or removes vegetation cover resulting in exposure of the underlying soil unless that activity is the cutting of peat by the beneficiary for use as fuel for the heating of domestic premises by that beneficiary;

(g) planting trees.

(5) Subject to sub-paragraphs (7) and (8), a beneficiary must not carry out any of the activities described in sub-paragraph (4) on land that is adjacent to peatlands or wetlands causing damage to the vegetation covering peatlands or wetlands or causing peatlands or wetlands to dry out.

(6) Subject to sub-paragraph (7), a beneficiary must not carry out any activities that disrupt or interfere with the flow of water between wetlands and rivers or watercourses causing wetlands to dry out.

(7) Except for sub-paragraph (4)(d)(i), sub-paragraphs (4) to (6) do not apply to beneficiaries—

(a) where the prohibited activity is undertaken by the beneficiary as part of works for the restoration of peatland;

(b) where the prohibited activity is undertaken by the beneficiary as part of the installation, alteration or replacement of wind turbines;

(c) where the prohibited activity is undertaken by the beneficiary as part of a permitted development under article 3(1) (permitted development) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**a**) and the permitted development falls under class 18 of schedule 1 (classes of permitted development) of that Order;

(d) where they have the prior written consent to undertake the prohibited activity of—

(i) the Scottish Ministers; or

(ii) such other authority, by or under any enactment, as may be notified to the beneficiary by the Scottish Ministers when the beneficiary applies to the Scottish Ministers for consent.

(8) Sub-paragraph (4)(d)(i) and sub-paragraph (5) insofar as the prohibited activity contained in sub-paragraph (4)(d)(i) is concerned do not apply to beneficiaries where pesticides are applied to or used on peatlands, wetlands or land adjacent to peatlands or wetlands to control—

(a) injurious weeds to which the Weeds Act 1959(**b**) applies;

(b) invasive species; or

(c) if the prior written consent of the Scottish Ministers has been given, other plant species.

(9) In this paragraph—

"peatlands" means land where the soil has a layer of peat with a thickness of 50 centimetres or more that is uncovered by vegetation or that is covered by—

(**a**) S.I. 1992/223, relevant amending instruments are S.I. 1992/1078, S.I. 1994/3294, S.I. 1997/3060, S.S.I. 2014/142, S.S.I. 2014/300, S.S.I. 2020/437 and S.S.I. 2023/35.

(**b**) 1959 c. 54.

(a) sphagnum mosses (sphagnum spp.);

(b) cotton grasses (eriophorum spp.);

(c) heather (callunavulgaris; erica SPP);

(d) blaeberry (vaccinium myrtillus);

(e) cowberry (vaccinium vitis-idaea); or

(f) crowberry (empetrumnigrum);

"prohibited activity" means an activity that is prohibited under sub-paragraphs (4) to (6);

"soil conditioner" means a substance utilised on land to improve its physical qualities including for the purpose of enhancing growth or vegetation;

"wetlands" means uncultivated and semi-natural land that contains wetland plant species.".

Amendment of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

3.—(1) Part 1 (voluntary coupled support – bovine animals) of schedule 3 (voluntary coupled support) of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015(**a**) is amended as follows.

(2) In paragraph 1 (interpretation), after the definition for "identification document" insert—

""qualifying bovine animal" means—

(a) a bovine animal that has a cattle passport; or

(b) a deceased bovine animal that had a cattle passport immediately prior to its death;".

(3) In paragraph 3 (eligible bovine animal), after sub-paragraph (b) insert—

"(ba) which is—

(i) the first bovine animal born by its mother in Scotland; or

(ii) a bovine animal which was born by its mother in Scotland no later than 410 days following the date of birth of a qualifying bovine animal that has the same mother;".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) S.S.I. 2015/58, relevant amending instruments are S.S.I. 2015/215 and S.S.I. 2017/98.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications to improve the operation of the provisions of the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 ("2014 Regulations") and the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 ("2015 Regulations").

Regulation 2 of these Regulations modifies paragraph 6 (maintenance of soil organic matter) of Part 2 (standards for good agricultural and environmental condition) of the schedule (standards for good agricultural and environmental condition) of the 2014 Regulations by adding provision relating to maintenance of soil organic matter which comprises part of the standards for good agricultural and environmental condition.

Regulation 2(2) of these Regulations modifies paragraph 6(3) of the schedule of the 2014 Regulations to add a prohibition of the cultivation of rough grazings and other semi-natural areas without approval under the Agriculture, Land Drainage and Irrigation Projects (Environmental Impact Assessment) (Scotland) Regulations 2017.

Regulation 2(3) of these Regulations inserts new sub-paragraphs (4) to (9) in paragraph 6 of the schedule of the 2014 Regulations. Sub-paragraphs (4) to (6) prohibit specified activities on peatlands or wetlands, or land adjacent to peatlands or wetlands land where those activities would have certain specified negative impacts on peatlands and wetlands. Sub-paragraphs (7) and (8) specify circumstances in which the prohibitions contained in sub-paragraphs (4) to (6) do not apply to beneficiaries. Sub-paragraph (9) contains definitions used in sub-paragraphs (4) to (8).

Regulation 3 of these Regulations modifies schedule 3 (voluntary coupled support) of the 2015 Regulations by adding provision concerning voluntary coupled support relating to bovine animals.

Regulation 3(2) of these Regulations modifies paragraph 1 (interpretation) of schedule 3 of the 2015 Regulations to insert the definition "qualifying bovine animal" for the purposes of the amendment made by regulation 3(3) of these Regulations.

Regulation 3(3) of these Regulations inserts a new sub-paragraph (ba) in paragraph (3) (eligible bovine animal) of schedule 3 of the 2015 Regulations containing a further eligibility requirement relating to the birth of bovine animals.

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