

1. Eligibility criteria

This is an old version of the page

Date published: 4 March, 2022

Date superseded: 29 September, 2022

Technical guidance for the Crofting Agricultural Grant Scheme, Small Farmers Grant Scheme and New Entrants Capital Grant Scheme.

Table of Contents

[1.1 Eligible purpose](#)

[1.2 Capital nature](#)

[1.3 Beneficiary contribution](#)

[1.4 Common grazings](#)

[1.5 Agricultural justification for proposed works](#)

[1.6 Application for investments recently disposed by applicant](#)

[1.7 Duplication of grant](#)

[1.8 Professional fees and other charges](#)

[1.9 Statutory and other requirements](#)

[1.10 Conservation and amenity](#)

[1.11 Restrictions on grant-aided expenditure for livestock](#)

1.1 Eligible purpose

1.1.1

To be eligible for assistance, works must be for the purpose of aiding and developing agricultural production. Care should be taken on approval of large capital items where eligibility may be accessed through a small amount of croft land run in conjunction with a large non-crofting unit. The agricultural justification must be made on the capacity of the eligible unit.

1.1.2

Agricultural production should be interpreted as encompassing all operations up to the normal point of farm/croft gate sale. It does not cover processing operations as distinct from production.

1.2 Capital nature

1.2.1

To be eligible for grant, expenditure must relate to capital works or facilities of a capital nature. They do not require to have a specified minimum useful life but as a general guide, buildings, roads and other structural works (as well as under-drainage) are expected to have a life of at least 10 years, whereas land improvement operations and plant and machinery should last for a minimum period of eight years.

1.2.2

Works and facilities must be reasonably durable and not makeshift, and be of a kind from which the business will benefit over a reasonable number of years. Replacements, reconditioning and adaptations of existing facilities are not eligible. Making good the normal wear and tear of facilities, repairs, maintenance work, replacement parts as well as normal husbandry operations, are not eligible.

1.2.3

It is a requirement of the scheme that works and facilities are sited, designed and constructed in a sound way in accordance with the nationally accepted standards. They must comply with any relevant British Standard or comparable alternative standard. Grant-aided investments must not conflict with countryside

amenity, farm safety and animal welfare requirements, and must be suited to the intended agricultural purpose.

1.3 Beneficiary contribution

1.3.1

Where assistance towards any eligible work is provided by way of grant, donation or contribution from a third party, the amount of assistance given by the third party should be deducted from the total cost of the work before grant is calculated.

1.3.2

Contractors – It is open to any partnership of which an applicant is a part to lodge estimates and compete with other contractors in the usual way. Where, however, the contractor is the sole applicant, they can only apply on a time and materials basis using timesheets and receipts for any materials used.

In any application/claim lodged by a Clerk to a Grazings Committee who is also a contractor (sole) or partner in a contracting business, it is open to them to compete for contracts for work to be done on the common grazings.

Any estimates lodged by an applicant/contractor will be assessed and compared with other competitive estimates submitted for the proposed works.

1.4 Common grazings

1.4.1

In the case of an application relating to a common grazings or to works required in connection therewith, grant may be offered only to the Grazings Committee or Constable appointed under section 47 of the Crofters (Scotland) Act 1993 but not to an individual crofter or group of crofters.

1.5 Agricultural justification for proposed works

All proposed works must meet at least one or more of the scheme objectives detailed below, serve an agricultural purpose and provide value for money.

1.5.1

Works Supported Support is available where it is a first time improvement, where the improvement is an integral element of a larger project, or where a substantive upgrade is involved. Support is not available for applications that are solely intended to replace existing assets and that are intended to serve the same purpose as the original. However where a previous facility is classed as derelict, i.e. no longer serviceable or fulfilling its function and incapable of being repaired or maintained, then assistance may be available providing the applicant can also demonstrate that improvement meets one or more of the scheme objectives.

1.5.2

Scheme Objectives The scheme objectives are identified below;

- 1. Reduce production costs
- 2. Improve and redeploy production
- 3. Improve quality
- 4. Preserve and improve the natural environment, hygiene conditions and animal welfare standards
- 5. Promote the diversification of farm/croft activities

Applicants must demonstrate at section 5.2 of the application form how the proposed works will meet one or more of these objectives. Depending on the objectives chosen, applicants will need to explain how the proposed works will deliver a cost benefit to the business, value for money to the public purse and is justified both agriculturally and environmentally. Details should include reference to current and proposed future cropping and stocking activities, listing extents, stock type and numbers where appropriate. The proposed works must be clearly linked to the scheme objectives and be realistic and achievable.

Examples of how a business may meet the Scheme Objectives are detailed at [Appendix B of the Crofting Agricultural Grant Scheme](#)

1.5.3

Agricultural Purpose

Currently it is a statutory requirement that the work being supported is for an Agricultural purpose and an assessment must be completed for each application to confirm this. An example of this is fencing, any fencing application must demonstrate a clear link to an agricultural purpose or improvement such as containment of farmed livestock or better livestock or crop management for the works to be eligible.

Another example is provision of water or electricity supply. These works can only be supported where there is a clear agricultural need or purpose for them such as (but not limited to) providing power or water to a lambing shed or a building used for wintering cattle.

1.5.4

Value for Money

The proposal must also be the most cost effective way of achieving the objectives. Care should be taken to ensure that support is not awarded where the proposed works are excessive in terms of their nature and scale in relation to the size/type of enterprise they will benefit. This also applies to buildings which are covered at section 1.5.9 in more detail.

Some other examples are given below;

- 1. Initial mains electricity supply onto the unit to provide power for occasional tasks such as clipping and lighting during lambing for a small flock of sheep. A small generator would be sufficient in this case for the power requirements needed for agricultural activities.
- 2. An auto drafting and weighing system where the business only supports a small flock of sheep.
- 3. High spec amenity fencing around house/field boundaries where traditional post and wire livestock fencing is sufficient to deliver scheme objectives.
- 4. Provision of a stock grid where the frequency of vehicular access for agricultural purposes is limited. A livestock gate will be sufficient in most cases (stock grids should not be grant aided where the main use of the access is for residential purposes).

In these cases applications should be refused or scaled back where appropriate.

The value for money assessment should consider the costs proposed and whether they are deemed excessive compared to other local rates. For the most part, the competitive quotes submitted with applications will determine this.

In a small number of cases an applicant may not be able to submit the required number of quotes for reasons such as the geographical location of the proposed works or lack of a particular type of contractor in that area. Local knowledge should be used to assess whether this justifies a lesser number of quotes submitted.

Many material suppliers will have the ability to quote across Scotland. However some specialist infrastructure such as Polycarbonate tunnels are only made by 1 or 2 suppliers. In addition it may be more difficult to obtain multiple quotes for additional local costs such as delivery to islands and remote areas. Again, local knowledge should be used to determine the number of quotes acceptable. If there is justification, this should be clearly noted in the comments box in the Technical Checklist section of APEX.

Competitive quotes should be compared to make sure that they are like for like and offer a comparable cost between all parts of the proposed works. The cheapest overall quote should then be used as a basis for the approved costs in the Offer of contract inputs section in APEX.

Most approved costs will be based on actual costs from comparable quotes. However technical staff reserve the right to determine acceptable costs for proposed works, even where competitive quotes have been submitted, but are deemed excessive in comparison to other local rates. In such cases, any justification for not using the quotations submitted for approved costs must be detailed in Agricultural Justification/Value for Money section of APEX.

1.5.5

Assessment of Applicants Own Labour

Some applications will request costs associated with the applicants own labour or use of their own machinery to complete proposed works. An assessment is required using professional and technical skills to ensure that the amount of time requested is reasonable for the proposed works.

It is difficult to be too prescriptive about guidelines for this assessment as there will always be variations between some applications but some examples of labour requirements are set out below;

Fencing

1 hour to erect 8 - 9 metres of stock fencing (70 metres in an 8 hour day)

2 hours to install a strainer post

1 hour to install a gate

These guidelines do not include any additional time required for transport of materials or additional works such as infill/water gates or rabbit proofing.

Ditching

1 hour to clear out 20 metres of existing ditches

Labour costs are calculated using the most up to date hourly labour rate set by the Scottish Agricultural Wages Board. This rate is reviewed annually and a new updated rate is published each year and normally takes effect from the 1st April in that year.

For other operations such as restoration of degraded grasslands, reference to work rates for ploughing, cultivations etc can be found in the [SAC Consulting Farm Management handbook](#)

Current Labour and Machinery rates are as follows;

Machinery	Rate
Own tractor up to 100 bhp (4WD)	£15.20
Own tractor between 101 and 150 bhp (4WD)	£21.10
Own Tractor 110 – 130 bhp with loader	£22.70
Own Tractor and trailer	£24.90
Own Digger (JCB with backhoe)	£15.10
Own telescopic fork lift (4WD)	£17.80
All terrain/quad bike vehicle	£8.60

The rate for Own Labour is £9.50 (as of 01/04/22)

1.5.6 Market Outlets & Horticultural or other non-traditional Business Proposals

Support is only available to businesses who intend to market their produce for sale off the unit and is not available for production for home use.

While no assistance is provided in the marketing of produce, it is a condition that proposals for non-traditional crofting agricultural operations (e.g. horticultural enterprises) will only be assisted if they are supported by a business plan which clearly identifies and defines the market outlets for produce from the proposed development.

Applicants must supply written confirmation from market outlets such as local shops/hotels/restaurants identified in their business plan, that they intend to take their produce.

Where alternative marketing such as croft gate sales or local crofter markets are proposed, the applicant must provide a clear explanation of what is being undertaken and support will only be given where local knowledge confirms that this is a reasonable proposal in terms of location, passing trade etc.

Applicants should be made aware that it is likely that follow up checks will be undertaken to ensure off croft sales are taking place once the proposed development is in place.

An example of this maybe were an applicant is proposing a Polytunnel for growing fruit and veg. As part of their business plan they have stated that they will sell the produce to a local restaurant or hotel. It would be reasonable in this case for them to supply a letter of support from the hotel or restaurant confirming that they intend to purchase the produce from the applicant.

1.5.7 Applicants with No Agricultural Activity

Applications for support where the business has no agricultural activity of their own can also be considered for grant provided that they meet the scheme objective, agricultural purpose and value for money requirements. An example of this is where the applicant is letting the land to a neighbour and they are applying for fencing for stock containment or to improve biosecurity.

1.5.8 Assessment Process

The Agricultural Justification/Value for Money section of the APEX application should be completed detailing observations on the need for the proposed investment and whether it will help achieve the objectives set out by the applicant. Also whether any scale back is required due to the proposals being excessive for the size/type of unit concerned. Also provide a conclusion as to whether the investment is justified in that it meets one or more of the scheme objectives, will serve an agricultural purpose and provides value for money.

As mentioned above, any application which cannot be justified either fully or following a scale back of the proposals should be refused assistance.

1.5.9 Additional Considerations for Agricultural Buildings

Applications for assistance for agricultural buildings may present particular difficulties. The essential concept is that the building must be suitable for the croft(s) or holding(s) which it is to serve.

Assistance will be limited to the size and type of building suitable for the actual or potential agricultural needs of the holding, but the total eligible land held by the applicant may also be taken into account. Seasonal or grazing lets are not to be taken into account.

The building must be sited on the eligible unit and the LPIS Viewer can be used to verify this. If there is any doubt as to whether the building will be sited on the eligible unit, further checks should be carried out or information gathered to confirm this.

The map based Crofting Register on the Registers of Scotland website could be used to confirm the croft boundary if it is registered. The Crofting Register also shows areas which have been Decrofted which should not be used to site a grant funded building. In addition the Crofting Commission Register of Crofts shows information in relation to previous Decroftings, so it could be also used as a method of confirming the eligibility of the site.

Where a holding is officially sublet or leased on a short terms basis, applications should only be accepted from an official subtenant or short-term lessee of an owner-occupier crofter. Such applicants with less than five years of their lease to run would not normally be given approval to erect an agricultural building on the sublet/short term leased croft.

The following points should be considered when assessing applications for farm/croft buildings:

1. size of croft/holding including any share in common grazings
2. current and proposed stock numbers (all classes)
3. current and proposed cropping programme and storage requirements
4. Machinery storage requirements
5. any other relevant information about the unit or farmer/crofter i.e. previous applications for the same item
6. size of proposed new building and its intended use
7. condition and usage of existing buildings on the unit/croft The pro forma on the back of the CAGS application form (PF08) and CAGS additional proposal form (PF08/a) should be used to assist in helping work out the agricultural need for the building proposed – in relation to the existing buildings on the holding.

The entries on the pro forma should be assessed to make sure that they are realistic and not excessive. Entries should be discounted where they are considered excessive and not achievable in relation to the type/size of the unit. Examples of this may be where the livestock housing requirements exceed the carrying capacity of the unit or where machinery and feed storage requirements are considered excessive for the unit. Comments should be added to the Agricultural Justification/Value for Money section of the APEX application where adjustments to the floor area assessment have been made.

Where a permanent building is justified, an applicant may propose to construct one which is larger than deemed necessary for the eligible unit on which it is to be sited. They may for example have other agricultural land and, provided that land is eligible under the scheme, a building of a size suited to the needs of the whole area may be approved for assistance.

Where this additional land is in the form of an official sub-let there must be at least five years of the sublease remaining, or in the case of non-croft land the applicant must demonstrate the right to uninterrupted occupation of the land for a period of at least five years from the date of application.

An applicant may also wish to use a building partly for a non-agricultural use. Approval may still be possible in these circumstances but grant aid would be limited to the part of the building used for primary production of agricultural produce.

1.5.10 Buildings Officer Scale Back Assessment

Where the size of a building has to be restricted, the following calculation should be carried out by a Buildings Officer;

The cost of the building should be reduced by deducting 25 per cent from the total cost of the proposed larger building to allow for the gable ends. The remaining 75 per cent of the cost should then be divided by the floor area of the larger building and multiplied by the floor area of the smaller (justified) building to provide a scaled back cost. This scaled back cost should then be added to the 25 per cent previously deducted for the gable ends to provide a new total approved cost. Any fitting- out of the building with electricity etc should also be restricted to the floor area agriculturally justified.

In the following example the crofter/farmer wishes to erect a building 12 metres x 30 metres (or 360m²) costing £30,000. The justification requires that the building be scaled back to no bigger than 12 metres x 18 metres (or 216m²). Therefore the cost which attracts grant aid has to be based on the smaller scaled back building.

Example

Total cost of building size 12 metres x 30 metres	£30,000
Deduct 25% for gable ends	£ 7,500
75% remaining	£ 22,500
Pro rata floor area	$£22,500/360\text{m}^2 \times 216\text{m}^2 = £13,500$
Add back gable ends	£7,500
Total cost of smaller agriculturally justified building(12 metres x 18 metres)	£21,000

1.5.11 Additional Considerations for Access Tracks

The length of access supported should be restricted to the minimum length of road required for agricultural purposes. Any additional distance added to achieve a non-agricultural purpose should be discounted.

Access tracks serving both agricultural sheds and houses are often constructed with a primary function of serving the domestic property and secondly to meet access needs of an agricultural shed. In almost all cases such as this the agricultural use of the road will be significantly outweighed by the residential use, therefore they should not be considered for support.

Planning consideration may affect the siting of an agricultural building and these should be taken into account when considering applications for access tracks. The majority of buildings will only require prior notification and are not subject to full planning consideration, but in cases where planning require a building to be sited in a particular area, support should be awarded on a length of track to that site.

1.5.12 Additional Considerations for Electricity Supply

Additional consideration should be taken when assessing applications where the proposal is to supply electricity to units where currently no domestic property or electricity supply exists.

Support should not be awarded where the initial supply onto the unit will also be used for a domestic house. These costs should be met by the applicant in the first instance and support will then be considered for a power supply from the domestic house to the agricultural building.

If a building has been scaled back in size following the justification process due to the needs of the croft/farm then the wiring and electrical fittings will require to be scaled back proportionately.

1.6 Application for investments recently disposed by applicant

1.6.1 Careful consideration should be given to any application where an applicant has previously disposed of a capital asset that is now effectively the subject of a replacement application.

An example of this is where a fully equipped unit is sub-divided and the equipped part sold or assigned leaving a bare-land unit, the applicant having already benefited from the open market proceeds of the sale or assignation value. In this scenario the application should be refused support as the unit has been created through his/her own choice and we are merely replacing what was previously under the applicants occupancy. If the occupier of the created unit is new to farming he/she should be considered under the normal agricultural justification.

1.7 Duplication of grant

1.7.1 A general principle of government financial management is that grant assistance from public money to any particular project should come from a single source. This is the case even if there are different sources available. The aim is to make sure that the total financial assistance is clearly visible, and to avoid duplication of assistance in ways which neither the government nor parliament intended. It is therefore the department's policy to prevent the duplication of exchequer-aid towards expenditure incurred on capital investments.

1.8 Professional fees and other charges

1.8.1 Reasonable fees for professional services in connection with grant-aided work will be accepted for grant if:

- the nature of the eligible work justifies professional services which the claimant could not reasonably be expected to undertake
- the fees charged are directly related to specific eligible operations for which grant has been sought, i.e. fees on their own are not eligible for grant
- the person or firm that provided the professional services is "independent" of the claimant or his business or any contractor undertaking the work
- fees are admissible for grant if charged by an individual or professional firm or company wholly independent of the claimant, or a professional firm or company of which the claimant is a partner or member or in which he has an interest, provided the firm is a separate legal entity from the "claimant" in his farming/crofting capacity
- SRUC fees should be treated in the same way as those for other professional services but an annual subscription to the SAC is not eligible.
- the fees do not exceed 12 per cent of the cost of the approved project

1.8.2 Fees for building warrant, planning permission and any other fees associated with the facility provided, may also be considered subject to the overall 12 per cent rule.

1.8.3 Travelling and subsistence expenses – the most likely appearance of such costs will be in connecting with community industries (i.e. employment training scheme). Reasonable and justified costs should be regarded as eligible especially where remoteness and inaccessibility is an important feature.

1.8.4 General legal fees, accountant's fees or charges for help in preparing a grant claim would be ineligible for grant aid.

1.9 Statutory and other requirements

1.9.1 General

1.9.1.1 Applicants/claimants must make sure that all proposals comply with the current safety regulations and, where appropriate, with the current planning requirements, Local Authority Byelaws, Building Regulations, the requirements of the Local Water Authorities, Scottish Environment Protection Agency, British Standards, Codes of Practice, licensing requirements etc.

1.9.2 Safety regulations

1.9.2.1 The Health and Safety at Work Etc Act 1974 imposes a general duty on everyone at work – employers, employees, owners of premises etc to make sure that work places are made and kept safe and healthy to safeguard themselves and others (including members of the public) who may be affected by the work activities.

The responsibility for the enforcement of the Act and Regulations made under or encompassed by it lies with the Health and Safety Executive (HSE). In terms of this Scheme the responsibility for compliance rests firmly with the applicant/claimant. In cases where doubts about the safety aspect arise the proposal should be returned to the applicant with the advice that they should contact the HSE for guidance. If the doubt arises at the claim stage, the claim should be returned to the applicant and they should be advised in the cover letter to consult with the HSE. Any additional work recommended as necessary or required to comply with any statutory requirement may be considered for grant.

1.9.2.2 The applicant/claimant also has responsibility under the 1974 Act to make sure that they comply with the Control of Substances Hazardous to Health Regulations 2002(COSHH): SI 1988 No 1657. These Regulations expand on the general requirement to protect the health of all persons at work, to make sure that no-one may be affected by any hazardous substances while working or visiting the applicant's premises.

1.9.2.3 In addition, the applicant/claimant has to consider the Health and Safety at Work Regulations which came into force on 29 December 1999. The Regulations were introduced to reinforce the Health and Safety at Work Act 1974. It places duties on both employers and employees including those who are clients, designers, principal contractors and contractors. Some of the duties overlap with the Construction (Design and Management) Regulations 2015 but additional measures may be required for compliance with the Health and Safety at Work Act 1999. A free copy is available from the [HSE website - Regulation of health and safety at work](#)

1.9.2.4 The applicant/claimant is likely to attract duties under The Construction (Design and Management) Regulations 2015 (CDM 2015 which came into force on 6 April 2015 replacing CDM 2007). CDM 2015 is the main set of regulations for managing the health, safety and welfare of construction projects. CDM 2015 applies to all building and construction work, including; new build, demolition, refurbishment, extensions, conversions, repairs and maintenance. The applicant should be issued with a link to current CDM 2015 guidance and advised to check the guidance to ensure compliance - [Construction - Construction \(Design and Management\) Regulations 2015 - What do I need to do? - Commercial clients: roles and responsibilities \(hse.gov.uk\)](#)

1.9.3 The Water Environment (Controlled Activities) (Scotland) Regulations 2011

The Controlled Activity Regulations(CAR)contain controls over a number of activities which have potential to impact on the water environment including a suite of general binding rules for mitigating diffuse pollution.

The Controlled Activities Regulations (CAR) have also been updated as of 1st January 2022 to include the 2003 “SSAFO Regs”, formally known as the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003, (as amended) putting the majority of regulations about slurry and silage handling and storage into one place.

The following activities are included within the scope of CAR: Discharges, Diffuse pollution, Abstractions, Engineering works in inland waters, Groundwater.

The type of authorisation required depends on the environmental risk of the proposed activity. There are three levels of control:

General Binding Rules (GBRs) - provide statutory controls over certain low risk activities.

Registration - intended to cover low risk activities which cumulatively pose a risk to the water environment.

Licence – where site-specific controls are required, particularly if constraints upon the activity are to be imposed

The GBRs in Schedule 3 of CAR set out the scope of the activities which can be carried out without contacting SEPA. Activities such as sheep dip disposal, discharging trade or sewage effluent will require SEPA to be contacted regarding registration or licence.

The storage of farmyard manure and application of fertilisers is covered by GBR 18 of CAR.

Guidance

A dedicated website Farming and Water Scotland provides information on compliance with current regulations along with practical advice on preventing diffuse pollution.

1.9.3.1 Facilities which may lead to pollution of watercourses

Any new proposals for liquid manure treatment and disposal; silage storage, effluent disposal and disposal of effluent from livestock housing; disposal of yard and dairy washings; dirty rainwater collection works; sheep dips; should meet with the requirements of SEPA.

In cases where there is evidence to suggest that SEPA has not been consulted or their recommendations not complied with, documentary evidence should be requested to show that they were satisfied with the proposals.

1.9.4 Welfare of livestock

1.9.4.1 Investments must comply with the standards laid out in the Welfare of Farmed Animals (Scotland) Regulations 2010 and the Animal Health and Welfare (Scotland) Act 2006.

1.9.5 Building Standards (Scotland) Regulations 2004

1.9.5.1 A building warrant is not required for the erection of an agricultural building if the building:

- is detached and single storey;
- is not to be used to any extent for retailing (including retail storage) or exhibiting;
- does not exceed 280m² in area;
- is to be located on agricultural land or croft;
- is not located less than 6m or the height of the building (whichever is less) from a boundary;
- and is not a dungstead or farm effluent tank.

In order to be considered eligible investments, all proposals to construct waste management facilities require a building warrant and a certificate of completion. If the local building control authority does not require this, confirmation of exemption must be included with the application for grant.

1.9.6 The Town and Country Planning (General Permitted Development) Order 1992

1.9.6.1 All agricultural buildings must apply for Prior Notification. Prior notification is the procedure whereby a developer must notify the planning authority of proposals before exercising permitted development.

1.9.6.2 Some agricultural buildings will require planning permission. The requirement for a planning application applies if:

- the proposed building is to have a floor area in excess of 465m²;
- the building is to be located within 3km of the perimeter of an aerodrome and would exceed 3m in height;
- the building would exceed 12m in height;
- the building would be within 25m of the metalled portion of a trunk or classified road; the building is to be used for the purpose of housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge and the building would be located within 400m of any protected building. A protected building is a building normally occupied by people but does not include buildings forming part of a working farm or certain special industrial buildings.

1.9.6.3 A building is defined as 'any structure or erection and any part of a building' and does not just apply to roofed edifices. Walls, bridges, waste management facilities, glasshouses, jetties, piers or slipways are classed as buildings for the purpose of planning law. Dung steads and silos are structures and will come under the terms of these rules. The prior notification procedure requires applicants to notify the planning authority of any proposed development as set out above and to allow 28 days initial consideration from the date the planning authority receives the notification. If no request for details is received within the 28-day period, the development may proceed.

1.9.6.4 Permitted development status may not apply in any area subject to a Direction made under Article 4 of the Town and Country Planning (General Development) (Scotland) Order 1992 which is used to control development in National Scenic Areas or Sites of Special Scientific Interest. Each Article 4 Direction describes the affected area and the type of development which is no longer permitted without express planning permission being granted. The staff in the conservation section of the planning authority are able to advise about the existence of Article 4 Directions in any specific area and the development which is controlled.

1.9.7 Building Standards

It is a requirement that, in order to qualify for grant, work must be of an eligible type and must be of a capital nature. Works must comply with British Standards as appropriate. British Standard Specifications (BS) and Codes of Practice are recognised nationally as setting out acceptable levels of good practice for the production, testing and use of many types of product. Each Standard is drawn up by a committee of experts representing the interested sectors, including designers, manufacturers and users. The main British Standard dealing with agricultural structures is BS 5502:2003 the 'Code of Practice for the Design of Buildings and Structure for Agriculture'. This Code of Practice give recommendations for design and construction and includes sections on health and safety, animal welfare and fire protection. It combines in one standard all the existing elements of accepted good building practice.

1.9.8 Ancient monuments and historic buildings

Many ancient monuments are protected by the law and these include ancient burial mounds, camps and other earthworks, primitive stone structures or old buildings. Scheduled Ancient Monuments and Listed Buildings can be identified in the LPIS Viewer Mapping system.

If a development might interfere with such a structure then the applicant should be asked to provide evidence that they have consulted Historic Environment Scotland and obtained their agreement to the proposals. This is not only relevant to the site of the proposed development, but also any other areas where disturbance will be caused as a result of the development for material extraction or access tracks etc.

Enquiries about developments affecting inhabited and potentially habitable historic buildings commonly known as Listed Buildings should be directed to the relevant Local Authority.

1.9.9 Pipelines

Applicants who carry out work in the proximity of oil, water or gas pipelines should be asked to provide evidence that the agreement of the pipeline owner had been obtained before carrying out any work.

1.9.10 Overhead electric lines

The Electricity Supply Standard 43-8, issue 4 (2015) prescribes minimum clearances to be maintained between "obstacles" and overhead electric lines. However, the minimum clearance depends on the voltage of the line (the higher the voltage, the larger the clearance). A farmer or landowner, who has an overhead line crossing his land will probably have a way leave agreement with the electricity company in respect of the supports sited on his land. Such agreements stipulate that the company will be consulted in the event of any proposals to put obstacles within 30 metres either side of the line. Accordingly, if an eligible person proposes either to erect a structure or to plant trees within 30 metres of any part of an electric line, they should be urged to consult the company.

1.9.11 Electrical fencing

Applicants who apply to erect an electric fence near to telecommunications lines should consult Openreach to confirm that the proposed works will not interfere with their infrastructure.

Roadside electric fences require the approval of the local authority highways department.

1.10 Conservation and amenity

1.10.1 In addition to areas with statutory protection, Scottish Ministers have the wider responsibility for protecting the wellbeing of all the countryside. The Agriculture Act 1986, Section 17(1) states:

"In discharging any functions connected with agriculture in relation to any land in Scotland the Scottish Ministers shall, so far as is consistent with the proper and efficient discharge of those functions, have regard to and endeavour to achieve a reasonable balance between the following considerations:

- a) the promotion and maintenance of a stable and efficient agricultural industry
- b) the economic and social interests of rural areas
- c) the conservation and enhancement of the natural beauty and amenity of the countryside (including its flora and fauna and geological and physiographical features) and of any features of archaeological interest there
- d) the promotion of the enjoyment of the countryside by the public

The Nature Conservation (Scotland) Act 2004 further places on all public bodies operating in Scotland an obligation to give proper consideration to, and account for, the impacts which their activities and policies have on the overall balance and health of the natural biological environment, at a local, regional, national and international level. They will be required to act, in ways that are consistent with the exercise of their other statutory functions, in order to make sure that the conservation of that naturally occurring biological diversity is encouraged and advanced.

1.10.2 We must make sure that grant-aided proposals take account of the Scottish Ministers' obligations under both Acts.

1.11 Restrictions on grant-aided expenditure for livestock

1.11.1 Limitations should be applied on assistance given per business for dairy, pig and poultry production, consistent with the scale of crofting/small farm activities.

Fattening/breeding of pigs

Assistance is limited to work related to the provision or upgrading of a maximum of 300 fattening pig places in one business. If the application relates to a viable unit of more than 300 places, no assistance should be offered. Once 300 places in one business have been assisted then no further places should be grant aided. A business must have sufficient cereal cropping land to produce 35 percent of its pig feed-stuff requirements, even if it does not actually produce the feedstuff. Assistance should not be given to non-land based intensive pig fattening units. It should also be noted that assistance is not available to crofters and other eligible applicants who might wish to convert from intensive units to welfare- friendly systems.

Poultry and egg production – poultry includes all domestic fowl, turkeys, ducks, geese, game birds etc for the production of meat or eggs. Assistance may be given only where the number of birds does not exceed 1,000. If the number of birds exceeds 1,000 no assistance at all should be given.