

Statutory Instrument 2000 No. 3048

The Countryside Stewardship Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 3048

COUNTRYSIDE, ENGLAND

The Countryside Stewardship Regulations 2000

<i>Made</i>	<i>13th November 2000</i>
<i>Laid before Parliament</i>	<i>14th November 2000</i>
<i>Coming into force</i>	<i>5th December 2000</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 98 of the Environment Act 1995[[1](#)] and of all other powers enabling him in that behalf, with the consent of the Treasury and after consulting the Countryside Agency, the Nature Conservancy Council for England and the Historic Buildings and Monuments Commission for England in accordance with section 99 of that Act, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Countryside Stewardship Regulations 2000 and shall come into force on 5th December 2000.

Interpretation

2. - (1) In these Regulations, unless the context otherwise requires -

"agreement" has the meaning given to it by regulation 3(2);

"agreement land" means land which is the subject of an agreement;

"agreement year" means a period of 12 months commencing with the date of, or any anniversary of the date of, the coming into effect of an agreement;

"application" means an application to enter into an agreement with the Minister, and "applicant" shall be construed accordingly;

"beneficiary" means a person who has entered into an agreement with the Minister;

"carrying out", in relation to an activity, includes ensuring it is carried out, and "carry out" shall be construed accordingly;

"Commission Regulation 746/96" means Commission Regulation (EEC) No. 746/96[2], laying down detailed rules for the application of Council Regulation 2078/92 as last amended by Commission Regulation (EC) No. 435/97[3];

"Commission Regulation 1750/1999" means Commission Regulation (EC) No. 1750/1999[4], as last amended by Commission Regulation (EC) No. 2075/2000[5] laying down detailed rules for the application of Council Regulation 1257/1999;

"Council Regulation 2078/92" means Council Regulation (EEC) 2078/92[6] on agricultural methods compatible with the requirements of the protection of the environment and the maintenance of the countryside;

"Council Regulation 1257/1999" means Council Regulation (EC) No. 1257/1999[7] on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF);

"Countryside Agency" means the body established by section 1 of the National Parks and Access to the Countryside Act 1949[8], formerly known as the Countryside Commission[9];

"former scheme" means the Countryside Stewardship Scheme administered by the Countryside Agency under section 4 of the Countryside Act 1968[10] from 25th June 1991 to 31st March 1996;

"former scheme agreement" means an agreement made with the Countryside Agency under the former scheme by any person with an interest in land, the rights and obligations of the Countryside Agency under which have been assumed by the Minister;

"interest", in relation to land, means:

- (a) a freehold estate;
- (b) a leasehold estate;
- (c) a licence to occupy; or
- (d) a right to graze common land;

"Minister" means the Minister of Agriculture, Fisheries and Food;

"special project agreement" has the meaning given to it by regulation 3(4);

"specified purposes" means -

(a) the conservation or enhancement of the natural beauty or amenity of the countryside (including its flora and fauna and geological and physiographical features) or of any features of archaeological interest there; or

(b) the promotion of the enjoyment of the countryside by the public.

(2) Any reference in these Regulations to -

(a) a numbered regulation or the Schedule is a reference to the regulation so numbered in, or the Schedule to, these Regulations; and

(b) a numbered paragraph is a reference to the paragraph so numbered in the regulation (or, in Part I or II of the Schedule, the Part) in which the reference occurs.

(3) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

(4) Part IV of the Schedule shall have effect for the purposes of interpreting Parts I to III thereof.

Power to enter into agreements

3. - (1) Subject to paragraph (3) and regulations 4 and 5, where the Minister is of the opinion that the carrying out by an applicant of any activity in relation to land in which the applicant has an interest, and which is the subject of an application, would be conducive to any of the specified purposes, he may enter into an agreement with the applicant.

(2) For the purposes of paragraph (1), "agreement" means an agreement which remains in force for a specified term, provides for the activity in question to be carried out in relation to land which is the subject of the agreement and requires the Minister to make payments to the beneficiary in respect of the carrying out of that activity thereon.

(3) The Minister may only enter into an agreement which -

(a) requires the beneficiary to carry out at least one activity specified in column I of Part I or II of the Schedule;

(b) in respect of any activity specified in column I of Part I, II or III of the Schedule, does not require the Minister to make payments in excess of the maximum payment rate specified in column 2 thereof; and

(c) does not require the Minister to make payments in respect of any activities not specified in Part I or II of the Schedule.

(4) Paragraph (3) shall not apply where the Minister is of the opinion that the specified purposes would be better or more fully achieved by entering into an agreement other than one in accordance with paragraph (3) ("a special project agreement").

Power to make payments

4. Subject to regulation 6, the Minister may make payments to the beneficiary in accordance with an agreement.

Conditions of payment

5. Subject to Article 48.3 of Commission Regulation 1750/1999, or, in relation to agreements applications for which were received before 30th July 1999, Article 20.3 of Commission Regulation 746/96 (exclusion from entitlement to payments), a beneficiary's entitlement to receive payments shall be subject to the following conditions -

- (a) that he is not in breach of any of the terms of the agreement;
- (b) that he has complied with the requirements of regulation 7; and
- (c) that he maintains an interest in the agreement land for the duration of the agreement.

Activities and matters in respect of which payments may be made

6. - (1) Subject to paragraph (2), payments may be made in respect of any activity or matter specified in Part I, II or III of the Schedule or, in the case of a special project agreement, in respect of any activity specified in that agreement.

(2) Paragraph 4(b) of Part II of the Schedule shall not apply to any agreement commencing on or after 1st October 2000.

Rates of payment

7. - (1) Subject to the following paragraphs, the rate of payment in respect of any activity shall not exceed that specified in column 2 of Part I, II or III of the Schedule.

(2) Payments in respect of any activity specified in a special project agreement shall not exceed 120% of the loss of income and additional costs incurred as a result of carrying out that activity.

(3) Where, with respect to any activity specified in paragraph 9(b), (d), (f), (i) or (j) of Part I of the Schedule, an agreement provides for a payment at a rate less than the former maximum payment rate in respect of the year ending on 31st July 2000, and a payment in respect of the year ending on 31st July 2001, and the aggregate amount of those payments will not exceed the amount that would be payable in respect of a single year if the applicable rate were the former maximum payment rate, the maximum payment rates specified in Part I of the Schedule in respect of those paragraphs shall not affect the rates of payment in relation to the agreement in question in respect of any activity carried out before 1st August 2001.

(4) In paragraph (3), "former maximum payment rate" means the maximum payment rate specified in the Countryside Stewardship Regulations 1998^[11] in respect of the activity specified in the correspondingly numbered paragraph in Part I of the Schedule to those Regulations.

Applications for payment

8. An application by a beneficiary for a payment under these Regulations shall be made at such time and in such form and shall contain or be accompanied by such information as the Minister reasonably may require.

Time for making payment

9. A payment may be made at such time during or after the agreement year as the Minister reasonably may determine.

Revocation and saving

10. - (1) The Countryside Stewardship Regulations 1998 are revoked, except that -

(a) regulations 9, 10, 11 and 12 of those Regulations shall continue to apply in relation to any person who is a beneficiary under any agreement in respect of which an application was received before 30th July 1999; and

(b) in addition, regulation 13 shall continue to apply in relation to former scheme agreements.

(2) The Countryside Stewardship (Amendment) Regulations 1999^[12] are revoked.

Elliot Morley

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

9th November 2000

We consent,

Jim Dowd

Clive Betts

Two of the Lords Commissioners of Her Majesty's Treasury

13th November 2000

SCHEDULE

regulations 6(1) and 7(1)

ACTIVITIES AND MATTERS IN RESPECT OF WHICH THE MINISTER MAY MAKE PAYMENTS

PART I

MANAGEMENT ACTIVITIES

<i>Column 1</i>	<i>Column 2</i>
<i>Activity</i>	<i>Maximum payment rate</i>
1. In relation to hay meadows -	
(a) management of lowland meadowland	£115 per hectare per agreement year
(b) management of upland meadowland	£150 per hectare per agreement year

(c) where sub-paragraph (a) or (b) applies, raising water levels on grassland	£60 per hectare per agreement year
(d) where sub-paragraph (b) applies, temporary removal of sheep from upland grassland	£3 per month for each sheep removed from, and kept on land other than, upland grassland forming part of the agreement land
(e) where sub-paragraph (a) or (b) applies, additional management	£40 per hectare per agreement year
(f) where sub-paragraph (a) or (b) applies, use of native grass and herb seed to establish an enhanced sward	£250 per hectare per agreement year
2. In relation to grazed pasture -	
(a) management of pasture of more than 3 hectares	£85 per hectare per agreement year
(b) management of pasture of 3 hectares or less	£115 per hectare per agreement year
(c) management of enclosed upland pasture	£60 per hectare per agreement year
(d) management of grassland above chalk and limestone	£60 per hectare per agreement year
(e) management of upland rough pasture	£20 per hectare per agreement year
(f) management of enclosed upland rough pasture	£45 per hectare per agreement year
(g) where sub-paragraph (a), (b), (c), (d), (e) or (f) applies, additional management	£40 per hectare per agreement year
(h) where sub-paragraph (a), (b), (c), (d), (e) or (f) applies, use of native grass and herb seed to establish an enhanced sward	£250 per hectare per agreement year
(i) where sub-paragraph (c), (d), (e) or (f) applies, temporary removal of sheep from upland grassland	£3 per month for each sheep removed from, and kept on land other than, upland grassland forming part of the agreement land
(j) where sub-paragraph (c), (d), (e) or (f) applies, burning of vegetation	£5 per hectare per agreement year
(k) where sub-paragraph (e) or (f) applies, management of common land	£5 per hectare per agreement year

(l) where sub-paragraph (a), (b), (c), (d), (e) or (f) applies, raising water levels on grassland	£60 per hectare per agreement year
3. In relation to upland moorland -	
(a) management to enable regeneration of suppressed heather	£70 per hectare per agreement year
(b) management to enable regeneration of heather on improved land	£120 per hectare per agreement year
(c) management to enable enhancement of heather moorland	£45 per hectare per agreement year
(d) management on heather moorland	£4 per hectare per agreement year, subject to a maximum total of £2,500 per agreement year
(e) where sub-paragraph (a), (b), (c) or (d) applies, raising water levels on heather moorland	£60 per hectare per agreement year
(f) where sub-paragraph (a), (b), (c) or (d) applies, temporary removal of sheep from heather moorland	£3 per month for each sheep removed from, and kept on land other than, heather moorland forming part of the agreement land
(g) where sub-paragraph (a), (b), (c) or (d) applies, burning of vegetation	£5 per hectare per agreement year
(h) where sub-paragraph (a), (b), (c) or (d) applies, management of common land	£5 per hectare per agreement year
4. In relation to cultivated land -	
(a) creation and management of grassland	£280 per hectare per agreement year
(b) where sub-paragraph (a) applies, creation and management of grassland, where the land has been set aside in the year preceding the first agreement year	£50 per hectare per agreement year
(c) where sub-paragraph (a) applies, additional management	£40 per hectare per agreement year
(d) where sub-paragraph (a) applies, raising water levels on grassland	£60 per hectare per agreement year

(e) where sub-paragraph (a), (b) or (c) applies, use of native grass and herb seed to establish an enhanced sward	£250 per hectare per agreement year
5. In relation to existing or proposed lowland heath -	
(a) management to prevent decline of existing lowland heath	£20 per hectare per agreement year
(b) management to improve existing lowland heath	£30 per hectare per agreement year
(c) creation and management of lowland heath on cultivated land	£275 per hectare per agreement year
(d) where sub-paragraph (a), (b) or (c) applies, additional management at any stage of the agreement	£50 per hectare per agreement year
6. In relation to field margins -	
(a) establishment and maintenance of an uncropped arable margin of a width in the range of 4 to 12 metres and averaging at least 6 metres	£533 per hectare per agreement year
(b) establishment and maintenance of an earth ridge or grass strip of a width of at least 2 metres across an arable field	£600 per hectare per agreement year
(c) establishment and maintenance of a grass margin of at least 2 metres in an arable field as follows -	
(i) in the case of agreements in respect of which applications were received before 30th July 1999	£750 per hectare per agreement year
(ii) in any other case	£400 per hectare per agreement year
(d) management of a field margin or strip of an average width of at least 6 metres, within grassland	£100 per hectare per agreement year
(e) management, for the protection of wildlife, of a field margin or strip of an average width of at least 6 metres, within grassland	£266 per hectare per agreement year

(f) where sub-paragraph (a), (b), (c), (d) or (e) applies, use of a native grass and herb seed to establish an enhanced sward	£250 per hectare per agreement year
7. In relation to areas other than any of a kind referred to in paragraphs 1 to 6 above -	
(a) restoration and management of orchards	£250 per hectare per agreement year
(b) restoration and management of water meadows	£225 per hectare per agreement year
(c) management of any of the following: fen, reedbeds or carrs	£100 per hectare per agreement year
(d) where sub-paragraph (c) applies, additional management	£40 per hectare per agreement year
(e) where sub-paragraph (c) applies, additional management for raising water levels	£60 per hectare per agreement year
(f) management and regeneration of upland woodlands	£100 per hectare per agreement year
(g) management of historical features in uplands landscape	£100 per hectare per agreement year, plus £20 per 0.1 hectare per agreement year
8. In relation to public access -	
(a) creation and maintenance of new footpaths for public access	£150 per agreement year plus £0.15 per metre per agreement year
(b) creation and maintenance of new bridleways for public access	£150 per agreement year plus £0.30 per metre per agreement year
(c) creation and maintenance of paths suitable for use by disabled people for public access	£150 per agreement year plus £0.30 per metre per agreement year
(d) permitting access to agreement land for educational visits	£500 per agreement year
(e) permitting other public access to agreement land	£150 per agreement year plus £35 per hectare per agreement year
9. In relation to arable land in a pilot area -	
(a) the retention of overwintered stubbles, other	£40 per hectare per agreement year

than in the circumstances specified in sub-paragraph (b), (c), (d), (e), (f), (h) or (j)	
(b) the retention of overwintered stubbles immediately following the cultivation, with limited herbicide use, of a cereal or linseed crop	£100 per hectare payable over two agreement years
(c) the retention of overwintered stubbles, followed by a spring and summer fallow	£520 per hectare per agreement year
(d) as specified in sub-paragraph (b), followed by a spring and summer fallow	£580 per hectare payable over two agreement years
(e) the retention of overwintered stubbles, followed by the cultivation of a spring crop	£75 per hectare per agreement year
(f) as specified in sub-paragraph (b), followed by the cultivation of a spring crop	£135 per hectare payable over two agreement years
(g) the undersowing of a spring cereal crop, other than in the circumstances specified in paragraph (h) or (i)	£135 per hectare per agreement year
(h) the retention of overwintered stubbles followed by the undersowing of a spring cereal crop	£145 per hectare per agreement year
(i) the undersowing of a spring cereal crop, which is followed by a ley	£595 per hectare payable over two agreement years
(j) the retention of overwintered stubbles followed by the undersowing of a spring cereal crop and a ley	£605 per hectare payable over two agreement years
(k) creating and managing a crop margin with no summer insecticide	£12 per hectare per agreement year
(l) creating and managing a conservation headland	£100 per hectare per agreement year
(m) creating and managing a conservation headland without any fertiliser applications	£250 per hectare per agreement year
(n) establishment of wildlife seed mixtures	Agreed costs of implementing proposals
10. In relation to inter-tidal and coastal habitats -	

(a) creation of inter-tidal habitats on arable land	£525 per hectare per agreement year
(b) creation of inter-tidal habitats on grassland	£250 per hectare per agreement year
(c) management of inter-tidal habitats	£20 per hectare per agreement year
(d) management of sand dunes	£50 per hectare per agreement year
(e) where any of sub-paragraphs (a) to (d) applies, additional management on coastal land	£60 per hectare per agreement year

PART II

CAPITAL ACTIVITIES

<i>Column 1</i>	<i>Column 2</i>
Activity	Maximum payment rate
1. In relation to hedgerow restoration -	
(a) laying, coppicing or planting to fill gaps in hedge, or any combination of these, and follow-up maintenance of restored hedgerows	£3 per metre
(b) planting of a hedge	£3 per metre
(c) where sub-paragraph (a) applies, preparatory work on hedges that are more than 1.5 metres wide and 5 metres high	£1 per metre
(d) where sub-paragraph (a) applies, removal of fence posts and wires	£0.50 per metre
(e) where sub-paragraph (a) applies, additional work which involves use of staking and top binding	£1 per metre
2. In relation to field boundaries -	
(a) restoration of stone wall	£12 per metre
(b) where sub-paragraph (a) applies and -	

(i) 50% or more of the stone is imported from elsewhere on the holding	£4 per metre
(ii) 50% or more of the stone is imported from outside the holding	£8 per metre
(iii) at least 10 metres of the wall is on slopes exceeding 30 degrees	£4 per metre
(c) installation of stockproof wiring along upper surface of a stone wall	£0.60 per metre
(d) repair of a stone-faced hedge bank	£10 per metre
(e) restoration of a stone-faced hedge bank	£25 per metre
(f) restoration of an earth bank	£3 per metre
(g) where sub-paragraph (f) applies, additional work in casting up	£0.50 per metre
(h) restoration of a ditch	£2 per metre
3. In relation to tree-planting and tree management -	
(a) planting of trees and shrubs	£0.65 per tree or shrub
(b) coppicing of trees along watercourses	£15 per tree
(c) pollarding of trees	£22.50 per tree
(d) tree surgery	£50 per tree for major work, £22.50 per tree for minor work
(e) installation of a spiral rabbit guard	£0.20 per guard
(f) installation of a tree-tube	£0.50 per tube
(g) planting of a standard tree in a park of historical interest	£6 per tree
(h) installation of a parkland guard in a park of historical interest	£30 per guard
4. In relation to orchards -	

(a) pruning and restoration of fruit trees	£8 per tree
(b) pruning to restore the frame of fruit trees	£30 per tree
(c) planting of maiden fruit trees	£7 per tree
(d) planting of standard fruit trees	£10 per tree
(e) installation of an orchard tree-guard	£2 per guard
(f) installation of an orchard tree-guard fence	£12 per fence
5. In relation to water levels and features -	
(a) installation of an earth bund	£40 per bund
(b) installation of a bund of soil or alternative material in upland drains	£2.50 per bund
(c) installation of a timber sluice	£140 per sluice
(d) installation of a brick, stone or concrete sluice	£400 per sluice
(e) installation of a culvert	£40 per culvert
(f) creation of a pond	£3 per square metre of surface area up to 100 square metres of surface area, and £0.50 per square metre of surface area thereafter
(g) restoration of an existing pond	£2 per square metre of surface area up to 100 square metres of surface area, and £0.50 per square metre of surface area thereafter
(h) creation of a scrape	£1.25 per square metre of surface area up to 100 square metres of surface area, and £0.25 per square metre of surface area thereafter
(i) construction of otter holt using logs	£40 per holt
(j) construction of otter holt by pipe and chamber	£125 per holt

6. In relation to scrub -	
(a) removal or reduction of scrub, where scrub ground cover is less than 25%	£50, plus £100 per hectare
(b) removal or reduction of scrub, where scrub ground cover is not less than 25% and not more than 75%	£50, plus £250 per hectare
(c) removal or reduction of scrub where scrub ground cover is over 75%	£50, plus £500 per hectare
(d) where sub-paragraph (a), (b) or (c) applies, follow-up work to remove scrub regrowth	£40 per hectare
7. In relation to bracken -	
(a) removal or reduction of bracken by mechanical means	£80, plus £30 per hectare
(b) removal or reduction of bracken by the application of chemicals	£50, plus £70 per hectare
8. In relation to fencing -	
(a) installation of post and wire fencing	£0.80 per metre
(b) installation of sheep fencing	£1.20 per metre
(c) installation of rabbit fencing	£0.60 per metre
(d) installation of a river gate	£100 per gate
(e) installation of a field gate	£125 per gate
(f) installation of deer fencing in parks of historical interest	£3.50 per metre
9. In relation to the supply of water -	
(a) installation of pipelines to supply water	£0.40 per metre
(b) installation of a water trough	£25 per trough

10. In relation to agreement land to which public access is available -	
(a) installation of a bridle gate	£100 per gate
(b) installation of a kissing gate	£130 per gate
(c) installation of a kissing gate suitable for use by disabled people	£200 per gate
(d) installation of a timber stile other than a ladder stile	£30 per stile
(e) installation of a ladder stile	£55 per stile
(f) installation of a step-over stile in stone wall	£20 per stile
(g) installation of a step-through stile in stone wall	£30 per stile
(h) construction of a footbridge	£125 per footbridge
(i) installation of a bench	£30 per bench
(j) construction of hard standing for car park	£5 per square metre
(k) construction of hard standing for paths suitable for use by disabled people	£7.50 per square metre
11. Clearance of an eyesore	£120 per eyesore

PART III

PROFESSIONAL FEES AND CHARGES

<i>Column 1</i>	<i>Column 2</i>
Activity	Maximum payment rate
1. Payment in respect of charges incurred for technical advice and professional help in the preparation of an application for an agreement which is subsequently entered into	£150 per application in relation to holdings of less than 50 hectares and £300 in relation to holdings of 50 or more hectares

2. Payment in respect of charges incurred for professional help in the preparation of a management plan where an agreement is subsequently entered into or where an agreement is in force at the time of preparation of the management plan	£300 per plan
3. Payment in respect of charges incurred for professional help in the preparation of notes for schoolteachers in relation to agreement land to which access for educational visits is permitted	£100 per agreement
4. Payment in respect of a survey of environmental features on upland holdings	£600 per survey

PART IV

INTERPRETATION

1. In this Schedule -

"carr" means an area of marshy ground on which the vegetation is predominantly willow or alder;

"casting up" means pushing soil back into place where an earth bank has collapsed;

"conservation headland" means an area around the outside of a cereal crop that receives no insecticides in the spring or summer and where the use of herbicides is restricted;

"fen" means an area of low-lying marshy ground;

"grassland" means land on which the vegetation consists primarily of grass species;

"heath" means an area of grass, shrubs and trees on acidic sandy soils;

"heather moorland" means upland rough pasture where heather and other dwarf shrubs are present in the sward;

"improved land" means land which has been drained, fertilised, reseeded or otherwise managed to increase its productive capacity;

"land which has been set aside" means land set aside in accordance with the provisions -

(a) of Council Regulation (EC) No. 1251/1999[[13](#)] establishing a support system for producers of certain arable crops, as last amended by Council Regulation (EC) No. 1672/2000[[14](#)]; and

(b) of Commission Regulation (EC) No. 2316/1999[[15](#)] laying down detailed rules for the application of Council Regulation (EC) No. 1251/1999 other than land used in the production of crops for use in the manufacture of products not primarily intended for human consumption;

"lowland", in relation to land, means land which is not upland land;

"maiden fruit tree" means a fruit tree not more than 2 years old;

"management plan" means a plan for carrying out any activity (other than the making of a payment) provided for in an agreement;

"meadowland" means land used for the production of hay or silage;

"overwintered stubbles" means the remains of a cereal or linseed crop after harvesting, retained through the winter into the next year;

"pilot area" means any of the areas shown coloured yellow on the maps marked A or B contained in the document entitled "Countryside Stewardship Scheme-Arable Farmland Pilot Areas", dated 21st May 1998, signed by the Parliamentary Secretary on behalf of the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3HX, together with any other land which -

(a) by reason of its close proximity is farmed, together with any land situated in any such area, as a single unit of farmland;

(b) is the smaller part of that unit; and

(c) in the Minister's opinion cannot reasonably be treated separately from any land so situated for the purpose of these Regulations;

"reedbeds" means an area of marshy ground on which the vegetation consists primarily of reeds;

"rough pasture" means permanent grassland on which the vegetation is predominantly natural because agricultural improvement is difficult due to terrain or other physical constraints;

"scrape" means a shallow excavation which may hold water seasonally;

"spring cereal crop" means a cereal crop sown in the spring;

"spring crop" means an arable crop sown in the spring;

"spring and summer fallow" means land that is cultivated in the spring and then left without further disturbance or cultivation during the spring or summer;

"standard fruit tree" means a fruit tree other than a maiden fruit tree, with a stem of between 1.6 metres and 2 metres, and no more than 5 years old;

"upland", in relation to land, means land situated in any area in England specified as a less-favoured farming area by Council Directive (EEC) No. 84/169[[16](#)] as amended by Commission Decision (EEC) No. 91/25[[17](#)];

"water meadow" means a meadow which is periodically inundated with water through a system of sluices and carriers; and

"wildlife seed mixtures" means the sowing of a mixture of seeds of plant species that will benefit wildlife.

2. In this Schedule, where a rate of payment expressed by reference to a unit

measurement is to be applied in relation to a fraction of that unit, the rate in respect of that fraction shall be calculated as an appropriate proportion of the rate per unit.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England (including the Isles of Scilly), revoke and replace (with savings) the Countryside Stewardship Regulations 1998 (S.I. 1998/1327).

The Regulations, which are made pursuant to section 98 of the Environment Act 1995, provide for payments to be made to any person who enters an agreement with the Minister requiring him to carry out an activity which is conducive to a specified purpose on land in which he has an interest.

The Regulations specify the maximum rates of payments for activities under an agreement and professional fees and charges in connection with an agreement or application therefor (*regulations 6(1) and 7(1) and Parts I, II, and III of the Schedule*). Exceptionally, the Minister also has power to enter into agreements in terms other than as specified in these Regulations ("special project agreements") if he considers this to be more conducive to the specified purposes (*regulation 3(4)*). Payments under special project agreements are limited to 120% of the loss of income and additional costs incurred as a result of carrying out the activity (*regulation 7(2)*).

Agreements for which an application was received after 29th July 1999 are required to comply with the England Rural Development Programme ("ERDP") which has been approved by the European Commission, by Commission Decision No. C2000/3003 ("the Decision"), under Article 44 of Council Regulation (EC) No. 1257/1999 (O.J. No. L160, 26.6.99, p. 80) ("the rural development Regulation").

Penalties for a breach of such an agreement are provided by Article 48 of Commission Regulation (EC) No. 1750/1999, and by the England Rural Development Programme (Enforcement) Regulations 2000 (S.I. 2000/3044).

By virtue of Article 55(3) of the rural development Regulation, and Article 3 of Commission Regulation (EC) No. 2603/1999 (made under Article 53 of the rural development Regulation), Council Regulation (EEC) No. 2078/92 (O.J. No. L215, 30.7.92, p. 85) (which is otherwise revoked) continues to apply to those commitments (including agreements) applications for which were received before 30th July 1999 and which were entered into before 1st January 2000.

Copies of the ERDP together with a copy of the Decision are available for inspection, during normal office hours, at the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR.

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

Notes:

[1] 1995 c. 25, as amended by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416); section 98(5) contains a definition of the appropriate Minister; for the application of section 98 to the Isles of Scilly, see section 117 of the Environment Act 1995 (c. 25) and the Environment Act 1995 (Isles of

Scilly) Order 1996 (S.I. 1996/1030).[back](#)

[2] O.J. No. L102, 25.4.96, p. 19.[back](#)

[3] O.J. No. L67, 7.3.97, p. 2.[back](#)

[4] O.J. No. L214, 13.8.99, p. 31.[back](#)

[5] O.J. No. L246, 30.9.2000, p. 46.[back](#)

[6] O.J. No. L215, 30.7.92, p. 85.[back](#)

[7] O.J. No. L160, 26.6.1999, p. 80.[back](#)

[8] 1949 c. 97 (12, 13 and 14 Geo 6); section 1 was substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.[back](#)

[9] "The Countryside Commission" was renamed "the Countryside Agency" on 1st April 1999 by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416).[back](#)

[10] 1968 c. 41; section 4 was amended by the Wildlife and Countryside Act 1981 (c. 69), section 40, the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 2(4) and the Environment Act 1995, section 78 and Schedule 10, paragraph 8(1).[back](#)

[11] S.I. 1998/1327 as amended by S.I. 1999/1177.[back](#)

[12] S.I. 1999/1177.[back](#)

[13] O.J. No. L160, 26.6.1999, p. 1.[back](#)

[14] O.J. No. L193, 29.7.2000, p. 13.[back](#)

[15] O.J. No. L280, 30.10.1999, p. 43.[back](#)

[16] O.J. No. L82, 26.3.84, p. 67.[back](#)

[17] O.J. No. L16, 22.1.91, p. 25.[back](#)

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