
STATUTORY INSTRUMENTS

1996 No. 695

COUNTRYSIDE

The Countryside Stewardship Regulations 1996

<i>Made</i>	- - - -	<i>8th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on 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 Secretary of State, the Countryside Commission, 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, commencement and extent

1.—(1) These Regulations may be cited as the Countryside Stewardship Regulations 1996 and shall come into force on 1st April 1996.

(2) These Regulations extend to England⁽²⁾.

Interpretation

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

“agreement land” means the land which is the subject of a stewardship agreement or a former scheme agreement;

“agreement year”, in relation to any stewardship agreement or former scheme agreement, means a period of 12 months commencing with the date of, or any anniversary of the date of, the coming into effect of the agreement;

“Countryside Commission” means the body established by section 1 of the National Parks and Access to the Countryside Act 1949⁽³⁾;

“carrying out”, in relation to an activity, includes ensuring that it is carried out, and “carry out” shall be construed accordingly.

(1) 1995 c. 25; section 98(5) contains a definition of the Minister.

(2) For application to the Isles of Scilly see section 117 of the Environment Act 1995 (c. 25).

(3) 1949 c. 97 (12, 13 & 14 Geo 6); section 1 was amended by the Countryside Act 1968 (c. 41), section 1(5), and substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.

“eligible person” means a stewardship agreement holder or a former scheme agreement holder who applies for a grant under these Regulations;

“former scheme” means the countryside stewardship scheme administered by the Countryside Commission under section 4 of the Countryside Act 1968(4) from 25th June 1991 to 31st March, 1996;

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

“former scheme agreement holder” means—

- (a) a person (other than the Minister or the Countryside Commission) who is a party to a former scheme agreement; and
- (b) any person with an interest in the agreement land who is bound by the terms of a former scheme agreement as successor to a person falling within sub-paragraph (a) of this definition;

“interest”, in relation to land, means a freehold or leasehold interest in it, or a licence to occupy it;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“special project agreement” has the meaning given to it in regulation 3(3);

“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;

“standard agreement” has the meaning given to it in regulation 3(3);

“stewardship agreement” has the meaning given to it in regulation 3(2); and

“stewardship agreement holder” means any person who has entered into a stewardship agreement.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations so numbered and any reference to the Schedule is a reference to the Schedule to these Regulations.

Power to enter into agreements

3.—(1) Where the Minister is of the opinion that the carrying out by any person who has an interest in land of any activity in relation to that land would be conducive to the specified purposes, he may, subject to paragraph (4) below and regulations 5 and 6, enter into a stewardship agreement with that person.

(2) For the purposes of paragraph (1) above, a stewardship agreement means an agreement which remains in force for a term specified in the agreement, provides for that person to carry out that activity in relation to that land and requires the Minister to pay grant to that person in respect of the carrying out of that activity thereon.

(3) In these Regulations a standard agreement means a stewardship agreement which—

- (a) includes provision for that person to carry out on that land at least one activity specified in an entry of column 1 of Part I or II of the Schedule,

(4) 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 and the Environment Act 1995, section 78 and Schedule 10, paragraph 8.

- (b) in relation to each such activity so provided for, and any activity specified in an entry of column 1 of Part III of the Schedule for which the agreement provides, requires or enables the Minister to pay grant at a rate no greater than the maximum payment rate specified in the corresponding entry in column 2 thereof, and
- (c) does not include provision for the Minister to pay grant otherwise than as specified in subparagraph (b) above,

and a special project agreement means a stewardship agreement other than a standard agreement.

(4) The Minister shall not enter into a special project agreement in relation to any activity except where he considers that—

- (a) the achievement of a particular purpose, within the scope of the specified purposes, is desirable in relation to particular land,
- (b) that particular purpose could not be achieved in relation to that land but for the carrying out of that activity, and
- (c) that activity is either—
 - (i) outside the range of activities specified in Part I or II of the Schedule, or
 - (ii) an activity specified in an entry of column 1 thereof but such that that person cannot reasonably be expected to carry it out in the absence of payment at a rate greater than the maximum rate specified in the corresponding entry in column 2 thereof.

(5) The definitions in Part IV of the Schedule shall have effect for the purposes of interpretation of Parts I, II, III thereof.

Grants for purposes conducive to conservation etc.

4. Subject to regulation 6, the Minister may make a grant—
- (a) in accordance with a stewardship agreement, to any eligible person, and
 - (b) in accordance with a former scheme agreement, to any eligible person who does or undertakes to the Minister to do anything the doing of which in the opinion of the Minister is conducive to the specified purposes.

Conditions

5. Any requirement in a stewardship agreement to make a grant under these Regulations to an eligible person shall be subject to the following conditions—

- (a) that he is not in breach of any of the terms of the stewardship agreement by which he is bound,
- (b) that he complies with the requirements of regulations 7 and 8 below, and
- (c) that he maintains an interest in the agreement land.

Limits on payment of grant

- 6.—(1) No payment of grant under a stewardship agreement shall be made—
- (a) in relation to any activity specified in Part I of the Schedule carried on during an agreement year until after the end of that agreement year, and
 - (b) in full in relation to any activity specified in Part II or Part III of the Schedule until after the activity has been completed.
- (2) In relation to a special project agreement—

- (a) the grant payable in relation to any activity specified therein shall not exceed the cost of carrying out that activity, and
- (b) no payment of grant shall be made in full in relation to any activity specified therein until after the activity has been completed.

Applications for grant

7. An application by a stewardship agreement holder for grant 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.

Notification of change of occupation

8.—(1) A stewardship agreement holder (or, if he has died, his personal representative) shall notify the Minister in writing of any change in the occupation of the agreement land or any part of the agreement land where the change occurs while the stewardship agreement is in force.

(2) Notification under this regulation shall be given within three months after the change of occupation concerned, or, where the stewardship agreement holder has died and no personal representative has been appointed within three months, as soon as is practicable after the appointment of a personal representative.

(3) Where there has been a change of occupation of all or part of any agreement land (whether subject to a stewardship agreement or a former scheme agreement), and the Minister enters into a stewardship agreement for the remainder of the term of the original agreement with the new occupier in relation to the land occupation of which has changed, then that stewardship agreement shall, for the purposes of calculating agreement years, be deemed to have commenced on the date on which the original agreement commenced.

Withholding and recovery of grant

9.—(1) Subject to paragraph (2) below where any applicant for a grant under these Regulations—

- (a) in making the application, or in furnishing any information in connection with the application, has made a statement which is false or misleading in a material respect,
- (b) has failed to do something which he undertook to do if the grant was made, or
- (c) is in breach of any condition subject to which the grant was made,

the Minister may recover the whole or part of any sums paid by way of grant thereunder to him and withhold the whole or part of any further payments of grant payable thereunder to him.

(2) Powers contained in a former scheme agreement to withhold or recover grant shall not be exercised by the Minister in circumstances where it would exceed the powers in paragraph (1) above to exercise them, but subject to that nothing in paragraph (1) above shall be taken to alter the terms of any former scheme agreement.

(3) Where the Minister withholds or recovers grant made in connection with a stewardship agreement under paragraph (1) above, he may also terminate that stewardship agreement by giving notice of such termination to the agreement holder.

(4) Any dispute in any particular case as to the withholding or recovery of grant by reference to paragraph (1) above shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of agreement to be appointed by the President of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act 1950(5) or any statutory modification or re-enactment thereof for the time being in force.

(5) Nothing in the preceding provisions of these Regulations shall be taken to preclude information provided by any person who is or becomes a stewardship agreement holder in connection with entry into his stewardship agreement from being treated as included among information provided by him in connection with an application for grant pursuant to that stewardship agreement.

8th March 1996

Tim Boswell
Parliamentary Secretary Ministry of Agriculture,
Fisheries and Food

We consent

7th March 1996

Derek Conway
Simon Burns
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 3

ACTIVITIES AND ITEMS IN RESPECT OF WHICH THE MINISTER MAY MAKE GRANTS

PART I

MANAGEMENT ACTIVITIES

Column 1 Activity	Column 2 Maximum payment rate
1. In relation to hay meadows—	£70 per hectare per agreement year
(a) management of lowland meadowland of more than 3 hectares	
(b) (b) management of lowland meadowland of 3 hectares or less	£100 per hectare per agreement year
(c) (c) management of upland meadowland of more than 5 hectares	£80 per hectare per agreement year
(d) (d) management of upland meadowland of 5 hectares or less	£130 per hectare per agreement year
(e) (e) where 1(a), (b), (c), or (d) apply, additional management in the initial stages of the management programme.	£40 per hectare per agreement year within the first 5 agreement years
2. In relation to grazed pasture—	£70 per hectare per agreement year
(a) management of pasture of more than 3 hectares	
(b) (b) management of pasture of 3 hectares or less	£100 per hectare per agreement year
(c) (c) management of enclosed upland pasture	£50 per hectare per agreement year
(d) (d) management of grassland above chalk and limestone	£50 per hectare per agreement year
(e) (e) management of upland rough pasture	£20 per hectare per agreement year
(f) (f) where 2(a), (b), (c), (d), or (e) apply, additional management in the initial stages of the management programme.	£40 per hectare per agreement year within the first 5 agreement years
3. In relation to upland moorland—	£65 per hectare per agreement year for the first 5 agreement years, then £15 per hectare per agreement year for the subsequent 5 agreement years
(a) management to enable regeneration of suppressed heather	
(b) (b) management to enable regeneration of heather on improved land	£100 per hectare per agreement year for the first 5 agreement years, then £50 per hectare

Column 1 Activity	Column 2 Maximum payment rate
	per agreement year for the subsequent 5 agreement years
4. In relation to cultivated land—	£250 per hectare per agreement year
(a) creation and management of grassland	
(b) (b) where 4(a) applies, additional management in the initial stages of the management programme	£40 per hectare per agreement year within the first 5 agreement years
5. In relation to existing or proposed lowland heath—	£20 per hectare per agreement year
(a) management to prevent decline of existing lowland heath	
(b) (b) management to improve existing lowland heath	£30 per hectare per agreement year
(c) (c) creation and management of lowland heath on cultivated land	£275 per hectare per agreement year
(d) (d) where 5(a), (b) or (c) applies, additional management at any stage of the management programme	£50 per hectare per agreement year
6. In relation to arable field margins—	£35 per 100 metres per agreement year
(a) establishment and maintenance of an uncropped arable margin at least 6 metres wide	
(b) (b) establishment and maintenance of a grass margin or strip at least 2 metres wide	£15 per 100 metres per agreement year
7. In relation to areas outside 1 to 6 above—	£250 per hectare per agreement year
(a) restoration and management of orchards	
(b) (b) restoration and management of watermeadows	£225 per hectare per agreement year
(c) (c) management of sand dunes	£50 per hectare per agreement year
(d) (d) where 7(c) applies, additional management in the initial stages of the management programme	£40 per hectare in relation to the first agreement year
(e) (e) management of salt-marshes	£20 per hectare per agreement year
(f) (f) where 7(e) applies, additional management in the first year of the management programme	£40 per hectare in relation to the first agreement year
(g) (g) management of any of the following: fen, reedbeds and carr	£100 per hectare per agreement year

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Activity	Column 2 Maximum payment rate
(h) (h) where 7(g) applies, additional creation of reedbeds or additional planting of willow or alder saplings	£40 per hectare per agreement year within the first 5 agreement years
8. In relation to public access—	£150 per agreement year plus £0.15 per metre per agreement year
(a) creation and maintenance of new footpaths for public access	
(b) (b) creation and maintenance of new bridleways for public access	£150 per agreement year plus £0.30 per metre per agreement year
(c) (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) (d) permitting access to agreement land for educational visits	£400 per agreement year
(e) (e) permitting other public access to agreement land	£150 per agreement year plus £35 per hectare per agreement year

PART II

CAPITAL ACTIVITIES

Column 1 Activity	Column 2 Maximum payment rate
1. In relation to headgerow restoration—	£2 per metre
(a) laying of hedge	
(b) (b) coppicing of hedge	£1.50 per metre
(c) (c) planting to fill gaps in hedge	£1.75 per metre
(d) (d) follow up maintenance of restored hedgerows 5 years after 1(a), (b) or (c) applies	£1 per metre
(e) (e) planting of hedge	£1.75 per metre
(f) (f) where 1(a) or (b) applies, preparatory work on hedges that are more than 1.5 metres wide and 5 metres high	£1 per metre
(g) (g) where 1(a), (b) or (c) applies, removal of fence posts and wires	£0.50 per metre
(h) (h) where 1(a) applies, additional work which involves use of staking and top binding	£1 per metre
2. In relation to field boundaries—	£12 per metre
(a) restoration of stone wall	

Column 1 Activity	Column 2 Maximum payment rate
(b) (b) where 2(a) applies additional work where 50% or more of the stone is imported from off the holding, or to a length of wall of at least 10 metres on slopes exceeding 30 degrees	£4 per metre
(c) (c) installation of wiring along upper surface of stone wall	£0.60 per metre
(d) (d) repair of stone-faced hedge bank	£10 per metre
(e) (e) restoration of stone-faced hedge bank	£25 per metre
(f) (f) restoration of earth bank	£3 per metre
(g) (g) restoration of ditch	£2 per metre
3. In relation to tree planting and management—	£0.65 per tree or shrub
(a) planting of trees and shrubs	
(b) (b) coppicing of trees along watercourses	£12.50 per tree
(c) (c) pollarding of trees	£17.50 per tree
(d) (d) tree surgery	£40 per tree
(e) (e) installation of spiral rabbit guard	£0.20 per guard
(f) (f) installation of tree tube	£0.50 per tube
(g) (g) planting of standard tree in a park of historical interest	£6 per tree
(h) (h) installation of parkland guard in a park of historical interest	£30 per guard
4. In relation to orchards—	£8 per tree
(a) pruning and restoration of fruit trees	
(b) (b) pruning to restore the frame of fruit trees	£30 per tree
(c) (c) planting of maiden fruit trees	£3 per tree
(d) (d) planting of standard fruit trees	£7 per tree
(e) (e) installation of orchard tree guard	£1.50 per guard
5. In relation to water levels and features—	£40 per bund
(a) installation of earth bund	
(b) (b) installation of timber sluice	£140 per sluice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Activity	Column 2 Maximum payment rate
(c) (c) installation of brick, stone or concrete sluice	£400 per sluice
(d) (d) installation of culvert	£40 per culvert
(e) (e) creation of pond	£3.00 per cubic metre up to 100 cubic metres and £0.50 per cubic metre thereafter
(f) (f) restoration of existing pond	£2.00 per cubic metre up to 100 cubic metres and £0.50 per cubic metre thereafter
(g) (g) creation of scrape	£1.25 per square metre up to 100 square metres and £0.25 per square metre thereafter
6. In relation to scrub—	£100 per hectare
(a) removal or reduction of scrub where scrub ground cover is less than 25%	
(b) (b) removal or reduction of scrub where scrub ground cover is between 25% and 75% (inclusive)	£250 per hectare
(c) (c) removal or reduction of scrub where scrub ground cover is over 75%	£500 per hectare
(d) (d) where I(a), (b) or (c) applies, follow up work to remove scrub regrowth	£40 per hectare
7. In relation to bracken—	£50 per hectare
(a) removal or reduction of bracken by mechanical means	
(b) (b) removal or reduction of bracken by the application of chemicals	£100 per hectare
8. In relation to fencing—	£0.80 per metre
(a) installation of post and wire fencing	
(b) (b) installation of sheep fencing	£1.20 per metre
(c) (c) installation of rabbit netting	£0.40 per metre
(d) (d) installation of river gate	£125 per gate
(e) (e) installation of field gate	£125 per gate
(f) (f) installation of deer fencing in parks of historical interest	£3.50 per metre
9. In relation to the supply of water—	£0.40 per metre
(a) installation of pipelines to supply water	
(b) (b) installation of water trough	£25 per trough
10. In relation to agreement land to which public access is available—	£100 per gate

Column 1 Activity	Column 2 Maximum payment rate
(a) installation of bridle gate	
(b) (b) installation of kissing gate	£130 per gate
(c) (c) installation of kissing gate suitable for use by disabled people	£200 per gate
(d) (d) installation of timber stile other than a ladder stile	£30 per stile
(e) (e) installation of ladder stile	£40 per stile
(f) (f) installation of step-over stile in stone wall	£20 per stile
(g) (g) installation of step-through stile in stone wall	£30 per stile
(h) (h) construction of footbridge	£125 per footbridge
(i) (i) installation of bench	£30 per bench
(j) (j) construction of hard standing for car park	£5 per square metre
(k) (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

ADVICE

Column 1 Activity	Column 2 Maximum payment rate
1. Payment in respect of charges incurred for technical advice and professional help in the preparation of an application for a stewardship agreement, where a stewardship agreement is subsequently entered into.	£100 per application
2. Payment in respect of charges incurred for professional help in the preparation of a management plan where a stewardship agreement is subsequently entered into or where a stewardship agreement is in force at the time of preparation of the 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART IV INTERPRETATION

In Parts I to III of the Schedule—

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

“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;

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

“lowland” means other than upland;

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

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

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

“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;

“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” means situated within the area in England included in the list of less-favoured farming areas established under Article 2(2) of Council Directive 75/268 EEC on mountain and hill farming in less-favoured areas⁽⁶⁾ (as last amended by Council Regulation EEC No. 797/85)⁽⁷⁾, which list is contained in Council Directive 84/169 EEC⁽⁸⁾ as amended by Commission Decision 91/25 EEC⁽⁹⁾; and

“watermeadow” means a meadow which is periodically inundated with water through a system of sluices and carriers.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations, which apply to England, provide for the payment of grants to any person who enters a stewardship agreement with the Minister requiring him to carry out an activity which is

⁽⁶⁾ OJ No. L128 19.5.75, p.1.

⁽⁷⁾ OJ No. L93 30.3.85, p.1.

⁽⁸⁾ OJ No. L82 26.3.84, p.67.

⁽⁹⁾ OJ No. L16 22.1.91, p.25.

conducive to the specified purposes (as defined in regulation 2(1)) on land in which he has an interest (regulations 3 and 4). A stewardship agreement may be either a standard agreement or a special project agreement (regulation 3(3)).

The Regulations also provide for the payment of grant to any person who entered a stewardship agreement with the Countryside Commission where the Minister assumes liability for that agreement (regulations 2 and 4).

The maximum grant payments for activities required by a standard agreement are contained in the Schedule to the Regulations. The maximum grant payable for activities required by a special project agreement is the cost of carrying out those activities (regulation 6).

Provision is made for notification of changes of occupancy in land which is subject to a stewardship agreement, and for the Minister to enter a stewardship agreement with a new occupier of agreement land for the remainder of the term of the original stewardship agreement or former scheme agreement (regulation 8).

The regulations also provide for the withholding and recovery of aid, and termination of stewardship agreements (regulation 9).

The Regulations supplement Council Regulation (EEC) No. 2078/92 (OJ L 215, 30.7.92, p.85) on agricultural methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.