
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, are made pursuant to section 98 of the Environment Act 1995, and provide for a grant to be made to any person who enters into an agreement with the Secretary of State requiring him to carry out activities which are conducive to a specified purpose on land in which he has an interest. The specified purposes are the conservation of the natural beauty or amenity of the countryside and the promotion of the enjoyment of the countryside by the public (regulation 2).

Four pilot areas have been designated to reflect different uses of agricultural land in England. An applicant may apply for a grant in respect of any area of land which lies wholly or partly within a pilot area (regulations 2 and 3). Land is excluded from the scheme if it is already subject to another agri-environment or management scheme, or if it is common land (regulation 2).

Applicants to the scheme must be freehold owners, tenants or contractual licensees of the land in respect of which they are applying (regulation 2). Each applicant must meet a points target, calculated by reference to the area of land entered. Points are obtained by making a record of the environmental features on the land, and by undertaking to carry out so many of the specified activities as are necessary to reach the target (regulation 5 and the Schedule).

The Secretary of State may make annual flat-rate payments of grant provided that the beneficiary has an interest in the land and the terms of the agreement have not been breached (regulations 4, 6 and 7).

Where a beneficiary has provided false or misleading information, or there is a breach of the agreement, the Secretary of State may withhold future payments of grant or recover on demand any grant which has already been paid to the beneficiary (regulation 8). Where she is minded to withhold or recover grant, the Secretary of State must inform the beneficiary and allow him to make any representations he wishes within a reasonable time. Those representations must be taken into account before a final decision is taken (regulation 9).

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