STATUTORY INSTRUMENTS

2006 No. 991

AGRICULTURE, ENGLAND

COUNTRYSIDE, ENGLAND

The Environmental Stewardship (England) and Countryside Stewardship (Amendment) Regulations 2006

Made - - - -	*21st March 2006*
Laid before Parliament	*31st March 2006*
Coming into force - -	*30th April 2006*

The Secretary of State for Environment, Food and Rural Affairs makes the following Regulations under the powers conferred by section 98 of the Environment Act 1995(**a**) and section 2(2) of the European Communities Act 1972(**b**).

She has been designated(**c**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Community.

In accordance with section 99 of the Environment Act 1995 she has obtained the consent of the Treasury.

In accordance with section 99 of that Act she has consulted the Countryside Agency, English Nature and the Historic Buildings and Monuments Commission for England.

Citation and commencement

1.—(1) These Regulations may be cited as the Environmental Stewardship (England) and Countryside Stewardship (Amendment) Regulations 2006.

(2) These Regulations come into force on 30th April 2006.

(**a**) 1995 c.25. Section 98(5) defines the appropriate Minister. The functions of the Minister of Agriculture, Fisheries and Food (which related only to England) were transferred to the Secretary of State by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). The functions of the Secretary of State were, so far as they related to Wales, transferred to the National Assembly for Wales by virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the Secretary of State were, so far as they related to Scotland, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) 1972 c.68.

(**c**) S.I. 1972/1811.

Amendment of the Environmental Stewardship (England) Regulations 2005

2.—(1) Schedule 2 to the Environmental Stewardship (England) Regulations 2005(**a**) is amended as follows.

(2) In Part 1 (interpretation), at the appropriate place, insert—

> ""native breed at risk" means a native breed of livestock, of which the number of breeding females in the United Kingdom is, in the opinion of the Secretary of State, lower than the threshold for it in Annex 1 of Commission Regulation (EC) No 817/2004(**b**) (laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)), as last amended by Commission Regulation (EC) No 1360/2005(**c**);";
>
> ""traditional farm building" means a building or part of a building constructed for a use associated with agriculture—
>
> (a) using traditional methods and materials, or
>
> (b) which is, in the opinion of the Secretary of State, of historic or landscape interest;".

(3) In the table in Part 2—

(a) at the end of paragraph 4, add—

"(e) Maintenance of traditional farm buildings	2 per square metre of ground floor area	2 per square metre of ground floor area	£2 per square metre of ground floor area";

(b) at the end of paragraph 10, add—

"(g) Stocking land with cattle and sheep	8 per hectare	8 per hectare	£8 per hectare".

(4) In the table in Part 3—

(a) in column 2 of entry (i) of paragraph 9, for "environmental stewardship agreement" substitute "year";

(b) at the end of paragraph 13, add—

"(f) Supplement for cattle grazing for conservation purposes	£35 per hectare
(g) Supplement for grazing native breeds at risk	£70 per hectare".

(5) In the table in Part 4, omit—

(a) in paragraph 1, entry (f);

(b) in paragraph 5, entry (h);

(c) in paragraph 13, entry (a).

Amendment of the Countryside Stewardship Regulations 2000

3. Paragraph 8 of Part I of the Schedule to the Countryside Stewardship Regulations 2000(**d**) is amended as follows—

(a) in column 2 of entry (d), for "£1,100 per agreement year" substitute "£100 per visit";

(b) at the end, add—

(**a**) S.I. 2005/621, to which there is an amendment not relevant to these Regulations.
(**b**) O.J. No L 153, 30.4.2004, p. 30.
(**c**) O.J. No L 214, 19.8.2005, p. 55.
(**d**) S.I. 2000/3048, amended by S.I. 2004/114; there is another amending instrument but it is not relevant.

"(f) permitting access to agreement land for educational visits – base payment for (d) above	£500 per agreement year".

Bach
Parliamentary Under Secretary of State
Date 21 March 2006 Department for Environment, Food and Rural Affairs

We consent,

Vernon Coaker
Tom Watson
Date 28 March 2006 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Stewardship (England) Regulations 2005 (S.I. 2005/621) and the Countryside Stewardship Regulations 2000 (S.I. 2000/3048).

The Environmental Stewardship (England) Regulations 2005 and the Countryside Stewardship Regulations 2000 each establish a scheme under which farmers, in return for complying with certain requirements and conditions, become entitled to grants.

The amendments to the Environmental Stewardship (England) Regulations 2005 are as follows:

(a) definitions of "native breed at risk" and "traditional farm building" are inserted in Part 1 of Schedule 2 (regulation 2(2));

(b) a new entry ((e)) is added to paragraph 4 of Part 2 of Schedule 2 in respect of the maintenance of traditional farm buildings (regulation 2(3)(a));

(c) a new entry ((g)) is added to paragraph 10 of Part 2 of Schedule 2 in respect of the stocking of land with cattle and sheep (regulation 2(3)(b));

(d) the maximum payment rate for entry (i) in paragraph 9 of Part 3 of Schedule 2 is changed from £500 per environmental stewardship agreement to £500 per year (regulation 2(4)(a));

(e) new entries ((f) and (g)) are added to paragraph 13 of Part 3 of Schedule 2 in respect of cattle grazing for conservation purposes and the grazing of native breeds at risk (regulation 2(4)(b));

(f) paragraph 1, entry (f) (building new stone walls), paragraph 5, entry (h) (installation of liggers or bridges) and paragraph 13, entry (a) (obtaining planning permission in relation to capital works items) are omitted from Part 4 of Schedule 2 (regulation 2(5)).

The amendments to the Countryside Stewardship Regulations 2000 are as follows:

(a) the maximum payment rate in paragraph 8, entry (d) of Part 1 of the Schedule (permitting access to agreement land for educational visits) is changed from £1,100 per agreement year to £100 per visit (regulation 3(a));

(b) a new entry ((f)) is added to that paragraph in respect of base payments for permitting access to agreement land for educational visits (regulation 3(b)).

A full regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.

£3.00

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E0531 4/2006 160531T 19585