EXPLANATORY MEMORANDUM TO

THE ENVIRONMENTAL STEWARDSHIP (ENGLAND) AND COUNTRYSIDE STEWARDSHIP (AMENDMENT) REGULATIONS 2006

2006 No.991

1.

This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations make minor changes to the menu of land management options and capital works items for which grants are available to landowners and farmers under the Environmental Stewardship and Countryside Stewardship agri-environment schemes.

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Regulations are made under Section 98 of the Environment Act 1995 and Section 2(2) of the European Communities Act 1972.

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

5. Extent

5.1 This instrument applies to England.

6. European Convention of Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Environmental Stewardship was introduced in 2005 (see S.I. 2005/621 and the accompanying Explanatory Memorandum). The scheme comprises three elements:

- Entry Level Stewardship (ELS), which is open to all landowners and farmers as a simple means of providing environmental benefits and is aimed at tackling countrywide environmental problems such as diffuse pollution, loss of biodiversity and landscape character, and damage to the historic environment;

- Organic Entry Level Stewardship (OELS), which is the entry-level strand for farmers registered with an organic body; and

- Higher Level Stewardship (HLS), which builds on the successes of the Countryside Stewardship and Environmentally Sensitive Areas Schemes (which are both closed to new applicants) by concentrating on land of higher ecological value. HLS is one of the principal instruments in delivering the Public Service Agreement target on Sites of Special Scientific Interest (SSSIs).

7.2 The Regulations amend the scheme as follows:

- a land management option is added to all three elements for the maintenance of traditional farm buildings in order to encourage more farmers to maintain buildings which are of architectural and historic interest;

- the land management option on mixed stocking (i.e. the stocking of land with cattle and sheep) is extended under all three elements to land within the Less Favoured Areas. This replaces an equivalent provision of the Hill Farm Allowance – the final claims of which will be paid in May 2006;

- the maximum base payment for permitting access to farm land for educational visits (under HLS) is changed from £500 per agreement to £500 per year;

- land management options are added to HLS in respect of cattle grazing for conservation purposes and for grazing native breeds at risk in order to help facilitate the delivery of the PSA targets on SSSIs and other biodiversity targets; and

- HLS capital works items for the building of new stone walls, the installation of liggers or bridges and obtaining planning permission in relation to capital works are omitted following a reappraisal of the need for these provisions and Commission concerns about their eligibility under State Aid rules.

7.3 The new ELS/OELS options are due to be made available in agreements starting from 1 May and the new HLS options in agreements starting from 1 August.

7.4 Countryside Stewardship was introduced in 1991. Under the scheme payments are made to farmers and land managers to enhance and conserve English landscapes, their wildlife and heritage and to help people enjoy them.

7.5 The Regulations amend the scheme to bring the options and payment rates for educational access under Countryside Stewardship into line with those for the HLS element of Environmental Stewardship.

7.6 All of the above amendments have been approved by the EC Commission.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no detrimental impact on business, charities or voluntary bodies because participation in the scheme is voluntary.

8.2 Funding for these options will come out of the existing provision for Environmental Stewardship and Countryside Stewardship.

9. Contact

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