EXPLANATORY MEMORANDUM TO THE

ENVIRONMENTAL STEWARDSHIP (ENGLAND) REGULATIONS 2005

2005 No. 621

1.

1.1 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.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations provide for the creation of Environmental Stewardship (ES), a new agri-environment scheme which comprises three elements: Entry Level Stewardship (ELS), Organic Entry Level Stewardship (OELS) and Higher Level Stewardship (HLS). The scheme replaces three existing agri-environment schemes, namely, Countryside Stewardship (CSS), Environmentally Sensitive Areas (ESAs) and the Organic Farming Scheme (OFS).

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

3.1 Reference is made in the definition of "less favoured area" in regulation 2 of the Regulations to three volumes of maps showing the "less favoured area" of England, which is coloured blue and pink. The Department has provided a copy of a map showing all the Less Favoured Areas in the UK, printed at a considerably smaller scale than the maps referred to in regulation 2. The official maps of the English Less Favoured Areas are in three volumes containing 235 pages of coloured A3 maps at a scale of 1:50,000. These may be viewed (by prior appointment) at the Department's Information Resource Centre which is located at 2 Horseferry Road, London SW1 2AL (telephone 020 7238 6712).

3.2 The location of Less Favoured Areas in England can also be found using the interactive map at the website of Multi-Agency Geographic Information for the Countryside. The interactive map can display the less favoured area status of any land in England with a co-ordinate accuracy of one metre at a scale of 1:25,000. This service is available at no cost and can be found at: http://www.magic.gov.uk/.

3.3 Reference is also made in regulation 2 of the Regulations (in the definition of "organic standards") to the Department's Compendium of UK Organic Standards, May 2004 Edition. The Department has provided a paper copy of the Compendium. It is also available on the Department's website at: www.defra.gov.uk/farm/organic/legislation-standards/compendium-may04.pdf

4. Legislative Background

4.1 The Regulations implement certain provisions (particularly Articles 22 to 24) of Council Regulation (EC) No 1257/1999. They are made under section 98 of the Environment Act 1995 and section 2(2) of the European Communities Act 1972 (which is required in particular in respect of Article 22(d)).

5. Extent

5.1 This instrument applies to England.

6. European Convention of Human Rights

6.1 Not applicable.

7. Policy Background

7.1 England's Rural Development Programme currently includes three agri-environment schemes (CSS, ESAs and OFS), under which over 30,000 agreements are currently in force. CSS and ESAs agreements focus on land of high or potentially high ecological value, and OFS agreements on land which is farmed organically.

7.2 In its report of January 2002, the Policy Commission on the Future of Farming and Food recommended that Defra review existing agri-environment schemes and introduce a basic agri-environment scheme that would be open to as many farms in England as possible.

7.3 The existing schemes have been reviewed and an extensive series of consultations has led to the development of ES. Details of these consultations are set out at: www.defra.gov.uk, and a list of all the organisations consulted is attached to this Memorandum at Annex A. All principal stakeholders including English Nature, English Heritage, Countryside Agency, Environment Agency and the main farming and environmental organisations have been fully involved in the review process and are members of the agri-environment review steering group that has framed ES. This steering group will continue to review and evaluate the effectiveness of the scheme regularly.

7.4 ES will have similar objectives to the existing agri-environment schemes, namely, increasing biodiversity and access to the countryside, and protecting its historic and landscape features. ES will also have a new primary objective of resource protection, and new secondary objectives of flood protection and genetic conservation.

7.5 ES will comprise three elements:

- ELS will be open to all farmers and land managers who want to deliver a basic level of environmental management above that of Good Farming Practice.

- OELS will be open to all farmers registered with an organic body but which are not receiving aid under OFS.

- HLS will be open to those farmers who want to deliver higher levels of environmental management.

7.6 ELS has been designed to be open to all landowners and farmers as a simple means of providing environmental benefits. It is aimed at tackling countrywide environmental problems such as diffuse pollution, loss of biodiversity and landscape character, and damage to the historic environment. It is open to all applicants who can meet the scheme requirements. This element will be the key measure aimed at reversing the decline in farmland birds. It is estimated that the majority of farmers in England will join this scheme in the next few years. OELS has similar management options to ELS, but they are tailored to the management of organic land.

7.7 HLS will build on the successes of CSS and ESAs by concentrating on land of higher ecological value. Prescriptions will be more flexible than hitherto so as to tailor them to individual sites. This element will be one of the principal instruments in meeting the Public Service Agreement target on SSSIs.

7.8 The existing agri-environment schemes are now closed to new applications, but they will continue to operate until all of the agreements entered into under them expire. As some of the agreements entered into under CSS and ESAs last for 10 years, these schemes will continue to operate until 2014. OFS agreements last for 5 years and this scheme will continue to operate until 2009. It is planned that the first ES agreements will come into force on 1 August 2005.

7.9 The Regulations amend the England Rural Development Programme (Enforcement) Regulations 2000 (S.I. 2000/3044) to give the Secretary of State enforcement powers in relation to ES.

7.10 The scheme has been approved by the EC Commission. This instrument implements the scheme.

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 At present over £150 million per year is spent on agri-environment schemes. An additional £150 million per year will be made available to underpin the new entry level element of ES. Half of this new money will come from modulation, which involves a percentage deduction from support payments under the Common Agricultural Policy

9. Contact

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ANNEX A

List of organisations consulted

Action with Communities in Rural England
ADAS
Advantage West Midlands
AKC
Allerton Research & Educational Trust
Anderson Centre
Association for AONBs
Association of Drainage Authorities
Association of Independent Crop Consultants
Association of Local Govt. Archaeological Officers
Association of National Park Authorities
Assured Food Standards
Berkshire Pig Breeders Club
Bickham Manor
Birds Eye Wall's Ltd
Blackdown Hills Rural Partnership
Bodmin Moor Hill Farming Committee
Boleppa
Botany Farm
Bowland Initiative
British Agrochemicals Association Ltd
British Association for Shooting and Conservation
British Beekeeping Association
British Deer Farmers Association
British Ecological Society
British Egg Industry Council
British Free range Egg Producers Association
British Horse Society
British Independent Fruit Growers Association
British and Irish Hardwoods Improvement Programme
British Pig Association
British Poultry Council
British Waterways
Broadland Agricultural Water Abstractor Group
Broads Authority
Butterfly Conservation
Cambridgeshire County Council
Carr Cross House
Castlemilk Moorit Sheep Society
Central Association of Agricultural Valuers
Centre for Ecology and Hydrology
Centre for Environment and Rural Affairs
Chartered Institution of Water and Environment Management
Chilterns AONB
Coast & Countryside Service

Community Forest Secretariat
Compassion in World Farming
Co-operative Union
Cornwall Commoners' Association
Cornwall Country Council - Environment & Heritage
Cotswold Grass Seeds
Cotswold Sheep Society
Cotswolds AONB Partnership
Council for British Archaeology
Council for National Parks
Council for the Protection of Rural England
Country Land and Business Association
Countryside Agency
Countryside Council of Wales
Cranborne Chase & West Wiltshire Downs AONB
Crop Protection Association
Cumbria Farm link
Cumbria Upland Management Working Group
Dairy Industry Association Limited
Dales Advisory Group - Yorkshire
Dartmoor Commoners Council
Department of Planning and Transportation
Dept of Environment & Transport
Devon Cattle Breeders Society
Devon County Council
Devon Hedge Group
Dorset Wildlife Trust
Dry Stone Walling Association of Great Britain
Duchy of Cornwall
East Midlands Development Agency
East of England Development Agency
Ecologist, Conservation & Design Environmental Services
Edwin Thompson (chartered surveyors)
Elm Farm Research Centre
Elveden Farms Limited
English Heritage - North East Region
English Heritage - Wiltshire
English Nature
English Tourist Council
Environment Agency - Bristol
Environment Agency - Ipswich
Environment Agency - Peterborough
Environment Agency - Southern Region
Environmental Services Association
Essex County Council Heritage conservation
European Arable Farmers Network
Family Farmers Association
Farm and Food Society
Farm Care - Co-operatives Group CWS LTD
Farm line

Farmed Environment Company
Farmers Link
Farming & Wildlife Advisory Group - Gloucester
Farming & Wildlife Advisory Group - Norfolk Executive Committee
Farming & Wildlife Advisory Group - Warwickshire
Federation of Rural Community Councils
Federation of Small Businesses
Flood Hazard Research Centre
Flora Locale
Food and Drink Federation
Forest Industries Development Council
Forestry and Timber Association
Forestry Contracting Association Ltd
Forum for the Future
Forum of Private Business
FPD Savills
Friends of the Earth
Friends of the Lake District
G.M.V WINN & CO. - Chartered Surveyors and Land Agents
Game Conservancy Trust
Gloucestershire County Council
Gloucestershire County Council - Archaeology Service
Gloucestershire County Council - Environment
Gloucestershire Rural Issues Task Forces
Government Office for London
Government Office for North West and Merseyside
Government Office for South East
Government Office for South West
Government Office for the East Midlands
Government Office for the Eastern Region
Government Office for the North East
Government Office for West Midlands
Government Office for Yorkshire and Humber
Grazing Animals Project
Greater London Authority
Greenlink Forestry Limited
H&H plc
Hall farm
Hampshire County Council - County Planning Department
Hampshire County Council - Landscape Planning and Heritage Group
Hampshire County Council - Recreation and Heritage Department
Hampshire County Council - Rights of Way Office
Heritage Coast Forum
Hertfordshire County Council
Highland Cattle Society
Hill Farming Initiative

Historic Farm Buildings Forum
Historic Farm Buildings Group
Historic Houses Association
Home Grown Cereals Authority
Horticultural Trades Association
Institute for Outdoor Learning
Institute of Arable Crops Research
Institute of Chartered Foresters
Institute for Outdoor Learning
Institute of Ecology and Environmental Management
Institute of European Environmental Policy
Institute of Field Archaeologists
Institute of Field Archaeologists - Historic Environment Forum
Institute of Fisheries Management
Institute of Grassland and Environmental Research
Institute of Historic Building Conservation
Institute of Public Rights of Way Officers
Isle of Wight Council
Joint Nature Conservation Committee
Kent County Council - Countryside Forum
Land Management Information System
Landscape and Woodlands
Landscape Institute
Lantra NTO
Life ECOnet Project
Lingfield Parish Council
Linking Environment and Farming
Little Missenden Parish Council
Little Ouse Headwaters Project
Local Government Association
London Development Agency
Low Luckens Organic Resource Centre
Manor of Cadland
Manydown Company
Marine Conservation Society
Maristow Estate
Marsh Farm
Marshall Agroecology Limited
Meat and Livestock Commission
Mid-Shires Countryside
Moorland Association
Moran Committee
National Beef Association
National Consumer Council
National Council for Metal Detecting
National Dairy Farm Assured Scheme
National Farmers Union
National Federation of Women's Institutes
National Federation of Young Farmers' Club

National Forest Company
National Park Authority - Dartmoor
National Park Authority - Exmoor
National Park Authority - Lake District
National Park Authority - Lake District
National Park Authority - North York Moors
National Park Authority - Northumberland
National Park Authority - Northumberland
National Park Authority - Peak District
National Park Authority - Yorkshire Dales
National Pig Association
National Sheep Association
National Soil Resources Institute
National Trust
Natural Environment Research Council
New Forest Committee
Norfolk County Council
Norfolk Wildlife Trust
North of England Assembly of Local Authorities
North Wessex Downs ANOB
North West Development Agency
Northern Short-Tailed Sheep Group
Northern Uplands Moorland Regeneration Project
Northfield Farm Limited
Northumberland County Council
One North East
Open Spaces Society
Organic Farmers and Growers Ltd
Organic Food Federation
Parrett Catchment Project
Planning Officers Society
Plant Life
Ponds Conservation Trust
Ramblers Association - London Office
Rare Breeds Survival Trust
Royal Agricultural College
Royal Agricultural Society of England
Royal Forestry Society
Royal Institution of Chartered Surveyors
Royal Society for the Protection of Birds - Bedfordshire
Royal Society for the Protection of Birds - Exeter
Royal Society for the Protection of Birds - South West Region
Royal Town Planning Institute
RURAL
Rural Exchange
Rural Stress Information Network
Saham Grove Farm
Salmon and Trout Association
Samuel Rose Ltd

Scottish Executive Environment and Rural Affairs Department
Shropshire County Council
Silvanus Trust
Small Farms Association
Small Woods Association Ltd.
Society for the Protection of Ancient Buildings
Soil Association
Somerset Archaeological
Somerset County Council
Somerset Levels and Moors Partnership
South Devon AONB
South East England Biodiversity Forum
South East England Development Agency
South Hams District Council
South Oxfordshire District Council
South West Chamber of Rural Enterprise
South West of England Regional Development Agency
Sparsholt College Hampshire
Strutt and Parker
Suffolk Coast & Heaths
Suffolk County Council
Sun Flower International - Ecological Consultancy
Surfers Against Sewage
Sussex Downs Conservation Board
Sustain
Tenancy Levels Working Group
Tenant Farmers Association
Tree Council
United Kingdom Agricultural Supply Trade Association
University of Birmingham
University of Exeter
University of Newcastle
University of Plymouth
Upper Teesdale Agricultural Support Service UTAS
Verderers of the New Forest
W.S.P Environmental
Warwickshire County Council
Watling Chase Community Forest
Waverley Borough Council
Well Place Manor
Wensleydale Longwool Sheep Breeders' Association
West Sussex County Council
Wetland HAP Steering Group
Whitehall Farm Roman Villa and Landscape Project
Wight Conservation
Wildfowl and Wetlands Trust
Wildlife & Countryside Link
Wildlife Trusts
Wildlife Trusts - Cumbria

Wildlife Trusts - West Midlands Region
Wildlife Trusts: South West Region - Terraffirma
Women's Food and Farming Union
Woodfordhill
Woodland Trust
Worcestershire County Council
Worcestershire County Council Ecology Team
Worcestershire Government
Workshop of EN and RDS staff in NW England
World Wide Fund for Nature UK
Yorkshire Dales Advisory Group
Yorkshire Dales group of farmers and landowners
Yorkshire Forward