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STATUTORY INSTRUMENTS

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**1997 No. 1827**

**COUNTRYSIDE**

**The Countryside Stewardship (Amendment) Regulations 1997**

*Made* - - - - 23rd July 1997  
*Laid before Parliament* 28th July 1997  
*Coming into force* - - 1st October 1997

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 and commencement**

1. These Regulations may be cited as the Countryside Stewardship (Amendment) Regulations 1997 and shall come into force on 1st October 1997.

**Amendment to the Countryside Stewardship Regulations 1996**

2.—(1) The Countryside Stewardship Regulations 1996(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) for the definition of “the Commission Regulation” there shall be substituted the following definition—

““the Commission Regulation” means Commission Regulation (EC) No. 746/96(3) laying down detailed rules for the application of the Council Regulation, as amended by Commission Regulation (EC) No. 435/97(4);”.

(3) In regulation 3 (power to enter into agreements)—

(a) at the end of paragraph (3)(b) there shall be added the words “as amended from time to time during the term of the agreement”; and

(b) for paragraph (5) there shall be substituted the following paragraph—

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

(2) S.I. 1996/695, amended by S.I. 1996/1481 and S.I. 1996/3123.

(3) OJ No. L 102, 25.4.96, p. 19.

(4) OJ No. L 67, 7.3.97, p. 2.

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“(5) Part IV of the Schedule shall have effect for the purpose of interpreting Parts I, II and III thereof.”.

(4) For the Schedule (activities and items in respect of which the Minister may make grants) there shall be substituted the Schedule set out in the Schedule to these Regulations.

22nd July 1997

*Elliot Morley*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

We consent,

23rd July 1997

*Graham Allen*  
*John McFall*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

SCHEDULE

Regulation 2(4)

SCHEDULE TO BE SUBSTITUTED FOR THE EXISTING SCHEDULE  
TO THE COUNTRYSIDE STEWARDSHIP REGULATIONS 1996

“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
<b>1. In relation to hay meadows—</b>	
(a) management of lowland meadowland of more than 3 hectares	£85 per hectare per agreement year
(b) management of lowland meadowland of 3 hectares or less	£115 per hectare per agreement year
(c) management of upland meadowland of more than 5 hectares	£80 per hectare per agreement year
(d) management of upland meadowland of 5 hectares or less	£130 per hectare per agreement year
(e) where 1(a), (b), (c), or (d) apply, additional management in the initial years of the agreement.	£40 per hectare per agreement year within the first 5 agreement years
<b>2. In relation to grazed pasture—</b>	
(a) management of pasture of more than 3 hectares	£85 per hectare per agreement year
(b) management of pasture of 3 hectares or less	£115 per hectare per agreement year
(c) management of enclosed upland pasture	£50 per hectare per agreement year
(d) management of grassland above chalk and limestone	£60 per hectare per agreement year
(e) management of upland rough pasture	£20 per hectare per agreement year
(f) where 2(a), (b), (c), (d), or (e) apply, additional management in the initial years of the agreement.	£40 per hectare per agreement year within the first 5 agreement years
<b>3. In relation to upland moorland—</b>	
(a) management to enable regeneration of suppressed heather	£65 per hectare per agreement year for the first 5 agreement years, then £15 per hectare per

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Column 1 Activity	Column 2 Maximum payment rate
	agreement year for the subsequent 5 agreement years
(b) management to enable regeneration of heather on improved land.	£120 per hectare per agreement year for the first 5 agreement years, then £70 per hectare per agreement year for the subsequent 5 agreement years
<b>4. In relation to cultivated land–</b>	
(a) creation and management of grassland	£280 per hectare per agreement year
(b) where 4(a) applies, additional management in the initial years of the agreement.	£40 per hectare per agreement year within the first 5 agreement years
<b>5. In relation to existing or proposed lowland heath–</b>	
(a) management to prevent decline of existing lowland heath	£20 per hectare per agreement year
(b) management to improve existing lowland heath	£30 per hectare per agreement year
(c) creation and management of lowland heath on cultivated land	£275 per hectare per agreement year
(d) where 5(a), (b) or (c) applies, additional management at any stage of the agreement.	£50 per hectare per agreement year
<b>6. In relation to arable field margins–</b>	
(a) establishment and maintenance of an uncropped arable margin at least 6 metres wide	£35 per 100 metres per agreement year
(b) establishment and maintenance of a grass margin or strip at least 2 metres wide.	£15 per 100 metres per agreement year
<b>7. In relation to areas outside 1 to 6 above–</b>	
(a) restoration and management of orchards	£250 per hectare per agreement year
(b) restoration and management of watermeadows	£225 per hectare per agreement year
(c) management of sand dunes	£50 per hectare per agreement year
(d) where 7(c) applies, additional management in the first agreement year in which the management of sand dunes commences	£40 per hectare in relation to the first such agreement year
(e) management of salt-marches	£20 per hectare per agreement year

Column 1 Activity	Column 2 Maximum payment rate
(f) where 7(e) applies, additional management in the first agreement year in which the management of salt-marshes commences	£40 per hectare in relation to the first such agreement year
(g) management of any of the following: fen, reedbeds and carr	£100 per hectare per agreement year
(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
<b>8. In relation to public access–</b>	
(a) creation and maintenance of new footpaths for public access	£150 per agreement year plus £0.15 per metre per agreement year
(b) creation and maintenance of new bridleways for public access	£150 per agreement year plus £0.30 per metre per agreement year
(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) permitting access to agreement land for educational visits	£500 per agreement year
(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
<b>1. In relation to hedgerow restoration–</b>	
(a) laying, coppicing or planting to fill gaps in hedge, or any combination of these	£2 per metre
(b) follow up maintenance of restored hedgerows 5 years after 1(a) applies	£1 per metre
(c) planting of hedge	£2 per metre
(d) where 1(a) applies, preparatory work on hedges that are more than 1.5 metres wide and 5 metres high	£1 per metre
(e) where 1(a) applies, removal of fence posts and wires	£0.50 per metre

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Column 1 Activity	Column 2 Maximum payment rate
(f) where 1(a) applies, additional work which involves use of staking and top binding.	£1 per metre
<b>2. In relation to field boundaries–</b>	
(a) restoration of stone wall	£12 per metre
(b) where 2(a) applies, additional work–	£4 per metre
(i) where 50% or more of the stone is imported from off the holding, or	
(ii) to a length of wall of at least 10 metres on slopes exceeding 30 degrees	
(c) installation of wiring along upper surface of stone wall	£0.60 per metre
(d) repair of stone-faced hedge bank	£10 per metre
(e) restoration of stone-faced hedge bank	£25 per metre
(f) restoration of earth bank	£3 per metre
(g) restoration of ditch	£2 per metre
<b>3. In relation to tree planting and management–</b>	
(a) planting of trees and shrubs	£0.65 per tree or shrub
(b) coppicing of trees along watercourses	£15 per tree
(c) pollarding of trees	£22.50 per tree
(d) tree surgery	£50 per tree for major work, £22.50 for minor work
(e) installation of spiral rabbit guard	£0.20 per guard
(f) installation of tree tube	£0.50 per tube
(g) planting of standard tree in a park of historical interest	£6 per tree
(h) installation of parkland guard in a park of historical interest.	£30 per guard
<b>4. In relation to orchards–</b>	
(a) pruning and restoration of fruit trees	£8 per tree
(b) pruning to restore the frame of fruit trees	£30 per tree
(c) planting of maiden fruit trees	£3 per tree

Column 1 Activity	Column 2 Maximum payment rate
(d) planting of standard fruit trees	£10 per tree
(e) installation of orchard tree guard	£1.50 per guard
<b>5. In relation to water levels and features–</b>	
(a) installation of earth bund	£40 per bund
(b) installation of timber sluice	£140 per sluice
(c) installation of brick, stone or concrete sluice	£400 per sluice
(d) installation of culvert	£40 per culvert
(e) creation of pond	£3 per square metre of surface area up to 100 square metres of surface area and £0.50 per square metre of surface area thereafter
(f) restoration of existing pond	£2 per square metre of surface area up to 100 square metres of surface area and £0.50 per square metre of surface area thereafter
(g) creation of scrape.	£1.25 per square metre of surface area up to 100 square metres of surface area and £0.25 per square metre of surface area thereafter
<b>6. In relation to scrub–</b>	
(a) removal or reduction of scrub where scrub ground cover is less than 25%	£50, plus £100 per hectare
(b) removal or reduction of scrub where scrub ground cover is between 25% and 75% (inclusive)	£50, plus £250 per hectare
(c) removal or reduction of scrub where scrub ground cover is over 75%	£50, plus £500 per hectare
(d) where 6(a), (b) or (c) applies, follow up work to remove scrub regrowth.	£40 per hectare
<b>7. In relation to bracken–</b>	
(a) removal or reduction of bracken by mechanical means	£80, plus £30 per hectare
(b) removal or reduction of bracken by the application of chemicals.	£50, plus £70 per hectare
<b>8. In relation to fencing–</b>	
(a) installation of post and wire fencing	£0.80 per metre
(b) installation of sheep fencing	£1.20 per metre
(c) installation of rabbit netting	£0.60 per metre

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Column 1 Activity	Column 2 Maximum payment rate
(d) installation of river gate	£125 per gate
(e) installation of field gate	£125 per gate
(f) installation of deer fencing in parks of historical interest.	£3.50 per metre
<b>9. In relation to the supply of water—</b>	
(a) installation of pipelines to supply water	£0.40 per metre
(b) installation of water trough.	£25 per trough
<b>10. In relation to agreement land to which public access is available—</b>	
(a) installation of bridle gate	£100 per gate
(b) installation of kissing gate	£130 per gate
(c) installation of kissing gate suitable for use by disabled people	£200 per gate
(d) installation of timber stile other than a ladder stile	£30 per stile
(e) installation of ladder stile	£55 per stile
(f) installation of step-over stile in stone wall	£20 per stile
(g) installation of step-through stile in stone wall	£30 per stile
(h) construction of footbridge	£125 per footbridge
(i) installation of bench	£30 per bench
(j) construction of hard standing for car park	£5 per square metre
(k) construction of hard standing for paths suitable for use by disabled people.	£7.50 per square metre
<b>11. Clearance of an eyesore.</b>	<b>£120 per eyesore</b>

### 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	£120 per application



Column 1 Activity	Column 2 Maximum payment rate
agreement, where a stewardship agreement is subsequently entered into.	
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 management 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

## PART IV

### INTERPRETATION

1. 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 drained, fertilised, reseeded or otherwise managed to increase its productive capacity;

“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;

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

2. In Part I of the Schedule any reference to—

(a) land described as “lowland” land is a reference to land which is not “upland” land; and

(b) land described as “upland” land is a reference to land situated within the area in England included in the list of less-favoured farming areas established under Article 2(2) of Council

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Directive [75/268/EEC](#) on mountain and hill farming and farming in less-favoured areas<sup>(5)</sup> (as last amended by Council Decision [95/1/EC](#), Euratom, ECSC adjusting the instruments concerning the accession of new member States to the European Union<sup>(6)</sup>), which list is contained in Council Directive [84/169/EEC](#)<sup>(7)</sup> as amended by Commission Decision [91/25/EEC](#)<sup>(8)</sup>.

**3. In the Schedule–**

- (a) any reference to a given unit of measurement includes (where appropriate to the circumstances) a reference to a fraction of that unit; and
- (b) where (in accordance with sub-paragraph (a) above) a reference to a given unit of measurement is a reference to a fraction thereof, any reference to a payment rate in relation to the given unit of measurement shall be adjusted in proportion to the fraction concerned.”.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Countryside Stewardship Regulations 1996 (S.I. [1996/695](#) as amended by S.I. [1996/1481](#) and S.I. [1996/3123](#)) (the “principal Regulations”) which (extending to England, including the Isles of Scilly) supplement Council Regulation ([EEC](#)) No. [2078/92](#) on agricultural methods compatible with the requirements of the protection of the environment and the maintenance of the countryside (OJ No. L 215, 30.7.92, p. 85), as last amended by Commission Regulation ([EC](#)) No. [2772/95](#) (OJ No. L 288, 1.12.95, p. 35), as itself rectified by Commission Regulation ([EC](#)) No. [1962/96](#) (OJ No. L 259, 2.10.96, p. 7). Certain agreements covered by this Order are also subject to Commission Regulation ([EC](#)) No. [746/96](#) (OJ No. L 102, 25.4.96, p. 19) laying down detailed rules for the application of the Council Regulation 2078/92, which Commission Regulation has been amended by Commission Regulation ([EC](#)) No. [435/97](#) (OJ No. L 67, 7.3.97, p. 2.).

These Regulations amend the payment rates applicable to certain activities in the principal Regulations, revise the payment structure applicable to scrub management and bracken management, and make minor drafting corrections and amendments to the principal Regulations (*regulation 2 of these Regulations together with revised Schedule inserted into the principal Regulations thereby*).

No Compliance Cost Assessment in relation to these Regulations has been prepared.

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(5) OJ No. L 128, 19.5.75, p. 1.

(6) OJ No. L 1, 1.1.95, p. 1.

(7) OJ No. L82, 26.3.84, p. 67.

(8) OJ No. L 16, 22.1.91, p. 25.