
STATUTORY INSTRUMENTS

1994 No. 1291

AGRICULTURE

The Habitat (Water Fringe) Regulations 1994

<i>Made</i>	- - - -	<i>12th May 1994</i>
<i>Laid before Parliament</i>		<i>16th May 1994</i>
<i>Coming into force</i>	- -	<i>6th June 1994</i>

The Minister of Agriculture, Fisheries and Food, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by the said section 2(2) and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Habitat (Water Fringe) Regulations 1994, shall come into force on 6th June 1994 and shall apply to England.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping and freshwater fish farming, the use of land as grazing land, meadow land, osier land, reed beds, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“application” means an application for aid under regulation 4 and “applicant” shall be construed accordingly;

“arable land” includes ley grassland;

“beneficiary” means a person whose application has been accepted;

“designated watercourse or lake” means a watercourse, lake, or part thereof, referred to in Schedule 1 and coloured blue on the maps contained in the volume of maps marked “volume of maps of Habitat Scheme Water Fringe Areas”, dated 12th May 1994, signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at 17 Smith Square, London SW1P 3JR;

(1) S.I.1972/1811.
(2) 1972 c. 68.

“eligible land” means any arable land or permanent grassland which is situated adjacent to a designated watercourse or lake or which is separated from a designated watercourse or lake by a distance not exceeding an average of 20 metres;

“eligible person” means a person who on the date of the submission of his application occupies eligible land as an owner or tenant;

“grassland” means land on which the vegetation consists primarily of grass species;

“holding” means land which is occupied as a unit for agricultural purposes;

“landlord” means, in relation to a tenant of any land, any person who either solely or jointly owns or has a superior tenancy of that land;

“livestock unit” means—

- (a) 1 bovine animal more than two years old,
- (b) 1.66 bovine animals from six months old to two years old inclusive,
- (c) 6.66 sheep, or
- (d) 1 horse or pony more than six months old;

“management obligations” means the obligations assumed by a beneficiary by virtue of the undertakings referred to in regulation 3 or 6;

“management period”, in relation to an application accepted by the Minister, means the period of duration of the undertaking referred to in regulation 3(1) or (2) commencing on a date to be agreed by the Minister and the beneficiary;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“permanent grassland” means agricultural grassland which has not been ploughed or re-seeded for at least five years;

“strip”, in relation to eligible land, means a strip which has an average width of at least 10 metres and which is not wider than any field in which it is situated;

“tenant” means a person who occupies land—

- (a) under an agreement for the letting of land for a tenancy from year to year;
- (b) under an agreement which has effect by virtue of section 2(1) or 3(1) of the Agricultural Holdings Act 1986(3) as an agreement for the letting of land for a tenancy from year to year; or
- (c) under a contract of tenancy for a fixed term of years of which—
 - (i) at least 20 years remain unexpired at the commencement of the period of duration of the undertaking referred to in regulation 3(1), or
 - (ii) at least 10 years remain unexpired at the commencement of the period of duration of the undertaking referred to in regulation 3(2);

“water fringe” means the area of eligible land in relation to which the beneficiary has assumed management obligations;

“wildlife” means—

- (a) any animal (including any fish but excluding any bird) which is ordinarily resident in England in a wild state;
- (b) any bird which is ordinarily resident in or is a visitor to England in a wild state; and
- (c) any plant which is of a kind which ordinarily grows in England in a wild state.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.

Aid for water fringes

3.—(1) Subject to the provisions of these Regulations, the Minister may make payments of aid to any eligible person who undertakes for a period of 20 consecutive years commencing in the year in which his application is accepted—

- (a) not to use for agricultural production a strip of eligible land, and
- (b) to manage that strip and any features bordering on that strip—
 - (i) in the case of arable land, in accordance with the requirements set out in Schedule 2 or in Schedules 2 and 3, or
 - (ii) in the case of permanent grassland, in accordance with the requirements set out in Schedule 4 or in Schedules 3 and 4.

(2) Subject to the provisions of these Regulations, the Minister may make payments of aid to any eligible person who undertakes for a period of 10 consecutive years, commencing in the year in which his application is accepted, to manage an entire field of eligible land and any features bordering on that field—

- (a) in the case of arable land, in accordance with the requirements set out in Schedule 5 or in Schedules 3 and 5, or
- (b) in the case of permanent grassland, in accordance with the requirements set out in Schedule 6 or in Schedules 3 and 6.

Applications for aid

4. An application for aid under these Regulations shall be made at such time and in such form as the Minister reasonably may require and shall include—

- (a) a map of the area of eligible land in respect of which the applicant proposes to assume management obligations;
- (b) a description of the use or uses of that land at the time the application is made;
- (c) a description of the intended use or uses of that land;
- (d) if required by the Minister, evidence showing the nature of the applicant's estate or interest in that land.

Restrictions on acceptance of applications

5.—(1) The Minister shall not accept an application in relation to any land unless she is satisfied that, having regard to—

- (a) the use or uses of that land at the time the application is made, and
- (b) the intended use or uses of that land, the management of the land in accordance with the proposals contained in the application will protect or improve a habitat for wildlife on that land or in a designated watercourse or lake.

(2) The Minister shall not accept an application in relation to any land which is occupied by a tenant and which will not be used for agricultural production unless she is satisfied that the tenant has obtained the consent in writing of the landlord of that land to the making of the application.

(3) The Minister may refuse to accept an application in relation to any land where she is satisfied that—

- (a) the management of the land in accordance with the proposals contained in the application would frustrate the purposes of any assistance previously given or to be given out of money provided by Parliament or the European Community; or
- (b) the payment of aid under these Regulations in relation to that land would duplicate any assistance given or to be given out of money provided by Parliament or by the European Community.

Change of occupation

6.—(1) Where, during the course of the management period, there is a change of occupation of the entirety or any part of a beneficiary's land which is subject to management obligations, by reason of the devolution of that land or part on the death of the beneficiary or otherwise—

- (a) the beneficiary (or, if he has died, his personal representatives) shall notify the Minister in writing of the change of occupation within three months of its occurrence and shall supply to the Minister such information relating to that change of occupation in such form and within such period as the Minister reasonably may determine;
- (b) the new occupier of that land or part may give an undertaking to the Minister to comply with the management obligations relating to that land or part for the remainder of the management period.

(2) The Minister shall not accept an undertaking referred to in paragraph (1)(b) above unless she is satisfied that the new occupier occupies the land or part as an owner or tenant or as the personal representative of the original occupier.

(3) A new occupier who gives an undertaking to comply with the management obligations assumed by the original occupier shall supply to the Minister such information in such form and within such period following the change of occupation as the Minister reasonably may determine.

(4) Where the Minister has accepted an undertaking from a new occupier to comply with the management obligations undertaken by the original occupier—

- (a) the new occupier shall be deemed to be a beneficiary and, subject to paragraph (5) below, shall be entitled to payments of aid in place of the original occupier for the remainder of the management period; and
- (b) his undertaking to comply with those management obligations shall be deemed to take effect on the date of the acceptance by the Minister of that undertaking.

(5) Where there is a change of occupation of part of the land subject to management obligations, the new occupier shall be entitled to payments of aid in the same proportion as the area of such land occupied by him bears to the area of such land occupied by the original occupier prior to the change of occupation.

(6) Where within three months of the date of change of occupation a new occupier has not given an undertaking to comply with the management obligations assumed by the original occupier, the Minister may—

- (a) withhold the whole or any part of any payments due to the original occupier; and
- (b) recover from that original occupier or his personal representatives the whole or any part of any payments of aid already made to him.

(7) Paragraph (6) above shall not apply where the change of occupation of the entirety or any part of a beneficiary's land which is subject to management obligations is the result of—

- (a) the compulsory purchase of that land or part;
- (b) the death of the original occupier, and
 - (i) that original occupier occupied that land or part as a tenant; and

- (ii) following the death of that original occupier the tenancy or lease under which he occupied that land or part was terminated by the landlord; or
- (c) the termination of a tenancy following the operation of a notice to quit to which the Agricultural Land Tribunal has consented under section 26(1) of the Agricultural Holdings Act 1986 having been satisfied as to any of the matters specified in section 27(3) of that Act, or the termination of a tenancy following the service of a notice to quit stating that the circumstances in Case A, B, G or H of Schedule 3 to that Act apply.

Amounts and payment of aid

7.—(1) Subject to the provisions of these Regulations, payments of aid shall be made annually at a rate of—

- (a) £360 per hectare of water fringe comprising a strip not used for agricultural production to which the requirements of Schedule 2 apply;
- (b) £240 per hectare of water fringe comprising a strip not used for agricultural production to which the requirements of Schedule 4 apply;
- (c) £260 per hectare of water fringe comprising an entire field to which the requirements of Schedule 5 apply;
- (d) £125 per hectare of water fringe comprising an entire field to which the requirements of Schedule 6 apply.

(2) Where a beneficiary has undertaken to comply with the requirements set out in Schedule 3 in relation to a water fringe and any ditch bordering on that water fringe, the Minister shall make further payments annually at a rate of £40 per hectare of such fringe.

Claims for aid

8. Any claim for the payment of aid under these Regulations shall be made at such time and in such form and shall contain such information as the Minister reasonably may require.

Obligation to permit entry and inspection

9.—(1) A beneficiary shall permit any person duly authorised by the Minister, accompanied by such persons acting under her instructions as appear to the authorised person to be necessary for the purpose, at all reasonable times and on production of his authority on demand, to enter upon that beneficiary's holding in order to inspect any land, building, livestock, document or record with a view to verifying—

- (a) the accuracy of any particulars given in any application or claim under regulation 8 or in any undertaking given by a new occupier pursuant to regulation 6(1)(b); and
- (b) compliance with the management obligations.

(2) A beneficiary shall render all reasonable assistance to the authorised person in relation to the matters mentioned in paragraph (1) above, and in particular shall—

- (a) produce such document or record as may be required by that person for inspection; and
- (b) at the request of that person, accompany him in making the inspection of any land and shall identify any area of land which is concerned in any application or claim or in any undertaking given by a new occupier to comply with the management obligations undertaken by the original occupier.

Withholding and recovery of aid and termination

10.—(1) Where any person, with a view to obtaining the payment of aid under these Regulations to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the Minister may withhold the whole or any part of any aid payable to that person or to such other person and may recover the whole or any part of any aid already paid to that person or to such other person.

(2) Where a beneficiary—

- (a) fails to comply with any of the management obligations;
- (b) fails without reasonable excuse to permit entry and inspection by an authorised person or to render all reasonable assistance to such authorised person as required by regulation 9; or
- (c) fails without reasonable excuse to comply with any other requirement of these Regulations, the Minister may withhold the whole or any part of any aid payable to that beneficiary and may recover the whole or any part of any aid already paid to him.

(3) Where the Minister withholds or recovers aid under paragraph (1) or

(2) above, she may also treat as terminated the undertakings given by the beneficiary under these Regulations.

(4) Before withholding or recovering any aid under paragraph (2)(a) above, the Minister shall—

- (a) give to the beneficiary a written explanation of the reasons for the proposed withholding or recovery;
- (b) afford the beneficiary an opportunity of appearing before and being heard by a person appointed for that purpose by the Minister; and
- (c) consider the report by the person so appointed and supply a copy of the report to the beneficiary.

False statements

11. If any person, for the purposes of obtaining for himself or any other person any aid under these Regulations, knowingly or recklessly makes a statement which is false in a material particular, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th May 1994.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

SCHEDULE 1

Regulation 2(1)

DESIGNATED WATERCOURSES AND LAKES

1. The Derwent and Rye river system in the Vale of Pickering, North Yorkshire.
2. Swanside Beck, Ings Beck and their feeder systems, tributaries of the River Ribble in Lancashire.
3. Fenemere, Crosemere, Berrington Pool and Betton Pool, near Shrewsbury, Shropshire.
4. The River Beult, a tributary of the River Medway, in Kent.
5. The River Wylye and the River Nadder and their tributaries, near Salisbury, Wiltshire, and the River Avon above Netheravon in Wiltshire.
6. Slapton Ley and its catchment, in Devon.

SCHEDULE 2

Regulations 3(1) and 7(1)

MANAGEMENT REQUIREMENTS FOR STRIPS OF ARABLE LAND NOT TO BE USED FOR AGRICULTURAL PRODUCTION

As regards any strip of arable land which is the subject of an undertaking under regulation 3(1)(a)—

- (1) the beneficiary shall establish a grassland sward within seven months of the start of the management period using seed from species approved by the Minister;
- (2) within three months of the start of the management period the beneficiary shall agree in writing with the Minister a programme for managing the strip, including in particular a cutting regime, and shall thereafter implement that programme;
- (3) the beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge);
- (4) the beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil;
- (5) the beneficiary shall not use fungicides or insecticides;
- (6) the beneficiary shall control non-indigenous weeds such as Himalayan balsam, Japanese knotweed and giant hogweed by spot treatment with non-residual herbicides approved under Part III of the Food and Environment Protection Act 1985⁽⁴⁾ for use on or near water, or by annual pulling;
- (7) the beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (6) above, except to control spear thistle, creeping or field thistle, curled dock, broad-leaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment;
- (8) the beneficiary shall control bracken only in accordance with a programme agreed in advance with the Minister;
- (9) the beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip;
- (10) the beneficiary shall not plant any trees or shrubs without the prior approval of the Minister;
- (11) the beneficiary shall retain and manage existing trees, shrubs and hedges on or bordering on the strip;
- (12) the beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible on or bordering on the strip;

(4) 1985 c. 48.

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(13) the beneficiary shall not install any new land drainage system or modify any existing land drainage system so as to bring about improved drainage;

(14) the beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historical value or interest;

(15) the beneficiary shall obtain from the Minister written advice on siting and materials before constructing buildings or roads or before undertaking any other engineering or construction works which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988(5), or planning permission;

(16) the beneficiary shall not authorise any additional public access without the prior written approval of the Minister.

SCHEDULE 3

Regulations 3 and 7(2)

ADDITIONAL PROVISIONS (DRAINAGE INTERCEPTION OR RAISED WATER LEVELS)

As regards any water fringe to which the provisions of this Schedule apply—

(1) the beneficiary shall intercept field drainage flows so as to reduce the flow of waterborne nutrients and sediment into a designated watercourse or lake; or

(2) the beneficiary shall maintain water levels in ditches on or bordering on the water fringe during the period between 1st December and 30th April inclusive at not less than mean field level so as to create shallow pools.

SCHEDULE 4

Regulations 3(1) and 7(1)

MANAGEMENT REQUIREMENTS FOR STRIPS OF PERMANENT GRASSLAND NOT TO BE USED FOR AGRICULTURAL PRODUCTION

As regards any strip of permanent grassland which is the subject of an undertaking under regulation 3(1)(a)—

(1) the beneficiary shall maintain the strip as grassland and shall not plough, level or re-seed;

(2) within three months of the start of the management period the beneficiary shall agree in writing with the Minister a programme for managing the strip, including in particular a cutting regime, and shall thereafter implement that programme;

(3) the beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge);

(4) the beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil;

(5) the beneficiary shall not use fungicides or insecticides;

(6) the beneficiary shall control non-indigenous weeds such as Himalayan balsam, Japanese knotweed and giant hogweed by spot treatment with non-residual herbicides approved under Part III of the Food and Environment Protection Act 1985 for use on or near water, or by annual pulling;

(7) the beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (6) above, except to control spear thistle, creeping or field thistle, curled dock, broad-leaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment;

(5) S.I. 1988/1813; the relevant amending instrument is S.I. 1991/2805.

- (8) the beneficiary shall control bracken only in accordance with a programme agreed in advance with the Minister;
- (9) the beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip;
- (10) the beneficiary shall not plant any trees or shrubs without the prior approval of the Minister;
- (11) the beneficiary shall retain and manage existing trees, shrubs and hedges on or bordering on the strip;
- (12) the beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible on or bordering on the strip;
- (13) the beneficiary shall not install any new land drainage system or modify any existing land drainage system so as to bring about improved drainage;
- (14) the beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historical value or interest;
- (15) the beneficiary shall obtain from the Minister written advice on siting and materials before constructing buildings or roads or before undertaking any other engineering or construction works which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988, or planning permission;
- (16) the beneficiary shall not authorise any additional public access without the prior written approval of the Minister.

SCHEDULE 5

Regulations 3(2) and 7(1)

MANAGEMENT REQUIREMENTS FOR ENTIRE FIELDS OF ARABLE LAND WHERE THERE IS NO UNDERTAKING NOT TO USE THE LAND FOR AGRICULTURAL PRODUCTION

As regards any entire field of arable land which is not the subject of an undertaking under regulation 3(1)(a)—

- (1) the beneficiary shall refrain from arable production and shall establish a grassland sward within seven months of the start of the management period using seed from species approved by the Minister;
- (2) during the first three years following grassland establishment the beneficiary shall cut the grass and shall remove cuttings and graze the aftermath. Cutting shall not take place before 1st July in any of the three years referred to except where an annual rye-grass has been sown, and then only during the first twelve months following grassland establishment;
- (3) the beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge);
- (4) the beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil;
- (5) the beneficiary shall not use fungicides or insecticides;
- (6) the beneficiary shall control non-indigenous weeds such as Himalayan balsam, Japanese knotweed and giant hogweed by spot treatment with non-residual herbicides approved under Part III of the Food and Environment Protection Act 1985 for use on or near water, or by annual pulling;
- (7) the beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (6) above, except to control spear thistle, creeping or field thistle, curled dock, broad-leaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment;

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- (8) the beneficiary shall control bracken only in accordance with a programme agreed in advance with the Minister;
- (9) the beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip;
- (10) the beneficiary shall not plant any trees or shrubs without the prior approval of the Minister;
- (11) the beneficiary shall retain and manage existing trees, shrubs and hedges on or bordering on the field;
- (12) the beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible in or bordering on the field;
- (13) the beneficiary shall not install any new land drainage system or modify any existing land drainage system so as to bring about improved drainage;
- (14) the beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historical value or interest;
- (15) the beneficiary shall obtain from the Minister written advice on siting and materials before constructing buildings or roads or before undertaking any other engineering or construction works which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988, or planning permission;
- (16) the beneficiary shall graze the land with cattle or sheep but not so as to cause poaching, overgrazing or undergrazing. The beneficiary shall not graze with horses or ponies except in association with cattle or sheep. The beneficiary shall not graze with any species of livestock other than those mentioned in this paragraph. The beneficiary shall not exceed a stocking level of 0.75 livestock units per hectare during the period between 1st April and 31st May inclusive in any year;
- (17) the beneficiary shall not provide supplementary feed for livestock, except in emergency conditions;
- (18) after the first 12 months of the management period, the beneficiary shall maintain grassland and shall not plough, level or re-seed. The beneficiary shall not cultivate except by means of a chain harrow or roller, and then not during the period between 1st April and 30th June inclusive in any year;
- (19) after the first three years following grassland establishment, the beneficiary shall not top or cut the grass for hay or silage before 1st July in any year.

SCHEDULE 6

Regulations 3(2) and 7(1)

MANAGEMENT REQUIREMENTS FOR ENTIRE FIELDS OF PERMANENT GRASSLAND WHERE THERE IS NO UNDERTAKING NOT TO USE THE LAND FOR AGRICULTURAL PRODUCTION

As regards any entire field of permanent grassland which is not the subject of an undertaking under regulation 3(1)(a)—

- (1) the beneficiary shall maintain grassland and shall not plough, level or re-seed. The beneficiary shall not cultivate except by means of a chain harrow or roller, and then not during the period between 1st April and 30th June inclusive in any year;
- (2) the beneficiary shall graze the land with cattle or sheep but not so as to cause poaching, overgrazing or undergrazing. The beneficiary shall not graze with horses or ponies except in association with cattle or sheep. The beneficiary shall not graze with any species of livestock other than those mentioned in this paragraph. The beneficiary shall not exceed a stocking level of 0.75 livestock units per hectare during the period between 1st April and 31st May inclusive in any year;
- (3) the beneficiary shall not top or cut the grass for hay or silage before 1st July in any year;

(4) the beneficiary shall not provide supplementary feed for livestock, except in emergency conditions;

(5) the beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge);

(6) the beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil;

(7) the beneficiary shall not use fungicides or insecticides;

(8) the beneficiary shall control non-indigenous weeds such as Himalayan balsam, Japanese knotweed and giant hogweed by spot treatment with non-residual herbicides approved under Part III of the Food and Environment Protection Act 1985 for use on or near water, or by annual pulling;

(9) the beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (8) above, except to control spear thistle, creeping or field thistle, curled dock, broad-leaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment;

(10) the beneficiary shall control bracken only in accordance with a programme agreed in advance with the Minister;

(11) the beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip;

(12) the beneficiary shall not plant any trees or shrubs without the prior approval of the Minister;

(13) the beneficiary shall retain and manage existing trees, shrubs and hedges on or bordering on the field;

(14) the beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible in or bordering on the field;

(15) the beneficiary shall not install any new land drainage system or modify any existing land drainage system so as to bring about improved drainage;

(16) the beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historical value or interest;

(17) the beneficiary shall obtain from the Minister written advice on siting and materials before constructing buildings or roads or before undertaking any other engineering or construction works which do not require prior notification determination by the local planning authority under the Town and Country Planning General Development Order 1988, or planning permission.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations implement in part Council Regulation (EEC) No.2078/92 (OJNo. L215, 30.7.92, p.85) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

The Regulations, which apply to England, provide for payment of aid to eligible persons who, as regards a strip of eligible land adjacent to a designated watercourse or lake (all as defined in regulation 2(1)), undertake for a period of 20 years not to use that land for agricultural production and to manage it in accordance with the Regulations in order to protect or improve a wildlife habitat.

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Aid may also be paid to eligible persons who undertake to manage an entire field of eligible land in accordance with the Regulations for a period of 10 years without ceasing agricultural production on that field (regulation 3).

Applications for aid must include details such as a map of the eligible land (regulation 4) and restrictions on the acceptance of applications in certain circumstances are set out (regulation 5).

Provision is made for a new occupier of land to receive aid in place of the original occupier upon the Minister's acceptance of his undertaking to comply with the obligations undertaken by the original occupier for the remainder of the management period (as defined in regulation 2(1)) (regulation 6).

Aid is payable annually and the rates are set out (regulation 7).

The Regulations also—

- (a) provide for an obligation to permit entry and inspection (regulation 9);
- (b) provide for withholding and recovery of aid and termination (regulation 10); and
- (c) create an offence, punishable on summary conviction with a maximum fine not exceeding level 5 on the standard scale, of knowingly or recklessly making a false statement in order to obtain aid (regulation 11).