



(2) This agreement is to be subject to a review by the Secretary of State and Natural England within five years of the date on which it comes into effect, and to a further review within five years of the completion of that review or of any subsequent review under this paragraph.

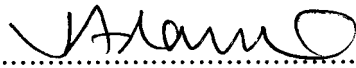
**Certification of DEFRA functions**

6. For the purposes of section 86(3) of the 2006 Act, the Secretary of State certifies that, immediately before the coming into effect of this agreement, the functions specified in the Schedule fall to be performed by or through the Department for Environment, Food and Rural Affairs.

**Liability under the agreement**

7. Any liability arising from the performance by either party to this agreement of any function specified in the Schedule shall be a liability of the party whose performance gave rise to it.

Date 29 9.06



.....  
Director General - Living Land and Seas  
Department for Environment, Food and Rural Affairs

for and on behalf of the Secretary of State

Date 29 September 2006



.....  
Chief Executive  
Natural England

for and on behalf of Natural England

# SCHEDULE

## Contents

<i>Part</i>	<i>Contents</i>	<i>Page</i>
	Pest and Weed Control	4
2	Control of Pesticides and Plant Protection Products	5
3	Farm Woodland Scheme and Farm Woodland Premium Scheme	6
4	Wildlife Licensing	7
5	Agri-Environment	10
6	Heather and Grass Burning	18
7	Energy Crops Scheme	19
8	Minerals and Waste Planning	20
9	Overgrazing and Unsuitable Supplementary Feeding	21
10	England Rural Development Programme Enforcement	22

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# PART 1

## Pest and Weed Control

### **Weeds Act 1959 (a)**

The functions conferred by the following provisions—

section 1(1)	service of notices
section 2(3)	institution of prosecutions
section 3(1)	taking action to clear weeds
section 3(2)–(4)	taking reasonable steps to recover costs of action
section 4	entry and inspection of land after notifying owner.

### **Agriculture Act 1947 (b)**

The functions conferred by the following provisions—

section 98(1)	service of notices
section 98(7)	service and confirmation of notices
section 99	service of notices
section 101(1)	provision of services, equipment, appliances and other material for pest control
section 101(2)	the power to charge a fee (but not the power to set a fee)
section 104	functions in relation to notices.

### **Pests Act 1954 (c)**

The functions conferred by the following provisions—

section 1(4)	sanctioning authorisation by an occupier of other persons to kill rabbits on land
section 2	rendering assistance in relation to the killing of rabbits
section 4	power to require an occupier of land to state his interest in the land
section 9(3)	grant of a licence to use spring traps.

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(a) 1959 c. 54.  
(b) 1947 c. 48.  
(c) 1954 c. 68.

## PART 2

### Control of Pesticides and Plant Protection Products

#### **Control of Pesticides Regulations 1986 (a)**

The following functions conferred by regulation 7-

- paragraph (1)(a) the power to seize or dispose of a pesticide, and the power to require a person to dispose of a pesticide
- paragraph (1)(b) the power to seize or dispose of anything treated with a pesticide, and the power to require a person to dispose of anything treated with a pesticide
- paragraph (1)(c) the power to determine any necessary remedial action and the power to require a person to take such action
- paragraph (2) the power to serve notice requiring the export of a pesticide and the power to determine the period in which that pesticide must be exported.

#### **Plant Protection Products (Basic Conditions) Regulations 1997 (b)**

The following functions conferred by regulation 8—

- paragraph (1)(a) the power to seize or dispose of a plant protection product, and the power to require a person to dispose of a plant protection product
- paragraph (1)(b) the power to seize or dispose of anything treated with a plant protection product, and the power to require a person to dispose of anything treated with a plant protection product
- paragraph (1)(c) the power to determine any necessary remedial action and the power to require a person to take such action
- paragraph (2) the power to serve a notice requiring the export of a plant protection product, and the power to determine the period in which that product must be exported.

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(a) S.I. 1986/1510, as amended by S.I. 1997/188.  
(b) 1997/189.

## PART 3

### Farm Woodland Scheme and Farm Woodland Premium Scheme

#### **Farm Woodland Scheme 1988 (a)**

All functions of the Secretary of State, including the receiving of undertakings, notices and information, except the function of appointing a person for the purposes of paragraph 14(3)(b).

#### **Farm Woodland Premium Scheme 1992 (b)**

All functions of the Secretary of State, including the receiving of undertakings, notices and information, except the function of appointing a person for the purposes of paragraph 14(3)(b).

#### **Farm Woodland Premium Scheme 1997 (c)**

All functions of the Secretary of State, including the receiving of undertakings, notices and information, except the function of appointing a person for the purposes of paragraph 14(6)(b).

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(a) S.I. 1988/1291, amended by S.I. 1991/1631, 1992/905, 1997/828.  
(b) S.I. 1992/905, amended by S.I. 1997/829 and 2005/3473.  
(c) S.I. 1997/829, amended by S.I. 2005/3473.

**PART 4**  
**Wildlife Licensing**

**Wildlife and Countryside Act 1981 (a)**

*Wild birds*

The functions conferred by the following provisions—

section 4(6)	receiving of notices
section 16(1)	grant of licences for the purposes specified in the following paragraphs— paragraph (d) (protecting any collection of wild birds) paragraph (e) (falconry or aviculture) paragraph (f) (any public exhibition or competition) paragraph (g) (taxidermy) paragraph (i) (preserving public health or public or air safety) paragraph (j) (preventing the spread of disease) paragraph (k) (preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters)
section 16(2)	grant of licences
section 16(4)	grant of licences.

*Wild animals and wild plants*

The functions conferred by the following provisions—

section 16(3)	grant of licences for the purposes specified in the following paragraphs— paragraph (f) (preserving public health or public safety) paragraph (g) (preventing the spread of disease) paragraph (h) (preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, or any other form of property or to fisheries)
section 16(4)(b)	grant of licences.

*Introduction of new species*

The function of granting licences under section 16(4)(c).

*General provisions*

The function under section 16(5)(d) of modifying or revoking any licence.

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(a) 1981 c. 69.

### **The Conservation (Natural Habitats, &c.) Regulations 1994 (a)**

The functions conferred by the following provisions—

- |                  |  |
|------------------|--|
| regulation 44(1) | granting of licences under regulation 44(1) for the purposes specified in the following provisions—  |
|                  | regulation 44(2)(e) (preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment) |
|                  | regulation 44(2)(f) (preventing the spread of disease)   |
|                  | regulation 44(2)(g) (preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries)   |
| regulation 45(3) | modification or revocation of licences   |
| regulation 45(6) | charging a fee, but not determination of the level of fees.  |

### **The Protection of Badgers Act 1992 (b)**

The function of granting licences under section 10(2) or (3).

The function of modifying or revoking a licence under section 10(8).

### **Conservation of Seals Act 1970 (c)**

The function of granting a licence under section 10(1).

The function of revoking a licence under section 10(2).

### **The Destructive Imported Animals Act 1932 (d)**

The functions conferred by the following provisions—

- |              |   |
|--------------|---|
| section 3    | grant and revocation of licences  |
| section 5(2) | acceptance of notifications of the presence of musk rats, or such other animal as is designated under any of the following Orders—  |
|              | <ul style="list-style-type: none"><li>• Musk Rats (Prohibition of Importation and Keeping) Order 1933(e)</li><li>• Grey squirrels (Prohibition of Importation and Keeping) Order 1937(f)</li><li>• Non-Indigenous Rabbits (Prohibition of Importation) Order 1954(g)</li><li>• Coypus (Prohibition of Keeping) Order 1987(h)</li><li>• Mink (Prohibition of Keeping) (England) Order 2004(i).</li></ul> |

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(a) S.I. 1994/2716, as amended by S.I. 1997/3055, 2000/192.  
(b) 1992 c.51.  
(c) 1970 c. 30.  
(d) 1932 c. 12.  
(e) S.I. 1933/106.  
(f) S.I. 1937/478.  
(g) S.I. 1954/927.  
(h) S.I. 1987/2195.  
(i) S.I. 2004/100.

section 5(3) the taking of steps for the destruction of musk rats or other animals specified in the Orders above

section 8 grant of special licences.

*Coypus (Special Licence) (Fees) Regulations 1997 (a)*

The power to charge (and to receive) a fee under regulation 3.

*Mink (Keeping) Regulations 1975 (b)*

The power to charge (and to receive) a fee under regulation 5(3)(b).

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(a) S.I. 1997/2751.  
(b) S.I. 1975/2223.

## PART 5

### Agri-Environment

#### **Environmental Stewardship Scheme**

##### *The Environmental Stewardship (England) Regulations 2005 (a)*

The functions conferred by the following provisions—

regulation 3(1)	forming an opinion in relation to an undertaking
regulation 3(2)	making an environmental stewardship agreement with beneficiary
regulation 3(3)	varying the conditions of an environmental stewardship agreement
regulation 3(4)	calculating the amount of a grant
regulation 4(1)(b)	determining the form and timing of, and information to accompany, an application for a grant
regulation 4(2)	determining the form of an application to enter into an environmental stewardship agreement containing an Higher Level Stewardship element
regulation 4(5)	determining the form for application for a farm environmental plan and the associated application for an environmental stewardship agreement
regulation 4(6)	calculating the amount of a farm environmental plan grant
regulation 5(9)	determining whether a special project activity would better, or more fully achieve, the specified purposes than any of the other specified options
regulation 6	determining the amount of a grant payable under regulation 3
regulation 7(4)	calculating the amount of a conversion grant
regulation 8(1)	determining whether a detailed study of land is conducive to any of the specified purposes
regulation 8(2)	making a feasibility study agreement
regulation 8(3)	determining the timing, form and accompanying information for an application to enter into a feasibility study agreement
Schedule 2, definition of “native breed at risk”	forming an opinion that the number of breeding females in the United Kingdom is lower than the threshold referred to
Schedule 2, definition of “traditional farm building”	forming an opinion that a building or part of a building is of historic or landscape interest

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(a) S.I. 2005/621, amended by S.I. 2005/2003, 2006/991

## **Countryside Stewardship Scheme**

### *The Countryside Stewardship Regulations 1998 (a)*

The functions conferred by the following provisions—

regulation 9(1)	receiving notification of any change in the occupation of the agreement land
regulation 9(3)	entering into a stewardship agreement with a new occupier for the remainder of the term of the original agreement
regulation 10(1)	withholding or recovering the whole or part of any sums payable or already paid under the Regulations
regulation 10(2)	withholding or recovering the whole or part of any sums payable or already paid under the Regulations
regulation 10(4)	requiring an agreement holder to pay a sum equal to no more than 10% of the grant paid or payable
regulation 10(5)	terminating an agreement
regulation 10(6)	prohibiting an agreement holder from entering a new agri-environment scheme
regulation 12	receiving an amount payable under the Regulations, and recovering that amount as a debt.

### *The Countryside Stewardship Regulations 2000 (b)*

The functions conferred by the following provisions—

regulation 8	determining the timing, form and information to accompany an application for payment
regulation 9	determining the time for making a payment.

## **Organic Schemes**

### *The Organic Farming Regulations 1999 (c)*

The functions conferred by the following provisions—

regulation 3(4)	giving directions in respect of the timing of claims for the payment of aid
regulation 5(2)(a)	receiving certificates of registration
regulation 7(2)	refusal or reduction of aid
regulation 9	giving directions as to the form of, and information that must accompany, claims for payment and undertakings to be given by new occupiers.
regulation 10(1)	varying undertakings

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(a) S.I. 1998/1327.

(b) S.I. 2000/3048, amended by S.I. 2001/431, 2001/3991, 2004/114, 2006/991.

(c) S.I. 1999/590, amended by S.I. 1999/2735, 1999/2933.

regulation 12(1)(a)	accepting notifications
regulation 12(1)(b)	accepting undertakings
regulation 12(5)	determining the extent to which obligations assumed by a beneficiary relate to part of an organic unit
regulation 12(8)	giving directions as to periods of time and as to the supply, and form of, any evidence or further information.
regulation 16(1)	withholding or recovery of aid
regulation 16(2)	withholding or recovery of aid, and requiring payments of interest
regulation 16(3)	terminating entitlement
regulation 16(4)	disqualifying applicants
regulation 16(5)	providing explanations and considering reports, but not the appointment of persons to conduct hearings.

*The Organic Farming (England Rural Development Programme) Regulations 2001 (a)*

The functions conferred by the following provisions—

regulation 4(2)(a)	receiving certificates of registration
regulation 7(1)	giving directions as to the supply of further information, and receiving that information
regulation 7(2)	giving directions as to the timing of claims for the payment of aid
regulation 7(3)	giving directions as to the form of, and information to be contained in, claims for the payment of aid, and receiving those claims
regulation 11(1)	varying undertakings (including the determination of any conditions and the specification of periods of application).

*The Organic Farming (England Rural Development Programme) Regulations 2003 (b)*

The functions conferred by the following provisions—

regulation 6(1)(b)	receiving first certificates of registration
regulation 7(c)	receiving certificates of registration
regulation 9	determining requirements as to the timing and manner of claims for payment.

**Habitat Schemes**

*The Habitat (Water Fringe) Regulations 1994 (c)*

The functions conferred by the following provisions—

regulation 6(1)(a)	receiving notification of a change of occupation, and determining the form of information and the period within which it must be supplied
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(a) S.I. 2001/432, amended by S.I. 2001/3139.

(b) S.I. 2003/1235.

(c) S.I. 1994/1291, amended by S.I. 1996/1480, 1996/3106, 1999/3160.

regulation 6(1)(b)	receiving an undertaking to comply with the management obligations for the remainder of a management period
regulation 6(3)	receiving information and determining its form and the period in which it must be supplied
regulation 6(4)	accepting an undertaking from a new occupier
regulation 6(6)	withholding or recovering a payment due or paid to an original occupier, where a new occupier has not given an undertaking to comply with management obligations within 3 months
regulation 7A(2)	deciding whether land is to be treated as set aside land for the purposes of regulations 7 and 7A(1)
regulation 7A(3)	notifying decisions taken under regulation 7A(2)
regulation 8(b)	determining the timing and form of, and other information to be contained in, a claim for payment of aid
regulation 10(1)	withholding or recovering the whole or part of aid payable or to be paid
regulation 10(2)	withholding or recovering the whole or part of aid payable or to be paid; requiring the payment of an additional 10% and receiving that payment
regulation 10(3)	deciding whether to treat as terminated undertakings given by a beneficiary
regulation 10(4)	prohibiting a beneficiary from providing a new undertaking or entering a new agreement under an agri-environment scheme
regulation 10(5)	giving a beneficiary a written explanation, an opportunity to be heard, and considering the report of a hearing, before taking a step specified in paragraph (2), (3) or (4)
regulation 10(6)	recovering an amount of aid from a beneficiary
Schedule 2, paragraph 2	agreeing a management programme
Schedule 2, paragraph 8	agreeing a programme for the control of bracken
Schedule 2, paragraph 10	approving the planting of trees or shrubs
Schedule 2, paragraph 15	advising on siting and materials prior to the construction of buildings or roads or before any other engineering or construction works are undertaken
Schedule 2, paragraph 16	approving additional public access
Schedule 4, paragraph 2	agreeing a management programme
Schedule 4, paragraph 8	agreeing a programme for the control of bracken
Schedule 4, paragraph 10	approving the planting of trees or shrubs
Schedule 4, paragraph 15	advising on siting and materials prior to the construction of buildings or roads or before any other engineering or construction works are undertaken
Schedule 4, paragraph 16	approving additional public access
Schedule 5, paragraph 8	agreeing a programme for the control of bracken
Schedule 5, paragraph 10	approving the planting of trees or shrubs

Schedule 5, paragraph 15	advising on siting and materials prior to the construction of buildings or roads or before any other engineering or construction works are undertaken
Schedule 5, paragraph 16(b)(i)	agreeing an appropriate maximum level at which land should be grazed
Schedule 6, paragraph 2(b)(i)	agreeing an appropriate maximum level at which land should be grazed
Schedule 6, paragraph 10	agreeing a programme for the control of bracken
Schedule 6, paragraph 12	approving the planting of trees or shrubs
Schedule 6, paragraph 17	advising on siting and materials prior to the construction of buildings or roads or before any other engineering or construction works are undertaken

*The Habitat (Former Set-Aside Land) Regulations 1994 (a)*

The functions conferred by the following provisions—

regulation 6(1)(a)	receiving notification of a change of occupation, and determining the form of information and the period within which it must be supplied
regulation 6(1)(b)	receiving an undertaking to comply with the management obligations for the remainder of a management period
regulation 6(3)	receiving information and determining its form and the period in which it must be supplied
regulation 6(4)	accepting an undertaking from a new occupier
regulation 6(6)	withholding or recovering a payment due or paid to an original occupier, where a new occupier has not given an undertaking to comply with management obligations within 3 months
regulation 8	determining the timing and form of, and other information to be contained in, a claim for payment of aid
regulation 10(1)	withholding or recovering the whole or part of aid payable or to be paid
regulation 10(2)	withholding or recovering the whole or part of aid payable or to be paid; requiring the payment of an addition 10% and receiving that payment
regulation 10(3)	deciding whether to treat as terminated undertakings given by a beneficiary
regulation 10(4)	prohibiting a beneficiary from providing a new undertaking or entering a new agreement under an agri-environment scheme
regulation 10(5)	giving a beneficiary a written explanation, an opportunity to be heard, and considering the report of a hearing, before taking a step specified in paragraph (2), (3) or (4)
Schedule, paragraph	agreeing a management plan
Schedule, paragraph 2	agreeing a programme for the application of fertilisers

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(a) S.I. 1994/1292, amended by S.I. 1996/1478, 1996/3107.

Schedule, paragraph 7	agreeing a programme for the control of bracken
Schedule, paragraph 9	approving the planting of trees or shrub
Schedule, paragraph 14	advising on siting and materials prior to the construction of buildings or roads or before any other engineering or construction works are undertaken

*The Habitat (Salt-Marsh) Regulations 1994 (a)*

The functions conferred by the following provisions—

regulation 6(1)(a)	receiving notification of a change of occupation, and determining the form of information and the period within which it must be supplied
regulation 6(1)(b)	receiving an undertaking to comply with the management obligations for the remainder of a management period
regulation 6(3)	receiving information and determining its form and the period in which it must be supplied
regulation 6(4)	accepting an undertaking from a new occupier
regulation 6(6)	withholding or recovering a payment due or paid to an original occupier, where a new occupier has not given an undertaking to comply with management obligations within 3 months
regulation 7A(2)	deciding whether land is to be treated as set aside land for the purposes of regulations 7 and 7A(1)
regulation 7A(3)	notifying decisions taken under regulation 7A(2)
regulation 8	determining the timing and form of, and other information to be contained in, a claim for payment of aid
regulation 10(1)	withholding or recovering the whole or part of aid payable or to be paid
regulation 10(2)	withholding or recovering the whole or part of aid payable or to be paid; requiring the payment of an addition 10% and receiving that payment
regulation 10(3)	deciding whether to treat as terminated undertakings given by a beneficiary
regulation 10(4)	prohibiting a beneficiary from providing a new undertaking or entering a new agreement under an agri-environment scheme
regulation 10(5)	giving a beneficiary a written explanation, an opportunity to be heard, and considering the report of a hearing, before taking a step specified in paragraph (2), (3) or (4)
Schedule, paragraph	agreeing a management programme
Schedule, paragraph 2	agreeing a programme for effecting an inundation
Schedule, paragraph 9	forming an opinion as to whether an activity would prejudice the establishment of salt-marsh vegetation

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(a) S.I. 1994/1293, amended by S.I. 1995/2871, 1995/2891, 1996/1479, 1996/3108, 1999/3161.

**Environmentally Sensitive Areas Scheme**

All functions of the Secretary of State in relation to the making of agreements under section 18 of the Agriculture Act 1986(a) in respect of agricultural land in, or partly in, an area designated as an environmentally sensitive area under the Orders listed below, except the function of making orders under subsection (1)—

*Stage I*

- The Environmentally Sensitive Areas (West Penwith) Designation Order 1986 (b)  
The Environmentally Sensitive Areas (South Downs) Designation Order 1992 (c)
- The Environmentally Sensitive Areas (Somerset Levels and Moors) Designation Order 1992 (d)  
The Environmentally Sensitive Areas (The Broads) Designation Order 1992 (e)
- The Environmentally Sensitive Areas (Pennine Dales) Designation Order 1992 (f)
- The Environmentally Sensitive Areas (Stage I) Designation Order 2000 (g)

*Stage II*

- The Environmentally Sensitive Areas (Breckland) Designation Order 1993 (h)
- The Environmentally Sensitive Areas (Clun) Designation Order 1993 (i)
- The Environmentally Sensitive Areas (North Peak) Designation Order 1993 (j)
- The Environmentally Sensitive Areas (Suffolk River Valleys) Designation Order 1993 (k)
- The Environmentally Sensitive Areas (Test Valley) Designation Order 1993 (l)
- The Environmentally Sensitive Areas (Stage II) Designation Order 2000 (m)

*Stage III*

- The Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993 (n)
- The Environmentally Sensitive Areas (Exmoor) Designation Order 1993 (o)  
The Environmentally Sensitive Areas (Avon Valley) Designation Order 1993 (p)

(a) 1986 c. 49.

(b) S.I. 1986/2251, amended by S.I. 1992/51, 1994/933, 1996/922, 1997/1444, 1998/1296, 1998/2232.

(c) S.I. 1992/52, amended by S.I. 1994/931, 1996/924, 1997/1443, 1998/1297.

(d) S.I. 1992/53, amended by S.I. 1994/932, 1996/920, 1996/3104, 1997/1442, 1998/1298.

(e) S.I. 1992/54, amended by S.I. 1994/929, 1996/921, 1997/1440, 1998/1299.

(f) S.I. 1992/55, amended by S.I. 1992/301, 1993/460, 1994/930, 1996/923, 1996/3104, 1997/1441, 1998/1300.

(g) S.I. 2000/3049, amended by S.I. 2004/115.

(h) S.I. 1993/455, amended by S.I. 1995/198, 1998/1306, 1999/1364.

(i) S.I. 1993/456, amended by S.I. 1995/190, 1997/1466, 1998/1311, 1999/1369.

(j) S.I. 1993/457, amended by S.I. 1994/922, 1995/189, 1997/1447, 1998/1303, 1998/2173, 1999/1367.

(k) S.I. 1993/458, amended by S.I. 1995/194, 1997/1448, 1998/1310, 1999/1372.

(l) S.I. 1993/459, amended by S.I. 1995/191, 1997/1449, 1998/1308, 1999/1365.

(m) S.I. 2000/3050, amended by S.I. 2001/3195, 2001/3774, 2004/115.

(n) S.I. 1993/82, amended by S.I. 1994/918, 1995/199, 1997/1453, 1998/1304, 1998/2176, 1999/1366.

(o) S.I. 1993/83, amended by S.I. 1995/195, 1995/960, 1997/1451, 1998/1302, 1998/2174, 1999/1371.

(p) S.I. 1993/84, amended by S.I. 1994/927, 1995/197, 1997/1450, 1998/1307, 1998/2172, 1998/1368.

- The Environmentally Sensitive Areas (Lake District) Designation Order 1993 (a)
- The Environmentally Sensitive Areas (South Wessex Downs) Designation Order 1993 (b)
- The Environmentally Sensitive Areas (South West Peak) Designation Order 1993 (c)
- The Environmentally Sensitive Areas (Stage III) Designation Order 2000 (d)

*Stage IV*

- The Environmentally Sensitive Areas (Blackdown Hills) Designation Order 1994 (e)
- The Environmentally Sensitive Areas (Cotswold Hills) Designation Order 1994 (f)
- The Environmentally Sensitive Areas (Shropshire Hills) Designation Order 1994 (g)
- The Environmentally Sensitive Areas (Dartmoor) Designation Order 1994 (h)
- The Environmentally Sensitive Areas (Essex Coast) Designation Order 1994 (i)
- The Environmentally Sensitive Areas (Upper Thames Tributaries) Designation Order 1994 (j)
- The Environmentally Sensitive Areas (Stage IV) Designation Order 2000 (k).

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(a) S.I. 1993/85, amended by S.I. 1993/85, 1994/925, 1995/193, 1997/1452, 1998/1301, 1998/2177, 1999/1363.  
 (b) S.I. 1993/86, amended by S.I. 1994/924, 1995/196, 1997/1454, 1998/1309, 1998/2175, 1999/1370.  
 (c) S.I. 1993/87, amended by S.I. 1994/926, 1995/192, 1997/1455, 1998/1305.  
 (d) S.I. 2000/3051, amended by S.I. 2001/3196, 2004/115.  
 (e) S.I. 1994/707, amended by S.I. 1996/2106, 1999/2233.  
 (f) S.I. 1994/708, amended by S.I. 1995/200, 1996/2107, 1998/1800, 1999/2234.  
 (g) S.I. 1994/709, amended by S.I. 1996/2109, 1999/2235.  
 (h) S.I. 1994/710, amended by S.I. 1996/2110, 1999/2236.  
 (i) S.I. 1994/711, amended by S.I. 1996/2108, 1999/2232.  
 (j) S.I. 1994/712, amended by S.I. 1996/2105, 1998/1803, 1999/2237.  
 (k) S.I. 2000/3052, amended by S.I. 2001/3197, 2004/115.

## PART 6

### Heather and Grass Burning

#### **Heather and Grass etc (Burning) Regulations 1986 (a)**

The following functions conferred by regulation 7—

paragraph (1)	receipt of applications for licences
paragraph (3)(a)	receipt of all information from applicants for licences
paragraph (3)(b) and (4)	receipt of representations from consultees
paragraph (5)	grant of licences and determination of conditions
paragraph (6)	notification of proposed decisions and offer of hearings
paragraph (7)	acceptance of notifications and provision of information regarding the date, time and place of hearings, but not the appointment of a person to conduct hearings
paragraph (8)	supply of copies of reports and consideration of reports, and consideration of whether to permit burning at later dates
paragraph (9)	notification of decisions and reasons.

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(a) S.I. 1986/428.

**PART 7**  
**Energy Crops Scheme**

**Energy Crops Regulations 2000 (a)**

The functions conferred by the following provisions—

regulation 3	payment of financial assistance
regulation 4	determination of form of, and information to be contained in, applications
regulation 5(1)	approval and refusal of projects
regulation 5(2)(c)	determination of form of consent
regulation 5(4) and (6)	variation of approvals, including provision of notice of what is proposed (with reasons), fixing of time to make representations, and consideration of representations
regulation 5(5)	consultation duties
regulation 6	determination of form of, and time periods in relation to, claims for financial assistance
regulation 7	determination of whether to pay financial assistance by a single lump sum or by instalments, and of time periods and conditions
regulation 8	power to require information, and to determine time periods for its supply.

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(a) S.I. 2000/3042.

## PART 8

### Minerals and Waste Planning

#### **Town and Country Planning (General Development Procedure) Order 1995 (a)**

All functions in relation to consultations required under paragraph (w) in the table in regulation 10, which states—

“Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—

- (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or
- (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more.”

#### **Town and Country Planning Act 1990 (b)**

The following functions conferred by Schedule 5—

- |                   |   |
|-------------------|---|
| paragraph 3(1)(c) | serving notifications                       |
| paragraph 4       | all functions in relation to consultations. |

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(a) S.I. 1995/419.  
(b) 1990 c. 8.

## PART 9

### Overgrazing and Unsuitable Supplementary Feeding

#### **Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2005 (a)**

The following functions conferred by paragraph 6 of the Schedule—

- |                |   |
|----------------|---|
| paragraph 6(1) | giving of written directions concerning the management of land                                  |
| paragraph 6(3) | notification of measures appropriate to prevent overgrazing or unsuitable supplementary feeding |

#### **Good Farming Practice**

Setting management prescriptions for overgrazing and unsuitable supplementary feeding in relation to Good Farming Practice in the Hill Farm Allowance Scheme established under Council Regulation (EC) 1257/1999 and the England Rural Development Programme.

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(a) S.I. 2005/3459.

## PART 10

### England Rural Development Programme Enforcement

#### **The England Rural Development Programme (Enforcement) Regulations 2000 (a)**

The following functions conferred by regulation 6—

- |                  |   |
|------------------|---|
| paragraph (1)(a) | withholding the whole or any part of sums payable to a beneficiary  |
| paragraph (1)(b) | recovery of the whole or any part of sums already paid to a beneficiary   |
| paragraph (2)    | requiring the payment of an additional sum, and receiving that sum  |
| paragraph (3)    | deciding whether a commitment should be suspended or terminated   |
| paragraph (4)    | prohibiting a beneficiary from entering a new commitment, and determining of the period during which the prohibition is to apply  |
| paragraph (6)    | giving a beneficiary a written explanation of the reasons for taking a step, affording a beneficiary an opportunity of making written representations and considering any representations, before taking any of the steps specified in paragraphs (1), (2), (3) or (4). |

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(a) S.I. 2000/3044, amended by S.I. 2001/431, 2002/271, 2003/289, 2003/1235, 2004/145, 2005/154, 2006/225.