
STATUTORY INSTRUMENTS

1996 No. 2110

AGRICULTURE

**The Environmentally Sensitive Areas (Dartmoor)
Designation (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>12th August 1996</i>
<i>Laid before Parliament</i>		<i>12th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986⁽¹⁾, the Minister of Agriculture, Fisheries and Food has by Order designated an area on Dartmoor as an environmentally sensitive area;

Now, therefore, the said Minister, in exercise of the powers conferred on him by section 18(1) and (4)⁽²⁾ of the said Act, 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⁽³⁾ and the Historic Buildings and Monuments Commission for England in accordance with section 18(1) and (2) of the said Act and section 99 of the Environment Act 1995⁽⁴⁾ hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Dartmoor) Designation (Amendment) Order 1996 and shall come into force on 1st September 1996.

Amendment of the Environmentally Sensitive Areas (Dartmoor) Designation Order 1994

2.—(1) The Environmentally Sensitive Areas (Dartmoor) Designation Order 1994⁽⁵⁾ shall be amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 2 (interpretation)—

(a) after the definition of “conservation plan” there shall be added the following definition—

(1) 1986 c. 49. The expression “the Minister” is defined in section 18(11).
(2) Section 18(4) was amended by S.I. 1994/249.
(3) The provisions in section 18(2)(a) of the Agriculture Act concerning Nature Conservancy Councils were amended by the Environmental Protection Act 1990 (c. 43), Part VII and Sch. 9.
(4) 1995 c. 25.
(5) S.I. 1994/710.

““dry grass moorland” means an area of moorland with less than 10 per cent cover by dwarf shrub species and not more than 50 per cent cover by bracken;”

; and

(b) the definition of “managed woodland” shall be deleted.

(3) In article 7 (rates of payment under agreement)—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for “£12” there shall be substituted “£15”,

(ii) in sub-paragraph (b), for “£25” there shall be substituted “£27”,

(iii) in sub-paragraph (c), for “£30” there shall be substituted “£32”,

(iv) in sub-paragraph (d), for “£32” there shall be substituted “£37”, and

(v) in sub-paragraph (e), for “£40” there shall be substituted “£65”;

(b) in the table in paragraph (3)—

(i) for “£180” there shall be substituted “£150”, and

(ii) for “£55” there shall be substituted “£78”;

(c) paragraph (4) shall be deleted;

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

“(5) Where an agreement includes the additional provisions specified in Schedule 6, the Minister shall make payments at the rate per annum of £2 for each 10 metres of stockproof hedges managed in accordance with the programme referred to in that Schedule, subject to a maximum of 200 metres of stockproof hedges so managed per hectare of eligible land per annum for the first 10 hectares of eligible land, and thereafter a maximum of 100 metres of stockproof hedges so managed per hectare of eligible land per annum.

(5A) For the purposes of paragraph (5) above, “eligible land” means land which—

(a) comprises or falls within land subject to the provisions of the agreement concerned;

(b) is not Newtakes or moorland;

(c) is enclosed by boundaries; and

(d) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, hedges.”

(e) for paragraph (6) there shall be substituted the following—

“(6) Where an agreement includes the additional provisions specified in Schedule 7, the Minister shall make payments at the rate per annum of £4 for each 0.25 metre of stone walls or banks subject to the agreement restored in accordance with the programme referred to in that Schedule, subject to a maximum of 1.5 metres of stone walls or banks so restored per hectare of eligible land per annum.

(6A) For the purposes of paragraph (6) above, “eligible land” means land which—

(a) comprises or falls within land subject to the provisions of the agreement concerned;

(b) is not Newtakes or moorland;

(c) is enclosed by boundaries; and

(d) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, stone walls or banks.”

; and

- (f) for paragraph (7), there shall be substituted the following—
 - “(7) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of operations included in the plan, subject to a maximum of £20,000 for that agreement..”
- (4) In Schedule 1 (requirements to be included in agreement)—
 - (a) for paragraph 1(1) there shall be substituted the following—
 - “(1) the farmer shall not use any part of it for the growing of arable crops, unless, on 31st December 1993, that part was used—
 - (a) for the growing of arable crops; or
 - (b) for ley grassland established after 31st December 1983.;
 - (b) for paragraph 5(7), there shall be substituted the following—
 - “(7) the farmer shall—
 - (a) within two years of the start of the agreement agree with the Minister a programme of any necessary burning or cutting of moorland vegetation; and
 - (b) carry out that programme in accordance with the agreement;”
 - (c) in paragraph 5(8), after the phrase “0.225 livestock units (excluding ponies) per hectare” there shall be added the phrase “on moorland other than dry grass moorland and 0.36 livestock units (excluding ponies) per hectare on dry grass moorland”;
 - (d) in paragraph 5(9), after the phrase “0.17 livestock units per hectare” there shall be added the phrase “on moorland other than dry grass moorland and 0.235 livestock units per hectare on dry grass moorland”; and
 - (e) in paragraph 5(10), after the phrase “0.04 livestock units per hectare” there shall be added the phrase “without the Minister’s prior written agreement”.
- (5) In Schedule 4 (additional provisions relating to moorland)—
 - (a) in paragraph (1), after the phrase “0.17 livestock units (excluding ponies) per hectare” there shall be added the phrase “on moorland other than dry grass moorland and 0.26 livestock units (excluding ponies) per hectare on dry grass moorland”, and
 - (b) paragraph (3) there shall be substituted the following—
 - “(3) from 1st November in any year until the following 15th April inclusive the farmer shall not exceed—
 - (a) a sheep stocking level of 0.08 livestock units per hectare; or
 - (b) except with the prior written agreement of the Minister, a pony stocking level of:
 - (i) 0.08 livestock units per hectare on moorland other than dry grass moorland, and
 - (ii) 0.13 livestock units per hectare on dry grass moorland.”
- (6) Schedule 5 (additional provisions relating to managed woodland) shall be deleted.
- (7) In Schedule 6 (additional provisions relating to hedge management) the phrase, “including laying” shall be deleted.
- (8) In Schedule 8 (conservation plan operations)—
 - (a) in paragraph 4, after the word “planting” there shall be added the phrase, “laying, coppicing and gapping-up”, and
 - (b) after paragraph 6, there shall be added the following paragraphs—
 - “7. The creation and restoration of ponds.

8. The rebuilding of walls using traditional materials.”

Saving

3.—(1) Paragraph (3)(a), (b), (d), (e) and (f) of article 2 of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st September 1996.

(2) Paragraph (2)(b), (3)(c) and (6) of article 2 of this Order shall not apply in relation to any agreement made before the date of coming into force of this Order

7th August 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

We consent,

12th August 1996

Bowen Wells
Simon Burns
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Dartmoor) Designation Order 1994 (S.I.1994/710) which designated an area on Dartmoor as an environmentally sensitive area, in compliance with Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p.85) on agricultural production methods compatible with the requirements of protection of the environment and the maintenance of the countryside.

Subject to a saving provision, the Order amends the rates of payments to be made by the Minister of Agriculture, Fisheries and Food pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986, revokes the option of including managed woodland in a management agreement, clarifies which part of the agreement land may be used for the growing of arable crops, amends the stocking densities to be observed on certain types of moorland, clarifies an ambiguity raised by the Joint Committee on Statutory Instruments and adds several options to the operations that may be included in a conservation plan (articles 2 and 3).

No Compliance Cost Assessment in relation to this Order has been prepared.