

1989 No. 190

AGRICULTURE

Environmentally Sensitive Areas (Glens of Antrim) Designation Order (Northern Ireland) 1989

Made 23rd May 1989

Coming into operation 1st July 1989

Whereas, in accordance with Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987(a), it appears to the Department of Agriculture (“the Department”) that it is particularly desirable—

- (1) to conserve and enhance the natural beauty of the area referred to in Article 3;
- (2) to conserve the flora and fauna and geological and physiographical features of that area; and
- (3) to protect buildings and other objects of historic interest in that area;

And whereas, in accordance with the said Article 3(1) of the said Order it appears to the Department that the maintenance and adoption of the agricultural methods specified in the Schedule is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Department, in exercise of the powers conferred on it by Article 3(1) and (3) of the said Order, and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Glens of Antrim) Designation Order (Northern Ireland) 1989 and shall come into operation on 1st July 1989.

Interpretation

2. In this Order—

“agreement” means an agreement under Article 3(2) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 as respects agricultural land in the area designated by Article 3;

“conservation plan” means a layout plan of the farm and an attached statement identifying relevant land and conservation features and setting out, as appropriate, details of how the requirements in the agreement will be implemented on the farm;

“enclosed land” means agricultural land enclosed by fences, hedges, walls or dykes for the closely controlled grazing of livestock, cropping or the maintenance of farm woodland;

“farm business” means a business or part of a business which engages in agricultural production for the purposes of trade;

“farm woodland” means woodland on agricultural land the use of which is ancillary to a farm business;

“farmer” means a person who has an estate in agricultural land in the area designated by Article 3 and who has entered into an agreement with the Department;

“livestock” means bovine animals or sheep;

“livestock unit” means—

(a) 1 cow;

(b) 1.4 bovine animals (other than cows) over two years old;

(c) 1.6 bovine animals (other than cows) from one year to two years old inclusive;

(d) 2.5 bovine animals less than one year old, or

(e) 6.66 sheep;

“scrubland” means land which is covered by stunted trees or brushwood;

“species rich pasture” means enclosed land used for grazing which contains a significant number of plant species and which has not previously been treated with a significant amount of artificial or mineral fertiliser or lime;

“stocking density” means the number of livestock units per hectare of land occupied by the farm business; and

“wet land” or “marsh” means any ground which is normally saturated with water.

Designation of environmentally sensitive area

3. The Department hereby designates as an environmentally sensitive area that area of land in the Glens of Antrim in County Antrim which is shown coloured yellow on the map marked “Map of Glens of Antrim Environmentally Sensitive Area” dated 23rd May 1989 signed and sealed by the Secretary of the Department and deposited at the offices of the Department at Magnet House, 81-93 York Street, Belfast BT15 1AD.

Requirements to be included in agreement

4. An agreement shall include—

(a) as regards land which is the subject of the agreement and which is not farm woodland or scrubland, the requirements specified in Part I of the Schedule; and

- (b) as regards land which is the subject of the agreement and which is farm woodland or scrubland, the requirements specified in Part II of the Schedule,

as to agricultural practices, methods and operations.

Provisions as to breach of requirements to be included in agreement

5. An agreement shall include provisions that—

- (a) in the event of a breach by the farmer of the requirements referred to in Article 4, the Department may give the farmer notice in writing terminating the agreement forthwith and may recover on demand from the farmer as a civil debt an amount equivalent to the whole or any part of the payments made to him by the Department under the agreement; and
- (b) any question arising under an agreement as to whether there has been a breach of any of the requirements referred to in Article 4 shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of such agreement to be appointed by the Chairman for the time being of the Northern Ireland Branch of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act (Northern Ireland) 1937(a) or any statutory modification or re-enactment thereof for the time being in force.

Rates of payment under agreement

6.—(1) Subject to paragraph (2), payments made by the Department under an agreement shall be at the rate of £50 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes land which is farm woodland or scrubland payments made by the Department under the agreement in relation to that land shall be at the rate of £100 per annum for each hectare of that land.

Sealed with the Official Seal of the Department of Agriculture on 23rd May 1989.

(L.S.)

L. Sinclair

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd May 1989.

(L.S.)

R. Miller

Assistant Secretary

Requirements to be included in Agreement

PART I

LAND WHICH IS THE SUBJECT OF AN AGREEMENT AND WHICH IS NOT FARM
WOODLAND OR SCRUBLAND

1. The farmer shall prepare and agree with the Department a Farm Conservation Plan for his land which shall identify any conservation features relevant to the requirements in paragraphs 3 to 19.
2. The farmer shall not increase the stocking density on land occupied by him for the purpose of his farm business above the level which existed on 1st January 1989.
3. The farmer shall maintain stockproof walls and hedges in a stockproof condition using traditional methods and materials.
4. The farmer shall maintain any weatherproof traditional farm building which he owns or the exterior of which he has a liability to repair in a weatherproof condition using traditional materials.
5. The farmer shall retain and maintain traditional gates and gate posts.
6. The farmer shall maintain existing field patterns and shall not remove any hedge, dyke or wall except with the written permission of the Department.
7. The farmer shall not—
 - (a) carry out any land reclamation work; or
 - (b) drain existing areas of marsh or wetland, except with the written permission of the Department.
8. The farmer shall not apply pesticides or herbicides to hedgerow bottoms except with the written permission of the Department.
9. The farmer shall not apply herbicides to species rich pastures except to control bracken, spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort. Herbicides used for these purposes shall be applied by weed wiper or spot treatment. In the case of bracken, control shall only be by means of asulam or such other chemical as may be approved by the Department.
10. The farmer shall maintain existing ponds, streams and rivers and shall retain associated fringe vegetation.
11. The farmer shall retain existing areas of heather and undertake measures necessary to regenerate the heather.
12. The farmer shall obtain written advice from the Department on maintaining existing hedgerow trees.
13. The farmer shall obtain written advice from the Department on any tree planting proposals which are not to be carried out under its forestry grants scheme.

14. The farmer shall ensure that no pollution due to the escape of silage effluent, sheep dip or other pollutant occurs.
15. The farmer shall ensure that in farming the land he does not damage or destroy any feature of historic interest.
16. The farmer shall obtain written advice from the Department before commencing the construction or reconstruction of farm roads.
17. The farmer shall obtain written advice from the Department before commencing the construction of new farm buildings or the carrying out of major repair or renovation work to existing farm buildings.
18. The farmer shall obtain written advice from the Department before commencing the painting of new or existing farm buildings.
19. The farmer shall not use beach sand or beach gravel when carrying out any farming or building operation on the land.

PART II

WOODLAND OR SCRUBLAND WHICH IS THE SUBJECT OF AN AGREEMENT

1. The farmer shall retain existing woodland and scrubland.
2. The farmer shall exclude livestock from woodland and scrubland.
3. The farmer shall, within 2 years of the commencement of the agreement, obtain written advice from the Department on the management of farm woodland and scrubland.

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 (“the Order”) gives the Department of Agriculture (“the Department”) power to designate an area in Northern Ireland as an environmentally sensitive area where it appears to the Department particularly desirable to conserve, protect or enhance environmental features in that area by the maintenance or adoption of particular agricultural methods.

This Order designates an area in the Glens of Antrim as an environmentally sensitive area (Article 3). The area is defined by reference to a map which is available for inspection during normal office hours at the offices of the Department at Magnet House, 81-93 York Street, Belfast BT15 1AD. Copy maps are available for inspection at any reasonable hour at the County Agricultural Executive Office, Kilpatrick House, 38-54 High Street, Ballymena, Co. Antrim BT43 6DP, and the Department’s local Agricultural Offices at 13 Market Street, Ballycastle, Co. Antrim BT54 6DS, and Crown Buildings, Pound Street, Larne, Co. Antrim BT40 1SH.

Article 3(2) of the Order enables the Department to enter into a management agreement with any person entitled to an estate specified in Article 3(6) of the Order in agricultural land in a designated area if the Department considers that conservation of environmental features in that area may be thereby facilitated, and this Order specifies requirements as to agricultural practices, methods and operations and the installation and use of equipment which must be included in such an agreement (Article 4 and the Schedule).

This Order also contains provisions for recovery of sums paid by the Department under such an agreement in the event of a breach of the specified requirements, and for the determination by arbitration of any question as to whether a breach of those requirements has occurred (Article 5). Payments to be made by the Department under an agreement are to be at the rate of £50 per year per hectare of land to which the agreement relates if that land is not farm woodland or scrubland or, at the rate of £100 per year per hectare of land to which the agreement relates if such land is farm woodland or scrubland (Article 6).