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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 301**

**AGRICULTURE**

**Environmentally Sensitive Areas (Sperrins) Designation  
(Amendment) Order (Northern Ireland) 1997**

*Made* - - - - *20th June 1997*  
*Coming into operation* *28th July 1997*

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

- (1) to conserve and enhance the natural beauty of the area referred to in Article 3 of the Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994(2);
- (2) to conserve the flora and fauna and geological and physiographical features of that area; and
- (3) to protect buildings and other objects of archaeological, architectural or historic interest in that area;

And whereas, in accordance with the said Article 3(1) of the 1987 Order it appears to the Department of Agriculture that the maintenance and adoption of the agricultural methods specified in this Order is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Department of Agriculture, in exercise of the powers conferred on it by Article 3(1) and (3) of the 1987 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 (Sperrins) Designation (Amendment) Order (Northern Ireland) 1997 and shall come into operation on 28th July 1997.

**Amendments to the Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994**

2. The Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994 shall be amended as provided by Articles 3 to 7.

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(1) [S.I. 1987/458 \(N.I. 3\)](#); Article 3(3) was amended by [S.R. 1994 No. 419](#)  
(2) [S.I. 1994 No. 213](#) as amended by [S.R. 1995 No. 179](#) and [S.R. 1996 No. 606](#)

3. In Article 2 (Interpretation)—
- (a) for the definition of “the Commission Regulation” there shall be substituted—
- ““the Commission Regulation” means Commission Regulation (EC) No. 746/96<sup>(3)</sup> laying down detailed rules for the application of the Council Regulation, as amended by Commission Regulation (EC) No. 435/97<sup>;(4)</sup>”;
- (b) after the definition of “scrubland” there shall be inserted—
- ““species rich dry grassland” means grassland (including maritime grassland) which occurs on moderately well drained soils and on which the sward is comprised of crested dogstail, red fescue or bent grasses and flowering plants such as meadow vetchling, common bird’s foot trefoil and yellow rattle and less than 20% of the sward is comprised of ryegrass;
- “species rich wet grassland” means grassland which occurs on poorly drained soils and on which the sward is comprised of Yorkshire fog, sweet vernal, bent grasses, rush species or sedges and flowering plants adapted to living in wet soils, such as ragged robin, meadow sweet, lesser spearwort, marsh marigold and water mint and less than 20% of the sward is comprised of ryegrass;”.
4. In Article 6(3) in the Table before the entry relating to Woodland or Scrubland there shall be inserted the following entries—
- “Species Rich Dry Grassland 110  
    Species Rich Wet Grassland 110”
5. In Article 7 for sub-paragraphs (a) to (c) there shall be substituted—
- “(a) If the land is unimproved grassland at the rate of £150 per annum.  
    (b) If the land is improved land at the rate of £300 per annum.  
    (c) If the land is rough moorland grazing at the rate of £75 per annum.”
6. In Article 8 (Rates of payments under enhancement provisions) for paragraph (2) there shall be substituted—
- “(2) Payments made by virtue of this Article shall not exceed—
- (a) £9,000 in any period of 3 years; or
- (b) subject to sub-paragraph (c), £3,000 in any year;
- (c) where the operation carried out under the provisions of Part II of Schedule 3 is wholly or mainly the renovation of traditional farm buildings, or the provision of protective fencing, sub-paragraph (b) shall have effect as if for the figure “£3,000” there were substituted “£9,000”.”.
7. In Schedule 2 (Additional Requirements) after Part III there shall be added the following Parts—

## “Part IV

As regards any Species Rich Dry Grassland which is the subject of an agreement the farmer shall comply with the relevant requirements of Schedule 1 and in addition thereto—

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(3) O.J. No. 402, 25.4.96, p. 19

(4) O.J. No. L67, 7.3.97, p. 2

1. The farmer shall ensure that the rate of application of inorganic fertiliser, organic fertiliser or any mixture thereof does not exceed 25 kilogrammes of nitrogen, 13 kilogrammes of potash, 13 kilogrammes of phosphate per hectare in any year.
2. The farmer shall not apply any lime except with the prior written permission of the Department.
3. The farmer shall not undertake any form of cultivation including chain harrowing or rolling during the period between 1st April and 30th June, both dates inclusive, in any year.
4. Invasive scrub or gorse may be removed only with the prior written permission of the Department.
5. The farmer shall not cut any grass therefrom earlier than 1st July in any year.
6. The farmer shall locate any supplementary feeding area only in accordance with the written advice of the Department.

## Part V

As regards any Species Rich Wet Grassland which is the subject of an agreement the farmer shall comply with the relevant requirements of Schedule 1 and in addition thereto—

1. The farmer shall not permit grazing with livestock during the period between 1st January and 31st May, both dates inclusive, in any year and shall ensure that during any other part of that year any such grassland is grazed so as to avoid poaching.

2. Where water levels in sheughs are within his control, the farmer shall maintain those levels as close as possible to bank level during the period between 1st March and 15th June, both dates inclusive, in any year.

3. The farmer shall ensure that the rate of application of inorganic fertiliser, organic fertiliser or any mixture thereof does not exceed 25 kilogrammes of nitrogen, 13 kilogrammes of potash, 13 kilogrammes of phosphate per hectare in any year.

4. The farmer shall not apply any lime except with the prior written permission of the Department.

5. The farmer shall not undertake any form of cultivation including chain harrowing or rolling during the period between 1st April and 30th June, both dates inclusive, in any year.

6. Invasive scrub or gorse may be removed only with the prior written permission of the Department.

7. The farmer shall not cut any grass therefrom for the purpose of making hay earlier than 1st July in any year.”

Sealed with the Official Seal of the Department of Agriculture on

L.S.

20th June 1997.

*Liam McKibben*  
Assistant Secretary

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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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

L.S.

20th June 1997.

*D. Thomson*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order further amends the Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994.

This Order makes the following principal changes:—

1. Where an agreement relates to “species rich dry grassland” or “species rich wet grassland” payment is provided for at £110 per annum for each hectare.
2. Where an agreement relates to land set aside for wildlife corridors the rate of payment for each hectare of such land is increased—
  - (a) if the land is unimproved grassland, from £100 to £150 per annum;
  - (b) if the land is improved land, from £200 to £300 per annum;
  - (c) if the land is rough moorland grazing from £50 to £75 per annum.
3. The maximum rate of payments under enhancement provisions are increased to £9,000 in any year in relation to the renovation of traditional farm buildings or the provision of protective fencing, provided that the maximum payments in any period of 3 years does not exceed £9,000.
4. The definition of “the Commission Regulation” has been amended.