
STATUTORY INSTRUMENTS

1992 No. 1359

AGRICULTURE

The Environmentally Sensitive Areas (Cambrian Mountains) Designation (Amendment) Order 1992

<i>Made</i>	- - - -	<i>8th June 1992</i>
<i>Laid before Parliament</i>		<i>9th June 1992</i>
<i>Coming into force</i>	- -	<i>30th June 1992</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986⁽¹⁾ the Secretary of State has by order designated an area in the Cambrian Mountains as an environmentally sensitive area;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 18(1) and (4) of the said Act, and of all other powers enabling him in that behalf, with the consent of the Treasury and after consultation with the Countryside Council for Wales⁽²⁾ hereby makes the following Order:—

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Cambrian Mountains) Designation (Amendment) Order 1992 and shall come into force on 30th June 1992.

Interpretation

2. In this Order “the principal Order” means the Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986⁽³⁾.

Amendments of the principal Order

3.—(1) The principal Order shall be amended in accordance with the provisions of paragraphs (2) to (7) of this article.

(2) In article 2(1) (interpretation)

(a) there shall be inserted immediately after the definition of “hay meadow” the following definition—

(1) 1986 c. 49; second 18(11) defines “the Minister”.

(2) The provisions in s.18 of the Agriculture Act 1986 concerning Nature Conservancy Councils were amended by part VII of, and paragraph 13 of Schedule 9 to, the Environmental Protection Act 1990 (c. 43).

(3) S.I.1986/2257, amended by S.I. 1988/173.

““heather” means vegetation consisting of *Calluna vulgaris*, *Erica tetralix* or *Erica cinerea*.”;

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

(3) In article 3 (designation of environmentally sensitive area) for “Plas Crug, Aberystwyth, Dyfed, SY23 1NG” there shall be substituted “Trawsgoed, Aberystwyth, Dyfed, SY23 4HT”.

(4) In article 4 (a) and (b) (requirements to be included in agreement) for “the Schedule” there shall be substituted “Schedule 1 to this Order”.

(5) In article 5(a) (provision as to breach of the requirements to be included in agreement) the word “civil” shall be omitted.

(6) For article 6 (rates of payment under agreement) there shall be substituted the following article—

“Rates of payment under agreement

6.—(1) Subject to paragraphs (2) below, payments made by the Secretary of State under an agreement shall be at the rate of—

- (a) £30 per annum for each hectare of semi-natural rough grazings to which the agreement relates;
- (b) £50 per annum for each hectare of hay meadow to which the agreement relates; and
- (c) £70 per annum for each hectare of broadleaved woodland to which the agreement relates.

(2) Where an agreement includes the additional provisions specified in Schedule 2 to this Order, payments made by the Secretary of State shall be at the rate of—

- (a) £41 per annum for each hectare of semi-natural rough grazings which includes heather and which under the agreement is subject to the additional provisions specified in paragraph 1 of Schedule 2 to this Order;
- (b) £105 per annum for each hectare of land which is broadleaved woodland and which under the agreement is subject to the additional provisions specified in paragraph 2 of Schedule 2 to this Order.

(3) Subject to paragraph (4) below, where an agreement includes one or more of the conservation plan operations specified in Schedule 3 to this Order, the Secretary of State shall also make payments, in respect of the aggregate of the operations so specified which are included in the agreement, at a rate not exceeding £120 per annum for each hectare of land to which the agreement relates.

(4) The payments under paragraph (3) above shall not exceed a maximum of £4,000 per agreement.”.

(7) For the Schedule to the principal Order there shall be substituted the Schedules set out in the Schedule to this Order.

Saving

4. Nothing in article 3 of this Order affects an agreement entered into on or before 29th June 1992.

3rd June 1992

David Hunt
Secretary of State for Wales

We consent,

8th June 1992

Gregory Knight
T. E. Boswell
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE

Article 3(7).

“SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

1. As regards any land which is the subject of an agreement and which is not broadleaved woodland:–

- (1) the farmer shall maintain semi-natural rough grazings and hay meadows;
- (2) the farmer shall not plough, level, reseed or cultivate;
- (3) the farmer shall not, in the case of hay meadows, cut for hay or silage before 15th July in any year;
- (4) the farmer shall, in the case of hay meadows, take at least one cut for hay or silage after 14th July in any year;
- (5) the farmer shall exclude livestock from hay meadows for at least seven weeks before the first cut for hay or silage;
- (6) the farmer shall graze semi-natural rough grazings with cattle or sheep at an average annual stocking rate agreed in advance with the Secretary of State at a level that avoids overgrazing, undergrazing or poaching but in any case at an average annual stocking rate not exceeding 0.375 livestock units per hectare;
- (7) the farmer shall graze hay meadows with cattle or sheep at an average annual stocking rate agreed in advance with the Secretary of State at a level that avoids overgrazing, undergrazing or poaching but in any case at an average annual stocking rate not exceeding 0.75 livestock units per hectare;
- (8) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;
- (9) the farmer shall not apply lime;
- (10) the farmer shall not, in the case of semi-natural rough grazings, apply inorganic fertilizer;
- (11) the farmer shall not in any year apply to any hectare of hay meadow–
 - (a) more than 12.5 tonnes of farmyard manure, or
 - (b) more than 25kg of nitrogen, 12.5kg of phosphate and 12.5kg of potash;
- (12) the farmer shall not apply pesticides;
- (13) the farmer shall not apply herbicides except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*) or ragwort (*Senecio jacobaea*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;
- (14) the farmer shall control bracken (*Pteridium aquilinum*) only by means of asulam or other chemical approved by the Secretary of State;
- (15) the farmer shall burn heather, grass and scrub only in accordance with a programme agreed in advance with the Secretary of State;
- (16) the farmer shall not construct hedges, walls or fences without the prior approval of the Secretary of State;
- (17) the farmer shall not remove any existing hedges, walls or fences (other than wire fences);
- (18) the farmer shall obtain from the Secretary of State written advice concerning siting, design and materials before constructing or altering buildings or roads or undertaking any other engineering or construction operations which do not require prior notification determination by the local planning

authority under the Town and Country Planning General Development Order 1988(4), or planning permission;

(19) the farmer shall in farming the land ensure that he does not damage or destroy any features of archeological interest;

(20) the farmer shall conserve and maintain all existing lakes, ponds and streams;

(21) the farmer shall control pests in a lawful manner.

2. As regards any land which is the subject of an agreement and which is broadleaved woodland–

(1) the farmer shall retain existing broadleaved woodland;

(2) the farmer shall exclude livestock from broadleaved woodland;

(3) the farmer shall not remove any broadleaved trees or saplings without the prior approval of the Secretary of State;

(4) the farmer shall control pests in a lawful manner.

SCHEDULE 2

Article 6(2)

ADDITIONAL PROVISIONS IN AGREEMENT TO OBTAIN HIGHER RATE OF PAYMENT

1. As regards any semi-natural rough grazings which are the subject of an agreement and which include heather–

the farmer shall graze such semi-natural rough grazings with cattle or sheep at an average annual stocking rate not exceeding 0.2 livestock units per hectare.

2. As regards any land which is the subject of an agreement and which is broadleaved woodland–

(1) the farmer shall, within six months of the commencement of the agreement, obtain from the persons or bodies designated by the Secretary of State written advice on the management of the broadleaved woodland;

(2) the farmer shall, within nine months of the commencement of the agreement, agree with the Secretary of State–

(a) a programme of management to regenerate the broadleaved woodland, and

(b) a timescale to implement that programme of management;

(3) The farmer shall, within fifteen months of the commencement of the agreement, commence work on the programme of management to regenerate the broadleaved woodland agreed with the Secretary of State.

SCHEDULE 3

Article 6(3) and (4)

CONSERVATION PLAN OPERATIONS

1. The planting and laying of hedges.

2. The repair and restoration of stone walls.

3. The renovation of traditional farm buildings.

4. The re-creation of florally rich meadows.

(4) S.I. 1988/1813; relevant amending instruments are S.I. 1991/2268 and S.I. 1991/2805.

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5. The restoration of heather in semi-natural rough grazings.
 6. The creation or restoration of ponds.
 7. The creation of wildlife refuges alongside streams.
 8. The eradication of bracken (*Pteridium aquilinum*).
 9. The planting of trees and the repair, restoration or provision of protective fencing (including the repair, restoration or provision of associated posts, gates and stiles) provided that any work carried out under this paragraph is associated with any of the operations specified in paragraphs 1 to 8 of this Schedule.”
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986 which designated an area of the Cambrian Mountains as an environmentally sensitive area.

This Order—

- (a) inserts a definition of “heather” (article 3(2));
- (b) amends the address at which maps of the designated area are deposited (article 3(3));
- (c) specifies new rates of payment under management agreements entered into in relation to agricultural land in the designated area (article 3(6));
- (d) substitutes a new Schedule 1 for the previous Schedule of requirements which must be included in an agreement (article 3(7));
- (e) inserts a Schedule 2 setting out additional provisions which may be included in an agreement and which attract higher rates of payment (article 3(7));
- (f) inserts a Schedule 3 of optional provisions which may be included in an agreement as part of a conservation plan and which attract additional payments (article 3(7)).

The Order also makes minor and consequential amendments.

Agreements made on or before 29th June 1992 are unaffected by the amendments (article 4).