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STATUTORY INSTRUMENTS

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**1992 No. 51**

**AGRICULTURE**

**The Environmentally Sensitive Areas (West Penwith) Designation (Amendment) Order 1992**

<i>Made</i>	- - - -	<i>15th January 1992</i>
<i>Laid before Parliament</i>		<i>15th January 1992</i>
<i>Coming into force</i>	- -	<i>5th February 1992</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 in West Penwith as an environmentally sensitive area;

Now, therefore, the said Minister 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 Secretary of State, the Countryside Commission and the Nature Conservancy Council for England(2) hereby makes the following Order:

**Title and commencement**

1. This Order may be cited as the Environmentally Sensitive Areas (West Penwith) Designation (Amendment) Order 1992 and shall come into force on 5th February 1992.

**Interpretation**

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

**Amendment of the principal Order**

3. The principal Order shall be amended in accordance with articles 4, 5, 6, 7 and 8 of this Order.

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(1) 1986 c. 49. Section 18(11) of the 1986 Act 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 Schedule 9 to, the Environmental Protection Act 1990 (c. 43).  
(3) S.I.1986/2251.

#### **Designation of environmentally sensitive area**

4. In article 3 of the principal Order for “Great Westminster House, Horseferry Road, London SW 1P 2AE” there shall be substituted “Nobel House, 17 Smith Square, London SW 1P 3HX.”.

#### **Requirements to be included in agreement**

5. In article 4 of the principal Order for “the Schedule” there shall be substituted “Schedule 1”.

#### **Provisions as to breach of requirements to be included in agreement**

6. In article 5(a) of the principal Order, the word “civil” shall be omitted.

#### **Rates of payment under agreement**

7. For article 6 of the principal Order there shall be substituted the following article—

##### **“Rates of payment under agreement**

6.—(2) The Minister shall make payments under an agreement at the rate of £65 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes one or more of the conservation plan operations specified in Schedule 2, the Minister shall make payments according to the farming operations which are carried out at a rate not exceeding £100 per annum for each hectare of land to which the agreement relates, subject to a maximum of £4000 per agreement.”.

#### **Amendment of Schedule**

8. For the Schedule to the principal Order there shall be substituted the schedules set out in the Schedule to this Order.

#### **Saving**

9. Nothing in articles 5, 6, 7 and 8 of this Order affects an agreement entered into on or before 31st December 1991.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th January 1992

L.S.

14th January 1992.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

We consent,

15th January 1992

*Thomas Sackville*  
*Nicholas Baker*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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

SCHEDULE

Article 8

“SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

1. As regards all land which is the subject of an agreement–

(1) The farmer shall maintain existing field patterns and shall not remove any hedges or walls or the lynchets on which they stand or any part thereof;

(2) The farmer shall not widen gateways or remove gate posts;

(3) The farmer shall maintain stockproof hedges and walls in a stockproof condition using traditional methods and materials;

(4) The farmer shall not erect any permanent fencing;

(5) The farmer shall maintain ponds and streams;

(6) The farmer shall not remove boulders which protrude from, or rest on the surface of, his land;

(7) The farmer shall not damage or destroy any feature of historic interest;

(8) The farmer shall maintain any weatherproof traditional farm buildings for which he is responsible in a weatherproof condition using traditional materials;

(9) The farmer shall obtain written advice concerning siting and materials from the Minister before constructing 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;

(10) The farmer shall not plant trees without the prior written consent of the Minister.

2. As regards any rough land which is the subject of an agreement–

(1) The farmer shall maintain the land and shall not plough, excavate, level, re-seed, cultivate or carry out any mechanical operations;

(2) The farmer shall not install any new drainage nor substantially modify any existing drainage system;

(3) The farmer shall graze with cattle but not so as to cause poaching, overgrazing or undergrazing;

(4) The farmer shall not burn heather, grass or scrub except in accordance with a programme agreed in advance with the Minister;

(5) The farmer shall restrict supplementary feeding of livestock to areas agreed in advance with the Minister;

(6) The farmer shall not apply any organic or inorganic fertiliser;

(7) The farmer shall not apply any lime, slag or any other substance designed to reduce the acidity of the soil;

(8) The farmer shall not use fungicides or insecticides;

(9) The farmer shall not apply herbicides except to control bracken, spear thistle, creeping or field thistle, curled dock, broad-leaved dock or ragwort. Herbicides used for these purposes shall be applied by weedwiper or spot treatment. In the case of bracken, control shall be by means of asulam where it cannot be controlled by mechanical means;

(10) The farmer shall not erect temporary fencing.

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(4) S.I. 1988/1813. The relevant amending instrument is S.I. 1991/2268.

## SCHEDULE 2

Article 6(2)

### CONSERVATION PLAN OPERATIONS

1. The provision and rebuilding of Cornish and stone hedges, walls and stiles.
2. The renovation of traditional farm buildings.
3. The management of scrub.
4. The reversion of land to rough land, or the environmental improvement of rough land.
5. The creation or restoration of ponds.
6. The control of bracken.
7. Works to protect historic and archaeological features.
8. Works designed to restore or create landscape features or features for the benefit of wildlife in a manner compatible with the enhancement of the environment.”

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### EXPLANATORY NOTE

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

This Order amends the Environmentally Sensitive Areas (West Penwith) Designation Order 1986 which designated the area of West Penwith as an environmentally sensitive area. The Order substitutes a new Schedule for the previous Schedule of requirements which must be included in any management agreement entered into in relation to agricultural land in the designated area and inserts a Schedule of optional provisions which may be undertaken as part of a conservation plan (article 8). It also specifies new rates of payment under agreements (article 7) and amends the address at which maps of the designated area are deposited (article 4). Agreements made before 1st January 1992 are unaffected by the amendments (article 9)