
STATUTORY INSTRUMENTS

1992 No. 55

AGRICULTURE

**The Environmentally Sensitive Areas
(Pennine Dales) Designation 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, as mentioned in section 18(1) of the Agriculture Act 1986⁽¹⁾, it appears to the Minister of Agriculture, Fisheries and Food (“the Minister”) that it is particularly desirable—

(1) to conserve and enhance the natural beauty of the area referred to in article 3 of the following Order;

(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, as mentioned in the said section 18(1) it appears to the Minister that the maintenance and adoption of the agricultural methods specified in Schedule 1 to the following Order is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the 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⁾ as to the inclusion of the area referred to in article 3 of this Order and the features of that area for which conservation, enhancement and protection are desirable, hereby makes the following Order:

Title and commencement

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

Interpretation

2.—(1) In this Order—

⁽¹⁾ 1986 c. 49. The expression “the Minister” is defined in section 18(11).

⁽²⁾ The provisions in section 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).

“agreement” means an agreement under section 18(3) of the Agriculture Act 1986 as respects agricultural land in the area designated by article 3;

“farmer” means a person who has an interest in agricultural land in the area designated by article 3 and who also has entered into an agreement with the Minister;

“grassland” means land on which the vegetation consists primarily of grass species and includes meadowland, pasture and rough grazing;

“managed woodland” means a minimum area of at least one hectare for which within two years of the commencement of the agreement the farmer obtains approval for a grant in connection with the management of the land for forestry purposes under section 1 of the Forestry Act 1979(3);

“meadowland” means land primarily used for the production of hay and silage;

“woodland” means land used for woodland where that use is ancillary to the farming of land for other agricultural purposes.

(2) Any reference in this Order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this Order.

Designation of environmentally sensitive area

3. There is hereby designated as an environmentally sensitive area the area of land in the Pennine Dales in the Counties of Cumbria, Durham, North Yorkshire and Northumberland which is shown coloured yellow on the maps contained in the volume of maps marked “volume of maps of Pennine Dales environmentally sensitive area” dated 13th January 1992 signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW 1P 3HX.

Requirements and provisions of agreement

4. An agreement shall include the requirements specified in Schedule 1 as to agricultural practices, methods and operations and the installation and use of equipment.

Breach of requirements or provisions

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 Minister may give the farmer notice in writing terminating the agreement forthwith and may recover from the farmer as debt an amount equivalent to the payments made by the Minister under the agreement or such part thereof as the Minister may specify;
- (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 agreement to be appointed by the President of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act 1950(4) or any statutory modification or re-enactment thereof for the time being in force.

(3) 1979 c. 21.

(4) 1950 c. 27.

Rates of payment under agreement

6.—(1) The Minister shall make payments under an agreement at the rate of £140 per annum for each hectare of meadowland to which the agreement relates and at a rate of £70 per annum for each hectare of land other than meadowland to which the agreement relates.

(2) Where an agreement includes the additional provisions specified in Schedule 2 or Schedule 3, the Minister shall make payments at the rate of £200 per annum for each hectare of meadowland which under the agreement is subject to the provisions of Schedule 2, and at the rate of £25 per annum for each hectare of managed woodland which under the agreement is subject to the provisions of Schedule 3.

(3) Where an agreement includes one or more of the conservation plan operations specified in Schedule 4, the Minister shall make payments according to the 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.

Revocation and saving

7. The Environmentally Sensitive Areas (Pennine Dales) Designation Order 1986⁽⁵⁾ is hereby revoked, except that the provisions of that Order shall continue to apply to agreements made in relation to it 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.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

We consent

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

15th January 1992

(5) [S.I. 1986/2253](#).

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 grassland and shall not plough, level or reseed it.

The farmer shall not harrow or roll pastures.

(2) The farmer shall not increase his existing application rates of inorganic fertiliser and shall not in any event apply more than 25 kilogrammes of nitrogen, 12.5 kilogrammes of phosphate and 12.5 kilogrammes of potash per hectare per year, or the equivalent in artificial organic fertiliser. He shall make only one application of fertiliser a year.

(3) The farmer shall not apply slurry or poultry manure.

(4) The farmer shall not apply farmyard manure except manure which has been produced on his own farm. He shall not increase his existing application rates and shall not in any event apply more than 12.5 tonnes per hectare per year. He shall make only one application a year.

(5) The farmer shall not apply fungicides and insecticides.

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

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

(8) The farmer shall not cut or spray areas of rushes in pastures.

(9) The farmer shall not graze any grassland so as to cause poaching, over-grazing or under-grazing.

(10) The farmer shall dispose of sheep dip safely and shall not spread it where it may affect areas of nature conservation value.

(11) The farmer shall not install any new drainage system or substantially modify any existing system.

(12) The farmer shall maintain stockproof walls and hedges in a stockproof condition using traditional materials.

(13) The farmer shall maintain any weatherproof field barns for which he is responsible in a weatherproof condition using traditional materials.

(14) The farmer shall not damage or destroy any feature of historic interest.

(15) The farmer shall obtain written advice on siting and materials from the Minister before constructing buildings or roads or before 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⁽⁶⁾, or planning permission.

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

(1) The farmer shall identify land which is meadowland and shall maintain it as such for the length of the agreement.

(2) The farmer shall not cultivate meadowland except with a chain harrow or roller. Any cultivation shall take place as soon as possible in the spring once stock have been removed.

(3) The farmer shall exclude stock from meadowland at least seven weeks before the first cut for hay or silage and at the latest by 1st June in any year.

(6) [S.I. 1988/1813](#). The relevant amending instrument is [S.I. 1991/2268](#).

(4) The farmer shall not take the first cut of grass from meadowland for hay or silage before 8th July in any year, and at least once in every five years he shall make the first cut during August in accordance with a programme of August cutting agreed with the Minister. He shall have regard to the welfare of fledglings of ground nesting birds when planning cuts.

(5) The farmer shall wilt and turn grass cut for silage from meadowland before removing it.

(6) The farmer shall graze the aftermath of any cutting with livestock.

3. As regards any woodland which is the subject of an agreement–

(1) Within two years of the commencement of the agreement, the farmer shall obtain from a person approved by the Minister written advice on the management of existing woodland or on proposals to plant any new woodland.

SCHEDULE 2

Article 6(2)

ADDITIONAL PROVISIONS – I

As regards any meadowland which is the subject of an agreement–

1. The farmer shall exclude stock from meadowland by 15th May in any year.

2. The farmer shall not apply inorganic or artificial organic fertiliser to meadowland.

3. The farmer shall cut all meadows and remove the crop. He shall not cut for hay before 15th July in any year and not for silage before 1st August in any year.

SCHEDULE 3

Article 6(2)

ADDITIONAL PROVISIONS – II

As regards any managed woodland which is the subject of an agreement–

1. The farmer shall provide alternative grazing and shelter for livestock displaced from the land.

SCHEDULE 4

Article 6(3)

CONSERVATION PLAN OPERATIONS

1. The building or rebuilding of dry-stone walls using traditional materials.

2. The planting and laying of hedges.

3. The renovation of field barns using traditional materials.

4. The creation or re-creation of meadowland.

5. Tree planting.

6. Works to protect historic and archaeological features.

7. 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.

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

EXPLANATORY NOTE

(This note is not part of the Order)

Section 18 of the Agriculture Act 1986 (“the 1986 Act”) gives the Minister of Agriculture, Fisheries and Food (“the Minister”) power to designate an area in England as an environmentally sensitive area where it appears to him particularly desirable to conserve, protect or enhance environmental features in that area by the maintenance or adoption of particular agricultural methods.

This Order, which complies with Title VII of Council Regulation (EEC) 2328/91 (OJNo. L 218, 6.8.91, p.1) on improving the efficiency of agricultural structures, designates an area in the Pennine Dales as an environmentally sensitive area (article 3). The previous designation of an environmentally sensitive area in the Pennine Dales is revoked, though with savings provisions (article 7). The newly designated area is defined by reference to maps which are available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London SW1P 3HX.

Section 18(3) of the 1986 Act enables the Minister to enter into a management agreement with any person having an interest in agricultural land in a designated area if the Minister considers that conservation of environmental features in that area may thereby be facilitated. The Order specifies requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in such an agreement (article 4 and Schedule 1).

The Order also contains provisions for recovery of sums paid under an agreement by the Minister in the event of a breach of the specified requirements, and for the determination by arbitration of any questions as to whether a breach of those requirements has occurred (article 5). The rates of payment to be made by the Minister under an agreement are set out (article 6) including the rates applicable to an agreement which contains additional provisions designed to attract higher rates of payment. These additional provisions are set out in Schedules 2, 3 and 4.