
STATUTORY INSTRUMENTS

1994 No. 1729

The Nitrate Sensitive Areas Regulations 1994

Qualifying conditions for land and farmer

4.—(1) The qualifying conditions referred to in regulation 3(a) are that the land is in a nitrate sensitive area and that—

- (a) the land is occupied by the farmer or on his behalf for agricultural purposes and he is the owner of the freehold interest in the land; or
- (b) the land is occupied by the farmer or on his behalf for agricultural purposes and he has—
 - (i) an interest in the land as a tenant, and
 - (ii) subject to paragraph (2), the consent in writing of his landlord to him making the application; or
- (c) the farmer is a party to a share farming agreement in respect of the land and—
 - (i) the application is made jointly by all the parties to the share farming agreement (“the applicants”),
 - (ii) the applicants have entered into the share farming agreement for a period of five years or more from the date the undertakings given or to be given by the applicants would commence, and
 - (iii) where the owner of the freehold interest is not an applicant, the applicants have the consent in writing of the owner of the freehold interest to the applicants making the application.

(2) A farmer may make an application in respect of land in a nitrate sensitive area where the farmer holds a tenancy in the land from a landlord who has given his consent in writing to the giving of the undertakings required by these Regulations notwithstanding the fact that the farmer has other land in that nitrate sensitive area which he holds under a tenancy from a landlord who has not given his consent in writing to the giving of the undertakings required by these Regulations.

(3) A farmer who is a tenant and his landlord may make a joint application for aid under these Regulations notwithstanding the fact that the land is not occupied by the landlord or on his behalf for agricultural purposes.