
STATUTORY INSTRUMENTS

1994 No. 933

AGRICULTURE

**The Environmentally Sensitive Areas (West Penwith)
Designation (Amendment) (No. 2) Order 1994**

<i>Made</i>	- - - -	<i>24th March 1994</i>
<i>Laid before Parliament</i>		<i>29th March 1994</i>
<i>Coming into force</i>	- -	<i>30th April 1994</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 the West Penwith as an environmentally sensitive area;

Now, therefore, the said Minister, in exercise of the powers conferred on her by section 18(1) and (4)(b) of the said Act, and of all other powers enabling her in that behalf, with the consent of the Treasury, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (West Penwith) Designation (Amendment) (No. 2) Order 1994 and shall come into force on 30th April 1994.

Revocation and interpretation

2.—(1) The Environmentally Sensitive Areas (West Penwith) Designation (Amendment) Order 1994⁽²⁾ is hereby revoked and the Environmentally Sensitive Areas (West Penwith) Designation Order 1986⁽³⁾ shall have effect as if the said Order of 1994 had never been made, subject, however, to the amendments made by the following provisions of this Order.

(2) In this Order “the principal Order” means the said Order of 1986 as it had effect immediately before the said Order of 1994 came into force.

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

(1) 1986 c. 49. The expression “the Minister” is defined in section 18(11).
(2) Section 18(4) was amended by S.I. 1994/249.
(3) S.I. 1994/250.

Definitions

4. In article 2 of the principal Order—

(1) before the definition of “agreement” there shall be inserted the following definition:

““access route” means a strip of land 10 metres wide which is the subject of an agreement including the requirements specified in Schedule 1A as to public access;”;

(2) after the definition of “agreement” there shall be inserted the following definition:

““conservation plan” means a plan for the carrying out of one or more of the operations specified in Schedule 2 which the farmer undertakes, as part of an agreement, to implement within a period of two years;”;

(3) after the definition of “the Minister” there shall be inserted the following definition:

““recognised dairy breed” means one of the following breeds, namely, Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry;”.

Requirements to be included in an agreement

5. After article 4 of the principal Order there shall be inserted the following article:

“4A. An agreement may include the requirements as to public access specified in Schedule 1A to this Order.”.

Rates of payment under agreement

6.—(1) In paragraph (1)

of article 6 of the principal Order for “£65” there shall be substituted “£70”.

(2) After paragraph (1)

of article 6 of the principal Order there shall be inserted the following paragraph:

“(1A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Minister shall make payments at the rate of £170 per annum for each hectare of access route.”.

(3) For paragraph (2)

of article 6 of the principal Order, there shall be substituted the following paragraph:

“(2) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of the operations included in the plan, subject to a maximum of £20,000 for each agreement.”.

Schedules

7.—(1) In sub-paragraph (3)

of paragraph 1 of Schedule 1 to the principal Order for the word “farm” there shall be substituted the word “farmer”.

(2) After Schedule 1 to the principal Order there shall be inserted the provisions of the Schedule to this Order.

(3) In paragraph 2 of Schedule 2 to the principal Order for the words “traditional farm buildings” there shall be substituted the words “farm buildings using traditional materials”.

(4) After paragraph 8 of Schedule 2 to the principal Order there shall be inserted the following paragraph:

“9. The provision and restoration of gates, stiles and footbridges where an agreement includes the requirements of Schedule 1A as to public access.”.

Saving

8. Paragraph (1) of article 6 of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st April 1994.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th March 1994.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

We consent,

Irvine Patnick
Timothy Wood
Two of the Lords Commissioners of Her
Majesty’s Treasury

24th March 1994

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

SCHEDULE

Articles 7(2)

“SCHEDULE 1A

Articles 4A and 6(1A)

REQUIREMENTS AS TO PUBLIC ACCESS

As regards any access route which is the subject of an agreement—

- (1) the farmer shall make the access route available for public access at no charge;
- (2) the farmer shall maintain free passage over the access route;
- (3) the farmer shall not erect new fences on or adjacent to the access route without the prior written approval of the Minister;
- (4) the farmer shall keep the access route and fields crossed by it free of litter and other refuse;
- (5) the farmer shall exclude bulls from the access route and fields crossed by it, except for any bull which—
 - (a) does not exceed the age of 10 months, or
 - (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows and heifers are also at large;
- (6) the farmer shall provide and maintain adequate means of entry to the access route;
- (7) the farmer shall affix and maintain appropriate signboards and waymarking;
- (8) the farmer shall not permit any of the following activities on the access route or on fields crossed by it: camping, caravanning, lighting of fires, organised games or sports, riding of motor vehicles (except for those used for agricultural operations on the land), without the Minister’s prior written approval;
- (9) the farmer shall agree with the Minister in writing in advance whether the riding of horses or cycles shall be permitted on the access route, and shall not permit such activities other than to the extent so agreed;
- (10) the farmer shall not close the access route to the public other than for a specified number of days, to be agreed with the Minister in writing and in advance. Where such a prior agreement is reached, the farmer may close the access route for the number of days so specified, provided that signs giving notice of the intended closure and the reasons for it are posted at each entry point to the access route at least two weeks in advance of the date of closure;
- (11) the farmer shall agree with the Minister in writing in advance public liability insurance cover and shall maintain it for the duration of the agreement.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Environmentally Sensitive Areas (West Penwith) Designation (Amendment) Order 1994 which was made before the coming into force of a relevant amendment to the enabling powers and which has not been published (article 2).

The Order amends the Environmentally Sensitive Areas (West Penwith) Designation Order 1986 which designated an area in West Penwith as an environmentally sensitive area.

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In compliance with Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p.85), the Order details the requirements in relation to public access (articles 5 and 7(2) and the Schedule) which may be included in a management agreement made under section 18(3) of the Agriculture Act 1986 and the rate of payment to be made by the Minister of Agriculture, Fisheries and Food in such a case (article 6).

The Order also amends the existing rates of payment which are applicable in relation to such management agreements in respect of agricultural land in the designated area (articles 6 and 8) and makes minor amendments (articles 4 and 7).