
STATUTORY INSTRUMENTS

1995 No. 242

AGRICULTURE

**The Environmentally Sensitive Areas
Designation (Wales) (Amendment) Order 1995**

<i>Made</i>	- - - -	<i>30th January 1995</i>
<i>Laid before Parliament</i>		<i>7th February 1995</i>
<i>Coming into force</i>	- -	<i>1st March 1995</i>

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

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 18(1) and (4)(2) 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⁽³⁾ hereby makes the following Order:—

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas Designation (Wales) (Amendment) Order 1995 and shall come into force on 1st March 1995.

Amendment of the Environmentally Sensitive Areas (Cambrian Mountains—Extension) Designation Order 1987

2.—(1) The Environmentally Sensitive Areas (Cambrian Mountains—Extension) Designation Order 1987⁽⁴⁾ shall be further amended in accordance with the provisions of paragraphs (2) to (7) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” there shall be inserted the following definition—

(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) The provisions in section 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).

(4) S.I. 1987/2026, as amended by S.I. 1988/173 and 1994/240.

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

(3) After article 4 (requirements and provisions of agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) In paragraph 1(8) of Schedule 1 the words “or historic” shall be inserted immediately after the word “archaeological”.

(6) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(7) After paragraph 10 of Schedule 4 there shall be inserted the following paragraph—

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

Amendment of the Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987

3.—(1) The Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987(5) shall be further amended in accordance with the provisions of paragraphs (2) to (6) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” 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;”.

(3) After article 4 (requirements to be included in agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(6) After paragraph 10 of Schedule 4 there shall be inserted the following paragraph—

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

Amendment of the Environmentally Sensitive Areas (Ynys Môn) Designation Order 1993

4.—(1) The Environmentally Sensitive Areas (Ynys Môn) Designation Order 1993⁽⁶⁾ shall be further amended in accordance with the provisions of paragraphs (2) to (6) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” 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;”.

(3) After article 4 (requirements and provisions of agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(6) After paragraph 8 of Schedule 4 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.”.

Amendment of the Environmentally Sensitive Areas (Radnor) Designation Order 1993

5.—(1) The Environmentally Sensitive Areas (Radnor) Designation Order 1993⁽⁷⁾ shall be amended in accordance with the provisions of paragraphs (2) to (6) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” 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;”.

⁽⁶⁾ S.I. 1993/1210, as amended by S.I. 1993/2422.

⁽⁷⁾ S.I. 1993/1211.

(3) After article 4 (requirements and provisions of agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(6) After paragraph 8 of Schedule 4 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.”.

Amendment of the Environmentally Sensitive Areas (Clwydian Range) Designation Order 1994

6.—(1) The Environmentally Sensitive Areas (Clwydian Range) Designation Order 1994⁽⁸⁾ shall be amended in accordance with the provisions of paragraphs (2) to (6) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” 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;”.

(3) After article 4 (requirements and provisions of agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(6) After paragraph 10 of Schedule 4 there shall be inserted the following paragraph—

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

(8) S.I. 1994/238.

Amendment of the Environmentally Sensitive Areas (Preseli) Designation Order 1994

7.—(1) The Environmentally Sensitive Areas (Preseli) Designation Order 1994⁽⁹⁾ shall be amended in accordance with the provisions of paragraphs (2) to (6) of this article.

(2) In article 2 (interpretation)—

(i) 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;”;

(ii) after the definition of “livestock unit” 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;”.

(3) After article 4 (requirements and provisions of agreement) there shall be inserted the following article—

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

(4) In article 6 (rates of payment under agreement)—

(i) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the rate of £170 per annum for each hectare of access route.”;

(ii) in paragraph (4) the words “(1) to (3A)” shall be substituted for the words “(1) to (3)”.

(5) After Schedule 1 there shall be inserted the Schedule set out in the Schedule to this Order.

(6) After paragraph 11 of Schedule 4 there shall be inserted the following paragraph—

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

Signed by authority of the Secretary of State for Wales

Welsh Office
20th January 1995

Gwilym Jones
Parliamentary Under Secretary of State

We consent,

30th January 1995

Andrew Mitchell
Derek Conway
Two of the Lords Commissioners of Her
Majesty’s Treasury

(9) S.I. 1994/239.

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 2, 3, 4, 5, 6, 7.

“SCHEDULE 1A

Articles 4A and 6

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 Secretary of State;
- (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 Secretary of State’s prior written approval;
- (9) the farmer shall agree with the Secretary of State 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 Secretary of State 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 Secretary of State 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)

The Secretary of State for Wales has made a series of Orders, including the Environmentally Sensitive Areas (Cambrian Mountains—Extension) Designation Order 1987, the Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987, the Environmentally Sensitive Areas (Ynys Môn) Designation Order 1993, the Environmentally Sensitive Areas (Radnor) Designation Order 1993, the Environmentally Sensitive Areas (Clwydian Range) Designation Order 1994 and

the Environmentally Sensitive Areas (Preseli) Designation Order 1994, which designated areas in Wales as environmentally sensitive areas.

In compliance with Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92 page 85) (“the Council Regulation”) this Order amends each of the Orders named above by detailing the requirements in relation to public access (articles 2 to 7 and the Schedule) which may be included in management agreements made under section 18(3) of the Agriculture Act 1986 and the rates of payment to be made by the Secretary of State in such cases (articles 2 to 7). The said requirements in relation to public access form part of the zonal programmes made by the United Kingdom in accordance with Article 3 of the Council Regulation. Those programmes were approved by the European Commission in accordance with Article 7 of that Regulation.

This Order also amends the Environmentally Sensitive Areas (Cambrian Mountains—Extension) Designation Order 1987 by providing that a management agreement shall include a requirement that a farmer will not damage or destroy any feature of historic interest in farming the land (article 2(5)).