
STATUTORY INSTRUMENTS

1995 No. 243

The Environmentally Sensitive Areas (Cambrian Mountains) Designation (Amendment) Order 1995

Title and commencement

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

Interpretation

2. In this Order “the principal Order” means the Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986(1).

Amendments of the principal Order

3.—(1) The principal Order shall be further amended in accordance with the provisions of paragraphs (2) to (7) of this article.

(2) For paragraph (1) of article 2 (interpretation) there shall be substituted the following paragraph—

“(1) In this Order:—

“access route” means a strip of land 10 metres wide which is the subject of an agreement including the requirements specified in Schedule 2 as to public access;

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

“bank” means a bank made of stone or earth falling within or forming the boundary of a field;

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

“buffer zone” means a strip of land, other than land which is enclosed unimproved grassland, enclosed partially improved grassland, hay meadow, semi-natural rough grazings or wetland, which borders a rock outcrop and which is at least 2 metres wide;

“enclosed partially improved grassland” means enclosed grassland which has not been regularly ploughed, levelled or reseeded but which has been modified by the application of herbicides, inorganic or organic fertiliser or by intensive grazing or drainage;

“enclosed unimproved grassland” means enclosed grassland which has not been regularly ploughed, levelled, drained or reseeded, or treated with inorganic or organic fertiliser, lime, herbicides or pesticides;

“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 Secretary of State;

“hay meadow” means a meadow cut in the traditional manner the vegetation of which includes a mixture of native grasses, sedges and wild flowers;

“heather” means vegetation consisting of *Calluna vulgaris*, *Erica tetralix*, *Erica cinerea* or *Vaccinium myrtillus*;

“livestock unit” means—

- (a) 1 bovine animal more than two years old, or
- (b) 1.66 bovine animals from six months old to two years old inclusive, or
- (c) 6.66 sheep;

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

“rock outcrop” means an area of land where a stratum of underlying rock is exposed above the surface of the ground and which covers an area above ground of not less than nine square metres;

“scrub” means vegetation consisting primarily of locally native shrubs usually less than five metres in height;

“semi-natural rough grazings” means land where the vegetation consists predominantly of bent (*Agrostis*), fescue (*Festuca*), bracken (*Pteridium aquilinum*), purple moor grass (*Molinia caerulea*), mat grass (*Nardus stricta*), heather (*Calluna vulgaris*, *Erica tetralix*, *Erica cinerea* or *Vaccinium myrtillus*), cotton grass (*Eriophorum*) or deer grass (*Trichophorum cespitosum*);

“traditional farm buildings” means buildings which are in current agricultural use, but excluding living accommodation, and which are built of materials traditional to the locality;

“wetland” means land with a water table at or just below the surface of the soil throughout the majority of the year and includes wet pasture, reed beds, fen bog, willow carr and, except insofar as such land is bordered by broadleaved woodland, enclosed unimproved grassland, enclosed partially improved grassland, hay meadow or semi-natural rough grazings, also includes a strip of land at least 10 metres wide adjoining such land.”.

(3) In article 2(2) (interpretation) the words “or Schedule” shall be inserted after the word “article” each time it occurs.

(4) For article 4 (requirements to be included in agreement) there shall be substituted the following article—

“Requirements to be included in agreement

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

(5) 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 2.”.

(6) For article 6 (rates of payment under agreement) there shall be substituted the following article—

“Rates of payment under agreement

6.—(1) Subject to paragraph (2) below, the Secretary of State shall make payments under an agreement at the rate of £20 per annum for each hectare of land to which the agreement relates.

(2) Where the area of land to which an agreement relates exceeds 20 hectares the Secretary of State shall make payments under the agreement for such land insofar as it exceeds 20 hectares at the following rates—

- (a) £10 per annum for each hectare of land which exceeds 20 hectares but which is less than 51 hectares;
- (b) £5 per annum for each hectare of land which exceeds 50 hectares but which is less than 101 hectares; and
- (c) £3 per annum for each hectare of land which exceeds 100 hectares.

(3) Where an agreement includes land of the types to which paragraph 2 of Schedule 1 relates the Secretary of State shall, in addition to any payments made under paragraphs (1) and (2) above, make payments under an agreement for such land at the following rates—

- (a) £25 per annum for each hectare of unenclosed semi-natural rough grazings which do not include heather;
- (b) £35 per annum for each hectare of enclosed semi-natural rough grazings which do not include heather, enclosed partially improved grassland or enclosed unimproved grassland;
- (c) £35 per annum for each hectare of semi-natural rough grazings which include heather;
- (d) £45 per annum for each hectare of wetland;
- (e) £35 per annum for each hectare of hay meadow; and
- (f) £60 per annum for each hectare of buffer zone.

(4) Where an agreement includes the requirements as to public access specified in Schedule 2 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.

(5) Where an agreement includes the additional provisions specified in Schedule 3 the Secretary of State shall, in addition to any payments made under paragraphs (1) to (4) above, make payments at the following rates—

- (a) £20 per annum for each hectare of wetland and which under the agreement is subject to the additional provisions specified in paragraph 1 of Schedule 3;
- (b) £90 per annum for each hectare of broadleaved woodland and which under the agreement is subject to the additional provision specified in paragraph 2 of Schedule 3;
- (c) £25 per annum for each hectare of hay meadow and which under the agreement is subject to the additional provisions specified in paragraph 3 of Schedule 3;
- (d) £20 per annum for each hectare of semi-natural rough grazings where heather forms at least 5 per cent but not more than 50 per cent of the vegetation cover and which under the agreement is subject to the additional provisions specified in paragraph 4 of Schedule 3;
- (e) £50 per annum for each hectare of land which is suitable for reversion to semi-natural rough grazings and which under the agreement is subject to the additional provisions specified in paragraph 5 of Schedule 3;

- (f) £70 per annum for each hectare of land which is suitable for reversion to hay meadow and which under the agreement is subject to the additional provisions specified in paragraph 6 of Schedule 3; and
- (g) £80 per annum for each hectare of land which is suitable for reversion to wetland and which under the agreement is subject to the additional provisions specified in paragraph 7 of Schedule 3.

(6) Where an agreement includes the additional provisions specified in Schedule 4 the Secretary of State shall, in addition to any payments made under paragraphs (1) to (5) above, make payments at the following rates—

- (a) £5.50 per annum for each metre of a field boundary which is hedgerow per hectare; and
- (b) £17 per annum for each metre of a field boundary which is a bank or a stone wall per hectare.

subject to a maximum of 3 metres of field boundary per hectare, and a maximum number of hectares corresponding to the area of land subject to the provisions of Schedule 1.

(7) Subject to paragraph (8) below, where an agreement includes one or more of the conservation plan operations specified in Schedule 5, the Secretary of State shall also make payments, in respect of the aggregate of the operations so specified which are included in the agreement, at a rate not exceeding £120 per annum for each hectare of land to which the agreement relates.

(8) The payments under paragraph (7) above shall not exceed a maximum of £4,000 per agreement.”.

(7) For the Schedules to the principal Order there shall be substituted the Schedules set out in the Schedule to this Order.

Saving

4. Nothing in article 3 of this Order affects an agreement entered into on or before 28th February 1995.

Signed by authority of the Secretary of State for Wales

20th January 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

We consent,

30th January 1995

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