
STATUTORY INSTRUMENTS

1997 No. 976

AGRICULTURE

WALES

**The Environmentally Sensitive Areas (Radnor)
Designation (Amendment) Order 1997**

<i>Made</i>	- - - -	<i>19th March 1997</i>
<i>Laid before Parliament</i>		<i>26th March 1997</i>
<i>Coming into force</i>	- -	<i>1st May 1997</i>

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

Now, therefore, the Secretary of State, 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 Countryside Council for Wales(2) hereby makes the following Order:—

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Radnor) Designation (Amendment) Order 1997 and shall come into force on 1st May 1997.

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

2.—(1) The Environmentally Sensitive Areas (Radnor) Designation Order 1993(3) shall be further amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 2 (interpretation)—

- (a) in the definition of the word “bank”, for the word “or” where it occurs immediately after the word “stone”, there shall be substituted the word “and”;
- (b) after the definition of “conservation headland” there shall be added the following definition—

(1) 1986 c. 49; section 18(11) defines “the Minister” and section 18(4) was amended by S.I. 1994/249.
(2) 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).
(3) S.I. 1993/1211, amended by S.I. 1995/242 and 1996/3077.

““conservation plan” means a plan for the carrying out of one or more of the operations specified in Schedule 4 which the farmer undertakes, as part of an agreement, to implement within a period of two years;”;

- (c) in the definition of the word “heather”, after the words “*Erica tetralix*”, there shall be inserted the words “, *Vaccinium myrtillus*”.
- (3) In article 6 (rates of payment under agreement)—
- (a) in subparagraph (e) of paragraph (3), for “£35” there shall be substituted “£55”.
- (b) in paragraph (4)—
- (i) in subparagraph (a), for “£20” there shall be substituted “£30”;
- (ii) in subparagraph (b) there shall be substituted the following subparagraph—
- “(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 2;”;
- (iii) subparagraph (c) shall be deleted;
- (iv) in subparagraph (d), for “£25” there shall be substituted “£30”;
- (v) in subparagraph (f), for “£90” there shall be substituted “£150”;
- (vi) in subparagraph (g), for “£50” there shall be substituted “£90”;
- (vii) in subparagraph (h), for “£85” there shall be substituted “£125”;
- (viii) in subparagraph (i), for “£80” there shall be substituted “£125”.
- (c) for paragraph (6) there shall be substituted the following paragraph—
- “(6) Where an agreement includes a conservation plan, the Secretary of State shall also make payments in respect of operations included in the plan, subject to a maximum of £20,000 for that agreement.”.
- (d) paragraph (7) shall be deleted.
- (4) For paragraph 2 of Schedule 2 there shall be substituted the following paragraph—
- “2. As regards any land which is the subject of an agreement and which is broadleaved woodland the farmer shall exclude livestock.”.
- (5) In Schedule 4 (conservation plan operations)—
- (a) in paragraph 6 the word “traditional”, where it occurs before the word “farm”, shall be deleted and the words “using traditional materials” shall be inserted after the word “buildings”.
- (b) after paragraph 9 there shall be inserted the following paragraphs—
- “10. The control of Himalayan balsam (*Impatiens glandulifera*).
11. The provision of protective fencing for broadleaved woodland.”.

Saving

3.—(1) Paragraph (3) of article 2 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 May 1997.

(2) Paragraph (4) of article 2 of this Order shall not apply in relation to any agreement made before 1st May 1997.

Signed by authority of the Secretary of State for Wales

17th March 1997

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

We consent,

19th March 1997

Roger Knapman
Patrick McLoughlin
Two of the Lords Commissioners of Her
Majesty's Treasury

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)

This Order amends the Environmentally Sensitive Areas (Radnor) Designation Order 1993 (S.I.1993/1211) which designated an area in the County of Powys as an environmentally sensitive area, in compliance with Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p. 85) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

The Order amends and adds definitions, amends the rates of payments to be made by the Secretary of State pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986, removes certain additional provisions relating to the management of broadleaved woodland, amends the description of one of the operations that may be included in a conservation plan and adds to the list of such operations (articles 2 and 3).

No Compliance Cost Assessment in relation to this Order has been prepared.