
STATUTORY INSTRUMENTS

1998 No. 1302

AGRICULTURE

**The Environmentally Sensitive Areas (Exmoor)
Designation (Amendment) Order 1998**

<i>Made</i>	- - - -	<i>19th May 1998</i>
<i>Laid before Parliament</i>		<i>27th May 1998</i>
<i>Coming into force</i>	- -	<i>22nd June 1998</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986⁽¹⁾, the Minister of Agriculture, Fisheries and Food (“the Minister”) has by order designated an area in Exmoor as an environmentally sensitive area (“the designated area”);

And whereas it appears to the Minister that it is particularly desirable—

- (1) to conserve and enhance the natural beauty of the designated area;
- (2) to conserve the flora and fauna and geological and physiographical features of that area; and
- (3) to protect buildings and other objects of historic interest in that area;

And whereas it appears to the Minister that the maintenance or adoption of particular agricultural methods in respect of the matters specified in the Schedules to the following Order is likely to facilitate such conservation, enhancement or protection;

Now therefore, the said Minister, 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 Secretary of State, the Countryside Commission and the Nature Conservancy Council for England⁽³⁾ in accordance with section 18(1) of the said Act, and with the Historic Buildings and Monuments Commission for England in accordance with section 99 of the Environment Act 1995⁽⁴⁾, makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1998 and shall come into force on 22nd June 1998.

(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; sub-section 18(4A) was inserted by S.I. 1997/1457.
(3) The provisions in section 18 of the Agriculture Act 1986 concerning Nature Conservancy Councils were amended by Part VII of, and Schedule 9 to, the Environmental Protection Act 1990 (c. 43).
(4) 1995 c. 25.

Interpretation

2. In this Order “the principal Order” means the Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1993(5), as amended at the date that this Order comes into force.

Amendment of the principal Order

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

4. In article 2(1) of the principal Order, the provisions immediately following the words “In this Order—” to the end of article 2(1), in so far as they were made under section 18 of the Agriculture Act 1986, shall be deleted and the following definitions shall be inserted at their appropriate alphabetical place:

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

“capital activity” means an activity specified in Schedule 1;

“conservation plan” means a plan incorporated into an agreement for the carrying out of one or more capital activities within a specified period;

“cultivated land” means land which is regularly ploughed or otherwise cultivated or that is regularly treated with fertilisers;

“enclosed unimproved permanent grassland” means enclosed permanent grassland which has not undergone regular land cultivation, or which has not been regularly treated with fertilisers, lime, slag or pesticides;

“farmer” means a person who has an interest in agricultural land in the area designated by article 3, and who has also entered into an agreement with the Minister;

“heather moorland or coastal heath” means moorland or coastal heath comprised in a grazing unit where the area of heather is greater than 10 hectares or represents more than 25 per cent of the area of the unit;

“improved permanent grassland” means permanent grassland that is regularly treated with fertilisers used for pasture or for the production of hay or silage;

“low input permanent grassland” means grassland used for pasture or hay or silage production, which receives little or no fertiliser and which has the potential to develop a diverse botanical interest;

“management activity” means an activity specified in Schedule 2;

“meadowland” means grassland primarily used for the production of hay or silage;

“moorland” means land covered by semi-natural upland vegetation which is generally unenclosed except along ownership boundaries;

“permanent grassland” means grassland which has not been ploughed or reseeded for at least ten years;

“public access route” means a strip of land which is the subject of an agreement and on which access is given to the public;

“relevant date” means 22nd June 1998; and

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

5. For article 4 of the principal Order and the heading thereto there shall be substituted the following article and heading—

“Matters in respect of which payments may be made

4. A payment to be made by the Minister under an agreement may be made in respect of—

- (a) a capital activity; or
- (b) a management activity which—
 - (i) in the case of a payment to be made under an agreement entered into before the relevant date, is specified in Part I or Part II of Schedule 2; and
 - (ii) in the case of a payment to be made under an agreement entered into on or after the relevant date, is specified in Part I of Schedule 2.”

6. For article 5 of the principal Order and the heading thereto there shall be substituted the following article and heading—

“Rates of payment

5.—(1) Payments to be made by the Minister under an agreement shall not exceed—

- (a) in the case of a management activity, the rate specified in respect of that activity in column 2 of Schedule 2; and
- (b) in the case of one or more capital activities included in a conservation plan, £100,000 in aggregate.

(2) Any works which form part of an activity which constitutes both a management activity and a capital activity may by virtue of an agreement be eligible for payment either as part of a management activity or as part of a capital activity, but the agreement together with any conservation plan incorporated in it shall not provide for payment to be made on both such bases in respect of the same works.”

7. For Schedule 1 to the principal Order there shall be substituted the Schedule set out in Schedule 1 to this Order.

8. For Schedule 2 to the principal Order there shall be substituted the Schedule set out in Schedule 2 to this Order.

9. The following provisions of the principal Order shall be deleted—

- (a) articles 4A and 6; and
- (b) Schedules 1A, 4 and 5.

18th May 1998

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

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

We consent,

19th May 1998

Graham Allen
Jim Dowd
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE 1

Article 7

“**SCHEDULE 1**

Articles 2(1) and 5(1)

CAPITAL ACTIVITIES

- The planting or laying of hedges.
- The rebuilding of walls using traditional materials.
- The renovation of farm buildings using traditional materials.
- The reversion of land to moorland, or the environmental improvement of moorland.
- The control of bracken, scrub or rhododendron and Japanese knotweed.
- Works to protect historic and archaeological features.
- The provision and restoration of gates, stiles and footbridges, where an agreement includes requirements as to public access.
- The creation or restoration of ponds
- Hedgebank restoration.
- The provision and restoration of timber gates and gate posts.
- Protection or provision of hedgerow trees and other saplings.
- Fencing associated with the exclusion of stock under the woodland tier.
- Restoration and replanting of traditional orchards.
- Other works for the restoration or enhancement of wildlife habitats.”

SCHEDULE 2

Article 8.

“**SCHEDULE 2**

Articles 2(1) and 5(1)

MANAGEMENT ACTIVITIES

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Maximum rate (in £ per hectare of land per annum, except where otherwise stated)</i>
Part I	
1. Maintenance of cultivated land.	14
2. Management of improved permanent grassland.	18
3. Management of low input permanent grassland.	30
4. Management of enclosed unimproved permanent grassland.	38
5. Where management of any kind referred to in item 4 above is undertaken, additional management for the purpose of enhancing biodiversity through restricted stocking.	10
6. Creation and management of moorland.	225

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<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Maximum rate (in £ per hectare of land per annum, except where otherwise stated)</i>
7. Maintenance of moorland.	34
8. As regards heather moorland and coastal heath—	50
(a) maintenance of heather moorland and coastal heath.	
(b) enhancement of heather moorland and coastal heath.	60
9. Where management of any kind referred to in item 7, 8(a) or 8(b) above is undertaken, additional management for the grazed control of purple moor-grass.	10
10. Where management of any kind referred to in item 8(a) or 8(b) above is undertaken, additional management for the early adoption of winter stocking restrictions.	5
11. In relation to woodland:	14
(a) maintenance of existing woodland	
(b) management of woodland to enhance its nature conservation and landscape value.	100
12. The provision of public access routes.	170
13. Hedgerow restoration.	£10 per metre
14. Hedgerow management.	£24 per metre
Part II	
Maintenance of improved permanent grassland and low input permanent grassland.	27”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Exmoor) Designation Order 1993 (“the principal Order”) which designated an area in Exmoor as an environmentally sensitive area, in implementation of Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p.85) on agricultural production methods compatible with the requirements of protection of the environment and the maintenance of the countryside, as amended by Commission Regulation (EC) No. 2772/95

(OJ No. L288, 1.12.95, p.35) as in turn rectified by Commission Regulation (EC) No. 1962/96 (OJ No. L259, 12.10.96, p.7).

The definitions set out in Article 2(1) of the principal Order are consolidated and in addition new definitions are inserted (*Article 4*).

This Order replaces the Schedules to the principal Order (laying down detailed requirements of the scheme) by two new Schedules specifying the capital and management activities in respect of which payments may be made and specifies the maximum payments in respect of such activities.

The provisions of the principal Order that are amended or revoked do not include any that derive from the Environmentally Sensitive Areas (England) Designation (Amendment) Regulation 1996 (S.I.1996/3104); those which derive from S.I. 1996/3104 are revoked (subject to a saving in certain cases) by the Environmentally Sensitive Areas (England) Designation (Revocation of Specified Provisions) Regulations 1998, coming into force on 21st June 1998.

No regulatory appraisal has been made in respect of this Order.