
STATUTORY INSTRUMENTS

1998 No. 1309

AGRICULTURE

The Environmentally Sensitive Areas (South Wessex Downs) 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 the South Wessex Downs 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 together with an additional area in the South Wessex Downs;

(2) to conserve the flora and fauna and geological and physiographical features of those areas; 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 (South Wessex Downs) 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 (South Wessex Downs) 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 headland” means a strip of land subject to restrictions on the use of fertilisers and herbicides, that is at least six metres wide along the edge of a field growing arable crops;

“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;

“downland turf” means grassland other than permanent ley or intensive grassland, situated on undulating chalk hills;

“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;

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

“low input grassland” means grassland which has not normally been ploughed or reseeded for at least five years and which is receiving no or only minimal input of fertiliser, pesticides, nutrients or other agricultural admixtures;

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

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

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

5. In article 3 of the principal Order, for the words “dated 4th January 1993, signed and sealed by the Minister” there shall be substituted “dated 18th May 1998, signed on behalf of the Minister by the Parliamentary Secretary”.

6. 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.”.

7. 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.”.

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

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

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

- (a) articles 4A and 6; and
- (b) Schedules 1A and 3.

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 8

“SCHEDULE 1

Articles 2(1) and 5(1)

CAPITAL ACTIVITIES

The provision of fencing and water supplies for livestock associated with the re-introduction of grazing.

The removal of scrub.

The planting, laying, gapping or coppicing of hedges.

The renovation of farm buildings using traditional materials.

Works to protect historic and archaeological features.

The creation or restoration of ponds, or restoration of dewponds or ditches.

The provision and restoration of gates, stiles and footbridges, where an agreement includes requirements as to public access.

Purchase of a seed mixture for arable reversion.

Removal of fencing.

Re-introduction of willow pollarding.

Other works for the restoration or enhancement of wildlife habitats.”

SCHEDULE 2

Article 9

“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</i>
Part I	
1. Management of improved permanent grassland.	10
2. Management of low input permanent grassland.	40
3. Management of downland turf.	55
4. In respect of cultivated land:	8
(a) maintenance of cultivated land	
(b) reversion of arable land to 330 downland turf	
(c) creation and management of 230 conservation headland.	
5. Enhanced management of permanent grassland.	80

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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</i>
6. Where management of any kind referred to in item 2, 3, 4(b) or 5 above is undertaken, additional management for the purpose of restricting the level of stocking.	65
7. Maintenance of woodland.	17
8. The provision of public access routes.	170
Part II	
Maintenance of improved permanent grassland and low input permanent grassland.	45.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (South Wessex Downs) Designation Order 1993 (“the principal Order”) which designated an area in the South Wessex Downs 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).

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 area designated by the principal Order is increased (by an amendment to article 3 of the principal Order) and the designated area as thereby enlarged is shown (coloured yellow) in a new volume of maps dated 18th May 1998 which replaces the volume of maps referred to in article 3 of the principal Order dated 3rd March 1993 (*Article 5*).

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.