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STATUTORY INSTRUMENTS

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**2000 No. 3051**

**AGRICULTURE, ENGLAND**

**The Environmentally Sensitive Areas  
(Stage III) Designation Order 2000**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>13th November 2000</i> |
| <i>Laid before Parliament</i> |         | <i>14th November 2000</i> |
| <i>Coming into force</i>      | - -     | <i>5th December 2000</i>  |

Whereas, as mentioned in section 18(1) of the Agriculture Act 1986<sup>(1)</sup>, it appears to the Minister of Agriculture, Fisheries and Food (“the Minister”) that it is particularly desirable—

- (1) to conserve and enhance the natural beauty of the areas referred to in Part 1 of Schedules 1 to 6 to the following Order;
- (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 those areas;

And whereas, as mentioned in the said section 18(1), it appears to the Minister that the maintenance or adoption of the agricultural methods specified in Parts 2 and 3 of Schedule 1, 2, 3, 4, 5 or 6 (as the case may be) to the following Order are likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Minister, in exercise of the powers conferred on him by section 18(1) and (4)(d)(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 Agency and the Nature Conservancy Council for England<sup>(3)</sup> as to the inclusion of the areas referred to in article 3 of the following Order and the features of those areas for which conservation, enhancement and protection are desirable, hereby makes the following Order:

**Title and commencement**

**1.** This Order may be cited as the Environmentally Sensitive Areas (Stage III) Designation Order 2000 and shall come into force on 5th December 2000.

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(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 Schedule 9 to, the Environmental Protection Act 1990 (c. 43).

## **Interpretation**

### **2.—(1) In this Order—**

“agreement” means an agreement made under section 18(3) of the Agriculture Act 1986 as respects agricultural land in any of the areas designated by article 3 and Part 1 of the relevant Schedule, whether made before or after the coming into force of this Order;

“capital activity” means an activity specified in Part 2 of the relevant Schedule;

“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 fertilizers;

“grassland” means land on which the vegetation consists primarily of grass species;

“management activity” means an activity specified in Part 3 of the relevant Schedule;

“Minister” means the Minister of Agriculture, Fisheries and Food;

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

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

(2) In this Order, any reference to an article or Schedule is to an article of, or Schedule to, this Order, and a reference to “the relevant Schedule” means Schedule 1, 2, 3, 4, 5 or 6 as the case may be.

(3) Part IV of the relevant Schedule shall have effect for the purpose of interpreting Parts II and III thereof.

## **Designation of Stage III environmentally sensitive areas**

**3.** There are hereby designated as environmentally sensitive areas the areas of land described in Part 1 of Schedules 1 to 6.

## **Matters in respect of which payments may be made**

**4.—(1)** Payments to be made by the Minister under an agreement may be made in respect of a capital activity or a management activity.

(2) In the case of agreements made on or after 22nd June 1998, payments may not be made in respect of—

- (a) items 9 or 10 in Part 3 of Schedule 1;
- (b) item 15 in Part 3 of Schedule 5;
- (c) items 14 or 15 in Part 3 of Schedule 3;
- (d) item 6 in Part 3 of Schedule 4; or
- (e) item 10 in Part 3 of Schedule 5.

## **Rates of payment**

**5.—(1)** In the case of a management activity, payments to be made by the Minister under an agreement shall not exceed the rate specified in respect of that activity in column 2 of Part 3 of the relevant Schedule.

(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.

**Revocation of existing legislation**

6. The Orders specified in Schedule 7 are revoked.

9th November 2000

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

We consent,

13th November 2000

*Jim Dowd and Clive Betts*  
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.*

## SCHEDULE 1

articles 2(1) and (3), 3 and 5(1)

### AVON VALLEY

#### PART 1

##### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Avon Valley in the counties of Dorset, Hampshire and Wiltshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Avon Valley environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

#### PART 2

##### CAPITAL ACTIVITIES

- The planting, laying, gapping up or coppicing of hedges.
- The creation or restoration of ponds, pools and lakes and the restoration of ditches.
- The control of scrub, reedbeds or small groups of trees.
- The provision of fencing to protect wildlife in and around ditches.
- 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.
- Re-introduction of pollarding management for neglected trees.
- Tree-planting.
- The renovation of farm buildings using traditional materials.
- Creation of scrapes.
- Provision or restoration of water-control structures.
- The restoration of reedbeds and sedgebeds.
- The provision of water supplies and fencing where necessary for the re-introduction of grazing.
- Provision of cattle drinking bays.
- Provision of silt traps in watercourses.
- Purchase of a seed mixture for arable reversion.
- Other works for the restoration or enhancement of wildlife habitats.

## PART 3

### MANAGEMENT ACTIVITIES

| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum</i> |
|--|---|
| 1. Management of improved permanent grassland in accordance with an agreed grassland management plan.  | 25  |
| 2. Management of extensive permanent grassland.  | 110   |
| 3. Where management of any kind referred to in item 1 above is undertaken, additional management for the purposes of restricting the input of fertilizer.                | 45  |
| 4. Where management of any kind referred to in item 1 or 2 above is undertaken, additional management for the purposes of providing conditions for breeding wader birds. | 35  |
| 5. Management of wet grassland including restriction on stocking levels.   | 295   |
| 6. In relation to cultivated land—   | 265   |
| (a) reversion of arable land to grassland  |   |
| (b) (b) creation and management of buffer strips   | 400   |
| 7. Maintenance of woodland.  | 17  |
| 8. The provision of public access routes.  | 170   |
| 9. Maintenance of improved permanent grassland.  | 130   |
| 10. Management of wet grassland.   | 180   |

## PART 4

### DEFINITIONS

In this Schedule:

“buffer strip” means a strip of land which is subject to a prohibition on the use of fertilizers and pesticides, which is at least five metres wide and located at the edge of a field used for the production of arable crops;

“extensive permanent grassland” means permanent grassland which is receiving no or only minimal inputs of fertilizer or pesticides;

“grassland management plan” means a plan for the carrying out of operations or controls, including stock management and fertilizer restrictions;

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

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

“wet grassland” means grassland with the potential to retain winter and spring water levels at marsh level to create field wetness or to allow shallow pools to develop.

## SCHEDULE 2

articles 2(1) and(3), 3 and 5(1)

### EXMOOR

#### PART 1

##### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land on Exmoor in the counties of Devon and Somerset which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Exmoor environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

#### PART 2

##### 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 item 11(b) of Part 3 of this Schedule.

Restoration and replanting of traditional orchards.

Other works for the restoration or enhancement of wildlife habitats.

## PART 3

### MANAGEMENT ACTIVITIES

| <b>column 1</b><br><i>Activity</i>  | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</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   |
| 7. Maintenance of moorland.   | 34  |
| 8. As regards heather moorland and coastal heath—   | 50  |
| (a) maintenance of heather moorland and coastal heath   |   |
| (b) (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) (b) management of woodland to enhance its nature conservation and landscape value.  | 100   |
| 12. Management of any kind referred to in item 1-11 above in respect of common land   | 5   |
| 13. The provision of public access routes.  | 170   |
| 14. Hedgerow restoration.   | £10 per metre   |

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| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
|--|---|
| 15. Hedgerow management.   | £24 per metre   |
| 16. Maintenance of improved permanent grassland and low input permanent grassland. | 27  |

## PART 4

### DEFINITIONS

In this Schedule:

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

“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 fertilizers and which is 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 has received little or no fertilizer and which has developed or has the potential to develop a diverse botanical interest;

“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 five years.

### SCHEDULE 3

articles 2(1) and(3), 3 and 5(1)

### LAKE DISTRICT

## PART 1

### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Lake District in the county of Cumbria which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Lake District environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.



## PART 2

### CAPITAL ACTIVITIES

- The planting, coppicing or laying of hedges.
- The regeneration of wildlife habitats, including suppressed heather, juniper scrub and water margins.
- The control of bracken.
- The renovation of farm buildings using traditional materials.
- The creation of flower-rich meadowland.
- 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.
- Tree-planting.
- Pollarding of trees.
- Restoration and replanting of traditional orchards.
- Fencing associated with the exclusion of stock under item 9(b) of Part 3 of this Schedule.
- The provision and restoration of timber gates and gate posts.
- Other works for the restoration or enhancement of wildlife habitats.

## PART 3

### MANAGEMENT ACTIVITIES

| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
|--|---|
| 1. Maintenance of cultivated land.   | 12  |
| 2. Management of inbye land.   | 47  |
| 3. Management of intake land.  | 22  |
| 4. Maintenance of fell without heather.  | 25  |
| 5. As regards heather fell—  | 38  |
| (a) maintenance of heather fell  |   |
| (b) (b) management of heather fell   | 42  |
| (c) (c) enhanced management of heather fell  | 50  |
| 6. Management of meadowland.   | 190   |
| 7. Management of other habitats through controlled grazing and restricted agricultural admixtures. | 100   |
| 8. Where management of any kind referred to in item 5(a), (b) or (c) is undertaken,                | 10  |

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| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
|--|---|
| additional management for the purpose of the early adoption of winter stocking restrictions.                 |   |
| 9. In relation to woodland—  | 12  |
| (a) maintenance of existing woodland   |   |
| (b) (b) management of woodland to enhance its nature conservation and landscape value.                       | 200   |
| 10 The provision of public access routes.  | 170   |
| 11. Management of any kind referred to in items 1 to 9 above which is undertaken in relation to common land. | 5   |
| 12. Hedgerow restoration.  | £4 per metre  |
| 13. Wall restoration.  | £16 per metre   |
| 14. Management of pasture land.  | 105   |
| 15. Management of wetland.   | 70  |

## PART 4

### DEFINITIONS

In this Schedule:

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

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

“heather” means common heather (*calluna vulgaris*), and includes common heather growing in association with other ericaceous dwarf shrub species;

“inbye land” means enclosed grassland which has not been ploughed, levelled, drained or reseeded for at least ten years and which is subject to regular treatment with fertilizers, used for pasture or for the production of hay or silage;

“intake land” means enclosed land used exclusively for grazing, most of which has not been regularly ploughed, levelled, drained or treated with fertilizers, lime, slag or pesticides;

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

“pasture” means enclosed grassland that is not normally ploughed or reseeded within a period of ten years, is used for the production of pasture and is subject to regular inputs of fertilizer;

“wetland” means land which is subject to regular flooding or which is waterlogged for the greater part of the year.

SCHEDULE 4

articles 2(1) and(3), 3 and 5(1)

**NORTH KENT MARSHES**

**PART 1**

**DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA**

The area of land on the North Kent Marshes in the county of Kent which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the North Kent Marshes environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

**PART 2**

**CAPITAL ACTIVITIES**

- The construction of bunds or sluices, or other works designed to control water levels.
- The restoration and reprofiling of ditches and dykes.
- The creation or restoration of ponds.
- The construction or reconstruction of culverts.
- The gapping, laying or coppicing of hedges.
- 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.
- Provision of water supplies and fencing associated with the reintroduction of grazing.
- Wind pumps for water level management.
- Provision of wooden gates and associated wing fencing.
- Creation of reedbeds (including sedgebeds).
- Creation of scrapes.
- Other works for the restoration or enhancement of wildlife habitats.

**PART 3**

**MANAGEMENT ACTIVITIES**

| <b>column 1</b><br><i>Activity</i>  | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum</i> |
|---|---|
| 1. Management of permanent grassland.   | 120   |
| 2. Management of grassland so as to bring about and maintain high water levels. | 230   |
| 3. In relation to cultivated land—<br>(a) reversion of arable land to grassland | 265   |

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| <b>column 1</b><br><i>Activity</i>  | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum</i> |
|---|---|
| (b) (b) the creation and management of buffer strips  | 400   |
| 4. Maintenance of woodland.   | 17  |
| 5. The provision of public access routes.   | 170   |
| 6. Where management of any kind referred to in item 1 is undertaken, additional management for the purpose of bringing about and maintaining high water levels. | 50  |

## PART 4

### DEFINITIONS

In this Schedule:

“buffer strip” means a strip of land which is subject to a prohibition on the use of fertilizers and pesticides, is at least six metres wide and is located at the edge of a field used for the production of arable crops and which adjoins an open drainage channel;

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

“scrape” means a shallow excavation which may hold water seasonally.

### SCHEDULE 5

articles 2(1) and(3), 3 and 5(1)

### SOUTH WESSEX DOWNS

## PART 1

### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land on the South Wessex Downs in the county of Essex which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the South Wessex Downs environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

## PART 2

### 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 up or coppicing of hedges.

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

- 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 diverse seed mixture for arable reversion to chalk grassland.
- Removal of fencing.
- Re-introduction of willow pollarding.
- Other works for the restoration or enhancement of wildlife habitats.

### PART 3

#### MANAGEMENT ACTIVITIES

| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum</i> |
|--|---|
| 1. Management of improved permanent grassland.   | 10  |
| 2. Management of low input permanent grassland.  | 40  |
| 3. Management of downland turf.  | 60  |
| 4. In respect of cultivated land—  | 8   |
| (a) maintenance of cultivated land   |   |
| (b) (b) reversion of arable land to downland turf  | 330   |
| (c) (c) creation and management of conservation headland   | 80  |
| 5. Enhanced management of permanent grassland.   | 80  |
| 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   |
| 9. The reversion of arable land to permanent grassland.  | 230   |
| 10. Maintenance of improved permanent grassland and low input permanent grassland.   | 38  |

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## PART 4

### DEFINITIONS

In this Schedule:

“conservation headland” means a strip of land subject to restrictions on the use of fertilizers and herbicides, that is at least six metres wide along the edge of a field growing arable crops;

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

“improved permanent grassland” means permanent grassland that is regularly treated with fertilizers, 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 fertilizer, pesticides, nutrients or other agricultural admixtures;

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

### SCHEDULE 6

articles 2(1) and(3), 3 and 5(1)

### SOUTH WEST PEAK

## PART 1

### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the South West Peak district in the counties of Cheshire, Derbyshire and Staffordshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the South West Peak environmentally sensitive area” dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

## PART 2

### CAPITAL ACTIVITIES

The planting, coppicing or laying of hedges.

The renovation of traditional farm buildings using traditional materials.

The reversion of land to rough grazing or moorland.

The control of bracken.

The creation of flower-rich meadowland.

The management of scrub.

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.

Fencing associated with the exclusion of stock under item 10(b) of Part 3 of this Schedule.

Protection or provision of hedgerow trees and other saplings.

Restoration of ponds.

Other works for the restoration or enhancement of wildlife habitats.

## PART 3

### MANAGEMENT ACTIVITIES

| <b>column 1</b><br><i>Activity</i>   | <b>column 2</b><br><i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
|--|---|
| 1. Maintenance of cultivated land.   | 15  |
| 2. Management of enclosed permanent grassland.   | 45  |
| 3. Management of enclosed permanent rough grazing.   | 42  |
| 4. Enhanced management of pasture.   | 100   |
| 5. Enhanced management of meadowland.  | 170   |
| 6. Regeneration to create extensive pasture.   | 150   |
| 7. Regeneration to create extensive meadowland.  | 150   |
| 8. Where management of any kind under item 1, 2, 3, 4 or 6 is undertaken, additional management so as to create wet areas. | 75  |
| 9. In relation to moorland—  | 32  |
| (a) maintenance of moorland  |   |
| (b) (b) enhanced management of moorland  | 62  |
| (c) (c) regeneration of moorland through temporary stock exclusion.  | 30  |
| 10. In relation to woodland—   | 15  |
| (a) maintenance of existing woodland   |   |
| (b) (b) management of woodland to enhance its nature conservation and landscape value.                                     | 120   |
| 11. The provision of public access routes.   | 170   |
| 12. Wall restoration.  | £16 per metre   |

## PART 4

### DEFINITIONS

In this Schedule:

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

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

“enclosed permanent rough grazing” means enclosed land which is used exclusively for the grazing of livestock, and which has not been regularly ploughed, levelled, drained or reseeded, or regularly treated with fertilizers, lime, slag or pesticides;

“extensive meadowland” means meadowland which is receiving no or minimal inputs of fertilizer, pesticides, nutrients and other agricultural admixtures;

“extensive pasture” means pasture that is receiving no fertilizer, pesticides or other agricultural admixtures;

“meadow” 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;

“pasture” means enclosed permanent grassland which is used for the production of pasture and which is receiving no or only minimal inputs of fertilizer, pesticides, nutrients or other agricultural admixtures;

“rough grazing” means land covered by semi-natural vegetation.

## SCHEDULE 7

article 6

### ORDERS REVOKED

#### **North Kent Marshes Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993(4)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1994(5)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1995(6)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1997(7)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1998(8)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (No. 2) (Amendment) Order 1998(9)

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1999(10)

#### **Exmoor Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (Exmoor) Designation Order 1993(11)

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- (4) S.I. 1993/82.
  - (5) S.I. 1994/918.
  - (6) S.I. 1995/199.
  - (7) S.I. 1997/1453.
  - (8) S.I. 1998/1304.
  - (9) S.I. 1998/2176.
  - (10) S.I. 1999/1366.
  - (11) S.I. 1993/83.



The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1994(12)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1995(13)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) (No. 2) Order 1995(14)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1997(15)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1998(16)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) (No. 2) Order 1998(17)  
The Environmentally Sensitive Areas (Exmoor) Designation (Amendment) Order 1999(18)

**The Avon Valley Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (Avon Valley) Designation Order 1993(19)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) Order 1994(20)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) Order 1995(21)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) Order 1997(22)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) Order 1998(23)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) (No. 2) Order 1998(24)  
The Environmentally Sensitive Areas (Avon Valley) Designation (Amendment) Order 1999(25)

**The Lake District Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (Lake District) Designation Order 1993(26)  
The Environmentally Sensitive Areas (Lake District) Designation (Amendment) Order 1994(27)  
The Environmentally Sensitive Areas (Lake District) Designation (Amendment) Order 1995(28)

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(12) S.I. 1994/928.  
(13) S.I. 1995/195.  
(14) S.I. 1995/960.  
(15) S.I. 1997/1451.  
(16) S.I. 1998/1302.  
(17) S.I. 1998/2174.  
(18) S.I. 1999/1371.  
(19) S.I. 1993/84.  
(20) S.I. 1994/927.  
(21) S.I. 1995/197.  
(22) S.I. 1997/1450.  
(23) S.I. 1998/1307.  
(24) S.I. 1998/2172.  
(25) S.I. 1999/1368.  
(26) S.I. 1993/85.  
(27) S.I. 1994/925.  
(28) S.I. 1995/193.

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

The Environmentally Sensitive Areas (Lake District) Designation (Amendment) Order 1997(29)

The Environmentally Sensitive Areas (Lake District) Designation (Amendment) Order 1998(30)

The Environmentally Sensitive Areas (Lake District) Designation (Amendment) (No. 2) Order 1998(31)

The Environmentally Sensitive Areas (Lake District) Designation (Amendment) Order 1999(32)

**The South West Downs Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (South Wessex Downs) Designation Order 1993(33)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) Order 1994(34)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) Order 1995(35)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) Order 1997(36)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) Order 1998(37)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) (No. 2) Order 1998(38)

The Environmentally Sensitive Areas (South Wessex Downs) Designation (Amendment) Order 1999(39)

**The South West Peak Environmentally Sensitive Area:**

The Environmentally Sensitive Areas (South West Peak) Designation Order 1993(40)

The Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1994(41)

The Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1995(42)

The Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1997(43)

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(29) S.I. 1997/1452.

(30) S.I. 1998/1301.

(31) S.I. 1998/2177.

(32) S.I. 1999/1363.

(33) S.I. 1993/86.

(34) S.I. 1994/924.

(35) S.I. 1995/196.

(36) S.I. 1997/1454.

(37) S.I. 1998/1309.

(38) S.I. 1998/2175.

(39) S.I. 1999/1370.

(40) S.I. 1993/87.

(41) S.I. 1994/926.

(42) S.I. 1995/192.

(43) S.I. 1997/1455.

The Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1998(44)

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 18 of the Agriculture Act 1986 (“the 1986 Act”) gives the Minister of Agriculture, Fisheries and Food (“the Minister”) power to designate areas in England as environmentally sensitive areas where it appears to him particularly desirable to conserve, protect or enhance environmental features in those areas by the maintenance or adoption of particular agricultural methods.

This Order designates areas in the Avon Valley, Exmoor, Lake District, North Kent Marshes, South Wessex Downs and South West Peak district as environmentally sensitive areas (*article 3*). The designated areas are defined by reference to maps which are available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London SW1P 3JR.

Section 18(3) of the 1986 Act enables the Minister to enter into an agreement with any person having an interest in agricultural land in a designated area by which that person agrees in consideration of payments to be made by the Minister to manage the land in accordance with the agreement. The Order specifies what capital activities may attract aid and also specifies the maximum rates of payment which are payable in respect of various management activities.

“Stage III” in the title to this Order refers to the third of four orders each designating a group of environmentally sensitive areas, and corresponds to the sequence in which those areas were originally designated and the consequent phasing of the dates for policy and payment reviews in respect of those areas.

This Order implements Articles 22 to 24 and 43(2) of Council Regulation (EC) No. 1257/1999 (OJ No. L160, 26.6.99, p. 80) (“the rural development Regulation”).

Agreements in respect of which applications were received after 29th July 1999 must be made in accordance with the England Rural Development Programme, which has been approved by the European Commission under Article 44 of the rural development Regulation, and a copy of which is available for inspection during normal office hours at the Ministry of Agriculture, Fisheries and Food at the address stated above, together with a copy of Commission Decision No. C(2000) 3003 approving it.

Penalties in respect of any breach of an agreement are provided by Article 48 of the rural development Regulation and by the England Rural Development Programme (Enforcement) Regulations 2000 (S.I.2000/3044).

No Regulatory Impact Assessment has been prepared in respect of this Order.