



# Agriculture Act 1986

## 1986 CHAPTER 49

### *Conservation*

#### **18 Designation and management of environmentally sensitive areas.**

- (1) If it appears to the Minister that it is particularly desirable—
- (a) to conserve and enhance the natural beauty of an area;
  - (b) to conserve the flora or fauna or geological or physiographical features of an area; or
  - (c) to protect buildings or other objects of archaeological, architectural or historic interest in an area,

and that the maintenance or adoption of particular agricultural methods is likely to facilitate such conservation, enhancement or protection, he may, with the consent of the Treasury and after consulting the persons mentioned in subsection (2) below as to the inclusion of the area in the order and the features for which conservation, enhancement or protection is desirable, by order designate that area as an environmentally sensitive area.

- (2) The persons referred to in subsection (1) above are—
- (a) in the case of an area in England, <sup>F1</sup>... [<sup>F2</sup>Natural England];
  - (b) in the case of an area in Wales, [<sup>F3</sup>the Natural Resources Body for Wales]; and
  - [<sup>F4</sup>(c) in the case of an area in Scotland, Scottish Natural Heritage.]
- (3) If the Minister considers that any of the purposes mentioned in paragraphs (a) to (c) of subsection (1) above is likely to be facilitated in a designated area by doing so, he may make an agreement with any person having an interest in agricultural land in, or partly in, the 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.
- (4) An order under this section designating an area may specify—
- (a) the requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in agreements under subsection (3) above as respects land in the area;

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- [<sup>F5</sup>(aa) the requirements as to public access which may be included in such agreements]
  - (b) the period or minimum period for which [<sup>F6</sup>requirements included in such agreements under paragraph (a) or paragraph (aa) above must be imposed];
  - (c) the provisions which must be included in such agreements concerning the breach of such requirements; and
  - (d) the rates or maximum rates at which payments may be made by the Minister under such agreements and the matters in respect of which such payments may be made.
- [<sup>F7</sup>(4A) Where the Minister considers it necessary for the purposes of Article 10 or 20 of Commission Regulation (EC) No. 746/96 (aid for agricultural production methods compatible with protection of the environment: combination of aids, and penalties), an agreement under subsection (3) may contain—
- (a) provision requiring the payment of penalties to the Minister in the case of breach of the agreement, and
  - (b) provision for payments by the Minister to be withheld in specified circumstances.]
- (5) Subject to the foregoing provisions of this section, an agreement under subsection (3) above may contain such provisions as the Minister thinks fit and, in particular, such provisions as he considers are likely to facilitate such conservation, enhancement or protection as is mentioned in subsection (1) above.
- (6) The Minister shall not make an agreement with any person under subsection (3) above in respect of any land unless that person has certified to the Minister—
- (a) that no person other than he is the owner of the land; or
  - (b) that he has notified any other person who is an owner of the land of his intention to make an agreement under subsection (3) above in respect of the land;
- and in this subsection references to the owner of the land are to the estate owner in respect of the fee simple in the land or, in Scotland, [<sup>F8</sup>the owner of the dominium utile].
- (7) The provisions of an agreement under subsection (3) above with any person interested in any land in England or Wales shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the Minister against those persons accordingly.
- (8) Where agreements have been made under subsection (3) above with persons having an interest in land in a designated area the Minister shall arrange for the effect on the area as a whole of the performance of the agreements to be kept under review and shall from time to time publish such information as he considers appropriate about those effects.
- (9) [<sup>F9</sup>In the case of land in Scotland, a liferenter in possession of the land shall have the power to enter into agreements under subsection (3) above relating to, or to any part of, the land.]
- [<sup>F10</sup>(9A) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into agreements under this section relating to the trust estate or any part thereof.]

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- (10) This section applies to land an interest in which belongs to Her Majesty in right of the Crown or to the Duchy of Lancaster, the Duchy of Cornwall or a Government department or which is held in trust for Her Majesty for the purposes of a Government department, but no agreement under subsection (3) above shall be made as respects land to which this subsection applies without the consent of the appropriate authority.
- (11) In this section—
- “agricultural” has the same meaning as in the <sup>M2</sup>Agriculture Act 1947 or, in Scotland, the <sup>M3</sup>Agriculture (Scotland) Act 1948;
  - “the appropriate authority” has the same meaning as in section 101(11) of the National Parks and Access to the <sup>M4</sup>Countryside Act 1949;
  - “the Minister” means—
    - (a) in relation to an area in England, the [<sup>F11</sup>Secretary of State]; and
    - (b) in relation to an area in Wales or Scotland, the Secretary of State.
- (12) The power to make an order under this section shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M5</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this section—
- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
  - (b) shall be subject to annulment in pursuance of a resolution of either House.

#### Textual Amendments

- F1** Words in s. 18(2)(a) repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(2), **Sch. 2** (with art. 6)
- F2** Words in s. 18(2)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 107**; S.I. 2006/2541, art. 2 (with Sch.)
- F3** Words in s. 18(2)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 185** (with Sch. 7)
- F4** S. 18(2)(c) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), **Sch. 10 para. 12**; S.I. 1991/2633, **art. 4**
- F5** S. 18(4)(aa) inserted (1.3.1994) by S.I. 1994/249, **reg. 2(a)**.
- F6** Words in s. 18(4)(b) substituted (1.3.1994) by 1994/249, reg. 2(b).
- F7** S. 18(4A) inserted (1.7.1997) by S.I. 1997/1457, **reg. 2**.
- F8** Words in s. 18(6) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1992 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 45** (with s. 45(3), Sch. 12 para. 3)
- F9** S. 18(9) substituted (S.) (1.4.2019) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Amendments\) Regulations 2019 \(S.S.I. 2019/125\)](#), regs. 1(2), **6(2)**
- F10** S. 18(9A) inserted (S.) (1.4.2019) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Amendments\) Regulations 2019 \(S.S.I. 2019/125\)](#), regs. 1(2), **6(3)**
- F11** Words in s. 18(11) in the definition of “the Minister” substituted (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(1), **Sch. 1 para. 29** (with arts. 5(3), 6)

#### Marginal Citations

- M1** 1967 c. 10.  
**M2** 1947 c. 48.

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| <b>M3</b> | 1948 c. 45. |
| <b>M4</b> | 1949 c. 97. |
| <b>M5</b> | 1974 c. 28. |

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