
STATUTORY INSTRUMENTS

2000 No. 3050

AGRICULTURE, ENGLAND

**The Environmentally Sensitive Areas
(Stage II) 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⁽¹⁾, 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 5 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 or 5 (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⁽³⁾ 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 II) Designation Order 2000 and shall come into force on 5th December 2000.

⁽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 or 5 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 II environmentally sensitive areas

3. There are hereby designated as environmentally sensitive areas the areas of land described in Part 1 of Schedules 1 to 5.

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) item 12 in Part 3 of Schedule 3; or

(b) items 9 or 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 listed in Schedule 6 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)

BRECKLAND

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in Breckland in the counties of Suffolk, Norfolk and Cambridgeshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Breckland 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

Provision of water supplies and fencing where necessary to facilitate the reintroduction of livestock for grazing.

Management of scrub.

Works designed for the supplementary treatment of heathland or reverted heathland, including soil disturbance, the introduction of *Calluna* species and heather management.

The creation or restoration of ponds and the restoration of pingos.

Restoration of reedbeds and sedgebeds.

Control of bracken.

The provision of feeding areas in sites located away from heathland.

The planting or coppicing of hedges.

Construction of water-penning structures.

Restoration of pine belts and lines.

The provision of rabbit-proof fencing.

Works to protect historical and archaeological features.

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

The creation or reinstatement of dykes and ditches.

Stump removal and any other necessary ground-preparation on sites reverting from forest to heath.

Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum</i>
1. Management of heathland.	125
2. In relation to cultivated land—	350
(a) the reversion of arable land to heathland	
(b) (b) creation and management of uncropped wildlife strips	370
(c) (c) creation and management of conservation headland	110
(d) (d) the reversion of arable land to grassland—	280
(i) on or adjacent to wetland sites	
(ii) on or adjacent to archaeological sites	500
(e) (e) establishment of winter stubbles.	100
3. In relation to river valley grassland—	130
(a) management of river valley grassland	
(b) (b) where management of any kind referred to in item (a) above is undertaken, additional management for the purposes of the maintenance of high water levels in ditches.	50
4. The maintenance of woodland.	17
5. The provision of public access routes.	170

PART 4

DEFINITIONS

In this Schedule:

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

“heathland” means sandy or chalky land which is free-draining and covered by semi-natural vegetation;

“river valley grassland” means land on which the vegetation consists primarily of grass species and on which the soil is not predominantly free-draining;

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“uncropped wildlife strips” means a strip of land at least six metres wide at the edge of a field for arable cropping which is subject to restrictions on the use of fertilizers, herbicides, pesticides, nutrients and other agricultural admixtures;

“winter stubble” means the residue of stalks and other plant material remaining after harvest of a cereal or linseed crop and which is not removed over the winter period.

SCHEDULE 2

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

CLUN

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the vicinity of Clun in the county of Shropshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Clun 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 renovation of farm buildings using traditional materials.

The regeneration of suppressed heather.

The control of bracken.

The planting, laying or coppicing and gapping up of hedges not otherwise subject to a management programme under the agreement.

The creation or restoration of ponds and the restoration of wet areas, wet meadows and river banks.

The creation of hay meadows.

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.

The introduction or re-introduction of pollarding management for neglected trees.

Fencing for the purpose of excluding stock from woodlands.

Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i>
1. In relation to cultivated land—	34
(a) maintenance of cultivated land	
(b) (b) reversion of arable land to unimproved grassland	255
(c) (c) creation and management of conservation headland.	60
2. In relation to improved grassland—	100
(a) reversion to extensive grassland	
(b) (b) reversion to rough grazing.	180
3. Where management of any kind referred to in item 1(a), 1(b) or 2 above is undertaken, additional management for the purpose of creating wet areas.	120
4. In relation to woodland—	13
(a) maintenance of existing woodland	
(b) (b) management of woodland to enhance its nature conservation and landscape value.	85
5. The provision of public access routes.	170
6. Hedgerow restoration.	£6 per metre
7. Management of unimproved grassland and rough grazing.	78

PART 4

DEFINITIONS

In this Schedule:

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

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

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

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

“unimproved grassland” means grassland which has not been regularly ploughed, levelled, drained or reseeded or treated with fertilizers, lime slag, herbicides or pesticides.

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SCHEDULE 3

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

NORTH PEAK

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the North Peak district in the counties of Greater Manchester, Derbyshire, South Yorkshire and West Yorkshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the North 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, laying and gapping up of hedges.
- The creation or restoration of ponds and the restoration of wet areas.
- The supplementary treatment of suppressed or eroded heather moorland.
- The control of bracken.
- The renovation of farm buildings using traditional materials.
- Works to protect historic and archaeological features.
- The creation or restoration of flower-rich meadowland.
- The management of scrub.
- The restoration of drystone walls.
- The provision and restoration of gates, stiles and footbridges, where an agreement includes requirements as to public access.
- Protection or provision of hedgerow trees and other saplings.
- Fencing associated with the exclusion of stock from woodland.
- Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i>
1. Maintenance of cultivated land.	15
2. Management of semi-improved permanent grassland.	55
3. Management of unimproved permanent grassland, including control of stocking levels.	45

Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i>
4. Management of enclosed rough grazing including restrictions on stocking levels.	40
5. Where management of any kind referred to in item 3 or 4 above is undertaken, additional management so as to conserve meadowland.	80
6. Where management of any kind referred to in item 3, 4 or 5 above is undertaken, additional management so as to create wet areas.	80
7. As regards moorland—	25
(a) maintenance of moorland	
(b) (b) extensive grazing of moorland	45
(c) (c) total stock enclosure from moorland areas.	90
8. In relation to woodland—	15
(a) maintenance of existing woodland	
(b) (b) management of woodland to enhance its nature conservation and landscape value.	120
9. The provision of public access routes.	170
10 Hedgerow restoration.	£4 per metre
11. Wall restoration.	£16 per metre
12. Management of unimproved grassland and enclosed rough grazing.	45

PART 4

DEFINITIONS

In this Schedule:

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

“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;

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

“semi-improved grassland” means permanent grassland which receives only small amounts of inorganic fertilizer and has not been regularly cultivated or reseeded;

“unimproved grassland” means grassland which has not been regularly ploughed, levelled, drained or reseeded or treated with fertilizers, lime, slag, herbicides or pesticides.

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

SCHEDULE 4

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

SUFFOLK RIVER VALLEYS

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Suffolk River Valleys in the counties of Suffolk and Essex which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of Suffolk River Valleys 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 or coppicing of hedges.
- The provision of water-penning structures.
- The creation or restoration of ponds, and the restoration of ditches, dykes and footdrains.
- The restoration of reedbeds or sedgebeds.
- The provision of water supplies and fencing where necessary to facilitate the re-introduction of livestock for grazing.
- The management of scrub.
- The control of bracken.
- The creation or improvement of herb-rich hay meadows.
- 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 provision of rabbit fencing.
- Wind pumps for water-level management.
- Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i>
1. Management of permanent grassland.	75
2. Management of reverted grassland.	270

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Column 1 <i>Activity</i>	Column 2 <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i>
3. Management of low input grassland.	190
4. Management of low input grassland which is reverted grassland.	290
5. Where management of any kind referred to in item 1, 2, 3 or 4 above is undertaken, additional management for the purpose of bringing about marsh conditions.	50
6. Where management of any kind referred to in item 3,4 or 5 above is undertaken, additional management for the purpose of bringing about high water levels.	50
7. In relation to cultivated land—	270
(a) reversion of arable land to grassland	
(b) (b) where management of any kind referred to in item 1 or sub-paragraph (a) above is undertaken, additional management for the purpose of creating, and management of, buffer strips.	55
8. Management of fen vegetation.	130
9. Maintenance of woodland.	17
10. The provision of public access routes.	170
11. Hedgerow restoration.	£4 per metre

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 other agricultural chemicals, is at least six metres wide, is located at the edge of a field and adjoins an open drainage channel or a hedgerow;

“fen” means an area of semi-natural vegetation which is waterlogged throughout the year;

“low input grassland” means permanent grassland which has not been regularly cultivated or reseeded, or treated with fertilizer, pesticides or other agricultural inputs, or permanent grassland that has the potential to retain high summer water levels;

“marsh” means grassland with the potential to retain high spring water levels in ditches so as to create field wetness or to allow shallow pools to develop;

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

“reverted grassland” means grassland established pursuant to the provisions of an agreement on land previously used for arable cropping.

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

SCHEDULE 5

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

TEST VALLEY

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Test Valley in the county of Hampshire which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of the Test 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 and the restoration of pools or lakes.
- The management of scrub or small groups of trees.
- The renovation of farm buildings using traditional materials.
- The restoration of reedbeds and sedgebeds.
- The provision of water supplies and fencing where necessary for the reintroduction of grazing.
- The restoration of ditches and 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 creation of scrapes.
- The provision or restoration of water control structures.
- The provision of cattle drinking bays.
- The provision of silt traps in water courses.
- Purchase of a seed mixture for arable reversion.
- Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

Column 1 <i>Activity</i>	Column 2 <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 is undertaken, additional management restricting the input of fertilizer.	45
4. Where management of any kind referred to in item 1 or 2 is undertaken, additional management to provide conditions for breeding wader birds.	35
5. Management of wet grassland.	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.	20
10. Management of unimproved grassland.	130

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 five metres wide and is 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 certain specific operations, including stock management and fertilizer restrictions;

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

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“unimproved grassland” means grassland which has not been regularly ploughed, levelled, drained or reseeded or treated with fertilizers, lime, slag, herbicides or pesticides;

“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 6

ORDERS REVOKED

Breckland Environmentally Sensitive Area

- The Environmentally Sensitive Areas (Breckland) Designation Order 1993(4)
- The Environmentally Sensitive Areas (Breckland) Designation (Amendment) Order 1994(5)
- The Environmentally Sensitive Areas (Breckland) Designation (Amendment) Order 1995(6)
- The Environmentally Sensitive Areas (Breckland) Designation (Amendment) Order 1997(7)
- The Environmentally Sensitive Areas (Breckland) Designation (Amendment) Order 1998(8)
- The Environmentally Sensitive Areas (Breckland) Designation (Amendment) Order 1999(9)

Clun Environmentally Sensitive Area

- The Environmentally Sensitive Areas (Clun) Designation Order 1993(10)
- The Environmentally Sensitive Areas (Clun) Designation (Amendment) Order 1994(11)
- The Environmentally Sensitive Areas (Clun) Designation (Amendment) Order 1995(12)
- The Environmentally Sensitive Areas (Clun) Designation (Amendment) Order 1997(13)
- The Environmentally Sensitive Areas (Clun) Designation (Amendment) Order 1998(14)
- The Environmentally Sensitive Areas (Clun) Designation (Amendment) Order 1999(15)

The North Peak Environmentally Sensitive Area

- The Environmentally Sensitive Areas (North Peak) Designation Order 1993(16)
- The Environmentally Sensitive Areas (North Peak) Designation (Amendment) Order 1994(17)
- The Environmentally Sensitive Areas (North Peak) Designation (Amendment) Order 1995(18)
- The Environmentally Sensitive Areas (North Peak) Designation (Amendment) Order 1997(19)

(4) [S.I. 1993/455.](#)
 (5) [S.I. 1994/923.](#)
 (6) [S.I. 1995/198.](#)
 (7) [S.I. 1997/1445.](#)
 (8) [S.I. 1998/1306.](#)
 (9) [S.I. 1999/1364.](#)
 (10) [S.I. 1993/456.](#)
 (11) [S.I. 1994/921.](#)
 (12) [S.I. 1995/190.](#)
 (13) [S.I. 1997/1446.](#)
 (14) [S.I. 1998/1311.](#)
 (15) [S.I. 1999/1369.](#)
 (16) [S.I. 1993/457.](#)
 (17) [S.I. 1994/922.](#)
 (18) [S.I. 1995/189.](#)
 (19) [S.I. 1997/1447.](#)

The Environmentally Sensitive Areas (North Peak) Designation (Amendment) Order 1998(20)

The Environmentally Sensitive Areas (North Peak) Designation (Amendment) (No. 2) Order 1998(21)

The Environmentally Sensitive Areas (North Peak) Designation (Amendment) Order 1999(22)

The Suffolk River Valleys Environmentally Sensitive Area

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation Order 1993(23)

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation (Amendment) Order 1994(24)

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation (Amendment) Order 1995(25)

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation (Amendment) Order 1997(26)

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation (Amendment) Order 1998(27)

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation (Amendment) Order 1999(28)

The Test Valley Environmentally Sensitive Area

The Environmentally Sensitive Areas (Test Valley) Designation Order 1993(29)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) Order 1994(30)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) Order 1995(31)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) Order 1997(32)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) Order 1998(33)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) (No. 2) Order 1998(34)

The Environmentally Sensitive Areas (Test Valley) Designation (Amendment) Order 1999(35)

(20) [S.I. 1998/1303.](#)

(21) [S.I. 1998/2173.](#)

(22) [S.I. 1999/1367.](#)

(23) [S.I. 1993/458.](#)

(24) [S.I. 1994/920.](#)

(25) [S.I. 1995/194.](#)

(26) [S.I. 1997/1448.](#)

(27) [S.I. 1998/1310.](#)

(28) [S.I. 1999/1372.](#)

(29) [S.I. 1993/459.](#)

(30) [S.I. 1994/919.](#)

(31) [S.I. 1995/191.](#)

(32) [S.I. 1997/1449.](#)

(33) [S.I. 1998/1308.](#)

(34) [S.I. 1998/2178.](#)

(35) [S.I. 1999/1365.](#)

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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 Breckland, Clun, North Peak, Suffolk River Valleys and Test Valley 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 II” in the title to the Order refers to the second 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 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 offices of the Ministry of Agriculture, Fisheries and Food at the address shown above, together with a copy of Commission Decision No. C(2000) 3003.

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.