
STATUTORY INSTRUMENTS

1996 No. 2105

AGRICULTURE

The Environmentally Sensitive Areas (Upper Thames Tributaries) Designation (Amendment) Order 1996

<i>Made</i>	- - - -	<i>12th August 1996</i>
<i>Laid before Parliament</i>		<i>12th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1996⁽¹⁾, the Minister of Agriculture, Fisheries and Food has by order designated an area in the Upper Thames Tributaries as an environmentally sensitive area;

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, the Nature Conservancy Council for England⁽³⁾ and the Historic Buildings and Monuments Commission for England in accordance with section 18(1) and (2) of the said Act and section 99 of the Environment Act 1995⁽⁴⁾ hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Upper Thames Tributaries) Designation (Amendment) Order 1996 and shall come into force on 1st September 1996.

Amendment of the Environmentally Sensitive Areas (Upper Thames Tributaries) Designation Order 1994

2.—(1) The Environmentally Sensitive Areas (Upper Thames Tributaries) Designation Order 1994⁽⁵⁾ shall be amended in accordance with the following paragraphs of this article.

(2) In article 7 (rates of payment under agreement)—

(a) in paragraph (1), for “£100” there shall be substituted “£105”;

(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(2)(a) of the Agriculture Act concerning Nature Conservancy Councils were amended by the Environment Protection Act 1990 (c. 43), Part VII and Sch. 9.

(4) 1995 c. 25.

(5) S.I. 1994/712.

- (b) in paragraph (3), for “£150” there shall be substituted “£155”;
- (c) in the table in paragraph (4)—
 - (i) for “£260” there shall be substituted “£290”, and
 - (ii) for “£310” there shall be substituted “£330”;
- (d) for paragraph (5), there shall be substituted the following—

“(5) Where an agreement includes the additional provisions specified in Schedule 5, the Minister shall make payments at the rate per annum of £3 for each 10 metres of stockproof hedges managed in accordance with the programme referred to in that Schedule, subject to a maximum of 50 metres of stockproof hedges so managed per hectare of eligible land per annum.

 - (5A) For the purposes of paragraph (5) above, “eligible land” means land which—
 - (a) comprises or falls within land subject to the provisions of the agreement concerned;
 - (b) is enclosed by boundaries; and
 - (c) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, hedges.;
- (e) for paragraph (6), there shall be substituted the following—

“(6) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of operations included in the plan, subject to a maximum of £15,000 for that agreement.”
- (3) In Schedule 1 (requirements to be included in an agreement)—
 - (a) for paragraph 1(13) there shall be substituted the following—

“(13) the farmer shall retain and manage individual trees and groups of trees (including pollarded willows) for which he is responsible which occur on such permanent grassland. He shall retain small areas of existing woodland which occur on such permanent grassland, and shall not plant any additional trees or woodland thereon without the Minister’s prior written approval; ”; and
 - (b) at the beginning of paragraph 1(14) there shall be added the words “where small areas of woodland or scrub occur thereon,”.
- (4) In each of Options 1 and 2 in Schedule 4 (additional provisions relating to the reversion of arable land) the following paragraph shall be inserted after paragraph (4)—

“(5) the farmer shall not exceed a stocking level of 1.4 livestock units per hectare.”
- (5) In Schedule 6 (conservation plan operations)—
 - (a) in paragraph 2, after the word “ponds” there shall be added the words “and the creation of ponds and scrapes”; and
 - (b) for paragraph 7, there shall be substituted the following—

“7. The restoration of farm buildings using traditional materials.”

Saving

- 3.—**(1) Article 2(2) of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st September 1996.
- (2) Article 2(4) of this Order shall not apply in relation to any agreement made before 1st January 1997.

7th August 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

We consent,

12th August 1996

Bowen Wells
Simon Burns
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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Upper Thames Tributaries) Designation Order 1994 (S.I.1994/712) which designated an area in the Upper Thames Tributaries as an environmentally sensitive area, in compliance with 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.

Subject to a saving provision, the Order amends the rates of payments to be made by the Minister of Agriculture, Fisheries and Food pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986, adds an additional stocking density restriction applicable to reversion of arable land to grassland and adds several options to the operations that may be included in a conservation plan (articles 2 and 3).

No Compliance Cost Assessment in relation to this Order has been prepared.