
STATUTORY INSTRUMENTS

2000 No. 3052

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

Title and commencement

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

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 IV 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 31st August 1999, payments may not be made in respect of—

- (a) item 13 or 14 in Part 3 of Schedule 3; or
- (b) item 10 or 11 in Part 3 of Schedule 6.

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, as the case may be, to this Order.

(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 and saving

6.—(1) Subject to paragraph (2), the Orders are revoked.

(2) The Orders, including (so far as relevant) any saving provisions they contain, shall continue to apply in relation to payments to a farmer in respect of a relevant activity which relates, wholly or in part, to any period before 1st September 2000.

(3) In this article, “the Orders” means the Orders specified in Schedule 7 to this Order and “relevant activity” means any activity in respect of which the Orders, either in terms or by reference to any other Order, specify a payment rate or maximum payment rate in pounds sterling per hectare per annum.

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