

1995 No. 134

AGRICULTURE

Habitat Improvement Regulations (Northern Ireland) 1995

Made 29th March 1995

Coming into operation 1st May 1995

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Habitat Improvement Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding, the use of land as grazing land, meadow land, market gardens and nursery grounds;

“application” means an application made in accordance with regulation 5, for aid under a scheme;

“beneficiary” means—

(a) a person whose application has been accepted; or

(b) a person who occupies any farmland following a change of occupation thereof, who has given an undertaking to comply with the obligations relating to that farmland assumed by the previous occupier and whose undertaking has been accepted by the Department;

“the Department” means the Department of Agriculture for Northern Ireland;

(a) S.I. 1972/1811

(b) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(c) 1954 c. 33 (N.I.)

“designated or declared habitats” means areas declared by the Department of the Environment for Northern Ireland under Part VI of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(a);

“scheduled watercourse” means any lough or river or section of river listed in Schedule 6;

“environmentally sensitive areas” means any area designated under Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987(b);

“field” means an area of land with an established boundary;

“grassland habitat” means areas of grassland set aside from agriculture as a wildlife corridor linking existing wildlife habitats or which is extensively grazed and/or set aside from agriculture as a buffer to designated or declared habitats;

“grazed marshland” means areas of marsh which provide grazing for livestock;

“habitat site” means the area of farmland which is the subject of an undertaking given under regulation 3(1)(a) or (b);

“holding” means land which is occupied as a unit for agricultural purposes;

“improved land” means arable land on which a crop is growing or has grown in the 12 months prior to the date of application or which is fallow as part of the normal crop rotation or grassland on which more than 20% of the sward is comprised of ryegrass, timothy, red fescue or white clover, any land under cultivation at the date of an agreement or any land (other than grassland) uncultivated at the date of an agreement but which has been previously cultivated;

“management plan” in relation to any habitat site means a description of the methods by which the applicant will manage the site so as to establish or improve a wildlife habitat and to benefit the flora and fauna, taking into account the requirements of the Schedule which applies to the site;

“rough moorland grazing” means grassland the vegetation of which is comprised wholly or mainly of matt grass, purple moor grass, cotton grasses, wavy hair grass or sedges;

“scheme” means either—

- (a) the scheme to withdraw land from agricultural production for purposes connected with the environment for a period of 20 years as specified in Article 2(1)(f) of Council Regulation 2078/92(c) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, or

(a) S.I. 1985/170 (N.I. 1) as amended by 1989/492 (N.I. 3)

(b) S.I. 1987/458 (N.I. 3)

(c) O.J. No. L215, 30.7.92, p. 85

- (b) the scheme to use for a period of 10 years farming practices compatible with the requirements of protection of the environment and natural resources as specified in Article 2(1)(d) of that Regulation;

“tenant” means a person who occupies land under a contract of tenancy for a fixed term of years of which:

- (a) at least 20 years remain unexpired at the commencement of the period of duration of the undertaking referred to in regulation 3(1)(a), or
- (b) at least 10 years remain unexpired at the commencement of the date of duration of the undertaking referred to in regulation 3(1)(b);

“unimproved land” means grassland on which less than 20% of the sward is comprised of ryegrass, timothy, red fescue or white clover;

“waterside habitats” means land alongside watercourses where vegetation naturally arises from the cessation of cropping or the cessation or extensification of grazing;

“woodland habitat” means woodland which is comprised wholly or mainly of broadleaved species.

Aid for improvement or establishment of habitats

3.—(1) Subject to and in accordance with the provisions of these Regulations, the Department may make payments of aid under a scheme to an applicant who gives either or both of the following undertakings:

- (a) to withdraw farmland from agricultural production for a period of 20 consecutive years from the date of entry into the scheme and to use that land for the purposes of the establishment, improvement or protection of one or more of the following wildlife habitats:
- (i) waterside habitats;
 - (ii) grassland habitats;
- (b) to use farming practices on selected areas of farmland compatible with the requirements of the protection of the environment for a period of 10 consecutive years from the date of entry into the scheme and to use that land for the purposes of the establishment, improvement or protection of one or more of the following wildlife habitats:
- (i) waterside habitats;
 - (ii) grassland habitats;
 - (iii) woodland habitats.

(2) In addition to the undertakings mentioned in paragraph (1), applicants shall undertake:

- (a) to observe in relation to each habitat site the management requirements contained in Part II of the Schedule relevant to that habitat site;

- (b) to manage the habitat site in accordance with a management plan agreed with the Department.

Conditions of eligibility

4.—(1) A person shall be eligible to make an application if at the date of application he:

- (a) has been the lawful owner or tenant of the habitat site to which it relates for a period of 12 months;
- (b) satisfies the requirements of Part I of the Schedule relevant to that habitat site; and
- (c) satisfies the requirements in paragraph (2).

(2) The proposed habitat site or sites shall extend individually or in aggregate to at least 1 hectare per holding.

Applications for aid

5. An application shall be made at such time and in such form as the Department may reasonably require and shall include:

- (a) a map of the applicant's farm showing the habitat site or sites to which it relates and any features of a kind specified in the management requirements in Part II of the Schedule relevant to the site or sites;
- (b) a statement of the area of each habitat site or sites;
- (c) a description of the use or uses of the habitat site or sites during the 12 months prior to the date of application;
- (d) a management plan; and
- (e) if required by the Department, evidence showing the nature of the applicant's estate or interest in that land.

Restrictions on acceptance of applications

6.—(1) The Department shall not accept an application unless it is satisfied that, having regard to the condition of the habitat site to which the application relates and the surrounding land at the time of the submission of the application, the use or management of the habitat site in accordance with the proposals contained in the application, will provide significant benefit to the environment.

(2) The Department shall not accept an application in relation to any farmland which is occupied by a tenant unless it is satisfied that the tenant has notified the landlord of his intention to make the application.

(3) The Department may refuse to accept an application in relation to any farmland where it is satisfied that:

- (a) the use of any farmland in accordance with the proposals contained in that application would frustrate the purposes of any assistance previously given or to be given out of money provided by Parliament or the European Community; or

- (b) the payment of aid under these Regulations would duplicate any assistance previously given or to be given out of money provided by Parliament or by the European Community.

Change of occupation

7.—(1) Where there is a change of occupation, during the period of the scheme, of the whole or any part of a beneficiary's farmland which is subject to management obligations:

- (a) the beneficiary (or, if he has died, his personal representatives or the occupier of the farmland) shall within 3 months notify the Department in writing of the change of occupation, and shall supply to the Department such information relating to that change of occupation in such form and within such period as the Department may reasonably determine;
- (b) subject to the provisions of this regulation, the new occupier of that farmland or part may give an undertaking to the Department to comply, for the remainder of the scheme, with the obligations assumed by the beneficiary under an application relating to that farmland.

(2) Where there is a change of occupation of part of any farmland subject to management obligations, the Department shall determine the extent to which the obligations assumed by a beneficiary relate to that part, having regard to the location of the habitat site or sites.

(3) The Department shall not accept an undertaking from a new occupier of land or part thereof to comply with obligations assumed by a beneficiary unless it is satisfied that that new occupier occupies that land or part as an owner or tenant, or as the personal representative of the beneficiary.

(4) A new occupier who gives an undertaking to comply with the obligations assumed by the beneficiary shall supply to the Department such information in such form and within such period following the change of occupation as the Department may reasonably determine.

(5) Where the Department has accepted an undertaking from a new occupier to comply with the obligations undertaken by a beneficiary his undertaking to comply with the obligations undertaken by the original beneficiary shall be deemed to take effect on the date of the acceptance by the Department of that undertaking.

(6) Where within 3 months from the date of change of occupation a new occupier has not given an undertaking to comply with the obligations assumed by the original beneficiary, the Department may:

- (a) withhold the whole or any part of any payments of aid under a scheme due to the original beneficiary; and
- (b) recover from that original beneficiary or his personal representatives the whole or any part of any payments of aid under the scheme already made to him.

(7) Paragraph (6) shall not apply where the change of occupation of the farmland or part thereof is the result of:

- (a) the compulsory purchase of the farmland or part; or

- (b) the death of the original beneficiary; and
- (i) that original beneficiary occupied that farmland or part as a tenant; and
 - (ii) following the death of that original beneficiary the tenancy or lease under which he occupied that farmland or part was terminated by the landlord.

Amounts of aid and claims

8.—(1) Subject to regulations 7(6) and 10(1) and (2) payment of aid under a scheme to a beneficiary shall be made annually, in arrears.

(2) Subject to paragraph (3) the amount of each payment shall be:

- (a) for undertakings given under regulation 3(1)(a) in the case of farmland used for the establishment or improvement of waterside and grassland habitats £325 per hectare for improved land and £225 per hectare for unimproved land and £125 per hectare for grazed marshland or rough moorland grazing; and
- (b) for undertakings given under regulation 3(1)(b) in respect of waterside and grassland habitats £260 per hectare for improved land and £125 per hectare for unimproved land and £50 per hectare for grazed marshland or rough moorland grazing and £70 per hectare for woodland habitats.

(3) The rates of payment specified in regulation 8(2) may be altered by the Department from time to time.

(4) A claim for each annual payment under this regulation shall be made at such time and in such form and shall contain such information as the Department may reasonably require.

Obligation to permit entry and inspection

9.—(1) An applicant or beneficiary as the case may be shall permit any person duly authorised by the Department, accompanied by such persons acting under his instructions as appear to that authorised person to be necessary for the purpose, at all reasonable hours and on production on demand of some duly authenticated document showing his authority, if so required, to enter upon any farmland for the purpose of:

- (a) carrying out an inspection thereof or of any document or record in the possession or under the control of the applicant relating to, or which the authorised person may reasonably suspect relates to, an application, with a view to verifying the accuracy of any particulars given in an application or claim under regulation 8(4) or in any undertaking made by a new occupier pursuant to regulation 7(1)(b); and
- (b) ascertaining whether the applicant or beneficiary has duly complied with any undertaking given by him under these Regulations.

(2) An applicant or beneficiary shall render all reasonable assistance to the authorised person in relation to the matters mentioned in paragraph (1), and in particular shall:

- (a) produce such document or record as may be required by the authorised person for inspection;
- (b) permit the authorised person to take copies or extracts from any such document or record;
- (c) where any such document or record is kept by means of a computer, produce it in a form in which it may easily be read and taken away; and
- (d) at the request of the authorised person, accompany him in making the inspection of any farmland and identify any area of such land which is concerned in any application or in any undertaking given by a new occupier under regulation 7 to comply with the obligations undertaken by the original beneficiary.

Withholding and recovery of aid

10.—(1) Where any person with a view to obtaining the payment of aid under the scheme to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the Department may withhold the whole or any part of any aid under the scheme payable to that person or to such other person, and may recover the whole or any part of any aid already paid to that person or to such other person.

(2) Where a beneficiary:

- (a) fails without reasonable excuse to comply with any of his obligations under these Regulations; or
- (b) fails without reasonable excuse to permit entry or inspection by an authorised person or a person accompanying him and acting under his instructions or to render all reasonable assistance to such authorised person as required by regulation 9,

the Department may withhold the whole or any part of any aid under a scheme payable to that beneficiary, and may recover the whole or any part of any such aid already paid to him.

(3) Before withholding or recovering any aid under regulation 7(6), or paragraphs (1) and (2), the Department shall:

- (a) give to the beneficiary a written explanation of the reasons for the proposed withholding or recovery; and
- (b) afford the beneficiary an opportunity of appearing before and being heard by a person appointed for that purpose by the Department; and
- (c) consider the report by the person so appointed and supply a copy of the report to the beneficiary.

False statements

11.—(1) If any person, for the purposes of obtaining for himself or any other person any aid under the scheme, knowingly or recklessly furnishes information which is false or misleading in a material particular, that person shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under paragraph (1) may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the Department to justify proceedings came to its knowledge.

(4) A certificate purporting to be signed for the purposes of paragraph (3) on behalf of the Department shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to the knowledge of the Department.

Sealed with the Official Seal of the Department of Agriculture
on 29th March 1995.

(L.S.)

G. Lavery

Assistant Secretary

Waterside Habitats (20 Year Option)

PART I

Regulation 4(1)(b)

SPECIAL CRITERIA FOR ACCEPTANCE OF ELIGIBLE LAND

1. The habitat site must be immediately adjoining a scheduled watercourse listed in Schedule 6.
2. The habitat site or sites must consist of a strip or strips of at least 5 metres at any point and not exceeding one field in width.
3. The habitat site must be in agricultural use at date of application to join the scheme.
4. The habitat site must be outside an Environmentally Sensitive Area.

PART II

Regulations 3(2)(a) and 5(a)

MANAGEMENT REQUIREMENTS

As regards any habitat which is the subject of an undertaking under regulation 3:

1. The beneficiary shall not use the habitat site for agricultural production nor plough, level or re-seed.
2. The beneficiary shall agree in writing with the Department a plan for the management of the habitat, including in particular a cutting regime.
3. The beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge).
4. The beneficiary shall not apply lime, slag or other substance designed to reduce the acidity of the soil.
5. The beneficiary shall not use fungicides or insecticides.
6. The beneficiary shall control non-indigenous weeds such as giant hogweed by spot treatment with non-residual herbicides approved for use on or near water or by annual pulling.
7. The beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (6), except to control spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment.
8. The beneficiary shall control bracken only in accordance with a programme agreed in advance with the Department.
9. The beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip.

10. The beneficiary shall not plant any trees or shrubs without the prior approval of the Department.

11. The beneficiary shall retain and manage existing trees, shrubs and hedges and other field boundaries on or bordering on the strip.

12. The beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible on or bordering on the strip.

13. The beneficiary shall not use a sub-soiler, install mole drainage or any new drainage or modify any existing land drainage system so as to bring about improved drainage.

14. The beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historic value or interest.

Grassland Habitats (20 Year Option)

PART I

Regulation 4(1)(b)

SPECIAL CRITERIA FOR ACCEPTANCE OF ELIGIBLE LAND

1. The habitat site or sites must consist of a strip or strips at least an average of 5 metres in width along field boundaries where linking existing habitats or along boundaries of designated or declared habitats where acting as a buffer. Exceptionally where the Department agrees it may consist of whole fields.
2. The habitat site must be outside an Environmentally Sensitive Area.
3. The habitat site must be in agricultural production at the date of application to join the scheme.

PART II

Regulations 3(2)(a) and 5(a)

MANAGEMENT REQUIREMENTS

As regards any habitat which is the subject of an undertaking under regulation 3:

1. The beneficiary shall not use the habitat site for agricultural production nor plough, level or re-seed.
2. The beneficiary shall agree in writing with the Department a plan for the management of the site including in particular a cutting regime.
3. The beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry and sewage sludge).
4. The beneficiary shall not apply lime, slag or other substance designed to reduce the acidity of the soil.
5. The beneficiary shall not use fungicides or insecticides.
6. The beneficiary shall control non-indigenous weeds such as giant hogweed by spot treatment with non-residual herbicides approved for use on or near water or by annual pulling.
7. The beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (6) except to control spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment.
8. The beneficiary shall control bracken only in accordance with a programme agreed in advance with the Department.
9. The beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip.

10. The beneficiary shall not plant any trees or shrubs without the prior approval of the Department.

11. The beneficiary shall retain and manage existing trees, shrubs and hedges and other field boundaries on or bordering on the strip.

12. The beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible on or bordering on the strip.

13. The beneficiary shall not use a sub-soiler, install mole drainage or any new drainage or modify any existing land drainage system so as to bring about improved drainage.

14. The beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historic value or interest.

Waterside Habitats (10 Year Option)

PART I

Regulation 4(1)(b)

SPECIAL CRITERIA FOR ACCEPTANCE OF ELIGIBLE LAND

1. The habitat site or sites must be immediately adjoining a scheduled watercourse listed in Schedule 6 and may be an entire field or a section of a field at least 20 metres wide.
2. The habitat site must be in agricultural use at date of application to join the scheme.
3. The habitat site must be outside an Environmentally Sensitive Area.

PART II

Regulations 3(2)(a) and 5(a)

MANAGEMENT REQUIREMENTS

As regards any habitat which is the subject of an undertaking under regulation 3:

1. The beneficiary shall maintain grassland and not plough, level or re-seed. The beneficiary shall not cultivate except by means of a chain harrow or roller, and then not during the period between 1st April and 30th June inclusive in any year.
2. The beneficiary shall agree in writing with the Department a plan for the management of the site.
3. The beneficiary shall graze the land with cattle or sheep but not so as to cause poaching, overgrazing or undergrazing. The beneficiary shall not graze with horses or ponies except in association with cattle or sheep. The beneficiary shall not graze other livestock.
4. The beneficiary shall not provide supplementary feed for livestock, except in emergency conditions.
5. The beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry or sewage sludge).
6. The beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil.
7. The beneficiary shall not use fungicides or insecticides.
8. The beneficiary shall control non-indigenous weeds such as giant hogweed by spot treatment with non-residual herbicides approved for use on or near water or by annual pulling.
9. The beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (8) except to control spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment.

10. The beneficiary shall control bracken only in accordance with a programme agreed in advance with the Department.

11. The beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip.

12. The beneficiary shall not plant any trees or shrubs without the prior approval of the Department.

13. The beneficiary shall retain and manage existing trees, shrubs, hedges and other field boundaries on or bordering on the habitat site.

14. The beneficiary shall maintain existing watercourses, ditches, ponds, pools and rebeds for which the beneficiary is responsible in or bordering on the habitat site.

15. The beneficiary shall not use a sub-soiler, install mole drainage or any new drainage or modify any existing land drainage system so as to bring about improved drainage.

16. The beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historic value or interest.

17. Where the habitat site adjoins a river the beneficiary shall ensure that livestock are not allowed access to the river channel except where necessary to a drinking point.

Grassland Habitats (10 Year Option)

PART I

Regulation 4(1)(b)

SPECIAL CRITERIA FOR ACCEPTANCE OF ELIGIBLE LAND

1. The habitat site or sites must be immediately adjoining a designated or declared habitat and may be an entire field or a section of a field at least 20 metres wide.
2. The habitat site must be outside an Environmentally Sensitive Area.
3. The habitat site must be in agricultural use at the date of application to join the scheme.

PART II

Regulations 3(2)(a) and 5(a)

MANAGEMENT REQUIREMENTS

As regards any habitat which is the subject of an undertaking under regulation 3:

1. The beneficiary shall maintain grassland and not plough, level or re-seed. The beneficiary shall not cultivate except by means of a chain harrow or roller, and then not during the period between 1st April and 30th June inclusive in any year.
2. The beneficiary shall agree in writing with the Department a plan for the management of the site.
3. The beneficiary shall graze the land with cattle or sheep but not so as to cause poaching, overgrazing or undergrazing. The beneficiary shall not graze with horses or ponies except in association with cattle or sheep. The beneficiary shall not graze other livestock.
4. The beneficiary shall not provide supplementary feed for livestock, except in emergency conditions.
5. The beneficiary shall not apply any inorganic or organic fertilisers (including farmyard manure, pig and poultry manure, slurry or sewage sludge).
6. The beneficiary shall not apply any lime, slag or other substance designed to reduce the acidity of the soil.
7. The beneficiary shall not use fungicides or insecticides.
8. The beneficiary shall control non-indigenous weeds such as giant hogweed by spot treatment with non-residual herbicides approved for use on or near water or by annual pulling.
9. The beneficiary shall not apply herbicides to control weeds other than those referred to in paragraph (8), except to control spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort, and then only by means of a hand-held weed wiper or by spot treatment.

10. The beneficiary shall control bracken only in accordance with a programme agreed in advance with the Department.

11. The beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip.

12. The beneficiary shall not plant any trees or shrubs without the prior approval of the Department.

13. The beneficiary shall retain and manage existing trees, shrubs and hedges and other field boundaries on or bordering on the habitat site.

14. The beneficiary shall maintain existing watercourses, ditches, ponds, pools and reedbeds for which the beneficiary is responsible in or bordering on the habitat site.

15. The beneficiary shall not use a sub-soiler, install mole drainage or any new drainage or modify any existing land drainage system so as to bring about improved drainage.

16. The beneficiary shall not damage, destroy or remove any traditional buildings, stone walls or features of archaeological or historic value or interest.

17. Where the habitat site adjoins a river the beneficiary shall ensure that livestock are not allowed access to the river channel except where necessary to a drinking point.

Woodland Habitats (10 Year Option)

PART I

Regulation 4(1)(b)

SPECIAL CRITERIA FOR ACCEPTANCE OF ELIGIBLE WOODLAND

1. The habitat site or sites must be outside an Environmentally Sensitive Area.
2. The habitat site or sites must have been grazed by farm livestock at some stage during the 12 months prior to the date of application.
3. The habitat site or sites must be comprised of at least 50% semi-natural broadleaved species.

PART II

Regulations 3(2)(a) and 5(a)

MANAGEMENT REQUIREMENTS

As regards any habitat which is the subject of an undertaking under regulation 3:

1. The beneficiary shall not use the habitat site for agricultural production and livestock must be excluded.
2. The beneficiary shall agree in writing with the Department a management plan.
3. The beneficiary shall not apply any organic or inorganic fertilisers or lime and shall not apply any fungicides or insecticides nor use herbicides except with the agreement of the Department.
4. The beneficiary shall not damage or destroy any features of landscape, wildlife or historic interest on or bordering the habitat site.
5. The beneficiary shall retain and maintain existing field boundaries on or bordering the habitat site.
6. The beneficiary shall not store or dump any materials or dispose of any pesticides, including sheep dip.

Scheduled Watercourses and Lakes

1. Lough Neagh and Lough Beg.
2. Inter-drumlin lakes in Co Down of 5 hectares or more in size.
3. River Bush.
4. River Roe.
5. River Lagan and Ravarnet.
6. River Ballinamallard.
7. River Ballinderry.
8. River Fairywater.
9. River Moyola.

(This note is not part of the Regulations.)

These Regulations make provision for the payment of aid to farmers who undertake to either withdraw land from agricultural production for purposes connected with the environment for a period of 20 years, pursuant to Article 2(1)(f) of Council Regulation 2078/92 (O.J. No. L215, 30.7.92, p. 85) ("the Council Regulation"), or use for a period of 10 years farming practices with the requirements of protection of the environment or natural resources, pursuant to Article 2(1)(d) of the Council Regulation. Such aid is part of the zonal programme submitted by the United Kingdom to the European Commission relating to Northern Ireland pursuant to Article 3 of the Council Regulation.

These Regulations—

- (a) enable the Department to make payments of aid to applicants satisfying the conditions of, and applying in accordance with, the Regulations (regulation 3);
- (b) specify the conditions of eligibility to be satisfied by applicants for aid (regulation 4);
- (c) specify the requirements in relation to applications for aid and the documents to accompany such applications (regulation 5);
- (d) specify restrictions on the acceptance of applications by the Department (regulation 6);
- (e) make provision for the payment of aid to a new occupant where there has been a change in the occupation of farmland or part due to the death of a beneficiary or otherwise (regulation 7);
- (f) specify the period and method of payment of aid (regulation 8);
- (g) confer on authorised persons powers of entry for the purposes of the Regulations and require that reasonable assistance be given to them for the exercise of these powers (regulation 9);
- (h) provide for withholding and recovery of aid (regulation 10); and
- (i) create offences and prescribe penalties (regulation 11).