
STATUTORY INSTRUMENTS

1987 No. 2027

AGRICULTURE

**The Environmentally Sensitive Areas
(Lleyn Peninsula) Designation Order 1987**

<i>Made</i>	- - - -	<i>25th November 1987</i>
<i>Laid before Parliament</i>		<i>30th November 1987</i>
<i>Coming into force</i>	- -	<i>1st January 1988</i>

Whereas, as mentioned in section 18(1) of the Agriculture Act 1986⁽¹⁾, it appears to the Secretary of State that it is particularly desirable—

- (1) to conserve and enhance the natural beauty of the area designated by article 3 of the following Order;
- (2) to conserve the flora and fauna and geological and physiographical features of that area; and
- (3) to protect objects of archaeological and historic interest in that area;

And whereas, as mentioned in the said section 18(1) of the said Act it appears to the Secretary of State that the maintenance and adoption of the agricultural methods specified in Schedule I to the following Order is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 18(1), (4) and (11) 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 Countryside Commission and the Nature Conservancy Council as to the inclusion of the area in the following Order and the features for which conservation, enhancement and protection are desirable, hereby makes the following Order:—

Citation and commencement

- 1. This Order may be cited as the Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987 and shall come into force on 1st January 1988.

Interpretation

- 2.—(1) In this Order—
“agreement” means an agreement under section 18(3) of the Agriculture Act 1986 as respects agricultural land in the area designated by article 3;

(1) 1986 c. 49.

“bank” means a bank made of stone or earth falling within or forming the boundary of a field;

“broadleaved woodland” means land used for broadleaved woodland where that use is ancillary to the farming of land for other agricultural purposes;

“farmer” means a person who has an interest in agricultural land in the area designated by article 3 and who has entered into an agreement with the Secretary of State;

“hay meadow” means a meadow cut in the traditional manner the vegetation of which includes a mixture of native grasses, sedges and wild flowers; “livestock unit” means—

- (a) 1 cow, or
- (b) 1.25 bulls or other bovine animals over two years old, or
- (c) 1.6 bovine animals from one year to two years old inclusive, or
- (d) 2.5 bovine animals less than one year old, or
- (e) 6.66 sheep;

“rough land” means heathland, moorland, wetland or semi-natural grassland.

(2) Any reference in this Order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this Order.

Designation of environmentally sensitive area

3. There is hereby designated as an environmentally sensitive area the area of land in the Lley Peninsula in the County of Gwynedd which is shown coloured yellow on the maps contained in the volume of maps marked “volume of maps of area in the County of Gwynedd designated by the Environmentally Sensitive Areas (Lley Peninsula) Designation Order 1987”, dated 17th November 1987, signed by the Minister of State, Welsh Office and deposited at the offices of the Welsh Office Agriculture Department, Plas Crug, Aberystwyth, Dyfed SY23 1NG.

Requirements to be included in agreement

4. An agreement shall include the requirements specified in Schedule 1 as to agricultural practices, methods and operations and the installation and use of equipment.

Provision as to breach of the requirements to be included in agreement

5. An agreement shall include provisions that:—
- (a) in the event of a breach by the farmer of any of the requirements referred to in article 4 the Secretary of State may give the farmer notice in writing terminating the agreement forthwith and may recover from the farmer as a civil debt an amount equivalent to the payments made by the Secretary of State under the agreement or such part thereof as the Secretary of State may specify;
 - (b) any question arising under an agreement as to whether there has been a breach of any of the requirements referred to in article 4 shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of agreement to be appointed by the President of the Royal Institution of Chartered Surveyors in accordance with the provisions of the Arbitration Act 1950(2) or any statutory modification or re-enactment thereof for the time being in force.

(2) 1950 c. 27.

Rates of payment under agreement

6.—(1) Subject to paragraph (2) below, payments made by the Secretary of State under an agreement shall be at the rate of £15 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes the additional provisions specified in Schedule 2 as to agricultural practices, methods and operations and the installation and use of equipment, payments made by the Secretary of State shall be at the rate of—

- (a) £30 per annum for each hectare of rough land subject to the additional provisions specified in paragraph 1 of Schedule 2;
- (b) £70 per annum for each hectare of hay meadow subject to the additional provisions specified in paragraph 2 of Schedule 2.

Signed by authority of the Secretary of State for Wales

25th November 1987

Wyn Roberts
Minister of State, Welsh Office

We consent,

25th November 1987

Tony Duraut
Michael Neubert
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

As regards any land which is the subject of an agreement—

1. the farmer shall retain existing field patterns;
2. the farmer shall not remove any existing hedge, wall or bank;
3. the farmer shall not erect any new fence;
4. the farmer shall not plough, level, reseed or cultivate rough land and hay meadows;
5. the farmer shall maintain existing stockproof hedges, walls and banks in a stockproof condition using traditional materials;
6. the farmer shall not remove any existing stone gate posts;
7. the farmer shall conserve and maintain all existing lakes, ponds and streams;
8. the farmer shall in farming the land ensure that he does not damage or destroy any archaeological or historic feature if the Secretary of State has notified him in writing of its existence;
9. the farmer shall obtain from the Secretary of State written advice concerning siting, design and materials before constructing or altering buildings or roads or carrying out other engineering operations authorised under Class VI of the Town and Country Planning General Development Orders 1977 to 1985((3)). This requirement shall not apply to any development in respect of which notice of a direction restricting permitted development has been served under article 4 of the Town and Country Planning General Development Order 1977((4));
10. the farmer shall retain all broadleaved trees and scrub;
11. the farmer shall, before planting any trees for agricultural purposes, obtain written advice on the siting and management of those trees from the persons or bodies designated by the Secretary of State;
12. the farmer shall, within two years of the commencement of the agreement, obtain from the persons or bodies designated by the Secretary of State written advice on the management of broadleaved woodland and scrub;
13. the farmer shall not apply any fungicide, insecticide, herbicide, lime or fertiliser within a strip of land at least ten metres wide which is adjacent to any bog, fen, lake, pond or stream.

SCHEDULE 2

Article 6(2)

ADDITIONAL PROVISIONS IN AGREEMENT TO OBTAIN HIGHER RATE OF PAYMENT

1. As regards any land which is the subject of the agreement and which is rough land—
 - (1) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;

(3) S.I. 1977/289, 1980/1946, 1981/245 and 1569, 1983/1615, 1985/1011 and 1981; relevant amending instrument is S.I. 1986/435.

(4) S.I. 1977/289; relevant amending instruments are S.I. 1985/1981, 1986/435.

(2) the farmer shall graze with cattle or sheep at an average annual stocking rate not exceeding 0.75 livestock units per hectare but in any event not so as to cause poaching, undergrazing or overgrazing;

(3) the farmer shall burn gorse, heather or grass only in accordance with a programme agreed in advance with the Secretary of State;

(4) the farmer shall not apply any type of fertiliser, slurry, lime, basic slag or any other substance designed to reduce the acidity of the soil;

(5) the farmer shall not apply pesticides;

(6) the farmer shall not apply herbicides except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*) or ragwort (*Senecio jacobaea*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;

(7) the farmer shall control bracken (*Pteridium aquilinum*) only by means of asulam or other chemical approved by the Secretary of State or by cutting or crushing.

2. As regards any land which is the subject of the agreement and which is a hay meadow—

(1) the farmer shall not cut for hay or silage before 8th July in any year;

(2) the farmer shall take at least one cut for hay or silage after 7th July in any year;

(3) the farmer shall exclude livestock between 15th May and the first cut for hay or silage in any year;

(4) the farmer shall, subject to the requirement specified in the previous sub-paragraph, graze cattle and sheep between 8th July in any year and 15th May in the following year at an average stocking rate not exceeding 1 livestock unit per hectare but in any event not so as to cause poaching, undergrazing or overgrazing;

(5) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;

(6) the farmer shall not apply any inorganic fertiliser, lime, basic slag or any other substance designed to reduce the acidity of the soil;

(7) the farmer shall not apply any organic fertiliser other than farmyard manure;

(8) the farmer shall not increase existing application rates of farmyard manure and shall not in any event apply more than 12.5 tonnes of farmyard manure per hectare per annum;

(9) the farmer shall not apply pesticides;

(10) the farmer shall not apply herbicides except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*) or ragwort (*Senecio jacobaea*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;

(11) the farmer shall control bracken (*Pteridium aquilinum*) only by means of asulam or other chemical approved by the Secretary of State or by cutting or crushing.

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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 Secretary of State power to designate an area in Wales as an environmentally sensitive area where it appears to him particularly desirable to conserve, protect or enhance environmental features in that area by the maintenance or adoption of particular agricultural methods.

This Order, which complies with Title V of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, designates an area in the Llyn Peninsula as an environmentally sensitive area (article 3). The area is defined by reference to maps which are available for inspection during normal office hours at the address of the Welsh Office Agriculture Department specified in article 3. Copies of the maps may also be inspected during normal office hours at the Divisional Office of the Welsh Office Agriculture Department at Penrallt, Caernarfon, Gwynedd LL55 1EP.

Section 18(3) of the 1986 Act enables the Secretary of State to enter into a management agreement with any person having an interest in agricultural land in a designated area if the Secretary of State considers that conservation, protection or enhancement of environmental features in that area may be thereby facilitated. The Order specifies requirements as to agricultural practices, methods and operations and the installation and use of equipment which must be included in such an agreement (article 4 and Schedule 1).

The Order also contains provisions for termination of an agreement and for recovery of sums paid under an agreement by the Secretary of State in the event of a breach of the specified requirements, and for the determination by arbitration of any question as to whether a breach of those requirements has occurred (article 5). Payments to be made by the Secretary of State under an agreement are to be at the annual rate £15 per hectare of land to which the agreement relates, or, in the case of rough land subject to the additional provisions set out in paragraph 1 of Schedule 2, at the annual rate of £30 per hectare of such land. In respect of hay meadows which are subject to the additional provisions set out in paragraph 2 of Schedule 2, payment will be at the annual rate of £70 per hectare (article 6).