
STATUTORY INSTRUMENTS

1992 No. 1920

**The Environmentally Sensitive Areas
(Breadalbane) Designation Order 1992**

Citation and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Breadalbane) Designation Order 1992 and shall come into force on 3rd September 1992.

Interpretation

2.—(1) In this Order—

“agreement” means an agreement under section 18(3) of the Agriculture Act 1986 as regards land in the area designated by article 3;

“amenity woodland” means woodland planted and maintained primarily for improvement of the landscape;

“conservation plan” means a layout plan (or plans) which categorises all the land on the farm, identifies areas subject to specific management measures and indicates the lines or sites of features to be protected or maintained and an attached (written) statement which outlines the specific management measures to be taken to protect or enhance the areas identified in the plan (or plans);

“enclosed land” means agricultural land enclosed by fences, hedges, walls or dykes for the closely controlled grazing of livestock, cropping or the maintenance of farm woodland;

“farm business” means a business or part of a business which engages in agricultural production for the purposes of trade;

“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;

“grazing plan” means a written description of the time, duration and density at which livestock will be permitted access to grazing land and the action required to achieve such access;

“herb rich unimproved pasture and grassland” means land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute rough grazing, but which is floristically diverse;

“long-standing reverted improved land” means land, previously improved by agricultural management operations which, from an agricultural viewpoint, has degenerated over many years and is now showing significant presence of plant species indicative of unimproved grassland;

“make muirburn” has the same meaning as in section 39(1)(f) of the Hill Farming Act 1946⁽¹⁾;

“native woodland” means self-seeded woodland of native species or woodland derived from an originally naturally occurring woodland;

“overgrazing” means a deterioration in the condition of heather and/or other dwarf shrubs associated with moorland vegetation which has been caused by too high a level of grazing either throughout the whole year or at certain vulnerable times of the year;

“regeneration” means the perpetuation of vegetation through self-seeding or vegetation growth;

“rough grazings” means heathland or moorland used for grazing purposes;

“scrub” means low growing woody vegetation;

“stone fanks” means small enclosures formed by drystone dykes used to gather or shelter stock;

“unimproved pasture” means land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute rough grazing;

“water margins” means an area of ground bordering an area of still or flowing water;

“wetlands” means any ground which is normally saturated with water.

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

Designation of environmentally sensitive area

3. There is hereby designated as an environmentally sensitive area that area of land partly within the Perth and Kinross District of Tayside Region and partly within the Stirling District of Central Region known as Breadalbane, and which is shown delineated red and coloured pink on the map marked “Environmentally Sensitive Area Breadalbane” dated 16th July and signed on behalf of the Secretary of State for Scotland and deposited at the offices of the Scottish Office Agriculture and Fisheries Department, Pentland House, Robb’s Loan, Edinburgh.

Requirements to be included in agreement

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

Provisions as to breach of requirements to be included in agreement

5. An agreement shall include provision that—

- (a) in the event of a breach by the farmer 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 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; and
- (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 arbiter to be agreed between the parties, or in default of agreement to be appointed by the Chairman for the time being of the Scottish Branch of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration (Scotland) Act 1894((2)) or any statutory modification or re-enactment thereof for the time being in force.

Rates of payment under agreement

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

(2) [1894 c. 13](#) (57 & 58 Vict.).

payment of £1.50 per annum for each hectare of other land to which the agreement relates, or at the rate of £2,000 per annum per individual farm business, whichever is the lower.

(2) Payments in respect of farm businesses to which an agreement relates shall be at the rate of not less than £250 per annum per farm business.

7. Where an agreement identifies expenditure required to undertake additional farming operations specified in paragraph 10(b) of the Schedule to this Order, the Secretary of State shall make additional payments according to the farming operations to be carried out. Such payments shall be at a rate to be determined by the Secretary of State, up to a maximum rate of £130 per annum for each hectare of land to which the agreement relates, or at the rate of £4,000 per annum per individual farm business whichever is the lower.

8. The Environmentally Sensitive Areas (Breadalbane) Designation Order 1987((3)), and the Environmentally Sensitive Areas (Breadalbane) Designation (Amendment) Order 1988((4)) are hereby revoked, save that their provisions shall continue to apply to agreements made on or before 31st July 1992.

St. Andrew's House,
Edinburgh
16th July 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

We consent,

31st July 1992

T J R Wood
T E Boswell
Two of the Lords Commissioners of Her
Majesty's Treasury

(3) S.I.1987/653.
(4) S.I. 1988/491