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STATUTORY INSTRUMENTS

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**1993 No. 82**

**The Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993**

**Title and commencement**

1. This Order may be cited as the Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993 and shall come into force on 13th February 1993.

**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;

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

“grassland” means land on which the vegetation consists primarily of grass species;

“livestock unit” means—

- (a) 1 bovine animal more than two years old, or
- (b) 1.66 bovine animals from six months old to two years old inclusive, or
- (c) 6.66 sheep, or
- (d) 1 soliped more than six months old;

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

(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 North Kent Marshes in the County of Kent which is shown coloured yellow on the maps contained in the volume of maps marked “volume of maps of North Kent Marshes environmentally sensitive area” dated 4th January 1993, signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3HX.

**Requirements and provisions of 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.

**Breach of requirements or provisions**

5. An agreement shall include provisions that—

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) in the event of a breach by the farmer of the requirements referred to in article 4, the Minister may give the farmer notice in writing terminating the agreement forthwith and may recover from the farmer as a debt an amount equivalent to the payments made by the Minister under the agreement or such part thereof as the Minister may specify;
- (b) any question arising under the 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 and in accordance with the provisions of the Arbitration Act 1950<sup>(1)</sup> 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, the Minister shall make payments under an agreement at the rate of £115 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes the additional provisions specified in Schedule 2 or 3 in relation to any land, the Minister shall make payments at the rate per annum for each hectare of that land shown in the following table—

	£ per hectare of land per annum
Schedule 2	165
Schedule 3	240

(3) Where an agreement includes one or more of the conservation plan operations specified in Schedule 4, the Minister shall also make payments in respect of the aggregate of the operations included in the agreement at a rate not exceeding £75 per annum for each hectare of land to which the agreement relates, subject to a maximum of £3000 per agreement.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunton affixed on

L.S.

15th January 1993

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

We consent

14th January 1993

*Nicholas Baker*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her Majesty's Treasury

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(1) 1950 c. 27.