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STATUTORY INSTRUMENTS

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**1994 No. 239**

**The Environmentally Sensitive Areas  
(Preseli) Designation Order 1994**

**Title and commencement**

1. This Order may be cited as the Environmentally Sensitive Areas (Preseli) Designation Order 1994 and shall come into force on 1st March 1994.

**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;

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

“boulder” means a rock projecting partly or wholly above the surface of the land to a height of at least 0.1 metres and covering a minimum area above ground of 0.5 square metres;

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

“buffer zone” means a strip of land, other than land which is coastal belt, enclosed unimproved grassland, enclosed partially improved grassland, hay meadow, semi-natural rough grazings or wetland, which borders a rock outcrop and which is at least 2 metres wide;

“coastal belt” means land on cliff tops or coastal slopes comprising heath, where the vegetation consists primarily of dwarf shrubs, including ericoids and maritime species, or grassland which includes maritime grass species;

“conservation headland” means a strip of arable land comprising an area between a line running parallel to a field boundary at a distance of 2 metres from that boundary and another line running parallel to that boundary at a distance of at least 6 metres from that boundary and upon which, by the selective use of pesticides, beneficial insects and broadleaved weeds are allowed to survive;

“enclosed partially improved grassland” means enclosed grassland which has not been regularly ploughed, levelled or reseeded but which has been modified by the application of herbicides, inorganic or organic fertiliser or by intensive grazing or drainage;

“enclosed unimproved grassland” means enclosed grassland which has not been regularly ploughed, levelled, drained or reseeded, or treated with inorganic or organic fertiliser, lime, herbicides or pesticides;

“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 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;

“heather” means vegetation consisting of *Calluna vulgaris*, *Erica tetralix*, *Erica cinerea* or *Vaccinium myrtillus*;

“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;

“rock outcrop” means an area of land where a stratum of underlying rock is exposed above the surface of the ground and which covers an area above ground of not less than nine square metres;

“scrub” means vegetation consisting primarily of locally native shrubs usually less than five metres in height;

“semi-natural rough grazings” means land where the vegetation consists predominantly of bent (*Agrostis*), fescue (*Festuca*), bracken (*Pteridium aquilinum*), purple moor grass (*Molinia caerulea*), mat grass (*Nardus stricta*), heather (*Calluna vulgaris*, *Erica tetralix*, *Erica cinerea* or *Vaccinium myrtillus*), cotton grass (*Eriophorum*) or deer grass (*Trichophorum cespitosum*);

“traditional farm buildings” means buildings which are in current agricultural use, but excluding living accommodation, and which are built of materials traditional to the locality;

“wetland” means land with a water table at or just below the surface of the soil throughout the majority of the year and includes wet pasture, reed beds, fen bog, willow carr and, except insofar as such land is bordered by broadleaved woodland, coastal belt, enclosed unimproved grassland, enclosed partially improved grassland, hay meadow or semi-natural rough grazings, also includes a strip of land at least 10 metres wide adjoining such land.

(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 within the Districts of Preseli Pembrokeshire and South Pembrokeshire in the County of Dyfed which is shown coloured yellow on the maps contained in the volume of maps marked “volume of maps of the area of land in the County of Dyfed designated by the Environmentally Sensitive Areas (Preseli) Designation Order 1994” dated 31st August 1993, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Trawsgoed, Aberystwyth, Dyfed SY23 4HT.

### **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—

- (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 as a 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; 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 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(1) 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 Secretary of State shall make payments under an agreement at the rate of £25 per annum for each hectare of land to which the agreement relates.

(2) Where the area of land to which an agreement relates exceeds 20 hectares the Secretary of State shall make payments under the agreement for such land insofar as it exceeds 20 hectares at the following rates—

- (a) £17 per annum for each hectare of land which exceeds 20 hectares but which is less than 51 hectares; and
- (b) £10 per annum for each hectare of land which exceeds 50 hectares.

(3) Where an agreement includes land of the types to which paragraph 2 of Schedule 1 relates the Secretary of State shall, in addition to any payments made under paragraphs (1) and (2) above, make payments under an agreement for such land at the following rates—

- (a) £20 per annum for each hectare of unenclosed semi-natural rough grazings which do not include heather;
- (b) £35 per annum for each hectare of enclosed semi-natural rough grazings which do not include heather, enclosed partially improved grassland or enclosed unimproved grassland;
- (c) £35 per annum for each hectare of semi-natural rough grazings which include heather;
- (d) £45 per annum for each hectare of wetland;
- (e) £5 per annum for each hectare of coastal belt;
- (f) £35 per annum for each hectare of hay meadow; and
- (g) £60 per annum for each hectare of buffer zone.

(4) Where an agreement includes the additional provisions specified in Schedule 2 the Secretary of State shall, in addition to any payments made under paragraphs (1) to (3) above, make payments at the following rates—

- (a) £25 per annum for each hectare of hay meadow and which under the agreement is subject to the additional provisions specified in paragraph 1 of Schedule 2;
- (b) £20 per annum for each hectare of wetland and which under the agreement is subject to the additional provisions specified in paragraph 2 of Schedule 2;
- (c) £90 per annum for each hectare of broadleaved woodland and which under the agreement is subject to the additional provision specified in paragraph 3 of Schedule 2;
- (d) £65 per annum for each hectare of coastal belt and which under the agreement is subject to the additional provisions specified in paragraph 4 of Schedule 2;
- (e) £20 per annum for each hectare of semi-natural rough grazings where heather forms at least 5 per cent but not more than 50 per cent of the vegetation cover and which under the agreement is subject to the additional provisions specified in paragraph 5 of Schedule 2;
- (f) £85 per annum for each hectare of enclosed coastal belt where heather forms at least 5 per cent but not more than 50 per cent of the vegetation cover and which under the agreement is subject to the additional provisions specified in sub-paragraphs (3) to (5) of paragraph 4 of Schedule 2 and in paragraph 5 of that Schedule;

- (g) £90 per annum for each hectare of arable land which is suitable for the creation of conservation headlands and which under the agreement is subject to the additional provisions specified in paragraph 6 of Schedule 2;
- (h) £50 per annum for each hectare of land which is suitable for reversion to semi-natural rough grazings and which under the agreement is subject to the additional provisions specified in paragraph 7 of Schedule 2;
- (i) £70 per annum for each hectare of land which is suitable for reversion to hay meadow and which under the agreement is subject to the additional provisions specified in paragraph 8 of Schedule 2;
- (j) £80 per annum for each hectare of land which is suitable for reversion to wetland and which under the agreement is subject to the additional provisions specified in paragraph 9 of Schedule 2; and
- (k) £80 per annum for each hectare of land which is suitable for reversion to coastal belt and which under the agreement is subject to the additional provisions specified in paragraph 10 of Schedule 2.

(5) Where an agreement includes the additional provisions specified in Schedule 3 the Secretary of State shall, in addition to any payments made under paragraphs (1) to (4) above, make payments at the following rates—

- (a) £5.50 per annum for each metre of a field boundary which is hedgerow per hectare; and
- (b) £17 per annum for each metre of a field boundary which is a bank or a stone wall per hectare,

subject to a maximum of 3 metres of field boundary per hectare, and a maximum number of hectares corresponding to the area of land subject to the provisions of Schedule 1.

(6) Subject to paragraph (7) below, where an agreement includes one or more of the conservation plan operations specified in Schedule 4, the Secretary of State shall also make payments, in respect of the aggregate of the operations so specified which are included in the agreement, at a rate not exceeding £120 per annum for each hectare of land to which the agreement relates.

(7) The payments under paragraph (6) above shall not exceed a maximum of £4,000 per agreement.

20th January 1994

*John Redwood*  
Secretary of State for Wales

We consent,

1st February 1994

*Tim Wood*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury