
STATUTORY INSTRUMENTS

1994 No. 930

The Environmentally Sensitive Areas (Pennine Dales) Designation (Amendment) (No. 2) Order 1994

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Pennine Dales) Designation (Amendment) (No. 2) Order 1994 and shall come into force on 30th April 1994.

Revocation and interpretation

2.—(1) The Environmentally Sensitive Areas (Pennine Dales) Designation (Amendment) Order 1994⁽¹⁾ is hereby revoked and the Environmentally Sensitive Areas (Pennine Dales) Designation Order 1992⁽²⁾ shall have effect as if the said Order of 1994 had never been made, subject, however, to the amendments made by the following provisions of this Order.

(2) In this Order “the principal Order” means the said Order of 1992 as it had effect immediately before the said Order of 1994 came into force.

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

Definitions

4. In article 2 of the principal Order—

(1) before the definition of “agreement” there shall be inserted the following definition:

““access route” means a strip of land 10 metres wide which is the subject of an agreement including the requirements specified in Schedule 1A as to public access;”;

(2) after the definition of “agreement” there shall be inserted the following definition:

““conservation plan” means a plan for the carrying out of one or more of the operations specified in Schedule 4 which the farmer undertakes, as part of an agreement, to implement within a period of two years;”;

(3) after the definition of “meadowland” there shall be inserted the following definition:

““recognised dairy breed” means one of the following breeds, namely, Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry;”.

Requirements to be included in an agreement

5. After article 4 of the principal Order there shall be inserted the following article:

(1) Section 18(4) was amended by S.I. 1994/249.
(2) S.I. 1994/253.

“4A. An agreement may include the requirements as to public access specified in Schedule 1A to this Order.”.

Rates of payment under agreement

6.—(1) In paragraph (1)

of article 6 of the principal Order for “£125” there shall be substituted “£135” and for “£90” there shall be substituted “£95”.

(2) After paragraph (1)

of article 6 of the principal Order there shall be inserted the following paragraph:

“(1A) Where an agreement includes the requirements as to public access specified in Schedule 1A the Minister shall make payments at the rate of £170 per annum for each hectare of access route.”.

(3) For paragraph (3)

of article 6 of the principal Order, there shall be substituted the following paragraph:

“(3) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of the operations included in the plan, subject to a maximum of £15,000 for each agreement.”.

Schedules

7.—(1) After Schedule 1 to the principal Order there shall be inserted the provisions of the Schedule to this Order.

(2) After paragraph 7 of Schedule 4 to the principal Order there shall be inserted the following paragraph:

“8. The provision and restoration of gates, stiles and footbridges where an agreement includes the requirements of Schedule 1A as to public access.”.

Saving

8. Paragraph (1) of article 6 of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st April 1994.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th March 1994.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

We consent,

24th March 1994

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