
STATUTORY INSTRUMENTS

1996 No. 1968 (S.164)

AGRICULTURE

The Environmentally Sensitive Areas (Western Southern Uplands) Designation (Amendment) Order 1996

<i>Made</i>	- - - -	<i>22nd July 1996</i>
<i>Laid before Parliament</i>		<i>25th July 1996</i>
<i>Coming into force</i>	- -	<i>15th August 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 18(1), (4) and (11) of the Agriculture Act 1986⁽¹⁾ and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Western Southern Uplands) Designation (Amendment) Order 1996 and shall come into force on 15th August 1996.

(2) In this Order—

“the principal Order” means the Environmentally Sensitive Areas (Western Southern Uplands) Designation Order 1993⁽²⁾.

Amendment of the principal Order

2. In article 2(1) of the principal Order (interpretation)—

(a) the definition of “enclosed land” shall be omitted;

(b) after the definition of “heather moorland” there shall be inserted—

““herb rich 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;

“inbye land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;”;

(c) for the definition of “wetlands” there shall be substituted the following definition:—

(1) 1986 c. 49; section 18(4) was amended by S.I.1994/249.
(2) S.I. 1993/997; amended by S.I. 1994/3067.

““wetlands” means ground which does not constitute rough grazings and is saturated with water for a significant proportion of the year.”.

3. In article 6(1) of the principal Order (rates of payment under agreement) for the word “enclosed” there shall be substituted the word “inbye”.

4. In article 7 of the principal Order (payments for additional agricultural operations) for the words “Such payments” to the end there shall be substituted–

“Such payments shall be at a rate to be determined by the Secretary of State–

- (a) in the case of an agreement entered into on or after 15th August 1996, up to a maximum rate for each 5 year conservation plan of £52,500 for stock reduction and £30,000 for other operations; and
- (b) in the case of an agreement entered into before that date–
 - (i) for the year of the 5 year conservation plan included in such agreement which commenced but which had not ended before that date, up to a maximum rate of £150 per annum for each hectare of land to which the agreement relates, or at the rate of £6,000 per annum per individual farm business, whichever is the lower; and
 - (ii) for the whole years or remaining whole years of such 5 year conservation plan, up to a maximum rate calculated by multiplying £10,500 for stock reduction and £6,000 for other operations by the number of those whole years or remaining whole years.”.

5. In the Schedule to the principal Order (requirements to be included in an agreement)–

- (a) in paragraph 5 the words “undertake to” shall be omitted; and
- (b) in paragraph 10–
 - (i) for the word “Scheme” there shall be substituted the word “agreement”; and
 - (ii) for sub-paragraph (b) there shall be substituted–
 - “(b) if appropriate to the farm unit, contain details of the following farming operations–
 - (i) a grazing plan and other measures necessary to conserve identified areas of heather in their existing condition, to regenerate suppressed areas of heather, or to maintain and enhance other areas of upland vegetation;
 - (ii) a grazing plan and other measures necessary to conserve, enhance or extend areas of native woodland, amenity woodland and scrub on or contiguous with rough grazings and, if the farmer so wishes, limited amenity planting of trees;
 - (iii) if the farmer so wishes, measures to restore dykes, stone buchts, fanks and hedges, to standards consistent with conservation interests;
 - (iv) if the farmer so wishes, measures to improve the condition of features or areas of historic or archaeological interest;
 - (v) if the farmer so wishes, a grazing plan and other measures necessary to conserve, enhance or extend areas of wetlands;
 - (vi) if the farmer so wishes, a grazing plan and other measures necessary to conserve, enhance or extend water margins, the margin of which must be at least 6 metres wide; and

(vii) if the farmer so wishes, a grazing plan and other measures necessary to conserve, enhance or extend areas of herb rich grassland.”.

St Andrew’s House,
Edinburgh
18th July 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

We consent,

22nd July 1996

Liam Fox
Simon Burns
Two of the Lords Commissioners of Her
Majesty’s Treasury

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Western Southern Uplands) Designation Order 1993 (“the principal Order”).

The Order—

- (a) substitutes for the reference to “enclosed land” a reference to “inbye land”, provides a definition of “inbye land” and “herb rich grassland” and amends the definition of “wetlands” (articles 2 and 3);
- (b) amends the maximum rate of payments for expenditure identified in an agreement under section 18(3) of the Agriculture Act 1986 as required to undertake additional farming operations specified in the principal Order. For agreements entered into on or after the date of coming into force of the Order there is substituted, for the present maximum rate of £150 per annum per hectare to which the agreement relates, or the rate of £6,000 per annum per individual farm business, whichever is the lower, a maximum rate of £52,500 for stock reduction and £30,000 for other operations for each 5 year farm conservation plan included in such agreement. Transitional provision is made for agreements in force on that date (article 4); and
- (c) makes drafting amendments to the Schedule to the principal Order and amends the provisions of that Schedule in relation to the farming operations details of which may be included in each conservation plan, if the farmer so wishes, with the effect that for agreements entered into or varied on or after 15th August 1996 payment may be made for measures in respect of management of herb rich grassland, wetlands, water margins and archaeology on inbye land. In addition, payment may be made for the rebuilding of dykes on inbye land and restoration of hedges (article 5).