
STATUTORY INSTRUMENTS

1996 No. 2106

AGRICULTURE

The Environmentally Sensitive Areas (Blackdown Hills) Designation (Amendment) Order 1996

<i>Made</i>	- - - -	<i>12th August 1996</i>
<i>Laid before Parliament</i>		<i>12th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986(1), the Minister of Agriculture, Fisheries and Food has by order designated an area in the Blackdown Hills as an environmentally sensitive area;

Now, therefore, the said Minister, in exercise of the powers conferred on him by section 18(1) and (4)(2) of the said Act, and of all other powers enabling him in that behalf, with the consent of the Treasury, and after consulting the Secretary of State, the Countryside Commission, the Nature Conservancy Council for England(3) and the Historic Buildings and Monuments Commission for England in accordance with section 18(1) and (2) of the said Act and section 99 of the Environmental Act 1995(4), hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Blackdown Hills) Designation (Amendment) Order 1996 and shall come into force on 1st September 1996.

Amendment of the Environmentally Sensitive Areas (Blackdown Hills) Designation Order 1994

2.—(1) The Environmentally Sensitive Areas (Blackdown Hills) Designation Order 1994(5) shall be amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 2 (interpretation) the definition of “managed woodland” shall be deleted.

(1) 1986 c. 49. The expression “the Minister” is defined in section 18(11).
(2) Section 18(4) was amended by S.I. 1994/249.
(3) The provisions in section 18(2)(a) of the Agriculture Act concerning Nature Conservancy Councils were amended by the Environmental Protection Act 1990 (c. 43), Part VII and Sch.9.
(4) 1995 c. 25.
(5) S.I. 1994/707.

- (3) In article 7 (rates of payment under agreement)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (a), for “£12” there shall be substituted “£20”,
 - (ii) in sub-paragraph (b), for “£25” there shall be substituted “£35”,
 - (iii) in sub-paragraph (c), for “£40” there shall be substituted “£45”, and
 - (iv) in sub-paragraph (d), for “£50” there shall be substituted “£70”,
- (b) in paragraph (3), for “£180” there shall be substituted “£150”;
- (c) paragraph (4), shall be deleted;
- (d) for paragraph (5), there shall be substituted the following—
- “(5) Where an agreement includes the additional provisions specified in Schedule 5, the Minister shall make payments at the rate per annum of £2 for each 10 metres of stockproof hedges managed in accordance with the programme referred to in that Schedule, subject to a maximum of 200 metres of stockproof hedges so managed per hectare of eligible land per annum for the first 10 hectares of eligible land and thereafter a maximum of 100 metres of stockproof hedges so managed per hectare of eligible land per annum.
- (5A) For the purposes of paragraph (5) above, “eligible land” means land which—
- (a) comprises or falls within land subject to the provisions of the agreement concerned;
 - (b) is not rough land;
 - (c) is enclosed by boundaries; and
 - (d) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, hedges.”; and
- (e) for paragraph (6), there shall be substituted the following—
- “(6) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of operations included in the plan, subject to a maximum of £15,000 for that agreement..”
- (4) In Schedule 1 (requirements to be included in an agreement)—
- (a) for paragraph 1(1) there shall be substituted the following—
- “(1) the farmer shall not use any part of it for the growing of arable crops, unless, on 31st December 1993, that part was used—
- (a) for the growing of arable crops; or
 - (b) for ley grassland established after 31st December 1988;”
- (b) for paragraph 1(5), there shall be substituted the following—
- “(5) the farmer shall—
- (a) within two years of the start of the agreement agree in writing with the Minister a programme for the selection and tagging of saplings to develop into hedgerow trees; and
 - (b) carry out that programme in accordance with the agreement.
- He shall not damage or remove tagged trees;”;
- (c) for paragraph 4(10), there shall be substituted the following—
- “(10) the farmer shall—
- (a) within two years of the start of the agreement agree in writing with the Minister a programme to manage scrub and rushes on heathland and wetland; and

- (b) carry out that programme in accordance with the agreement;”
- (5) Schedule 4 (additional provisions in relation to managed woodland) shall be deleted.
- (6) In Schedule 5 (additional provisions relating to hedge management), the phrase “,including laying” shall be deleted.
- (7) In Schedule 6 (conservation plan operations)—
- (a) in paragraph 1, after the phrase “(including the provision of hedgebanks where appropriate)” there shall be added the phrase “, the laying and the coppicing of hedges”;
- (b) for paragraph 3, there shall be substituted the following—
- “3. The restoration of farm buildings using traditional materials.”; and
- (c) after paragraph 7, there shall be added the following paragraphs—
- “8. The creation and restoration of ponds.
9. Re-planting of traditional orchards and frameworking of fruit trees in traditional orchards.
10. The selection and tagging of saplings to develop into hedgerow trees.”

Saving

3.—(1) Paragraph (3)(a), (b), (d) and (e) of article 2 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 September 1996.

(2) Paragraph (2), (3)(c) and (5) of article 2 of this Order shall not apply in relation to any agreement made before the date of coming into force of this Order.

7th August 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

We consent,

12th August 1996

Bowen Wells
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 (Blackdown Hills) Designation Order 1994 (S.I.1994/707) which designated an area in Blackdown Hills as an environmentally sensitive area, in compliance with Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p.85) on agricultural production methods compatible with the requirements of protection of the environment and the maintenance of the countryside.

Subject to a saving provision, the Order amends the rates of payments to be made by the Minister of Agriculture, Fisheries and Food, pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986, clarifies which part of the agreement land may be used for the growing of arable crops, revokes the option of including managed woodland in a management agreement, clarifies an ambiguity raised by the Joint Committee on Statutory Instruments and adds several options to the operations that may be included in a conservation plan (articles 2 and 3).

No Compliance Cost Assessment in relation to this Order has been prepared.