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STATUTORY INSTRUMENTS

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**1996 No. 2107**

**AGRICULTURE**

**The Environmentally Sensitive Areas (Cotswold Hills) Designation (Amendment) Order 1996**

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|-------------------------------|---------|---------------------------|
| <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<sup>(1)</sup>, the Minister of Agriculture, Fisheries and Food has by order designated an area in the Cotswold 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)<sup>(2)</sup> 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<sup>(3)</sup> and the Historic Buildings and Monuments Commission for England in accordance with section 18(1) and 18(2) of the said Act and section 99 of the Environment Act 1995<sup>(4)</sup>, hereby makes the following Order:

**Title and commencement**

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

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

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

(2) In article 7 (rates of payment under agreement)—

(a) in paragraph (1)—

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(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. 1994/708, amended by S.I. 1995/200.

- (i) in sub-paragraph (a), for “£12” there shall be substituted “£15”, and
- (ii) in sub-paragraph (c), for “£60” there shall be substituted “£65”;
- (b) for paragraph (2) there shall be substituted the following—
  - “(2) The Minister shall make payments at the rate per annum of £6.25 for each 0.25 metre of drystone walls subject to the agreement restored in accordance with the programme referred to in paragraph 1(5) of Schedule 1, subject to a maximum of 2 metres of drystone walls so restored per hectare of eligible land per annum.
  - (2A) For the purposes of paragraph (2) above, “eligible land” means land which—
    - (a) comprises or falls within land subject to the provision of the agreement concerned;
    - (b) is enclosed by boundaries; and
    - (c) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, drystone walls.”
- (c) in paragraph (4), for “£260” there shall be substituted “£290”;
- (d) for paragraph (5), there shall be substituted the following—
  - “(5) Where an agreement includes the additional provisions specified in Schedule 4, the Minister shall make payments at the rate per annum of £2 for each 0.5 metre of non-stockproof hedges managed in accordance with the programme referred to in that Schedule, subject to a maximum of 2 metres of non-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 enclosed by boundaries; and
    - (c) contains, whether within itself, or as the whole or part of the boundaries by which it is enclosed, hedges.”
- (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.”
- (3) 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) in paragraph 1(5), there shall be added at the end of the first sentence the words “and shall carry out that programme in accordance with the agreement”.
- (4) In Schedule 3 (additional provisions relating to the reversion of arable land to extensive permanent grassland), after paragraph (4) there shall be added the following paragraph—
  - “(5) the farmer shall not exceed a stocking level of 1.4 livestock units per hectare.”
- (5) In Schedule 5 (conservation plan operations)—
  - (a) in paragraph 2, after the word “planting” there shall be added the phrase “, laying, coppicing and gapping-up”;

(b) for paragraph 3, there shall be substituted the following—

“3. The creation and restoration of ponds and scrapes.”

(c) for paragraph 4, there shall be substituted the following—

“4. The restoration of farm buildings using traditional materials.”; and

(d) after paragraph 8, there shall be added the following paragraph—

“9. The reintroduction of pollarding management.”

### **Saving**

3.—(1) Article 2(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) Article 2(4) of this Order shall not apply in relation to any agreement made before 1st January 1997.

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.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Environmentally Sensitive Areas (Cotswold Hills) Designation Order 1994 (S.I.1994/708, amended by S.I. 1995/200) which designated an area in the Cotswold 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, adds an additional stocking density restriction applicable to reversion of arable land to extensive permanent grassland, 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.