
STATUTORY INSTRUMENTS

1997 No. 1440

**The Environmentally Sensitive Areas
(The Broads) Designation Order 1997**

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (The Broads) Designation Order 1997 and shall come into force on 1st July 1997.

Interpretation

2.—(1) In this Order—

“access route” means a strip of land 10 metres wide which is the subject of an agreement including the requirements referred to in article 5(3);

“agreement” means an agreement under section 18(3) of the Agriculture Act 1986 as respects agricultural land in the area designated by article 3;

“conservation plan” has the meaning given to it in article 5(5);

“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 Minister;

“grassland” means land on which the vegetation consists primarily of grass species;

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

“strip”, except in the definition of “access route”, means a strip of land at least six metres wide located at the edge of a field and used for the production of arable crops and which adjoins an open drainage channel.

(2) Any reference in this Order to a numbered article or Schedule (with no corresponding reference to a specific instrument) is 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 of land in the Broads in the Counties of Norfolk and Suffolk which is shown coloured yellow on the maps contained in the volume of maps marked “Volume of maps of The Broads Environmentally Sensitive Area” dated 4th June 1997 signed by the Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, at Nobel House, 17 Smith Square, London SW1P 3JR.

Requirements and provisions of agreement

4.—(1) The requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in agreements are those specified in Schedule 1.

(2) The provisions relating to additional matters in respect of which the Minister may make payments in accordance with article 5 are specified in Schedules 2, 3, 4, 5, 6, 7 and 8.

Rates of payment under agreement

5.—(1) The Minister may make payments under an agreement in consideration of the requirements included pursuant to article 4(1), up to the maximum rate per annum set out in Part I of Schedule 9 for each hectare of grassland to which the agreement relates.

- (2) Where an agreement contains the additional provisions specified in one or more of—
- (a) Schedule 2,
 - (b) Schedule 3,
 - (c) Schedule 4,
 - (d) Schedule 5, and
 - (e) the options contained in Schedule 6,

the Minister may make payments in consideration of those provisions, up to the maximum rate per annum for each hectare of land which under the agreement is subject to those provisions, as set out opposite the reference to that Schedule, or, as the case may be, option, in Part II of Schedule 9.

(3) An agreement may include the requirements as to public access specified in Schedule 7 and, where it does so, the Minister may make payments in consideration of those requirements, up to the maximum rate per annum set out in Part III of Schedule 9 for each hectare of access route.

(4) Where an agreement includes a conservation plan, the Minister may make payments in consideration of the operations included in the plan, up to the maximum sum set out in Part IV of Schedule 9.

(5) For the purposes of paragraph (4) of this article, a conservation plan means a plan which the farmer undertakes or has undertaken as part of an agreement to implement within a period of two years, for the carrying out of one or more of the operations specified in Schedule 8.

(6) In this article and Schedule 9 any reference to a payment rate in relation to any unit of measurement includes a proportionate rate for a proportionate part of that unit.

Revocation, saving and amendment

6.—(1) The Environmentally Sensitive Areas (The Broads) Designation Order 1992(1) is, in so far as it was made under section 18 of the Agriculture Act 1986, hereby revoked except that—

- (a) the saving set out in article 7 of that Order in respect of the provisions of the Environmentally Sensitive Areas (The Broads) Designation Order 1986(2) shall continue to apply in respect of the agreements referred to in that article, and
- (b) the other provisions of that Order so made, as amended in accordance with Schedule 10, shall continue to apply to agreements made before the coming into force of this Order in relation to land within the area designated by that Order.

(2) The Environmentally Sensitive Areas (The Broads) Designation (Amendment) (No. 2) Order 1994(3) and the Environmentally Sensitive Areas (The Broads) Designation (Amendment) Order 1996(4) are hereby revoked, but not so as to affect the exceptions referred to in paragraph (1) of this article.

(1) S.I. 1992/54, amended by S.I. 1994/929, S.I. 1996/921, S.I. 1996/3104.

(2) S.I. 1986/2254, amended by S.I. 1988/175, and revoked subject to a saving by S.I. 1992/54.

(3) S.I. 1994/929, which itself revoked the first amendment to S.I. 1992/54.

(4) S.I. 1996/921.

4th June 1997

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

We consent

5th June 1997

Bob Ainsworth
Jon Owen Jones
Two of the Lords Commissioners of Her Majesty's
Treasury