STATUTORY INSTRUMENTS

1986 No. 2257

AGRICULTURE

The Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986

Made - - -	17*th December* 1986
Laid before Parliament	18*th December* 1986
Coming into Operation	1*st March* 1987

Whereas, in accordance with section 18(1) of the Agriculture Act 1986(**a**), it appears to the Secretary of State that it is particularly desirable —

(1) to conserve and enhance the natural beauty of the area designated by article 3 of the following Order;

(2) to conserve the flora and fauna and geological and physiographical features of that area; and

(3) to protect objects of archaeological interest in that area;

And whereas, in accordance with the said section 18(1) of the said Act it appears to the Secretary of State that the maintenance and adoption of the agricultural methods specified in the Schedule to the following Order is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 18(1) and (4) of the said Act, and of all other powers enabling him in that behalf, with the consent of the Treasury and after consultation with the Countryside Commission and the Nature Conservancy Council as to the inclusion of the area in the following Order and the features for which conservation, enhancement and protection are desirable, hereby makes the following Order:—

Citation, commencement and extent

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986 and shall come into operation on 1st March 1987.

(2) This Order extends to Wales only.

Interpretation

2.—(1) In this Order —

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

(**a**) 1986 c.49.

"broadleaved woodland" means land used for broadleaved woodland where that use is ancillary to the farming of land for other agricultural purposes;

"farmer" means a person who has an interest in agricultural land in the area designated by article 3 and who has entered into an agreement with the Secretary of State;

"hay meadow" means a meadow cut in the traditional manner the vegetation of which includes a mixture of native grasses, sedges and wild flowers;

"livestock unit" means —

(*a*) 1 cow, or

(*b*) 1.25 bulls or other bovine animals over two years old, or

(*c*) 1.6 bovine animals from one year to two years old inclusive, or

(*d*) 2.5 bovine animals less than one year old, or

(*e*) 6.66 sheep;

"semi-natural rough grazings" means land where the vegetation consists predominantly of bent (*Agrostis*), fescue (*Festuca*), bracken (*Pteridium aquilinum*), purple moor grass (*Molinia caerulea*), mat grass (*Nardus stricta*), heather (*Calluna vulgaris or Erica*), bilberry (*Vaccinium*), cotton grass (*Eriophorum*) or deer grass (*Trichophorum*);

"the Schedule" means the Schedule to this Order.

(2) Any reference in this Order to a numbered article shall be construed as a reference to the article 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 Cambrian Mountains in the Counties of Dyfed and Powys which is shown coloured yellow on the maps contained in the volume of maps marked "volume of maps of area in the Counties of Dyfed and Powys designated by the Environmentally Sensitive Areas (Cambrian Mountains) Designation Order 1986", dated 11th December 1986, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department, Plas Crug, Aberystwyth, Dyfed, SY23 1 NG.

Requirements to be included in agreement

4. An agreement shall include —

(*a*) as regards land which is the subject of the agreement and which is not broadleaved woodland, the requirements specified in paragraph 1 of the Schedule; and

(*b*) as regards land which is the subject of the agreement and which is broadleaved woodland, the requirements specified in paragraph 2 of the Schedule,

as to agricultural practices, methods and operations and the installation or use of equipment.

Provision as to breach of the requirements to be included in agreement

5. An agreement shall include provisions that:—

(*a*) in the event of a breach by the farmer of the requirements referred to in article 4 the Secretary of State may give the farmer notice in writing terminating the agreement forthwith and may recover from the farmer as a civil debt an amount equivalent to the payments made by the Secretary of State under the agreement or such part thereof as the Secretary of State may specify;

(*b*) any question arising under an agreement as to whether there has been a breach of any of the requirements referred to in article 4 shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of agreement to be appointed by the President of the Royal Institution of Chartered Surveyors in accordance with the provisions of the Arbitration Act 1950(**a**) or any statutory modification or re-enactment thereof for the time being in force.

Rates of payment under agreement

6.—(1) Subject to paragraph (2) below, payments made by the Secretary of State under an agreement shall be at the rate of £30 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes land which is broadleaved woodland payments made by the Secretary of State under the agreement in relation to that land shall be at the rate of £45 per annum for each hectare of that land.

Nicholas Edwards,
Secretary of State for Wales.

17th December 1986.

We consent,

Tony Durant,
Michael Neubert,
Two of the Lords Commissioners of Her Majesty's Treasury.

17th December 1986.

(**a**) 1950 c.27.

SCHEDULE Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

1. As regards any land which is the subject of an agreement and which is not broadleaved woodland —

(1) the farmer shall maintain semi-natural rough grazings and hay meadows;

(2) the farmer shall not plough, level, reseed or cultivate;

(3) the farmer shall not, in the case of hay meadows, cut for hay or silage before 15th July in any year;

(4) the farmer shall exclude livestock from hay meadows for at least seven weeks before the first cut for hay or silage;

(5) the farmer shall not install any new drainage system nor substantially modify any existing drainage system;

(6) the farmer shall not —

(*a*) apply lime,

(*b*) except in the case of hay meadows, apply inorganic fertiliser or basic slag,

(*c*) in the case of hay meadows, increase existing application rates of inorganic fertiliser and shall not in any year apply more than 25kg of nitrogen, 12.5 kg of phosphate and 12.5kg of potash per hectare to such meadows;

(7) the farmer shall not apply pesticides;

(8) the farmer shall not apply herbicides except to control bracken (*Pteridium aquilinum*), nettles (*Urtica dioica*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), curled dock (*Rumex crispus*), broadleaved dock (*Rumex obtusifolius*) or ragwort (*Senecio jacobaea*) and then only by spot treatment or weed wiper and in the case of bracken (*Pteridium aquilinum*) by overall spray treatment;

(9) the farmer shall control bracken (*Pteridium aquilinum*) only by means of asulam or other chemical approved by the Secretary of State;

(10) the farmer shall burn heather, grass and scrub only in accordance with a programme agreed in advance with the Secretary of State;

(11) the farmer shall not construct hedges, walls or fences;

(12) the farmer shall not remove any existing hedges, walls or fences (other than wire fences);

(13) the farmer shall obtain from the Secretary of State written advice concerning siting, design and materials before constructing or altering buildings or roads or carrying out other engineering operations authorised under Class VI of the Town and Country Planning General Development Orders 1977 to 1985(**a**). This requirement shall not apply to any development in respect of which notice of a direction restricting permitted development has been served under article 4 of the Town and Country Planning General Development Order 1977(**b**);

(14) the farmer shall graze semi-natural rough grazings with cattle or sheep at an average annual stocking rate not exceeding 0.75 livestock units per hectare but in any event not so as to cause overgrazing;

(**a**) S.I. 1977/289, 1980/1946, 1981/245 and 1569, 1983/1615, 1985/1011 and 1981, amended by 1986/435.

(**b**) S.I. 1977/289; relevant amending instruments are S.I. 1985/1981, 1986/435.

(15) the farmer shall in farming the land ensure that he does not damage or destroy any archaeological feature if the Secretary of State has notified him in writing of its existence;

(16) the farmer shall conserve and maintain all existing lakes, ponds and streams;

(17) the farmer shall control pests in a lawful manner.

2. As regards any land which is the subject of an agreement and which is broadleaved woodland —

(1) the farmer shall retain existing broadleaved woodland;

(2) the farmer shall exclude livestock from broadleaved woodland;

(3) the farmer shall, within two years of the commencement of the agreement, obtain from the persons or bodies designated by the Secretary of State written advice on the management of broadleaved woodland;

(4) the farmer shall control pests in a lawful manner.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 18 of the Agriculture Act 1986 ("the 1986 Act") gives the Secretary of State power to designate an area in Wales as an environmentally sensitive area where it appears to him particularly desirable to conserve, protect or enhance environmental features in that area by the maintenance or adoption of particular agricultural methods.

This Order designates an area in the Cambrian Mountains as an environmentally sensitive area (article 3). The area is defined by reference to maps which are available for inspection during normal office hours at the address of the Welsh Office Agriculture Department specified in article 3. Copies of the maps may also be inspected during normal office hours at the Divisional Offices of the Welsh Office Agriculture Department at Government Buildings, Picton Terrace, Carmarthen, Dyfed SA31 3BT and Government Buildings, Spa Road East, Llandrindod Wells, Powys LD1 5HA.

Section 18(3) of the 1986 Act enables the Secretary of State to enter into a management agreement with any person having an interest in agricultural land in a designated area if the Secretary of State considers that conservation of environmental features in that area may be thereby facilitated. The Order specifies requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in such an agreement (article 4 and the Schedule).

The Order also contains provisions for recovery of sums paid under an agreement by the Secretary of State in the event of a breach of the specified requirements, and for the determination by arbitration of any question as to whether a breach of those requirements has occurred (article 5). Payments to be made by the Secretary of State under an agreement are to be at the annual rate of £30 per hectare of land to which the agreement relates if that land is not broadleaved woodland or at the annual rate of £45 hectare of land to which the agreement relates if such land is broadleaved woodland (article 6).