STATUTORY INSTRUMENTS

1999 No. 2234

AGRICULTURE

The Environmentally Sensitive Areas (Cotswold Hills) Designation (Amendment) Order 1999

Made - - - -	*9th August 1999*
Laid before Parliament	*9th August 1999*
Coming into force	*31st August 1999*

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

And whereas it appears to the Minister that it is particularly desirable–

(1) to conserve and enhance the natural beauty of the designated area together with an additional area in the Cotswold Hills;

(2) to conserve the flora and fauna and geological and physiographical features of those areas; and

(3) to protect buildings and other objects of historic interest in that area;

And whereas it appears to the Minister that the maintenance or adoption of particular agricultural methods in respect of the matters specified in the Schedules to the following Order is likely to facilitate such conservation, enhancement or protection;

Now therefore, the Minister, in exercise of the powers conferred on him by section 18(1) and (4)**(b)** 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 Secretary of State, the Countryside Agency and the Nature Conservancy Council for England**(c)** in accordance with section 18(1) of the said Act, and with the Historic Buildings and Monuments Commission for England in accordance with section 99 of the Environment Act 1995**(d)**, makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Cotswold Hills) Designation (Amendment) Order 1999 and shall come into force on 31st August 1999.

Interpretation

2. In this Order "the principal Order" means the Environmentally Sensitive Areas (Cotswold Hills) Designation Order 1994**(e)**, as amended at the date that this Order comes into force.

(a) 1986 c. 49. The expression "the Minister" is defined in section 18(11).
(b) Section 18(4) was amended by S.I. 1994/249; sub-section 18(4A) was inserted by S.I. 1997/1457.
(c) The provisions in section 18 of the Agriculture Act 1986 concerning Nature Conservancy Councils were amended by Part VII of, and Schedule 9 to, the Environmental Protection Act 1990 (c. 43).
(d) 1995 c. 25.
(e) S.I. 1994/708, amended by S.I. 1995/200, S.I. 1996/2107, S.I. 1996/3104 and S.I. 1998/1800.

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

4. In article 2(1) of the principal Order, the provisions immediately following the words "In this Order–" to the end of article 2(1), in so far as they were made under section 18 of the Agriculture Act 1986, shall be deleted and the following definitions shall be inserted at their appropriate alphabetical place:

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

"capital activity" means an activity specified in Schedule 1;

"conservation headland" means a strip of land subject to restrictions on the use of fertilisers and herbicides, that is between ten and twelve metres wide along the edge of a field growing arable crops;

"conservation plan" means a plan incorporated into an agreement for the carrying out of one or more capital activities within a specified period;

"cultivated land" means land which is regularly ploughed or otherwise cultivated or that is regularly treated with fertilisers;

"extensive permanent grassland" means permanent grassland which is receiving no or only minimal inputs of fertiliser or pesticides;

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

"improved permanent grassland" means permanent grassland that is regularly treated with fertilisers, and used for pasture or for the production of hay or silage;

"management activity" means an activity specified in Schedule 2;

"permanent grassland" means grassland which has not been ploughed or re-seeded for at least five years;

"public access route" means a strip of land which is the subject of an agreement and on which access is given to the public;

"scrape" means a shallow excavation which may hold water seasonally.".

5. In article 3 of the principal Order, for the words "dated 3rd March 1994, signed and sealed by the Minister" there shall be substituted "dated 31st July 1999, signed on behalf of the Minister by the Parliamentary Secretary".

6. For article 4 of the principal Order and the heading thereto there shall be substituted the following article and heading–

"**Matters in respect of which payments may be made**

4. Payments to be made by the Minister under an agreement may be made in respect of a capital activity or a management activity.".

7. For article 5 of the principal Order there shall be substituted the following article and heading thereto–

"**Rates of payment**

5.—(1) Payments to be made by the Minister under an agreement shall not exceed–

(a) in the case of a management activity, the rate specified in respect of that activity in column 2 of Schedule 2; and

(b) in the case of one or more capital activities included in a conservation plan, £100,000 in aggregate.

(2) Any works which form part of an activity which constitutes both a management activity and a capital activity may by virtue of an agreement be eligible for payment either as

part of a management activity or as part of a capital activity, but the agreement together with any conservation plan incorporated in it shall not provide for payment to be made on both such bases in respect of the same works.".

8. For Schedule 1 to the principal Order there shall be substituted the Schedule set out in Schedule 1 to this Order.

9. For Schedule 2 to the principal Order there shall be substituted the Schedule set out in Schedule 2 to this Order.

10. The following provisions of the principal Order shall be deleted–

(a) articles 6 and 7; and

(b) Schedules 3, 4 and 5.

Elliot Morley
Parliamentary Secretary,
31st July 1999 Ministry of Agriculture, Fisheries and Food

We consent,

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of Her
9th August 1999 Majesty's Treasury

SCHEDULE 1 Article 8

“SCHEDULE 1 Articles 2(1) and 5(1)

CAPITAL ACTIVITIES

The provision of drystone walls.

The planting, laying, coppicing and gapping-up of hedges.

The creation or restoration of ponds.

The creation of scrapes.

The restoration of farm buildings using traditional materials.

Works to protect historic and archaeological features.

The control of bracken or scrub.

The provision of fencing and water supplies associated with the re-introduction of livestock for grazing.

The provision or restoration of gates, stiles and footbridges where an agreement includes requirements as to public access.

The re-introduction of pollarding management.

Tree planting.

The restoration and replanting of traditional orchards.

Diverse seed mix for arable reversion.

Fencing to protect habitats.

Other works associated with habitat restoration or enhancement.”.

SCHEDULE 2 Article 9

“SCHEDULE 2 Articles 2(1) and 5(1)

MANAGEMENT ACTIVITIES

Column 1 **Activity**			*Column 2* **Maximum rate in £ per hectare of land per annum (except where otherwise stated)**
1.	Maintenance of improved permanent grassland		30
2.	Management of extensive permanent grassland		65
3.	In relation to cultivated land:		
	(a)	Maintenance of cultivated land	15
	(b)	Reversion of arable land to extensive permanent grassland	290
	(c)	Retention of stubbles over winter	80
	(d)	Creation and management of conservation headlands	120
4.	Wall restoration		£28 per metre
5.	Hedgerow restoration		£4 per metre
6.	The provision of public access routes		170.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Cotswold Hills) Designation Order 1994 ("the principal Order") as amended, which designated an area in the Cotswold Hills as an environmentally sensitive area, in implementation of 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, as amended by Council Regulation (EC) No. 2772/95 (OJ No. L288, 1.12.95, p. 35) as in turn rectified by Council Regulation (EC) No. 1962/96 (OJ No. L259, 12.10.1996).

This Order replaces the Schedules to the principal Order (laying down detailed requirements of the scheme) by two new Schedules specifying the capital and management activities in respect of which payments may be made and specifies the maximum payments in respect of such activities (*articles 8 and 9*).

The area designated by the principal Order is increased (by an amendment to article 3 of the principal Order) and the designated area as thereby enlarged is shown (coloured yellow) in a new volume of maps dated 31st July 1999, which replaces the volume of maps referred to in article 3 of the principal Order dated 3rd March 1994 (*article 5*).

In addition some modifications are made to article 2(1) of the principal Order which sets out the definitions (*article 4*).

The provisions of the principal Order that are amended or revoked do not include any that derive from the Environmentally Sensitive Areas (England) Designation Orders (Amendment) Regulations 1996 (S.I. 1996/3104); those which derive from S.I. 1996/3104 are revoked with a saving, by the Environmentally Sensitive Areas (England) Designation Orders (Revocation of Specified Provisions) Regulations 1999, which comes into force on 30th August 1999.

No regulatory impact assessment has been made in respect of this Order.

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