STATUTORY INSTRUMENTS

1999 No. 2235

AGRICULTURE

The Environmentally Sensitive Areas (Shropshire 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 Shropshire 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;

(2) to conserve the flora and fauna and geological and physiographical features of that area; 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 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 (Shropshire 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 (Shropshire Hills) Designation Order 1994**(e)**.

Amendment of the principal Order

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

(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. 1994/709, amended by S.I. 1996/2109 and S.I. 1996/3104.

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 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;

"grassland" means land on which the vegetation consists primarily of grass species and includes meadowland, pasture and rough grazing;

"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;

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

5. 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.".

6. 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 to this Order; 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 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.".

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

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

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

(a) Articles 6 and 7; and

(b) Schedules 3, 4, 5 and 6.

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
9th August 1999 Her Majesty's Treasury

SCHEDULE 1

Article 7

"SCHEDULE 1

CAPITAL ACTIVITIES

Articles 2(1) and 5(1)

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

The restoration of farm buildings using traditional materials.

The creation of species-rich meadows.

The control of bracken or scrub.

The creation or restoration of ponds.

Works to protect historic and archaeological features.

The regeneration of suppressed heather.

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

Tree planting.

The provision and protection of hedgerow saplings.

Fencing to protect habitats.

Other works associated with habitat restoration or enhancement.".

SCHEDULE 2

Article 8

"SCHEDULE 2

MANAGEMENT ACTIVITIES

Articles 2(1) and 5(1)

	Column 1 **Activity**	*Column 2* **Maximum rate in £ per hectare of land per annum (except where otherwise stated)**
1.	Maintenance of cultivated land	20
2.	Maintenance of permanent grassland	35
3.	Management of extensive permanent grassland	50
4.	Where management of the kind referred to in item 2 or 3 above is undertaken, additional management so as to conserve meadow land	90
5.	Where management of the kind referred to in item 2 or 3 above is undertaken, additional management for the purposes of enhancing biodiversity through restrictions on stocking	60
6.	In relation to moorland:	
	(a) maintenance of moorland	75
	(b) where management of the kind referred to in item 6(a) above is undertaken, additional management for the purposes of enhancing biodiversity through the removal of 50% of livestock from moorland	4.50

	Column 1 **Activity**	*Column 2* **Maximum rate in £ per hectare of land per annum (except where otherwise stated)**
	(c) where management of the kind referred to in item 6(a) above is undertaken, additional management for the purposes of enhancing biodiversity through the removal of all livestock from moorland over winter	16
	(d) enhanced management of moorland over winter	95
7.	Where management of the kind referred to in item 1, 2, 3 or 6(a) above is undertaken, additional management so as to create or enhance wet areas	160
8.	In relation to woodland:	
	(a) maintenance of existing woodland	20
	(b) management of woodland to enhance its nature conservation and landscape value	150
9.	Hedge restoration	£5 per metre
10.	Management of any kind referred to in items 1 to 9 above which is undertaken in relation to common land.	5
11.	The provision of public access routes	170.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Shropshire Hills) Designation Order 1994 ("the principal Order") as amended, which designated an area in the Shropshire 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, 12.10.96).

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 7 and 8*).

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 come into force on 30th August 1999.

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

£2.00

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