STATUTORY INSTRUMENTS

1987 No. 2033

AGRICULTURE

The Environmentally Sensitive Areas (Suffolk River Valleys) Designation Order 1987

Made - - - -	*26th November 1987*
Laid before Parliament	*30th November 1987*
Coming into force	*1st January 1988*

Whereas, as mentioned in section 18(1) of the Agriculture Act 1986(a), it appears to the Minister that it is particularly desirable—

(1) to conserve and enhance the natural beauty of the area referred to in 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 buildings and other objects of historic interest in that area;

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

Now, therefore, the Minister, in exercise of the powers conferred on him by section 18(1), (4) and (11) 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 Commission and the Nature Conservancy Council as to the inclusion of the area referred to in article 3 of this Order and the features of that area for which conservation, enhancement and protection are desirable, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (Suffolk River Valleys) Designation Order 1987 and shall come into force on 1st January 1988.

Interpretation

2.—(1) In this Order—

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

"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 Minister;

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

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"wet grassland" means grassland in which the ground is waterlogged for the greater part of the year.

(2) Any reference in this Order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this Order.

(a) 1986 c.49.

Designation of environmentally sensitive area

3. There is hereby designated as an environmentally sensitive area the area of land in the Suffolk River Valleys in the Counties of Suffolk and Essex which is shown coloured yellow on the maps contained in the volume of maps marked " volume of maps of Suffolk River Valleys environmentally sensitive area " dated 25th November 1987, signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE.

Requirements to be included in agreement

4. An agreement shall include the requirements specified in Schedule 1 as to agricultural practices, methods and operations and the installation and use of equipment.

Provisions as to breach of 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 Minister 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 Minister under the agreement or such part thereof as the Minister 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 and 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 Minister under an agreement shall be at the rate of £70 per annum for each hectare of grassland to which the agreement relates.

(2) Where an agreement includes the additional provisions specified in Schedule 2 or Schedule 3 as to agricultural practices, methods and operations and the installation and use of equipment, payments made by the Minister shall be at the rate of—

(a) £180 per annum for each hectare of grassland subject to the additional provisions specified in Schedule 2;

(b) £200 per annum for each hectare of land subject to the additional provisions specified in Schedule 3.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th November 1987.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

We consent,
26th November 1987

Michael Neubert
Peter Lloyd
Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1950 c.27.

SCHEDULE 1

Article 4

REQUIREMENTS TO BE INCLUDED IN AGREEMENT

1. As regards any grassland which is the subject of an agreement—

(1) The farmer shall maintain grassland and shall not plough, level or re-seed. The farmer shall not cultivate except by chain harrow or roller.

(2) The farmer shall graze with livestock, excluding pigs or poultry, but not so as to cause poaching, undergrazing or overgrazing.

(3) Where the farmer cuts grass for hay or silage he shall graze the aftermath with livestock.

(4) The farmer shall not increase existing application rates of inorganic fertiliser.

(5) The farmer shall not apply herbicides except to control nettles, spear thistle, creeping or field thistle, curled dock, broadleaved dock or ragwort. The farmer shall control infestations of such weeds by cutting or the use of herbicides. Herbicides used for any of the above-mentioned purposes shall be applied by weed wiper or spot treatment.

(6) The farmer shall not apply pesticides.

2. As regards any woodland, scrub and reedbed which is the subject of an agreement—

Within two years of the commencement of the agreement the farmer shall obtain from the person or bodies designated by the Minister written advice on the management of woodland, scrub and reedbeds.

3. As regards all land which is the subject of an agreement—

(1) The farmer shall maintain in the traditional manner hedges and trees which he is entitled to maintain.

(2) The farmer shall maintain ponds and reedbeds.

(3) The farmer shall not use a sub-soiler. The farmer shall not install under-drainage or mole drainage and shall not improve or substantially modify any existing drainage system.

(4) The farmer shall maintain existing ditches and dykes in rotation and by non-chemical means.

(5) The farmer shall ensure in farming the land that he does not damage or destroy any feature of historic interest.

(6) The farmer shall obtain written advice from the Minister concerning siting and materials before constructing 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**).

SCHEDULE 2

Article 6(2)

ADDITIONAL PROVISIONS IN AGREEMENT TO OBTAIN HIGHER RATE OF PAYMENT

1. As regards any grassland which is the subject of an agreement—

(1) Where the land lies on the flood plain and where the maintenance of water levels in dykes and ditches is within his control, the farmer shall—

(a) ensure that the water level in dykes and ditches is not more than 45 centimetres below marsh level between 31st March and 1st October in any year, and

(b) ensure that the depth of water in the dykes is not less than 30 centimetres between 30th September in any year and the following 1st April.

(2) The farmer shall not cultivate between 31st March and 16th July in any year.

(3) The farmer shall not graze wet grassland with livestock between 31st March and 16th May in any year.

(4) The farmer shall not top the sward, nor cut the grass for hay or silage, before 16th July in any year.

(**a**) S.I. 1977/289, 1980/1946, 1981/245, 1569, 1983/1615, 1985/1011, 1981; the relevant amending instrument is S.I. 1986/435.

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

(5) The farmer shall not apply any inorganic fertiliser.

(6) The farmer shall not apply slurry, pig or poultry manure or sewage sludge.

(7) The farmer shall not apply lime, slag or any substance designed to reduce the acidity of the soil.

(8) The farmer shall not use river or dyke dredgings in order to fill low areas.

SCHEDULE 3

Article 6(2)

ADDITIONAL PROVISIONS IN AGREEMENT TO OBTAIN HIGHER RATE OF PAYMENT (REVERSION TO GRASSLAND)

As regards any land which is the subject of an agreement and which has been continuously used in rotation for arable cropping since 31st August 1987—

(1) The farmer shall cease arable production and shall establish a grassland sward within twelve months of the commencement of the agreement.

(2) In the course of the period of twelve months from the commencement of the agreement the farmer shall consult the Minister as to the application of any substance intended to assist the establishment of a grassland sward, and in particular as to the application of—

(a) any organic or inorganic fertiliser, or

(b) lime, slag or any substance designed to reduce the acidity of the soil.

(3) After the expiry of the twelve-month period referred to in sub-paragraphs (1) and (2) above, the farmer shall observe in relation to the newly-established grassland sward either the requirements laid down in Schedule 1 paragraph 1 (subject to sub-paragraph 4 below) or the requirements laid down in Schedule 2.

(4) Where the farmer elects to observe the requirements of Schedule 1 paragraph 1 in relation to the newly-established grassland sward, he shall apply no more than 125 kilogrammes of nitrogen per hectare per year.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 18 of the Agriculture Act 1986 ("the 1986 Act") gives the Minister of Agriculture, Fisheries and Food ("the Minister") power to designate an area in England 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, which complies with Title V of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, designates an area in the Suffolk River Valleys 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 offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE, and at

(a) Eastern Regional Office, Block C, Government Buildings, Brooklands Avenue, Cambridge CB2 2DR;

(b) Norwich Divisional Office, 122a Thorpe Road, Norwich NR1 1RN;

(c) Bury St Edmunds Area Office, Southgate, Bury St Edmunds, Suffolk IP33 2BD.

Section 18(3) of the 1986 Act enables the Minister to enter into a management agreement with any person having an interest in agricultural land in a designated area if the Minister considers that conservation of environmental features in that area may be thereby facilitated, and 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 Schedule 1).

The Order also contains provisions for recovery of sums paid under an agreement by the Minister 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 Minister under an agreement are to be at the rate of £70 per year per hectare of grassland to which the agreement relates, or, in the case of grassland subject to the additional provisions set out in Schedule 2, at the rate of £180 per year per hectare of such land. In respect of land which is to revert to grassland under the additional provisions set out in Schedule 3, payment will be at the rate of £200 per hectare per year (article 6).