

# Statutory Instrument 2000 No. 3049

## The Environmentally Sensitive Areas (Stage I) Designation Order 2000

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### STATUTORY INSTRUMENTS

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#### 2000 No. 3049

#### AGRICULTURE, ENGLAND

#### The Environmentally Sensitive Areas (Stage I) Designation Order 2000

|                               |                           |
|-------------------------------|---------------------------|
| <i>Made</i>                   | <i>13th November 2000</i> |
| <i>Laid before Parliament</i> | <i>14th November 2000</i> |
| <i>Coming into force</i>      | <i>5th December 2000</i>  |

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Whereas, as mentioned in section 18(1) of the Agriculture Act 1986[[1](#)], it appears to the Minister of Agriculture, Fisheries and Food ("the Minister") that it is particularly desirable -

(1) to conserve and enhance the natural beauty of the areas referred to in Part 1 of Schedules 1 to 5 to the following Order;

(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 those areas;

And whereas, as mentioned in the said section 18(1), it appears to the Minister that the maintenance or adoption of the agricultural methods specified in Parts 2 and 3 of Schedule 1, 2, 3, 4 or 5 (as the case may be) to the following Order are 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) and 4(d)[[2](#)] 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[[3](#)] as to the inclusion of the areas referred to in article 3 of the following Order and the features of those areas for which conservation, enhancement and protection are desirable, hereby makes the following Order:

### **Title and commencement**

1. This Order may be cited as the Environmentally Sensitive Areas (Stage I) Designation Order 2000 and shall come into force on 5th December 2000.

### **Interpretation**

2. - (1) In this Order -

"agreement" means an agreement made under section 18(3) of the Agriculture Act 1986 as respects agricultural land in any of the areas designated by article 3 and Part 1 of the relevant Schedule, whether made before or after the coming into force of this Order;

"capital activity" means an activity specified in Part 2 of the relevant Schedule;

"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 fertilizers;

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

"management activity" means an activity specified in Part 3 of the relevant Schedule;

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

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

(2) In this Order, any reference to an article or Schedule is to an article of, or Schedule to, this Order, and a reference to "the relevant Schedule" means Schedule 1, 2, 3, 4 or 5 as the case may be.

(3) Part IV of the relevant Schedule shall have effect for the purpose of interpreting Parts II and III thereof.

### **Designation of Stage I environmentally sensitive areas**

3. There are hereby designated as environmentally sensitive areas the areas of land described in Part 1 of Schedules 1 to 5.

### **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.

### **Rates of payment**

5. - (1) In the case of a management activity, payments to be made by the Minister under an agreement shall not exceed the rate specified in respect of that activity in column 2 of Part 3 of the relevant Schedule.

(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.

### **Revocation of existing legislation**

6. - (1) Subject to paragraph (2), the Orders are revoked.

(2) The Orders, including (so far as relevant) any saving provisions they contain, shall continue to apply in relation to payments to a farmer in respect of a relevant activity which relates, wholly or in part, to any period before 1st May 2000.

(3) In this article, "the Orders" means the Orders specified in Schedule 6 to this Order and "relevant activity" means any activity in respect of which the Orders, either in terms or by reference to any other Order, specify a payment rate or maximum payment rate in pounds sterling per hectare per annum.

*Elliot Morley*

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

9th November 2000

We consent,

*Jim Dowd and Clive Betts*

Two of the Lords Commissioners of Her Majesty's Treasury

13 November 2000

## SCHEDULE 1

articles 2(1) and (3), 3 and 5(1)

### THE BROADS

#### PART 1

##### DESIGNATION OF 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 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

#### PART 2

##### CAPITAL ACTIVITIES

The creation or restoration of scrapes, dykes, ditches and footdrains.

The restoration of fen areas including the creation or restoration of reed and sedge beds, marsh hay and litter marshes, and the control of scrub.

The construction of bunds, sluices, culverts and other works to control water levels.

The replacement of metal field gates with wooden gates.

The provision of fencing associated with the introduction or re-introduction of grazing.

The provision of liggers and bridges.

The creation or re-creation of herb-rich meadows.

The creation or restoration of ponds.

The planting, laying or coppicing of hedges.

Works to protect historic or archæological features.

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

Tree planting and the re-introduction of tree pollarding.

Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

| <i>column 1</i>                                                                                                                                      | <i>column 2</i>                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>Activity</i>                                                                                                                                      | <i>Maximum rate in £ per hectare of land per annum</i> |
| 1. Management of permanent grassland.                                                                                                                | 130                                                    |
| 2. Management of extensive permanent grassland.                                                                                                      | 225                                                    |
| 3. Management of wet grassland.                                                                                                                      | 310                                                    |
| 4. Where management of any kind referred to in item 2 or 3 is undertaken, additional management for the purpose of bringing about high water levels. | 70                                                     |
| 5. Management of fen land.                                                                                                                           | 150                                                    |
| 6. In relation to arable land -<br><br>(a) reversion to permanent grassland                                                                          | 260                                                    |
| (b) management of arable grassland margins.                                                                                                          | 500                                                    |
| 7. The provision of public access routes.                                                                                                            | 170                                                    |

PART 4

DEFINITIONS

In this Schedule:

"extensive permanent grassland" means permanent grassland which is receiving no or only minimal inputs of fertilizer, pesticides, nutrients and other admixtures;

"fen" means an area of semi-natural vegetation which is waterlogged throughout the

year;

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

"wet grassland" means grassland with the potential to retain winter and spring water levels at marsh level to create field wetness or to allow shallow pools to develop.

SCHEDULE 2

articles 2(1) and(3), 3 and 5(1)

**PENNINE DALES**

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Pennine Dales in the counties of Cumbria, Durham, North Yorkshire and Northumberland which is shown coloured yellow on the maps contained in the volume of maps marked "Volume of maps of the Pennine Dales environmentally sensitive area" dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

PART 2

CAPITAL ACTIVITIES

The building or rebuilding of drystone walls using traditional materials.

The planting, laying or coppicing of hedges.

The renovation of field barns using traditional materials.

The creation or re-creation of meadowland.

Tree planting.

Works to protect historic or archaeological features.

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

The control of bracken.

The provision and repair of stiles.

Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

| <i>column 1</i>                                                                   | <i>column 2</i>                                                                        |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <i>Activity</i>                                                                   | <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
| 1. Management of arable and improved grassland.                                   | 20                                                                                     |
| 2. Management of meadowland.                                                      | 150                                                                                    |
| 3. Management of other grassland.                                                 | 82                                                                                     |
| 4. Management of herb-rich meadowland.                                            | 250                                                                                    |
| 5. Management of herb-rich pastures and allotments.                               | 145                                                                                    |
| 6. Management of woodland to enhance its nature conservation and landscape value. | 200                                                                                    |
| 7. The provision of public access routes.                                         | 170                                                                                    |
| 8. Drystone wall renovation.                                                      | £15 per metre                                                                          |

PART 4

DEFINITIONS

In this Schedule:

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

"meadowland" means grassland primarily used for the production of hay or silage;

SCHEDULE 3

articles 2(1) and(3), 3 and 5(1)

SOMERSET LEVELS AND MOORS

## PART 1

### DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in the Somerset Levels and Moors in the county of Somerset which is shown coloured yellow on the maps contained in the volume of maps marked "Volume of maps of the Somerset Levels and Moors environmentally sensitive area" dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

## PART 2

### CAPITAL ACTIVITIES

The planting, laying or coppicing of hedges.

The re-introduction of pollarding management including the planting of willows for future pollarding.

The renovation of shelter belts and the planting of trees.

The construction of bunds or sluices, or other works to control water levels.

The re-instatement of gutters, dykes and ditches.

The provision of timber gates and timber wing fencing.

The removal of fencing along ditches and rhynes.

The removal of scrub.

The construction or reconstruction of culverts.

The improvement of droves within areas of raised water levels.

The conversion of arable land to permanent grassland.

The creation or improvement of botanically diverse meadows, ponds or scrapes.

The renovation of farm buildings using traditional materials.

Works to protect historic or archaeological features.

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

The restoration and replanting of traditional orchards.

Other works for the restoration or enhancement of wildlife habitats.



PART 3

MANAGEMENT ACTIVITIES

| <i>column 1</i>                                                | <i>column 2</i>                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <i>Activity</i>                                                | <i>Maximum rate in £ per hectare of land per annum (except where otherwise stated)</i> |
| 1. Management of permanent grassland.                          | 125                                                                                    |
| 2. Management of extensive permanent grassland.                | 200                                                                                    |
| 3. Management of wet permanent grassland.                      | 225                                                                                    |
| 4. Management of permanent grassland raised water level areas. | 430                                                                                    |
| 5. Creation and management of buffer strips.                   | £110 per hectare of strip                                                              |
| 6. Maintenance of summer penning level on peat soils.          | 18                                                                                     |
| 7. Maintenance of raised water level.                          | 80                                                                                     |
| 8. Provision of public access routes.                          | 170                                                                                    |

PART 4

DEFINITIONS

In this Schedule:

- "buffer strip" means a strip of land which is subject to a prohibition on the use of fertilizers or pesticides, which is at least six metres wide and located at the edge of a field used for the production of arable crops;
- "extensive permanent grassland" means permanent grassland which is receiving no or only minimal inputs of fertilizer or pesticides;
- "permanent grassland" means grassland which has not been ploughed or reseeded for at least 5 years;

"wet permanent grassland" means permanent grassland with the potential to retain winter and spring water levels at marsh level to create field wetness or to allow shallow pools to develop.

SCHEDULE 4

articles 2(1) and(3), 3 and 5(1)

**SOUTH DOWNS**

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land on the South Downs in the counties of Hampshire and East and West Sussex which is shown coloured yellow on the maps contained in the volume of maps marked "Volume of maps of the South Downs environmentally sensitive area" dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

PART 2

CAPITAL ACTIVITIES

The building or rebuilding of flint walling using traditional materials.

The planting, laying or coppicing of hedges.

The renovation of barns using traditional materials.

The management of scrub.

The provision of fencing and water supplies for livestock associated with the reintroduction of grazing.

The construction of bunds or sluices, or other works to control water levels.

The creation or restoration of ponds, scrapes, ditches and reedbeds.

Works to protect historic or archæological features.

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

Tree planting.

The provision and restoration of stiles.

The purchase and use of a diverse seed mix for reversion of arable land to chalk grassland

and for sward enhancement of permanent grassland reverted from arable land.

Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

| <i>column 1</i>                                                   | <i>column 2</i>                                        |
|-------------------------------------------------------------------|--------------------------------------------------------|
| <i>Activity</i>                                                   | <i>Maximum rate in £ per hectare of land per annum</i> |
| <b>1.</b> Management of permanent grassland on chalk.             | 60                                                     |
| <b>2.</b> Management of permanent grassland in the river valleys. | 60                                                     |
| <b>3.</b> Reversion of arable land to chalk grassland.            | 330                                                    |
| <b>4.</b> Reversion of arable land to permanent grassland.        | 240                                                    |
| <b>5.</b> Provision of winter stubbles with undersowing.          | 125                                                    |
| <b>6.</b> Provision of winter stubbles without undersowing.       | 53                                                     |
| <b>7.</b> Creation and management of conservation headlands.      | 90                                                     |
| <b>8.</b> Provision of public access routes.                      | 170                                                    |

PART 4

DEFINITIONS

In this Schedule:

- "conservation headland" means a strip of land subject to a restriction on the use of fertilizers and herbicides, that is at least six metres wide along the edge of a field growing arable crops;
- "permanent grassland" means grassland which has not been ploughed or reseeded for

at least five years.

SCHEDULE 5

articles 2(1) and(3), 3 and 5(1)

**WEST PENWITH**

PART 1

DESIGNATION OF ENVIRONMENTALLY SENSITIVE AREA

The area of land in West Penwith in the county of Cornwall which is shown coloured yellow on the maps contained in the volume of maps marked "Volume of maps of the West Penwith environmentally sensitive area" dated 6th November 2000, signed on behalf of the Minister by the Parliamentary Secretary and deposited at the offices of the Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR.

PART 2

CAPITAL ACTIVITIES

- The provision and rebuilding of Cornish and stone hedges, walls and stiles.
- The renovation of traditional farm buildings using traditional materials.
- The management of scrub.
- The reversion of land to rough land, or the environmental improvement of rough land.
- The creation or restoration of ponds.
- The control of bracken.
- Works to protect historic or archæological features.
- The provision and restoration of gates, stiles and footbridges, where an agreement includes requirements as to public access.
- Tree planting.
- The provision and restoration of traditional gates and gateposts.
- The provision of cattle grids.
- Other works for the restoration or enhancement of wildlife habitats.

PART 3

MANAGEMENT ACTIVITIES

| <i>column 1</i>                            | <i>column 2</i>                                        |
|--------------------------------------------|--------------------------------------------------------|
| <i>Activity</i>                            | <i>Maximum rate in £ per hectare of land per annum</i> |
| 1. Management of all land under agreement. | 85                                                     |
| 2. Maintenance of field margins.           | 7                                                      |
| 3. Provision of winter stubbles.           | 170                                                    |
| 4. Provision of public access routes.      | 170                                                    |

PART 4

DEFINITIONS

In this Schedule:

"field margin" means a strip of land within one metre of any field boundary which is subject to a prohibition on ploughing or the use of fertilizers or pesticides.

SCHEDULE 6

article 6

ORDERS REVOKED

**The Broads Environmentally Sensitive Area**

The Environmentally Sensitive Areas (The Broads) Designation Order 1997[4]

The Environmentally Sensitive Areas (The Broads) Designation (Amendment) Order 1998[5]

**Pennine Dales Environmentally Sensitive Area**

The Environmentally Sensitive Areas (Pennine Dales) Designation Order 1997[6]

The Environmentally Sensitive Areas (Pennine Dales) Designation (Amendment) Order 1998[7]

**The Somerset Levels and Moors Environmentally Sensitive Area**

The Environmentally Sensitive Areas (Somerset Levels and Moors) Designation Order 1997[8]

The Environmentally Sensitive Areas (Somerset Levels and Moors) Designation (Amendment) Order 1998[[9](#)]

**The South Downs Environmentally Sensitive Area**

The Environmentally Sensitive Areas (South Downs) Designation Order 1997[[10](#)]

The Environmentally Sensitive Areas (South Downs) Designation (Amendment) Order 1998[[11](#)]

**The West Penwith Environmentally Sensitive Area**

The Environmentally Sensitive Areas (West Penwith) Designation Order 1997[[12](#)]

The Environmentally Sensitive Areas (West Penwith) Designation (Amendment) Order 1998[[13](#)]

The Environmentally Sensitive Areas (West Penwith) Designation (Amendment) (No. 2) Order 1998[[14](#)]

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**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 areas in England as environmentally sensitive areas where it appears to him particularly desirable to conserve, protect or enhance environmental features in those areas by the maintenance or adoption of particular agricultural methods.

This Order designates areas in the Broads, Pennine Dales, Somerset Levels and Moors, South Downs and West Penwith as environmentally sensitive areas (article 3). The designated areas are 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 Nobel House, 17 Smith Square, London SW1P 3JR.

Section 18(3) of the 1986 Act enables the Minister to enter into an agreement with any person having an interest in agricultural land in a designated area by which that person agrees in consideration of payments to be made by the Minister to manage the land in accordance with the agreement. The Order specifies what capital activities may attract aid and also specifies the maximum rates of payment which are payable in respect of various management activities.

"Stage I" in the title to the Order refers to the first of four orders each designating a group of environmentally sensitive areas, and corresponds to the sequence in which they were originally designated and the consequent phasing of the dates for policy and payment reviews in those areas.

The Order implements Articles 22 to 24 and 43(2) of Council Regulation (EC) No. 1257/1999 (OJ No. L160, 26.6.99, p. 80) ("the rural development Regulation").

Agreements in respect of which an application was received after 29th July 1999 must be made in accordance with the England Rural Development Programme, which has been approved by the European Commission under Article 44 of the rural development Regulation, and a copy of which is available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food at the address stated above,

together with a copy of Commission Decision No. C(2000) 3003 approving it.

Penalties in respect of any breach of an agreement are provided by Article 48 of the rural development Regulation and by the England Rural Development Programme (Enforcement) Regulations 2000 (S.I.2000/3044).

No Regulatory Impact Assessment has been prepared in respect of this Order.

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*Notes:*

[1] 1986 c. 49. The expression "the Minister" is defined in section 18(11).[back](#)

[2] Section 18(4) was amended by S.I. 1994/249.[back](#)

[3] 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).[back](#)

[4] S.I. 1997/1440.[back](#)

[5] S.I. 1998/1299.[back](#)

[6] S.I. 1997/1441.[back](#)

[7] S.I. 1998/1300.[back](#)

[8] S.I. 1997/1442.[back](#)

[9] S.I. 1998/1298.[back](#)

[10] S.I. 1997/1443.[back](#)

[11] S.I. 1998/1297.[back](#)

[12] S.I. 1997/1444.[back](#)

[13] S.I. 1998/1296.[back](#)

[14] S.I. 1998/2232.[back](#)

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