

Statutory Rule 2001 No. 269

Environmentally Sensitive Areas Designation Order (Northern Ireland) 2001

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STATUTORY RULES OF NORTHERN IRELAND

2001 No. 269

AGRICULTURE

Environmentally Sensitive Areas Designation Order (Northern Ireland) 2001

Made

5th July 2001

Coming into operation

10th September 2001

Whereas, in accordance with Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987[1] (" the 1987 Order"), it appears to the Department of Agriculture and Rural Development ("the Department") that it is particularly desirable -

- (1) to conserve and enhance the natural beauty of the areas referred to in Article 3 and Schedule 1;
- (2) to conserve the flora and fauna and geological and physiographical features of those areas; and
- (3) to protect buildings and other objects of archaeological, architectural or historic interest in those areas;

And whereas, in accordance with the said Article 3(1) of the 1987 Order, it appears to

the Department that the maintenance and adoption of the agricultural methods specified in Schedules 2, 4 and 5 are likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Department, in exercise of the powers conferred on it by Article 3(1) and (3) of the 1987 Order, and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Environmentally Sensitive Areas Designation Order (Northern Ireland) 2001 and shall come into operation on 10th September 2001.

Interpretation

2. - (1) In this Order -

"agreement" means an agreement made after the coming into operation of this Order under Article 3(2) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 as respects agricultural land in any of the areas designated by Article 3;

"arable land" means land on which cereal or oil-seed rape crops are grown;

"archaeological features" means all historic or archaeological sites which have been identified by the Department of the Environment in the Sites and Monuments Record;

"Area of Special Scientific Interest" means an area of land declared to be an area of special scientific interest under Part VI of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985^[2];

"broadleaved farm woodland" means vegetation dominated by a minimum of 50% cover broadleaf native trees, containing a minimum of 80% native species with a height greater than 2 metres;

"buffer strip" means a strip of unfertilised land adjacent to an Area of Special Scientific Interest, National Nature Reserve, Natura 2000 site, watercourse, lake or woodland, at least 100 metres long and at least 5 metres wide;

"carr" means an area of wet woodland of which at least 50% is covered in willow, birch and alder or a combination of all three;

"coastal farmland" means land which comprises semi-natural vegetation and is either clifftop, cliff-face, sand dune or grazed salt-marsh and which fronts the sea and is subject to farming practices;

"conservation crop margin" means an area of crop with a minimum width of 6 metres and a maximum width of 12 metres which is grown with minimal use of pesticides and fertilisers;

"farm scrub" means vegetation dominated by a minimum of 70% cover broadleaf native shrub species;

"farmer" means a person who has an estate in agricultural land in any of the areas designated by Article 3 and Schedule 1 and who has entered an agreement with the Department;

"fen" means an area which is waterlogged and flooded in the winter and remains damp in the summer with a vegetation characterised by the absence of terrestrial plants;

"field boundaries" means hedgerows, sod banks, or dry stone walls and associated features;

"habitat" means the normal abode or locality of animals or plants;

"heather moorland" means land supporting between 5% and 25% cover of heather, bell heather, cross-leaved heath, bilberry and western gorse;

"heritage feature" includes rural features of historic interest;

"improved land" means grassland on which more than 20% of the sward is comprised of rye-grass, timothy, red-fescue or white clover;

"inter-drumlin lough" means a body of standing water at least 0.5 hectares in area with a maximum of 30 farm businesses in the catchment area;

"lapwing breeding sites" means improved or unimproved land where lapwing are present during the breeding season; (i.e. early March - early June);

"lowland raised bog" means intact or cut-over dome shaped peatland;

"lowland wet grassland" means managed grassland below 200m with a naturally high water table at least until mid-June and generally liable to seasonal flooding;

"marginal hill land" means enclosed farmland on the periphery of an open hill comprised of a sward of low productivity grasses;

"moorland" means land with predominantly semi-natural upland vegetation, or comprising predominantly rock outcrops and semi-natural upland vegetation;

"National Nature Reserve" means land declared to be a national nature reserve under Article 18 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

"Natura 2000 site" means an area designated as a Special Area of Conservation (SAC) under Council Directive 92/43/EEC[3] or as a Special Protection Area (SPA) under Council Directive 74/409/EEC[4];

"nutrient management plan" means a programme of fertiliser application based on crop requirements, soil analysis and soil type and profile approved in writing by the Department;

"parkland" means an enclosed area of land at least 3 hectares in extent with a minimum of two mature trees per hectare;

"parkland management plan" means a management plan agreed with the Department designed to restore parkland through a programme of tree planting and restoration of landscape features;

"reed bed" means a wetland dominated by stands of the common reed where reed cover is greater than 75%;

"restricted grazing period" means a time of year when limits to stocking levels apply;

"rough grass field margin" means land forming a strip with a minimum width of 2 metres around arable fields in which cereal, oil-seed or protein crops are being grown and on which a suitable grass mixture is sown;

"rough moorland grazing" means coarse grassland vegetation comprising wholly or

mainly mat-grass, purple moor-grass, cotton-grasses, wavy hair grass and sedges;

"scrape" means a shallow depression temporarily or permanently holding water created for the benefit of breeding waders;

"scrub" means woody vegetation under 2 metres tall;

"semi-natural grassland" means grassland characterised by sward of low productivity grasses, sedges or rushes and a high cover of herbaceous plants;

"the Sites and Monuments Record" means the information system maintained by the Department of the Environment holding all known archaeological and historical sites from 7000 BC onwards;

"species rich acid grassland" means grassland occurring on base poor soils with a low cover of mat-grass and a high cover of herbaceous plants;

"species rich grassland" means grassland with a sward of low productivity grasses and a high cover of herbaceous plants; rye-grass timothy and white clover must comprise less than 20% of the sward;

"species rich hay meadows" means species rich grassland used for the production of hay;

"traditional orchard eligible for restoration" means an orchard no greater than 0.4 hectares containing a minimum of 4 standing fruit trees of 50 years of age at least and with a potential area for 12 fruit trees and a maximum of 50 fruit trees;

"traditional orchard eligible for recreation" means an orchard planted with old traditional varieties on improved land, no greater than 0.4 hectares;

"unimproved land" means grassland containing not more than 20% rye-grass, timothy, red fescue or white clover;

"upland breeding wader sites" means sites of marginal hill land used by breeding waders and which have been identified by the Department;

"wetlands" means an area with a naturally high water table, at least until mid-June and generally liable to seasonal flooding;

"wild bird cover crop" means a crop mixture which is not normally used for agricultural production and where the individual components cannot be harvested separately;

"winter feeding sites for migratory swans and geese" means fields of grassland or winter cereals or oilseed rape which have been regularly used for winter grazing by a minimum of 25 swans or geese (except Canada goose and feral Greylag goose) for at least three of the previous five winters.

Designation of environmentally sensitive areas

3. The Department hereby designates as environmentally sensitive areas the areas of land listed and described in Schedule 1.

Requirements of agreements, additional matters in respect of which payments may be made and amounts of payments

4. - (1) The requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in agreements are those specified in Schedule 2.

(2) Subject to the provisions of this Article, the Department may make payments under an agreement in consideration of the requirements included in the agreement pursuant to paragraph (1), up to the maximum payment rate set out in Schedule 3 for each hectare of unimproved land or, as the case may be, improved land or arable land to which the agreement relates.

(3) The additional matters in respect of which the Department may make payments under an agreement are specified in column 1 of Schedule 4 and column 1 of Schedule 5.

(4) Subject to the provisions of this Article, the Department may make payments under an agreement in consideration of a matter included in the agreement pursuant to paragraph (3) and Schedule 4 or Schedule 5 up to the maximum payment rate specified in column 2 of Schedule 4 or, as the case may be, column 2 of Schedule 5 opposite the reference to that matter.

(5) Payments under paragraph (2) shall not exceed £1,500 per annum for each farmer.

(6) Subject to paragraph (7), payments under paragraph (4) in consideration of a matter included in the agreement pursuant to paragraph (3) and Schedule 5 shall not exceed £1,500 per annum for each farmer.

(7) For the purposes of paragraph (6) the matters set out in the following paragraphs of Schedule 5 shall be disregarded -

(a) paragraph 3(d);

(b) paragraph 3(e) and (f) provided the activities undertaken form part of a parkland management plan;

(c) paragraph 4;

(d) paragraph 9;

(e) paragraph 10(c) and (d) provided the activities undertaken are associated with fencing of habitats;

(f) paragraph 11.

Revocations and saving

5. - (1) Subject to paragraph (2), the Orders specified in Schedule 6 are hereby revoked.

(2) The revocations in paragraph (1) shall not apply in relation to any agreement made under Article 3(2) of the 1987 Order before the coming into operation of this Order.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

5th July 2001.

L.S.

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

The Department of Finance and Personnel hereby consents to the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on

5th July 2001.

L.S.

William Pauley

A senior officer of the Department of Finance and Personnel

SCHEDULE 1

Article 3

Designation of environmentally sensitive areas

1. That area of land in County Down which is shown coloured green on the map marked "Map of Mourne Mountains and Slieve Croob Environmentally Sensitive Area" dated 5th July 2001, sealed with the Official Seal of the Department and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

2. That area of land in County Antrim which is shown coloured green on the map marked "Map of Antrim Coast, Glens and Rathlin Environmentally Sensitive Area" dated 5th July 2001, sealed with the Official Seal of the Department and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

3. That area of land in County Fermanagh which is shown coloured green on the map marked "Map of West Fermanagh and Erne Lakeland Environmentally Sensitive Area" dated 5th July 2001, sealed with the Official Seal of the Department and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

4. That area of land in County Armagh which is shown coloured green on the map marked "Map of Slieve Gullion Environmentally Sensitive Area" dated 5th July 2001, sealed with the Official Seal of the Department and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

5. That area of land in County Tyrone and County Londonderry which is shown coloured green on the map marked "Map of Sperrins Environmentally Sensitive Area" dated 5th July 2001, sealed with the Official Seal of the Department and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

SCHEDULE 2

Article 4(1)

Requirements to be included in an Agreement

1. The farmer shall -

- (a) prepare and follow a nutrient management plan;
- (b) retain and not damage any habitat, landscape or water feature, or heritage feature;
- (c) retain existing field boundaries and not remove any hedge, tree, copses, scrub, ditch, dyke or wall or any part thereof, except with the prior written permission of the Department;
- (d) maintain open drains and sheughs in accordance with the written advice of the Department;
- (e) keep the eligible land free from rubbish and litter;
- (f) seek the permission of the Department before undertaking work which may have a detrimental impact on any habitat, landscape feature or heritage feature;
- (g) comply with the Codes of Good Agricultural Practice for the protection of -
 - (i) soil^[5];
 - (ii) air^[6]; and
 - (iii) water^[7],published by the Department; and
- (h) comply with the Good Farming Practice for the Environment^[8] published by the Department.

2. The farmer shall not -

- (a) increase the overall stocking density on lands owned or occupied by him for the purpose of his farm business to a level above that which existed on average in the year preceding the year in which the agreement is made unless permitted to do so by the Department to achieve environmental objectives;
- (b) in any year apply nitrogen at a rate exceeding 260 kilogrammes per hectare from either organic or inorganic sources;
- (c) undertake ploughing, levelling or reseedling of unimproved land, or any semi-natural grassland;
- (d) apply weed control on unimproved land or any habitat other than by spot treatment or weed wiper for noxious weeds;
- (e) undertake any land reclamation or install new underdrainage or substantially modify the existing drainage system;

- (f) apply lime to any habitat unless with prior written approval of the Department;
- (g) cause severe damage to vegetation by poaching or repeated vehicular access, (including all terrain vehicles) nor graze land with livestock in such numbers as adversely to affect the growth quality or species composition of vegetation (other than vegetation normally grazed to destruction) to a significant degree;
- (h) carry out any activity or deposit on, or extract from the land, any article, material or substance in a manner likely to detract significantly from the natural beauty of the land or damage or destroy flora or fauna or materially alter the geological or physiographical features of the land; or
- (i) realign, dredge or dam any watercourse nor alter the water levels within any existing water feature without the prior agreement of the Department.

SCHEDULE 3

Article 4(2)

Unimproved Land, Improved Land and Arable Land - Maximum Payment Rates under Article 4(2)

<i>Column 1</i>	<i>Column 2</i>
<i>Type of Land</i>	<i>Maximum Payment Rate</i>
(a) Unimproved land.	£30 per hectare per annum.
(b) Improved land.	£25 per hectare per annum.
(c) Arable land.	£25 per hectare per annum.

SCHEDULE 4

Article 4(3) and (4)

Additional matters in respect of which the Department may make payments

<i>Column 1</i>	<i>Column 2</i>
<i>Matter</i>	<i>Maximum Payment Rate</i>
1. In relation to semi-natural grassland -	
(a) management of species rich hay meadows;	£150 per hectare per annum.

(b) management of species rich grassland;	£110 per hectare per annum.
(c) management of species rich acid grassland of 10 hectares or less;	£70 per hectare per annum.
(d) management of species rich acid grassland of over 10 hectares up to and including 50 hectares;	£35 per hectare per annum.
(e) management of species rich acid grassland of over 50 hectares.	£20 per hectare per annum.
2. In relation to wetlands -	
(a) management of lowland wet grassland, fen, swamp, carr and reed beds;	£110 per hectare per annum.
(b) management of lowland wet grassland to enhance numbers of breeding waders.	£150 per hectare per annum.
3. In relation to upland breeding wader sites -	
(a) management of upland breeding wader sites where there is a restricted grazing period;	£75 per hectare per annum.
(b) management of upland breeding wader sites where there is a closed grazing period.	£105 per hectare per annum.
4. In relation to moorland -	
(a) management of heather moorland of 100 hectares or less;	£50 per hectare per annum.
(b) management of heather moorland over 100 hectares up to and including 200 hectares;	£25 per hectare per annum.
(c) management of heather moorland over 200 hectares;	£10 per hectare per annum.
(d) management of rough moorland grazing of 20 hectares or less;	£20 per hectare per annum.
(e) management of rough moorland grazing over 20 hectares up to and including 100 hectares;	£10 per hectare per annum.
(f) management of rough moorland grazing of more than 100 hectares;	£5 per hectare per annum.

(g) reduction of number of suckler cows on heather moorland;	£250 per suckler cow removed per annum.
(h) reduction of number of ewes on heather moorland.	£30 per ewe removed per annum.
5. In relation to lowland raised bogs -	
(a) management of lowland raised bog of 100 hectares or less;	£50 per hectare per annum.
(b) management of lowland raised bog of over 100 up to and including 200 hectares;	£25 per hectare per annum.
(c) management of lowland raised bog over 200 hectares.	£10 per hectare per annum.
6. In relation to broadleaved farm woodland and farm scrub -	
(a) management of broadleaved farm woodland;	£95 per hectare per annum.
(b) management of farm scrub.	£30 per hectare per annum.
7. In relation to coastal farmland -	
management of coastal farmland.	£80 per hectare per annum.
8. In relation to archaeological features -	
management of archaeological features.	£80 per 0.25 hectare or part thereof per annum up to 1.5 hectares and £20 per 0.25 hectare or part thereof per annum thereafter.
9. In relation to parkland -	
management of parkland.	£50 per hectare per annum.
10. In relation to inter-drumlin loughs -	
(a) management of improved land riparian to inter-drumlin loughs (including inflowing watercourses);	£45 per hectare per annum.
(b) management of unimproved land riparian to inter-drumlin loughs (including inflowing	£40 per hectare per annum.

watercourses);	
(c) management of buffer strips of improved land adjacent to inter- drumlin loughs;	£385 per hectare per annum.
(d) management of buffer strips of unimproved land adjacent to inter-drumlin loughs.	£345 per hectare per annum.
11. In relation to chough feeding sites -	
(a) management of unimproved land;	£55 per hectare per annum.
(b) management of improved land;	£55 per hectare per annum.
(c) retention of winter stubble.	£50 per hectare per annum.
12. In relation to arable lands managed for wildlife -	
(a) retention of winter stubble;	£50 per hectare per annum.
(b) conversion of improved land to spring cereals or oil-seed rape;	£90 per hectare per annum.
(c) establishment of wild bird cover crop on improved land;	£500 per hectare per annum.
(d) establishment of wild bird cover crop on arable land;	£490 per hectare per annum.
(e) creation of a rough grass field margin;	£515 per hectare per annum.
(f) establishment of a conservation crop margin.	£100 per hectare per annum.
13. In relation to winter feeding sites for migratory swans and geese -	
(a) management of improved land for winter feeding of migratory swans and geese of 5 hectares or less;	£110 per hectare per annum.
(b) management of improved land for winter feeding of migratory swans and geese over 5 hectares and up to and including 25 hectares;	£55 per hectare per annum.
(c) management of improved land for winter	£25 per hectare per annum

feeding of migratory swans and geese over 25 hectares;	
(d) management of arable land for winter feeding of migratory swans and geese of 5 hectares or less;	£195 per hectare per annum
(e) management of arable land for winter feeding of migratory swans and geese over 5 hectares and up to and including 25 hectares;	£95 per hectare per annum
(f) management of arable land for winter feeding of migratory swans and geese over 25 hectares.	£45 per hectare per annum
14. In relation to lapwing breeding sites -	
(a) management of improved land for lapwing breeding;	£160 per hectare per annum.
(b) management of unimproved land for lapwing breeding.	£130 per hectare per annum.
15. In relation to traditional orchards -	
(a) restoration of traditional orchards eligible for restoration;	£260 per hectare per annum.
(b) recreation of traditional orchards eligible for recreation.	£380 per hectare per annum.
16. In relation to buffer strips adjacent to an Area of Special Scientific Interest, National Nature Reserve, Natura 2000 site, watercourse, lake or woodland -	
(a) management of a buffer strip on improved land;	£385 per hectare per annum.
(b) management of a buffer strip on unimproved land.	£345 per hectare per annum.
17. In relation to heather regeneration -	
(a) burning of heather;	£60 per hectare per annum.
(b) flailing of heather.	£45 per hectare per annum.

18. In relation to bracken -	
(a) control of bracken by tractor spraying;	£140 per hectare per annum.
(b) control of bracken by knapsack spraying.	£220 per hectare per annum.
19. In relation to rhododendron - control of rhododendron.	£390 per hectare per annum.
20. In relation to scrub - control of scrub.	£95 per hectare per annum.
21. In relation to restoration of field boundaries -	
(a) restoring 5 metres per hectare per year;	£40 per hectare per annum.
(b) restoring 10 metres per hectare per year.	£80 per hectare per annum.
22. In relation to provision of native trees -	
provision of native trees for areas less than 0.2 hectares.	£750 per hectare per annum.

SCHEDULE 5

Article 4(3) and (4)

Additional matters in respect of which the Department may make payments subject to an overall maximum

<i>Column 1</i>	<i>Column 2</i>
<i>Matter</i>	<i>Maximum Payment Rate</i>
1. Field boundaries -	
(a) restoration of drystone wall -	
(i) double skinned	£9·47 per square metre run
(ii) single skinned;	£6·31 per square metre run
(b) hedge restoration -	
(i) laying	£2·55 per metre

(ii) coppicing	£0·93 per metre
(iii) interplanting/reinstatement;	£3·05 per metre
(c) reinstating sod banks.	£2·48 per metre
2. Stiles -	
(a) erection of 3 step stone stile;	£16·83 per stile
(b) erection of a free standing timber ladder.	£34·80 per metre
3. Tree planting/management -	
(a) tree/shrub planting;	£0·56 per plant
(b) installation of tree guard and stake;	£0·71 per tree guard and stake
(c) installation of spiral rabbit guard;	£0·18 per guard
(d) planting standard parkland trees;	£12·08 per tree
(e) tree surgery;	60% of cost approved by the Department
(f) pollarding.	60% of cost approved by the Department
4. Orchards -	
restorative pruning.	60% of cost approved by the Department
5. Items to enhance wildlife value -	
(a) installation of nest boxes;	£4·20 per box (Small) £6·00 per box (Large)
(b) installation of bat boxes;	£4·20 per box
(c) installation of red squirrel feeders.	£42·00 per feeder
6. Structures/work to raise water levels.	60% of cost approved by the Department

7. Creation of scrapes.	£1·25 per square metre surface area (to maximum of 100m ²)
8. Restoration of farm ponds.	60% of cost approved by Department
9. Provision of alternative watering sites -	
(a) installation of trough;	£30·00 per trough
(b) installation of up to 150 metres of pipeline;	£0·92 per metre
(c) installation of over 150 metres of pipeline.	£0·80 per metre
10. Restoration of traditional and heritage features -	
(a) restoration of traditional farm buildings;	60% of cost approved by the Department
(b) restoration of features of historic interest;	60% of cost approved by the Department
(c) restoration of traditional gates;	£21·00 per metre (wooden) £45·00 per metre (metal) £24·00 per metre (composite)
(d) restoration of traditional pillars and posts -	
rebuilding pillar;	£90·00 per pillar
rebuilding pillar cap;	£18·00 per pillar cap
repointing pillar cap;	£34·00 per pillar
replastering pillar cap;	£18·00 per pillar
provision of wooden post;	£13·20 per post
provision of stone post.	£60·00 per post
11. Erection of protective fencing -	

(a) 3 line strained wire;	£1·06 per metre
(b) additional line wire;	£0·08 per metre
(c) woven wire;	£1·16 per metre
(d) woven wire (heavy pattern);	£1·61 per metre
(e) proofing against rabbits and hares;	£0·88 per metre
(f) timber stiles -	
(i) single step;	£11·27 per stile
(ii) double step;	£17·34 per stile
(iii) vertical stile;	£28·94 per stile
(g) protection for planting parkland trees.	£46·30 (1.8 m square) per guard £75·38 (3.6 m triangular) per guard £91·98 (3.6 m square) per guard

SCHEDULE 6

Article 5

Revocations

<i>Column 1</i>	<i>Column 2</i>
<i>Number</i>	<i>Title</i>
S.R. 1993 No. 178	Environmentally Sensitive Areas (Mourne Mountains and Slieve Croob) Designation Order (Northern Ireland) 1993
S.R. 1993 No. 179	Environmentally Sensitive Areas (Antrim Coast, Glens and Rathlin) Designation Order (Northern Ireland) 1993
S.R. 1993 No. 180	Environmentally Sensitive Areas (West Fermanagh and Erne Lakeland) Designation Order (Northern Ireland) 1993
S.R. 1994 No. 212	Environmentally Sensitive Areas (Slieve Gullion) Designation Order (Northern Ireland) 1994
S.R. 1994	Environmentally Sensitive Areas (Sperrins) Designation Order (Northern

No. 213	Ireland) 1994
S.R. 1994 No. 375	Environmentally Sensitive Areas (Mourne Mountains and Slieve Croob) Designation (Amendment) Order (Northern Ireland) 1994
S.R. 1994 No. 376	Environmentally Sensitive Areas (Antrim Coast, Glens and Rathlin) Designation (Amendment) Order (Northern Ireland) 1994
S.R. 1994 No. 377	Environmentally Sensitive Areas (West Fermanagh and Erne Lakeland) Designation (Amendment) Order (Northern Ireland) 1994
S.R.1995 No. 179	Environmentally Sensitive Areas (Sperrins) Designation (Amendment) Order (Northern Ireland) 1995
S.R. 1997 No. 297	Environmentally Sensitive Areas (Antrim Coast, Glens and Rathlin) Designation (Amendment) Order (Northern Ireland) 1997
S.R. 1997 No. 298	Environmentally Sensitive Areas (Slieve Gullion) Designation (Amendment) Order (Northern Ireland) 1997
S.R. 1997 No. 299	Environmentally Sensitive Areas (Mourne Mountains and Slieve Croob) Designation (Amendment) Order (Northern Ireland) 1997
S.R. 1997 No. 300	Environmentally Sensitive Areas (West Fermanagh and Erne Lakeland) Designation (Amendment) Order (Northern Ireland) 1997
S.R. 1997 No. 301	Environmentally Sensitive Areas (Sperrins) Designation (Amendment) Order (Northern Ireland) 1997

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 3 of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 ("the 1987 Order") gives the Department of Agriculture and Rural Development ("the Department") power to designate areas as environmentally sensitive areas where it appears to it particularly desirable to conserve, protect or enhance environmental features in those areas by the maintenance or adoption of particular agricultural methods.

This Order designates certain areas of land as environmentally sensitive areas (Article 3 and Schedule 1). The designated areas are defined by reference to maps which are available for inspection during normal office hours at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

Article 3(2) of the 1987 Order enables the Department 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 Department to manage the land in accordance with the agreement. This Order specifies the requirements as to agricultural practices, methods and operations which must be included in agreements. It also specifies the matters in respect of which the Department may make payments and the maximum rate of those payments (Article 4 and Schedules 2 to 5).

This Order gives effect in part to the agri-environment element of the programming document based on the rural development plan for Northern Ireland submitted by the United Kingdom to the European Commission pursuant to Article 41 of the Council Regulation (EC) No. 1257/1999 (O.J. No. L160, 26.6.1999, p. 80) and which was approved by Commission Decision C(2000) 3638 of 4th December 2000.

Penalties in respect of any breach of an agreement are provided by Article 48 of Commission Regulation (EC) No.1750/1999 (O.J. No. L214, 13.8.1999, p. 31) as amended by Commission Regulation (EC) No. 2075/2000 (O.J. No. L246, 30.9.2000, p. 46) and by the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 270).

This Order revokes, with a saving, earlier designation orders (Article 5 and Schedule 6).

The rural development plan for Northern Ireland, together with a copy of Commission Decision C(2000) 3638 approving it, is available for inspection at the Department of Agriculture and Rural Development, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

Good Farming Practice for the Environment and the Codes of Good Agricultural Practice for the protection of soil, air and water referred to in this Order are available on request from the Department of Agriculture and Rural Development, Annex D, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

The Sites and Monuments Record is accessible at the Environment and Heritage Service: Built Heritage at 5-33 Hill Street, Belfast, BT1 2LA. The information is also available online at: ads.ahds.ac.uk

Notes:

[1] S.I. 1987/458 (N.I. 3)[back](#)

[2] S.I. 1985/170 (N.I. 1) as amended by 1989/492 (N.I. 3)[back](#)

[3] O.J. No. L206, 22.7.92, p. 7[back](#)

[4] O.J. No. L103, 25.4.79, p. 1[back](#)

[5] Soil ISBN 1 85527 1591 (1995)[back](#)

[6] Air ISBN 1 85527 1605, 1613, (1995)[back](#)

[7] Water ISBN 1 85527 057 9, 059 5, 112 5, 115, 114 1, 246 6, 351 9, 361 6 (1991-1999)[back](#)

[8] ISBN 1 855 472 8[back](#)

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