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;

(**1**) S.I. 1987/458 (N.I. 3)

"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-leafed 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;

(**2**) S.I. 1985/170 (N.I. 1) as amended by 1989/492 (N.I. 3)

"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;

(**3**) O.J. No. L206, 22.7.92, p. 7
(**4**) O.J. No. L103, 25.4.79, p. 1

"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.

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.

William Pauley
A senior officer of the
Department of Finance and Personnel