STATUTORY RULES OF NORTHERN IRELAND

1997 No. 301

AGRICULTURE

Environmentally Sensitive Areas (Sperrins) Designation (Amendment) Order (Northern Ireland) 1997

Made - - - -	*20th June 1997*
Coming into operation	*28th July 1997*

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 that it is particularly desirable—

(1) to conserve and enhance the natural beauty of the area referred to in Article 3 of the Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994(**2**);

(2) to conserve the flora and fauna and geological and physiographical features of that area; and

(3) to protect buildings and other objects of archaeological, architectural or historic interest in that area;

And whereas, in accordance with the said Article 3(1) of the 1987 Order it appears to the Department of Agriculture that the maintenance and adoption of the agricultural methods specified in this Order is likely to facilitate the aforementioned conservation, enhancement and protection;

Now, therefore, the Department of Agriculture, 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 (Sperrins) Designation (Amendment) Order (Northern Ireland) 1997 and shall come into operation on 28th July 1997.

Amendments to the Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994

2. The Environmentally Sensitive Areas (Sperrins) Designation Order (Northern Ireland) 1994 shall be amended as provided by Articles 3 to 7.

(**1**) S.I. 1987/458 (N.I. 3); Article 3(3) was amended by S.R. 1994 No. 419
(**2**) S.I. 1994 No. 213 as amended by S.R. 1995 No. 179 and S.R. 1996 No. 606

3. In Article 2 (Interpretation)—

(a) for the definition of "the Commission Regulation" there shall be substituted—

""the Commission Regulation" means Commission Regulation (EC) No. 746/96(**3**) laying down detailed rules for the application of the Council Regulation, as amended by Commission Regulation (EC) No. 435/97";(**4**);"

(b) after the definition of "scrubland" there shall be inserted—

""species rich dry grassland" means grassland (including maritime grassland) which occurs on moderately well drained soils and on which the sward is comprised of crested dogstail, red fescue or bent grasses and flowering plants such as meadow vetchling, common bird's foot trefoil and yellow rattle and less than 20% of the sward is comprised of ryegrass;

"species rich wet grassland" means grassland which occurs on poorly drained soils and on which the sward is comprised of Yorkshire fog, sweet vernal, bent grasses, rush species or sedges and flowering plants adapted to living in wet soils, such as ragged robin, meadow sweet, lesser spearwort, marsh marigold and water mint and less than 20% of the sward is comprised of ryegrass;".

4. In Article 6(3) in the Table before the entry relating to Woodland or Scrubland there shall be inserted the following entries—

"Species Rich Dry Grassland 110

Species Rich Wet Grassland 110"

5. In Article 7 for sub-paragraphs (*a*) to (*c*) there shall be substituted—

"(a) If the land is unimproved grassland at the rate of £150 per annum.

(b) If the land is improved land at the rate of £300 per annum.

(c) If the land is rough moorland grazing at the rate of £75 per annum."

6. In Article 8 (Rates of payments under enhancement provisions) for paragraph (2) there shall be substituted—

"(2) Payments made by virtue of this Article shall not exceed—

(a) £9,000 in any period of 3 years; or

(b) subject to sub-paragraph (*c*), £3,000 in any year;

(c) where the operation carried out under the provisions of Part II of Schedule 3 is wholly or mainly the renovation of traditional farm buildings, or the provision of protective fencing, sub-paragraph (*b*) shall have effect as if for the figure "£3,000" there were substituted "£9,000".".

7. In Schedule 2 (Additional Requirements) after Part III there shall be added the following Parts —

"Part IV

As regards any Species Rich Dry Grassland which is the subject of an agreement the farmer shall comply with the relevant requirements of Schedule 1 and in addition thereto—

(**3**) O.J. No. 402, 25.4.96, p. 19
(**4**) O.J. No. L67, 7.3.97, p. 2