1989 No. 190

AGRICULTURE

Environmentally Sensitive Areas (Glens of Antrim) Designation Order (Northern Ireland) 1989

Made	*23rd May 1989*
Coming into operation . .	*1st July 1989*

Whereas, in accordance with Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987(**a**), it appears to the Department of Agriculture (''the Department'') that it is particularly desirable—

(1) to conserve and enhance the natural beauty of the area referred to in Article 3;

(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, in accordance with the said Article 3(1) of the said Order it appears to the Department that the maintenance and adoption of the agricultural methods specified in the Schedule is 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 said 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 (Glens of Antrim) Designation Order (Northern Ireland) 1989 and shall come into operation on 1st July 1989.

Interpretation

2. In this Order—

''agreement'' means an agreement under Article 3(2) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 as respects agricultural land in the area designated by Article 3;

(a) S.I. 1987/458 (N.I. 3)

"conservation plan" means a layout plan of the farm and an attached statement identifying relevant land and conservation features and setting out, as appropriate, details of how the requirements in the agreement will be implemented on the farm;

"enclosed land" means agricultural land enclosed by fences, hedges, walls or dykes for the closely controlled grazing of livestock, cropping or the maintenance of farm woodland;

"farm business" means a business or part of a business which engages in agricultural production for the purposes of trade;

"farm woodland" means woodland on agricultural land the use of which is ancillary to a farm business;

"farmer" means a person who has an estate in agricultural land in the area designated by Article 3 and who has entered into an agreement with the Department;

"livestock" means bovine animals or sheep;

"livestock unit" means—

(*a*) 1 cow;

(*b*) 1.4 bovine animals (other than cows) over two years old;

(*c*) 1.6 bovine animals (other than cows) from one year to two years old inclusive;

(*d*) 2.5 bovine animals less than one year old, or

(*e*) 6.66 sheep;

"scrubland" means land which is covered by stunted trees or brushwood;

"species rich pasture" means enclosed land used for grazing which contains a significant number of plant species and which has not previously been treated with a significant amount of artificial or mineral fertiliser or lime;

"stocking density" means the number of livestock units per hectare of land occupied by the farm business; and

"wet land" or "marsh" means any ground which is normally saturated with water.

Designation of environmentally sensitive area

3. The Department hereby designates as an environmentally sensitive area that area of land in the Glens of Antrim in County Antrim which is shown coloured yellow on the map marked "Map of Glens of Antrim Environmentally Sensitive Area" dated 23rd May 1989 signed and sealed by the Secretary of the Department and deposited at the offices of the Department at Magnet House, 81-93 York Street, Belfast BT15 1AD.

Requirements to be included in agreement

4. An agreement shall include—

(*a*) as regards land which is the subject of the agreement and which is not farm woodland or scrubland, the requirements specified in Part I of the Schedule; and

(*b*) as regards land which is the subject of the agreement and which is farm woodland or scrubland, the requirements specified in Part II of the Schedule,

as to agricultural practices, methods and operations.

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 Department may give the farmer notice in writing terminating the agreement forthwith and may recover on demand from the farmer as a civil debt an amount equivalent to the whole or any part of the payments made to him by the Department under the agreement; and

(*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 such agreement to be appointed by the Chairman for the time being of the Northern Ireland Branch of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act (Northern Ireland) 1937(**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), payments made by the Department under an agreement shall be at the rate of £50 per annum for each hectare of land to which the agreement relates.

(2) Where an agreement includes land which is farm woodland or scrubland payments made by the Department under the agreement in relation to that land shall be at the rate of £100 per annum for each hectare of that land.

Sealed with the Official Seal of the Department of Agriculture on 23rd May 1989.

(L.S.) *L. Sinclair*
Assistant Secretary

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 23rd May 1989.

(L.S.) *R. Miller*
Assistant Secretary

(a) 1937 c. 8 (N.I.)