1988 No. 91

AGRICULTURE

Environmentally Sensitive Areas (Mourne Mountains and Slieve Croob) Designation Order (Northern Ireland) 1988

Made	*21st March 1988*
Coming into operation . .	*1st May 1988*

Whereas, in accordance with Article 3(1) of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987(**a**), 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;

(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 (Mourne Mountains and Slieve Croob) Designation Order (Northern Ireland) 1988 and shall come into operation on 1st May 1988.

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;

"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;

"the Department" means the Department of Agriculture;

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

"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 the 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;

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

"wetland" 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 Mourne Mountains and Slieve Croob in County Down which is shown coloured yellow on the map marked "Map of Mourne Mountains and Slieve Croob Environmentally Sensitive Area" dated 21st March 1988, 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 the requirements specified in the Schedule as to agricultural practices, methods and operations and the installation and use of equipment on land to which it relates.

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;

(*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

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