



Llywodraeth Cymru  
Welsh Government

GUIDANCE, DOCUMENT

# Cross compliance: maintenance of soil and organic matter (GAEC 6) (2022)

A summary of the rules on protecting soil.

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# Introduction

The aim of these standards is to protect the soil. Environmental benefits of maintaining habitats and biodiversity are of national importance.

Both farming and biodiversity benefit from good healthy variation in vegetation, structure and condition. Carefully planned, periodic, controlled burning can be beneficial for agriculture, game management, wildlife conservation and the wider environment. Ill-considered burning can be counter-productive by damaging valuable grazing, habitats and historic features as well as affecting soil and water quality.

Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (EIA) screening is required on all semi-natural land (habitats) when agricultural intensification projects are planned or where a project for the restructuring of rural landholdings is planned. It is a breach of the regulations to proceed with such projects, without either obtaining a screening decision that the project will not have significant effects on the environment, or obtaining full EIA consent.

## Main requirements

### Crop Residues, Heather and Grass burning

- do not burn crop residues on agricultural land, unless to eradicate plant pests, or with the consent of the Welsh Government. Maintain evidence of either
- ensure a heather and grass burning management plan has been prepared and that any proposed burning is done in accordance with the provisions of that plan
- prior to commencing the heather and grass burn and during the entire period

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of the operation, ensure all reasonable precautions are made to prevent injury or damage to any adjacent property. Do not create hazards to road users and the public

- ensure sufficient persons or equipment to control and regulate the heather and grass burning are in place during the entire period of the burn
- complete all heather and grass burning within the permitted period, and only during daylight hours. The periods are:
  - 1 October – 31 March in upland areas (defined as Severely Disadvantaged Area (SDA))
  - 1 November – 15 March elsewhere
- comply with national legal requirements and restrictions for heather and grass burning, together with local by-laws

## **Environmental Impact Assessment (EIA) (Agriculture) Regulations**

- apply for EIA screening from the Welsh Government for relevant land improvements. Land is deemed to be semi-natural if the proportion of improved agricultural species such as white clover/ryegrasses is less than 25%
- apply for EIA screening from the Welsh Government for restructuring projects on rural landholdings. This includes projects on all agricultural land
- comply with EIA screening decisions and consents
- comply with EIA Enforcement notices

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# Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

- do not carry out afforestation on agricultural land or deforestation projects on existing woodland unless you have permission from Natural Resources Wales
- comply with stop, consent, enforcement and remediation notices served by Natural Resources Wales

## Field checks

- burning of arable crop residues is not taking place unless for plant health reasons, education and research (with the consent of the Welsh Government) or the disposal of straw stack or broken bales
- for heather and grass burning, a Burning Management Plan is in place
- heather and grass burning is taking place in the permitted periods
- check that an Environmental Impact Assessment screening decision or consent has been obtained for agricultural improvement works, on semi-natural land, or restructuring of rural land holdings
- check that conditions of a Stop Notice, Remediation Notice or Consent are being adhered to

## Good practice: crop residues, heather and grass burning

- draw up a programme of essential heather and grass burning on a sound rotational basis – this should be included in the Burning Management Plan

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- inform adjoining landowners of your burning plans beforehand and inform the local Fire and Rescue Service. Inform them when fires have been extinguished
- do not burn if the weather is unsuitable for safe and controlled burning, including when it's too dry. Do not burn if the wind is too strong or if wind direction is changeable. If conditions worsen burning should be stopped immediately
- aim for quick 'cool burns' which remove the dwarf shrub canopy, but leave behind a proportion of 'stick' and does not cause damage to the moss layer or expose the soil surface
- control the flanks of a fire at the desired width leaving the fire front to spread in a predetermined direction, with at least one flank defined by a firebreak. Choose natural breaks in vegetation for the burn wherever possible, or where none are present, create firebreaks – firebreak width should be at least 2½ times the expected flame length
- do not burn on designated sites (e.g. SSSIs) or Scheduled Ancient Monuments without first seeking consent from the appropriate authority

## Environmental Impact Assessment (EIA)

- if it is unclear whether the Environmental Impact Assessment (Agriculture) Regulations apply to a particular project/activity, then advice should be sought from the Welsh Government. Alternatively, visit [gov.wales/assessing-environmental-impact-agriculture](https://gov.wales/assessing-environmental-impact-agriculture). If its unclear whether the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 apply to a particular project/activity, then advice should be sought from Natural Resources Wales

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# Further information

For further information please contact:

- Welsh Government
- Natural Resources Wales

or see [Cross compliance: useful contacts \(2024\)](#) factsheet within this pack.

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