

GAEC 7: Maintenance of Landscape Features



Llywodraeth Cymru
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Landscape features and Scheduled Monuments are an important part of Wales' environment, providing historical and cultural value in addition to providing valuable shelter for livestock, nesting cover for birds and a variety of habitats for wildlife. They are significant features in the landscape, and older boundaries may form part of ancient enclosure patterns of archaeological or historic interest. Stock proof boundaries should also make grazing management and livestock movements easier.

Scheduled Monuments are protected under GAEC 7 and under the Ancient Monuments and Archaeological Areas Act, 1979 and it is an offence under the Act to damage or disturb a Scheduled Monument, including activities which cause or encourage ground disturbance.

Definitions

- Landscape features include hedges, stonewalls, stone faced banks, earth banks, slate fences, ponds, ditches, field margins and ancient monuments. Some of these are used as traditional field boundaries, but that may not always be the case.
- 'Hedges' include any hedge up to a maximum width of 10 metres.
- 'Stone wall' means traditional stone wall and includes earth banks with two constructed stone faces such as the traditional 'Penclawdd Wall' or 'Pembrokeshire Hedge'.
- 'Stone faced bank' means an earth bank where one side is constructed of stone.
- 'Pond' means a body of water up to 0.1ha occurring naturally or created through a rural development scheme.

Main requirements

Scheduled Monuments

- Do not destroy or damage a Scheduled Monument.
- Do not cause damage to a Scheduled Monument through activities which cause or encourage soil erosion or ground disturbance on scheduled monuments, e.g:
 - overgrazing;
 - allowing growth of invasive scrub or vegetation;
 - trampling and poaching;
 - vehicle tracking, particularly on steep slopes or when ground conditions are wet;
 - supplementary feeding;
 - allowing cultivation to encroach on the boundary of a Scheduled Monument;
 - storage of equipment, materials and rubbish.

- No work to a Scheduled Monument may be carried out without written consent from Cadw e.g. ploughing, fencing, drainage, track upgrades etc.
- Fully comply with all requirements within any consent.

Other Landscape Features

- Retain all landscape features such as stone walls, stone-faced banks, hedges and earthbanks, slate fences. Their removal or destruction on land subject to Cross Compliance will not be allowed unless you have written consent from the relevant authority.
- If appropriate, in order to enable machinery or animal access, you may widen an existing access point within a hedge, wall, earth bank or slate fence up to maximum of 10 metres.
- Retain all ponds on the holding.
- Retain all ditches (including dry ditches) on the holding, unless consent has been obtained (from the relevant Local Authority) allowing their removal.
- Do not cultivate (e.g. plough, rotovate, tine or disc) any land within 1 metre of a hedge, earthbank or surface water regardless of the size of the field.
- If you need to fell more than 5 cubic metres of trees per calendar quarter (providing not more than 2 cubic metres is sold) between 1 September and end of February, it will be necessary to obtain a Felling Licence from Natural Resources Wales.
- Trees protected by a Tree Protection Order (issued by the Local Authority) cannot be cut, trimmed or felled without the permission of your Local Authority.
- No trees can be cut or trimmed during the bird rearing and nesting season; 1 March to 31 August, unless:
 - The hedgerow or tree overhangs a highway, road, track or footpath to which the public have access, and the work is necessary because the overhanging vegetation:
 - obstructs the passage of vehicles or pedestrians;
 - obstructs the view of drivers, or the light from a public lamp; or
 - is a danger to horse-riders.
 - The hedgerow or tree needs to be cut or trimmed because it is dead, diseased or damaged or insecurely rooted, and is therefore likely to cause danger by falling onto a highway, road or footpath.
 - The company responsible for the maintenance of any overhanging electricity or telephone lines, needs to cut back trees and/or hedges for safety reasons.
 - On arable land, where the normal agricultural practice requires that a winter arable crop is planted before

31 August, you will be able to cut back the relevant hedges or trees from 1 August as long as nesting birds are not disturbed. Before cutting the hedge you must check the hedge thoroughly to ensure that you will not disturb any breeding or rearing bird.

- There is an enforcement notice issued by the Local Authority under the Highways Act 1980 Section 154 in order that the passage of vehicles or pedestrians is not obstructed or endangered, it is considered that the hedge and/or branches of trees at the locations described require trimming/lopping or pleaching.
- Hedge restoration e.g. laying or coppicing may be carried out during March as long as nesting birds are not knowingly disturbed.

The exceptions described above are allowed as long as farmers also meet their obligations under the Wildlife and Countryside Act 1981 for the protection of wild birds (see SMR 2). You should retain evidence e.g. photographs and/or any letters from the relevant competent authorities that show clearly why it was necessary to cut or trim hedges and trees between 1 March and 31 August. These should be provided to inspectors on request.

- Hedge restoration e.g. laying or coppicing is permitted up to 30 April if specifically for a competition and/or training event, as long as written permission is obtained from Welsh Government in advance of the event. The event also needs to comply with the Wildlife and Countryside Act 1981.

Field checks

- Check retention of landscape features on the ground against maps and aerial photography.
- Check that trimming or cutting of hedges and trees are not being carried out within the closed periods, unless for health and safety reasons or within the allowances listed.
- Check that hedge restoration is not being carried out between 1 April and 31 August.
- Check that Scheduled Monuments have not been damaged.
- Check written consent from the appropriate authority, for the removal of any stone walls, stone-faced banks, hedges and earthbanks, slate fences.
- Check of photographic evidence of any health or safety issues that lead to cutting or trimming of hedges or trees in the closed period.

Good practice

- Undertake an annual programme of stone wall maintenance.
- Plant up gappy hedges and consider laying mature hedges.
- Put up protective fencing to prevent livestock damage to field boundaries.
- Manage landscape features using sensitive methods that will aid their long-term survival (such as only trimming hedges every other year).
- Identify the extent of all the historic features on your farm (your local Archaeological Trust holds an up to date record of all known archaeological sites and features).

- Monitor the condition of all historic features for signs of disturbance due to erosion, overgrazing, supplementary feeding, etc. and take appropriate measures to remove the cause and give the land time to recover.
- The 1 metre field margin zone should not be ploughed or the soil cultivated and should be managed as part of the boundary feature i.e. by trimming, topping, grazing.

For further information please contact:

Welsh Government

Natural Resources Wales

Cadw

See 'Useful Contacts' factsheet within this pack