



Llywodraeth Cymru
Welsh Government

Welsh Government

23/5/22

Dear [REDACTED]

Re: Potential Breach of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 in relation to fields SM9914 4373, SM9914 5670, SM9914 5258, SM9914 4848, SM9914 8817, SN0014 0918, SN 0014 3619.

As we discussed during my visit on 17/5/22 Welsh Government had received information which, under the above Regulations required further investigation re: reports of ploughing permanent pasture & spraying off to kill off semi natural grassland without EIA screening within parcels SM9914 5670 & SM9914 4373, SM9914 5158 & SM9914 4848.

In addition, reports of increasing size of field ditch boundary significantly without EIA screening within parcels SN0014 3619, SN0014 0918, SM9914 8817.

Parcels SM9914 5670 & SM9914 4373

You confirmed you had employed an agronomist to survey the site before carrying out improvement works & provided a copy of his survey. The survey states the parcels contained ryegrass, cocksfoot & timothy & a high density of soft rush. The survey results did not provide % cover for grass species. The Environmental Impact Assessment (Agriculture)

regulations apply for land that contains less than 25% agriculturally improved species such as rye grass & white clover & therefore classed as semi natural.

Following further discussions with [REDACTED] of [REDACTED] Agronomists (your agronomist) he further confirmed in writing to me that "Fields SM9914 5670 and SM 9914 4373 had a ryegrass population greater than 25%" found during his visit to the land in February 2022.

Therefore, these parcels were found to be improved land & therefore outside the Environmental Impact Assessment (EIA) regulations & no issue.

Parcels SM9914 5158 & SM9914 4848.

Were found to be improved land & had been sown with a maize crop therefore outside the Environmental Impact Assessment (EIA) regulations & no issue.

The past aerial photos from 2000-2020 indicate that this parcel was improved land. In addition in 2006 this parcel were mapped by myself for the previous owners Tir Gofal agreement & was found to be improved grassland.

Parcels SN0014 3619, SN0014 0918, SM9914 8817.

Were found to be improved land & had been sown with a grass & barley ley or Maize.

The past aerial photos we have on record from 2000-2020 indicate that this parcel was improved land. In addition, in 2006 this parcel was mapped by me for the previous owners & was found to be improved grassland.

You had cleaned out the existing ditch along the northern boundary of these fields for maintenance reasons. Therefore, as the fields are improved & the ditch is existing & cleaned out for maintenance reasons therefore not an issue under EIA regulations.

Should you wish to carry out any further projects to increase the agricultural production from the land such as re seeding or creating new drains you **must** first submit a screening application as required under the EIA Regulations. **Failure to do so is an offence.**

Projects which require screening include:

- Application of herbicide to vegetation prior to cultivation or re-seeding
- Any cultivation (ploughing, power harrowing etc...) followed by re-seeding with agricultural grass leys or crops – including broadcasting and direct-drilling,
- Addition of fertilisers or other agricultural inputs where none has been previously applied, or increasing applications beyond previous maintenance levels appropriate for semi-natural land.
- Step-change in stocking levels to beyond that which semi-natural grazing will support.
- Addition of new drainage or modifying historic drainage.

Examples of routine operations that do not require EIA screening:

- trimming the hedges back and cutting back overhanging branches from the hedgerow trees in order to fence the land is routine maintenance, but best practice is to carry it out outside the nesting season i.e. between 1 September and 28 February. Hedge

laying and coppicing is also routine work and can continue until 31 March. It is an offence to disturb any nesting birds or their nest sites.

- controlling rush or bracken by topping or weed-wiping is routine maintenance, provided the underlying semi-natural grassland is not affected.
- controlling scrub encroaching in from the boundaries is also routine maintenance provided that the land is not cultivated, fertilised or re-seeded afterwards.
- cleaning existing ditches and drains is routine maintenance.

Tree felling

You can fell up to 5 cubic metres of timber per calendar quarter. Any more than that requires a Felling Licence from Natural Resources Wales.

Removal of Traditional Boundaries

Hedges may not be removed without permission from the Local Authority under the Hedgerow Regulations 1997.

Cross-compliance also requires you to retain **all** traditional boundaries on your holding. This includes stone walls, stone and earth banks, hedges etc...

Just to remind you that scrub control should be done outside the bird nesting season from 1st September until 28th February.

May I take this opportunity to thank you for your co-operation in this matter, and please do not hesitate to contact me should you require any further information regarding the land and any other proposed works under the Regulations.

If you wish to discuss your case, please get in contact with the EIA Operations team at EIA.unit@gov.wales. (Please note, due to self-distancing protocols, a limited presence is available in the offices until further notice).

Yours sincerely



For the Head of Natural Environment and Agriculture

Whilst not part of our decision, you should also take note of the following guidance:

- 1 *This guidance does not replace or affect any other statutory requirements which may constrain operations on this land.*
- 2 *Please note any agricultural improvement works affecting semi-natural habitats and semi-natural rough grazings could breach the conditions of an agri-environment scheme. You are advised this EIA screening response does **not** authorise you to breach any agri-environment scheme conditions that might apply to this land.*