

EIA Agriculture (Wales) Regs 2017 – Case Description & Outcome Record

Enforcement case: T008 2024

CRN	[REDACTED]
Location / Farm Name	[REDACTED]
Landowner / User / Tenant Names & Addresses	[REDACTED]
Schemes Claimed / Designations	BPS
Case Officer	[REDACTED]
Date visited	27/2/24
Consultations Requested	NRW / LA / Arch Trust 27/2/24
Land Parcel No(s) / Grid Reference(s)	SN2523 3466
Description of Project	WG received reports of removal of wetland & scrub & installation of a land drain. Reports that the area in question had been ploughed & planted with maize in 2023.
Description of Site – Current Land use	Partly permanent semi natural grassland /area planted with maize.
Description of Site - Habitats	<p>The area in question was found to be partly semi natural grassland/scrub /area planted with maize. The area of semi natural grassland that had been retained was found to be NVC category MG10 40.70% according to MAVIS &amp; MG10 according to Rodwell. Two existing streams were found within the area of SN land within parcel 3466. These are marked on the OS map. One of the existing streams had been cleaned out &amp; viewed as maintenance work as the ditch/stream had not been enlarged excessively.</p> <p>Therefore the conclusion is although the area of semi natural grassland that had been cultivated was not significant habitat but should be referred to RIW for a breach of EIA (Agri ) regs GAEC 6- cultivation with maize in a section of the semi natural area (0.60ha) for not applying for EIA screening before improvement works took place.-see attached map for area of semi natural land cultivated without EIA screening.</p> <p>Also there was a x-compliance breach for not leaving a buffer between area of maize cultivation &amp; spring/ditch within the semi natural area of the parcel-see photos for further evidence.</p>



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Description of Site - Species	A DAFOR walk over survey was carried out & the species recorded within the area of retained SN grassland included: <i>Juncus effusus</i> (F), <i>Plantago lanceolata</i> (F), <i>Holcus lanatus</i> (D), <i>Poa annua</i> (F), <i>Agrostis stolonifera</i> (A), <i>Cardamine pratensis</i> (O), <i>Rumex obtusifolius</i> (O), <i>Cirsium arvense</i> (R), <i>Centaurea nigra</i> (R), <i>Ranunculus repens</i> (O), <i>Epilobium paulustre</i> (O), <i>Rubus fruticosus</i> (R), <i>Gallium palustre</i> (R), <i>Veronica beccabunga</i> (O), <i>Glyceria fluitans</i> (R), <i>Urtica dioica</i> (R), <i>Ranunculus flamula</i> (R), <i>Salix sp</i> (R) . A smaller area of the parcel in question had been cultivated & planted with maize.
Description of Site - Historic	N/A
Description of Site – Landscape / Cultural	N/A
Full Field Report Completed	N
Parcels / Area O/S Regs	N/A
Parcels / Area in Regs Not Significant	Area of semi-natural grassland prior to maize cropping from Google Earth imagery 19/7/2021 = 0.93 ha Planetscope imagery 4 September 2023 showing semi natural grassland and pond retained vs darker green maize crop (as confirmed during the site visit) = 0.291 ha + 0.033 ha = 0.324 ha of semi natural grassland retained. Therefore, SN land cropped with maize = 0.93 ha – 0.324 ha = 0.606 ha. GAEC 6 breach on 0.60 ha for not applying for EIA screening prior to cultivating & establishing maize on semi natural land.
Parcels / Area in Regs Significant	N/A
ES Requested	N/A
ES / Full Consent application submitted / Decided	N/A
Amended Screening Application submitted	N/A
Stop Notice Issued	N/A
Remediation Notice Issued	N/A
Appeal Decision	N/A



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Linked Case Reference Nos	N/A
Referred to RIW	Y 12/3/24





Report dated Tue Feb 27 15:17:35 2024

Plot 0

CVS: class 41

ELL: Light 6.9; Wetness 6.8; pH 5.9; Fertility 5.6

CSR: C: 3.06 S: 1.88 R: 2.63

BIO: Circumpolar Wide-boreal 6%

BIO: Eurosiberian Boreo-temperate 12%

BIO: Eurasian Boreo-temperate 6%

BIO: Circumpolar Boreo-temperate 6%

BIO: Eurosiberian Wide-temperate 6%

BIO: Circumpolar Wide-temperate 6%

BIO: Suboceanic Temperate 6%

BIO: European Temperate 12%

BIO: Eurosiberian Temperate 6%

BIO: Eurasian Temperate 6%

BIO: European Southern-temperate 18%

BIO: Eurosiberian Southern-temperate 6%

Group 0

NVC: MG10 40.70

NVC: MG10b 38.63

NVC: MG10c 37.60

NVC: MG10a 37.55

NVC: MG13v2 36.16

NVC: MG14a 35.18

NVC: M23b 33.31

NVC: OV28 32.67

NVC: MG14 32.53

NVC: OV28a 31.85



From: [REDACTED]  
Sent: Monday, March 11, 2024 3:18 PM  
To: [REDACTED]  
Subject: RE: EIA Agriculture Consultation - T008 2024 OFFICIAL-SENSITIVE

Dear [REDACTED]

Thank you for the EIA Agriculture Consultation.

I have checked the map boundaries against the regional Historic Environment Record (HER) and other sources and there are no known historic environment features recorded within the consultation area.

There is always the possibility for previously unknown remains to survive within this area of which we have no knowledge. Should further archaeological features or finds be identified it is important that Heneb – The Trust for Welsh Archaeology, Heritage Management is informed and further information and advice can then be provided as required.

Yours sincerely

[REDACTED]  
[REDACTED]

**Heneb**  
Ymddiriedolaeth Archaeolegol Cymru  
Rhanbarth Dyfed  
gynt  
Ymddiriedolaeth Archaeolegol Dyfed Cyf

[REDACTED]

**Heneb**  
the Trust for Welsh Archaeology  
Dyfed Region  
formerly  
Dyfed Archaeological Trust Ltd

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, February 27, 2024 3:33 PM  
**To:** Heritage Advice [REDACTED] >  
**Cc:** [REDACTED]  
**Subject:** EIA Agriculture Consultation - T008 2024 OFFICIAL-SENSITIVE

Dear DAT – we are investigating the significance of an enforcement case under the Environmental Impact Assessment (Agriculture) (Wales) Regs and seek your opinion on a 1 ha site approximately five miles north-east of Whitland. Vegetation clearance and drainage works have been reported on the site. The grid reference is SN 2534 2366, and the area is outlined in red on the attached maps.

If possible, we would like to receive your comments by March 12<sup>th</sup>. If we have not heard from you by this date, we will assume you have no comments to make on this site and will progress with the case. If you have any further queries, please call me or [REDACTED]

best wishes, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]



From: [REDACTED]

Sent: Friday, March 1, 2024 3:21 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: EIA Agriculture Consultation - T008 2024 OFFICIAL-SENSITIVE

Hi [REDACTED]

Thanks for your email. I can confirm we do not hold any records or information on this area of land.

Hope you have a good weekend.

Best wishes

[REDACTED]

[REDACTED]  
Uwch Swyddog Amgylchedd (Cadwraeth) / Senior Environment Officer  
(Conservation)  
Tîm Amgylchedd Sir Gaerfyrddin / Carmarthenshire Environment Team  
[REDACTED]



**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.**

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

**Byd natur a phobl  
yn ffynnu gyda'n gilydd**

**Nature and people  
thriving together**



**cyfoethnaturiol.cymru  
naturalresources.wales**

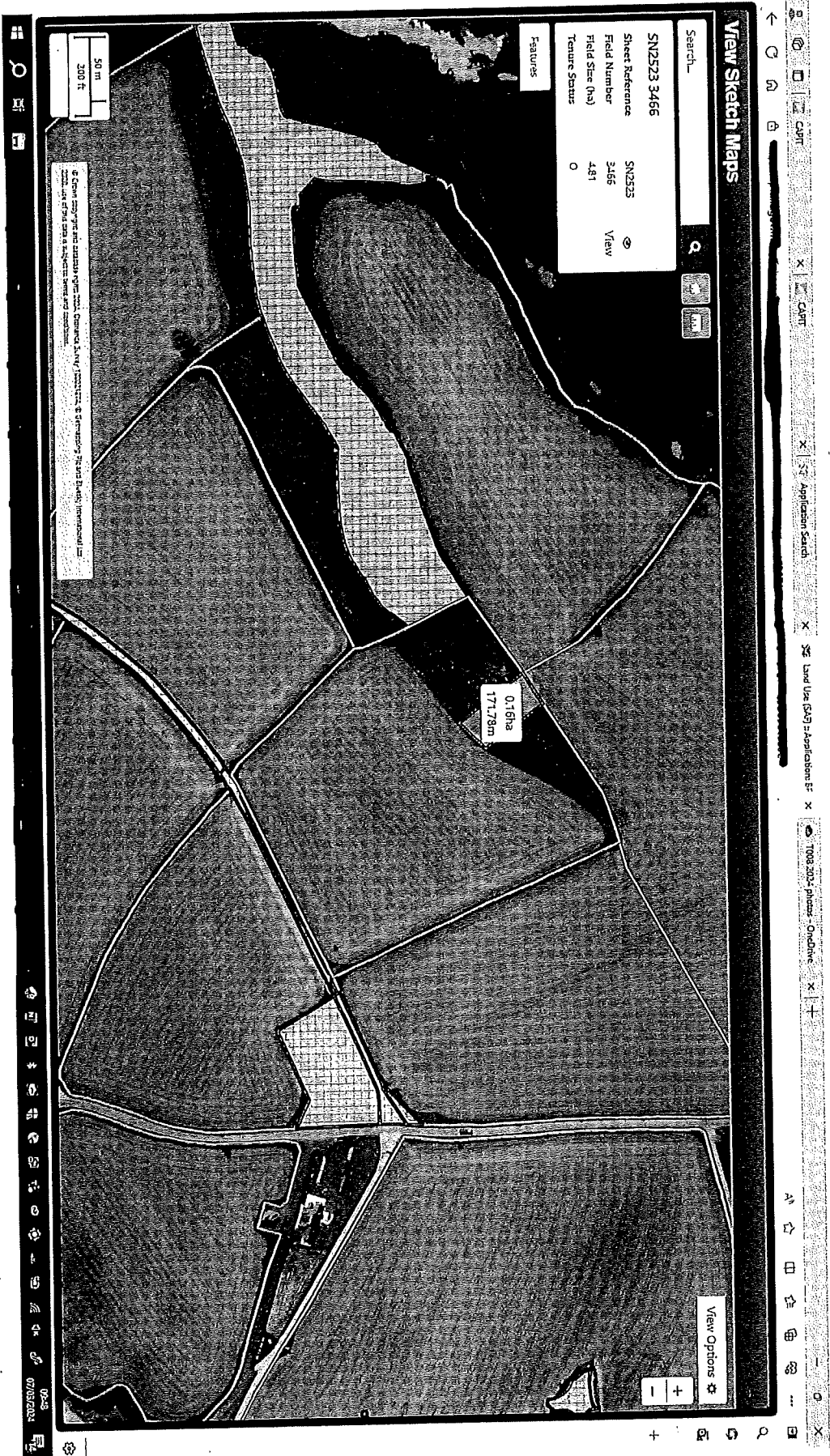
From: [REDACTED]

Sent: 27 February 2024 15:37

To: [REDACTED]

Cc: [REDACTED]





Area of semi natural grassland that had been cultivated & planted with maize without EIA (Agriculture) screening



File Note 21/2/24

I rang [REDACTED] the landowner of parcel SN2523 3466 to discuss reports of removal of wetland & scrub, ploughing & planting with maize in 2023.

[REDACTED] confirmed that his tenant had ploughed & planted with maize the area of wetland within the parcel in question. He also confirmed that the tenant had difficulty trying to cultivate the wet area.

I explained the EIA (Agriculture) regs to [REDACTED] & arranged a visit for 27/2/24 to discuss the EIA regs further & look at the parcel in question.

[REDACTED]





CRN: [REDACTED]

[REDACTED]



Llywodraeth Cymru  
Welsh Government

Welsh Government

[REDACTED]

12 th March 2024

Dear [REDACTED]

**Re: Potential Breach of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 in relation to field parcel SN2523 3466**

As we discussed during my visit on 27/2/24 Welsh Government had received information which under the above Regulations required further investigation with reference to reports of cultivating semi natural land & installation of a land drain within parcel **SN2523 3466**

**Parcel No. SN2523 3466**

This parcel was currently found to be partly semi natural grassland with the majority of the parcel planted with maize.

A survey was carried out within the area of grassland in the parcel & it was found to be semi natural having less than 25% improved grassland species & therefore covered by the Environmental Impact Assessment (Agriculture) regulations.

Following my visit to look at the land in question on 27/2/24 & further discussions with the Environmental Impact Assessment team, further examination of aerial photos & other consultation information received the following outcome was decided:

Based on the chronological progression of the aerial photo evidence Welsh Government have up-to and including 2023, & other records it was clear that the land in question was

semi natural prior to improvement works (planting of maize within an area of the semi natural grassland section of this parcel). Therefore, a breach of the Environmental Impact Assessment (Agriculture) (Wales) Regulations has occurred as an improvement project had been started without first obtaining an Environmental Impact Assessment screening survey.

The area of semi natural land that had been cropped with maize was found to be 0.60 ha. Therefore, there is a breach on 0.60 ha of this parcel for not applying for EIA screening prior to cultivating & establishing maize on semi natural land.

This case will be referred to Rural Inspectorate Wales (RIW) for their consideration as it's for RIW to determine if you should receive a penalty on your SAF due to the breach of Environmental Impact Assessment (Agriculture) regulations.

Should you wish to carry out any further projects to increase the agricultural production from the land (such as reseeded this parcel or any semi natural land) 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 1<sup>st</sup> September until 28<sup>th</sup> 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](mailto:EIA.unit@gov.wales). (Please note, due to self-distancing protocols, a limited presence is available in the offices until further notice).

Yours sincerely

[Redacted]

**Ecologist EIA (agriculture)**

**For the Head of Natural Environment and Agriculture**

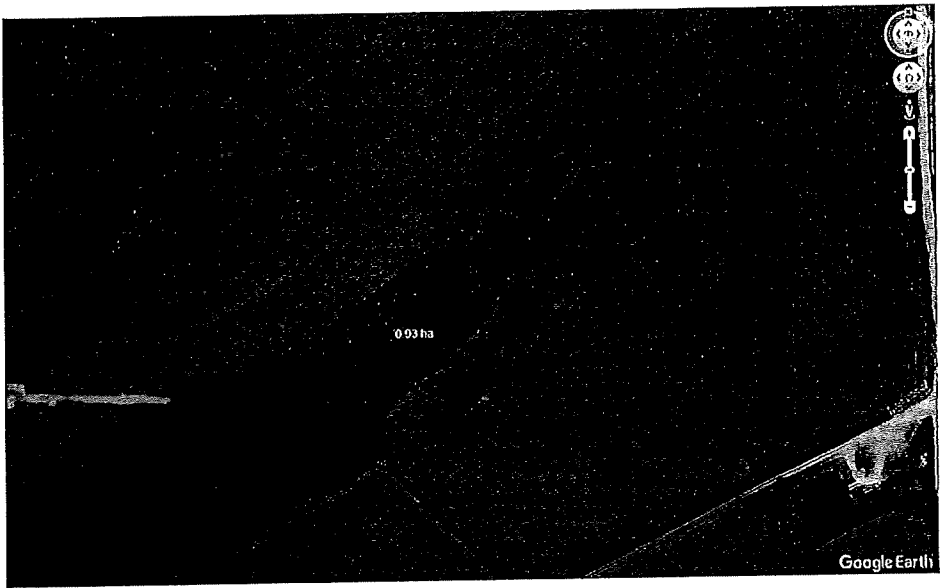
*Whilst not part of our decision, you should also take note of the following guidance:*

- 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.*

[Redacted]



Area of semi-natural grassland prior to maize cropping from Google Earth imagery 19/7/2021 = 0.93 ha



Planetscope imagery 4 September 2023 showing semi natural grassland and pond retained vs darker green maize crop (as confirmed during the site visit) = 0.291 ha + 0.033 ha = 0.324 ha of semi natural grassland retained. Therefore, SN land cropped with maize = 0.93 ha – 0.324 ha = 0.606 ha. GAEC 6 breach on 0.60 ha for not applying for EIA screening prior to cultivating & establishing maize on semi natural land.

