

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-06-1297  
Ein cyf/Our ref JJ/00999/23

Jack Sargeant MS  
Chair - Petitions committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

07 July 2023

Dear Jack Sargeant MS,

Thank you for your letter of 18 April regarding Petition P-06-1297 Stop "Controlled Burning" in Wales. The letter explains that the petition committee have agreed to ask if there are any plans to review the statutory code and regulations on controlled burning in Wales.

As explained in the previous correspondence JJ/02250/22 the Heather and Grass Burning (Wales) Regulations 2008 and its accompanying Code are in place to ensure burning management is to be carried out in a planned, controlled, appropriate and safe manner which delivers environmental benefits and safeguards.

Burning is not allowed in the Code on sensitive areas such as deep peat and blanket bog. These areas should be highlighted in the Burning Management Plan. Reducing the definition of deep peat from 50cm to 30cm is unlikely to result in a reduction in the burn areas as it is often impractical to measure changes in peat depth in a variable environment. Burning on areas with a significant depth of peat are intentionally avoided by responsible organisations. Instead, they focus on flat dry heath with organo-mineral soils where dwarf shrub heath grows vigorously. Burning plans on many sites also prohibit burning on areas of peat to prevent damaging Sites Special Scientific Interest.

Burns are required to be manned by sufficient competent people. Most burns take place without incident. Unfortunately, many of the burns that get out of control are often those started by practitioners who do not follow the code. Other uncontrolled 'wildfire' burns caused by arson or negligence are an issue, especially on the South Wales urban fringe, but wildfire does not fall under Heather and Grass Burning Regulations.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The burning dates were set in 2008 after a full review of British Trust for Ornithology data for Wales at the time. In the experience of the Welsh Government's Heather and Grass Burning technical team, when they have licence applications to burn after the permitted date in the spring, they inspect the site thoroughly for bird activity and generally find it lacking. The Heather and Grass Burning team will not recommend issuing a licence if they see any displaying behaviour. There is no new Welsh data on nesting dates to prompt a review of the permitted burning dates at present. Please note that peregrine's prefer to nest on high cliff edges, meaning that their nests sites are unlikely to be burnt out from heather and grass burning.

Followed properly the heather and grass burning regulations allow periodic, controlled burning that can be beneficial for agriculture, game management, wildlife conservation and the wider environment. It can provide improved accessibility and better food value for grazing animals and produce a diversity of vegetation structure and composition suitable for a variety of wildlife and game including upland birds such as red grouse.

However ill-considered burning can be counter-productive: damaging valuable grazing, plants, animals, habitats and historic features; altering the physical structure, chemical composition and hydrology of the soil; affecting water quality and weakening the character of the landscape. In some circumstances burning may also be unsafe, damaging, or a waste of time and resources.

In these circumstances the regulations and Code can be difficult to enforce, particularly as cross compliance has a limited life due the proposed phasing out of the Single Farm Payment. In response the Welsh Government are developing National Minimum Standards and Civil Sanctions with the intention of ensuring a more robust process for those that disregard the regulations, which will then prompt any required changes to the Code.

Yours sincerely,



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