

SCHEDULE

Standards of good agricultural and environmental condition

Heather and grass burning

16.—(1) A farmer must not commence burning heather, rough grass, bracken, gorse or vaccinium on any land between sunset and sunrise.

- (2) A farmer must not burn heather, rough grass, bracken, gorse or vaccinium unless—
- (a) there are, where the burning is taking place, sufficient persons and equipment to control and regulate the burning during the entire period of the operation;
 - (b) he or she takes, before commencing burning and during the entire period of the operation, all reasonable precautions to prevent injury or damage to any adjacent land, or to any person or thing whatsoever on that land; and
 - (c) he or she has, not less than 24 hours and not more than 7 days before commencing burning on any land, given notice in writing of the date or dates, time and place at which, and the extent of the area on which it is his or her intention to burn—
 - (i) to any person who has an interest in the land either as owner or occupier, and
 - (ii) to any person whom he or she knows, or could with reasonable diligence have discovered, to be in charge of any land adjacent to that on which the burning is to take place.
- (3) A farmer must not burn heather, rough grass, bracken, gorse or vaccinium—
- (a) on land which is within an upland area, during the period beginning on 16th April and ending on 30th September, and
 - (b) on land which is not within an upland area, during the period beginning on 1st April and ending on 31st October,

except under, and in accordance with any conditions specified in, a licence issued by the National Assembly⁽¹⁾ under regulation 7 of the Heather and Grass etc (Burning) Regulations 1986⁽²⁾.

(4) In sub-paragraph (3), “upland area” means any area of land shaded pink on the two volumes of maps numbered 1 and 2, each volume being marked “Volume of maps of less-favoured farming areas in Wales”, dated 20th May 1991, signed by the Secretary of State for Wales and deposited in the Library of the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(5) Regulations 8 and 9 of the Heather and Grass etc (Burning) Regulations 1986 apply to the giving of any notices under sub-paragraphs (2) and (3).

(1) Licensing functions were transferred to the National Assembly by Article 2 of [SI 1999/672](#).

(2) [S.I.1986/428](#) as last amended by [S.I. 2003/1615](#).