

EXPLANATORY MEMORANDUM TO THE HEATHER AND GRASS etc. BURNING (WALES) REGULATIONS 2008

This explanatory memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales.

1. Description

The Heather and Grass etc. Burning (Wales) Regulations 2008 revoke the Heather and Grass etc. (Burning) Regulations 1986 (“the previous Regulations”) in relation to Wales.

2. Matters of special interest to the Subordinate Legislation Committee

None. These Regulations purely amend the previous Heather and Grass Etc. (Burning) Regulations 1986.

3. Legislative Background

The Heather and Grass etc. Burning (Wales) Regulations 2008, re-enact some provisions of the previous Regulations and also prescribe new provisions governing the burning of heather, rough grass, bracken, gorse and *Vaccinium*.

The Heather and Grass etc. Burning (Wales) Regulations 2008 are made by the Welsh Ministers under section 20(1) of the Hill Farming Act 1946.

These Regulations are made using the negative resolution procedure.

4. Purpose and intended effect of legislation

The aim of the new Regulations is to introduce more responsible burning practices and key measures to achieving this will be changes to the burning dates, the introduction of a mandatory burning plan and the requirement for burners to notify others with an interest in land on which the burning is to take place, or land adjacent to it of their intention to burn.

5. Implementation

It is intended that these Regulations should come into force on 6 May, 2008. Similar legislation was implemented in England in October 2007 and is under consideration in Scotland and Northern Ireland.

6. Consultation

A public consultation was undertaken on proposals to revise the Heather and Grass Etc (Burning) Regulations 1986 and The Heather and Grass Burning Code for Wales. The resulting responses represented the views of a wide range of potentially affected parties that ranged from conservation bodies to landowners. The views varied greatly from preferring a soft touch approach to

introducing strict new regulations and we have undertaken further research to further evaluate some of the issues raised. However, the key elements arising from the consultation and our subsequent work were:

- The preferred option was to revise the current regulations and burning code.
- There was support for the introduction of the requirement to produce a burning plan and views on whether this should be voluntary or mandatory, and
- Suggested changes to current burning dates.

The 1986 Regulations and Code were therefore amended to reflect the consensus views.

7. Regulatory Impact Assessment

A regulatory impact assessment has not been prepared, as the Regulations have no impact on the costs for business.