

EIR/Req/EET/26614 – Response to Question 3(1)

Email shared with WG – no recipient of date included in information

Hi [Bannau Brycheiniog NPA Official 2], [Bannau Brycheiniog NPA Official 3]

Sorry I made rather heavy weather of the SAC thing at the meeting and so here's another go, but hopefully presented more cogently!

*The Conservation of Habitats and Species Regulations (CSHR) implements the requirements of the EU Habitats Directive and the Birds Directive.*

*There is a requirement for an 'appropriate assessment' to be conducted for any plan or project likely to have a significant effect on a SAC and it is the duty of the landowner to notify the competent authority (NRW) of any such plan or project.*

*The legislation makes no distinction between whether the plan or project are on or off the SAC, the determining factor is whether it could impact the SAC.*

*The 'appropriate assessment' (also referred to as a 'habitats regulations assessment') needs to be carried out by a 'competent authority'. In some cases, a 'preliminary assessment' or 'screening' will suffice, both of which are formal processes.*

*The appropriate assessment needs to consider the cumulative effect of all impacts and not just those arising from the activity/development in question.*

*SACs require that all parties adopt a strictly precautionary approach when making decisions about activity/development that may affect the interest of the SAC meaning if there is any doubt as to whether an appropriate assessment is required, the decision maker must take the precautionary approach and notify the competent authority. Similarly, the competent authority cannot allow the activity/development to go ahead unless it is beyond reasonable scientific doubt that it will not affect the integrity of the site. A risk exists if it cannot be excluded based on objective information.*

So far so good, if a little boring. Coming round to the report, I think a Preliminary Ecological Appraisal (PEA) that simply reports on habitats and species is not a plan or project as recognised by CSHR, but management recommendations are. Given that section 4 of the PEA that BBNPA commissioned concerns management, I suspect it does require an appropriate assessment or more likely, a preliminary assessment / screening.

In reality of course, any management BBNPA is likely to propose (or the other parties accept) is very unlikely to have a negative impact on the SAC and much more likely to have a beneficial effect. The reason I'm raising it is really as a reminder that following due process even on a relatively trivial matter makes it more likely that these important conservation provisions are not inadvertently overlooked should more substantive matters need to be considered in the future.

Appreciate that BBNPA is likely to already be on top of all this and I am certainly no expert and always happy to be corrected. One thought that occurs to me as I type this – is the ‘Osprey Conservation Management Plan’ a plan as recognised by CSHR?

Apologies, this ended up being a lot longer than I expected when I started typing.

Best

[Resident 1]

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**From:** [Bannau Brycheiniog NPA Official 2]

**Sent:** 02 July 2024 17:34

**To:** [Resident 1]

**Cc:** [Bannau Brycheiniog NPA Official 1]; [Bannau Brycheiniog NPA Official 3]; [WG Official 1]

**Subject:** RE: OAG Meeting - 9th July - Fulmar Lodge, Gilestone Farm

Dear [Resident 1],

Please see attached the Preliminary Ecological Appraisal report as requested. Both [WG Official 1] and [Resident 2] have generously given their permission for me to share it.

I kindly ask that you do not publish this report, out of courtesy to both the landowner and the Farm Business Tenant, as it is a working farm, and as such, they have a right to privacy.

Please also note that the report was commissioned by Bannau Brycheiniog National Park and NOT the landowner. Reason being that we wanted to gather a higher resolution set of ecological data as a baseline, so that we can advise (if required) on future land management and towards a sustainable agricultural business. The recommendations in the report are only recommendations and the farmer and landowner are not required nor obliged to implement those recommendations which were provided by the independent ecological consultant.

Finally, the report and its findings are owned by BBNP so if it to be used or quoted for any purpose, please contact me in the first instance and either I, or my colleagues will respond.

Happy reading and see you next Tuesday!

**[Bannau Brycheiniog NPA Official 2]**  
**Ecologydd | Ecologist**

**Sent:** Thursday, June 27, 2024 8:14 AM

**To:** [Bannau Brycheiniog NPA Official 2]

**Subject:** Fwd: OAG Meeting - 9th July - Fulmar Lodge, Gilestone Farm

Hi [Bannau Brycheiniog NPA Official 2]

I had an out of office response from [Bannau Brycheiniog NPA Official 1] so are you able to respond?

Many thanks

[Resident 1]

**From:** [Resident 1]

**Sent:** Wednesday, June 26, 2024 4:19 PM

**To:** [Bannau Brycheiniog NPA Official 1]; [WG Official 1]; [Resident 2]; [Bannau Brycheiniog NPA Official 2]

**Subject:** Re: OAG Meeting - 9th July - Fulmar Lodge, Gilestone Farm

Hi [Bannau Brycheiniog NPA Official 1]

Will you be able to forward a copy of the survey report prior to the meeting?

Best

[Resident 1]

Sent from [Outlook for iOS](#)

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**From:** [Bannau Brycheiniog NPA Official 1]

**Sent:** Wednesday, June 26, 2024 10:15:26 AM

**To:** [WG Official 1]; [Resident 2]; [Resident 1]; [Brecknock Birds Official 1]; [Roy Dennis Wildlife Foundation Official 1]; [Bannau Brycheiniog NPA Official 3]; [WG Official 2]; [Bannau Brycheiniog NPA Official 2]; [Dyfed Powys Police Official 1]

**Cc:** [Ospreys Advisor 1]

**Subject:** Re: OAG Meeting - 9th July - Fulmar Lodge, Gilestone Farm

Dear [WG Official 1]

Apologies, I am on holiday that week and therefore unable to attend sorry, but hopefully [Bannau Brycheiniog NPA Official 3] or [Bannau Brycheiniog NPA Official 2] or another representative from our team will be present.

Best Wishes

[Bannau Brycheiniog NPA Official 1]

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**From:** [WG Official 1]

**Sent:** Tuesday, June 25, 2024 16:17

**To:** [Resident 2]; [Resident 1]; [Brecknock Birds Official 1]; [Roy Dennis Wildlife Foundation Official 1]; [Bannau Brycheiniog NPA Official 3]; [WG Official 2]; [Bannau Brycheiniog NPA Official 2]; [Bannau Brycheiniog NPA Official 1]; [Dyfed Powys Police 1]

**Cc:** [Ospreys Advisor 1]

**Subject:** OAG Meeting - 9th July - Fulmar Lodge, Gilestone Farm

Dear All,

Further to my diary invite yesterday, just to advise that for those who are proposing to attend the meeting to be held on 9<sup>th</sup> July (in person) it will be held at the Fulmar Lodge at Gilestone Farm. If there are any changes to this, I will let you know.

Many thanks.

With Kind Regs,

[WG Official 1]

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Hi [WG Official 1]

Thank you for the reply. I agree with the general message and appreciate the positive conservation stance adopted by you and your WG colleagues over the last couple of years.

That said, it is a matter of regret that you have not addressed my request and I will therefore have to pursue that matter through other channels.

With kind regards

[Resident 1]

Sent from [Outlook for iOS](#)

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**From:** [WG Official 1]

**Sent:** Wednesday, January 14, 2026 2:04 pm

**To:** [Resident 1]

**Subject:** RE: Gilestone Farm SAC

Hi [Resident 1],

Thanks for the email.

A belated Happy New Year to you too. Apologies for the delay in replying. From the turn of the year things have been busy to say the least!

We are still working through a whole range of things – which as I say, has not been helped by the extended Xmas break. Please note that I no longer work Fridays in my working week.

As you may be aware, we are currently seeking formal approval to grant a new FBT to [Resident 2]. With that in place, the farm will continue to be appropriately managed in the shorter term. Subject to formal approval, it is proposed that the two lower fields close to the SAC (including the nest field) would be changed from arable use to pasture use. This potentially provides less activity in the osprey field too. It is proposed that there will also be a strip along parts of the river edge that will not be cultivated for arable use in the coming year. These measures will clearly be an enhancement to the SAC and biodiversity more generally in the locality. There are no further significant changes proposed for the farm in the shorter term.

Other than the proposed changes mentioned, the overall position relating to farm has not changed since it was acquired in 2022, other than of course the substantial efforts put into the protection the ospreys though WG's work with the UVO, Wildlife Windows, NRW, National Grid and yourself of course – which has been roundly welcomed and appreciated. Naturally, WG is in contact with [UVO Official 1] at UVO, [Osprey Advisor 1] at Wildlife Windows and [Osprey Advisor 2] over arrangements for this coming year in anticipation of the ospreys hopefully returning in March/April.

I am aware that [Bannau Brycheiniog NPA Official 2] of BBNPA sent you a copy of the Wyndrush PEA dated March 2024 (which [Bannau Brycheiniog NPA Official 2] also shared with WG at the time). Nothing has significantly changed since that time, although by way of enhancements, we have worked with BBNPA on successfully planting new trees and protecting existing mature trees on the farm - as you may recall.

We are planning to carry out further studies shortly and I am taking advice on this from my environment colleague at present. I will advise further in due course.

In view of the above, it is clear that WG is working positively with various stakeholders and partner organisations to help support Welsh farming, whilst at the same time, looking to address environmental related issues. As matters progress, I am happy of course to keep you abreast of matters.

Be in touch again shortly,

With Kind Regards,

[WG Official 1]

Datrysiadau Busnes Arweinydd Cyflawni – Business Solutions Delivery Lead  
Grŵp yr Economi, y Trysorlys a'r Cyfansoddiad  
Economy, Treasury and Constitution Group  
Busnes a Rhanbarthau - Business and Regions

Ffôn/Tel: XXX

Ffôn Symydol / Mob: XXX

e-bost [WG Official 1]

e-mail [WG Official 1]

Llywodraeth Cymru /Welsh Government/ Parc Cathays /Cathays Park/ Caerdydd/  
Cardiff - CF10 3NQ

**From:** [Resident 1]  
**Sent:** 06 January 2026 14:44  
**To:** [WG Official 1]  
**Subject:** Re: Gilestone Farm SAC

Hi [WG Official 1], and slightly belatedly, Happy New Year

I'm wondering if WG has reached any conclusions on the matter I first raised in my email of 20th November. Any update appreciated.

Kind regards

[Resident 1]

**From:** [Resident 1]  
**Date:** Monday, 8 December 2025 at 15:53  
**To:** [WG Official 1]  
**Subject:** Re: Gilestone Farm SAC  
Hi [WG Official 1]

Much appreciated. I look forward to hearing how WG decides to proceed.

Kind regards

[Resident 1]

Sent from [Outlook for iOS](#)

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**From:** [WG Official 1]  
**Sent:** Monday, December 8, 2025 1:16 pm  
**To:** [Resident 1]  
**Subject:** RE: Gilestone Farm SAC

Hi [Resident 1],

Thanks for the email.

Noted. I am conferring with colleagues on these very matter at present , although the run up to Christmas is never a great time of course. However, I am hopeful of getting the position fully clarified quite quickly whereupon I will be able to come back to you definitively to progress matters further.

Many thanks.

Kind Regs,

[WG Official 1]

Datrysiadau Busnes Arweinydd Cyflawni – Business Solutions Delivery Lead  
Grŵp yr Economi, y Trysorlys a'r Cyfansoddiad  
Economy, Treasury and Constitution Group  
Busnes a Rhanbarthau - Business and Regions

Ffôn/Tel: XXX

Ffôn Symydol / Mob:XXX

e-bost [*WG Official 1*]  
e-mail [*WG Official 1*]

Llywodraeth Cymru /Welsh Government/ Parc Cathays /Cathays Park/ Caerdydd/  
Cardiff - CF10 3NQ

**From:** [*Resident 1*]  
**Sent:** 05 December 2025 20:21  
**To:** [*WG Official 1*]  
**Subject:** Re: Gilestone Farm SAC

Hi [*WG Official 1*], many thanks for the update. My original email was a request to receive copies of any 'appropriate assessments' that have been undertaken according to the requirements of Habitat and Species Regulations 2017. I suspect that no such assessments have been made, but the act of entering a lease should have triggered such an assessment. If that is the case, then WG may find it has acted in contravention of the Regulations. Clearly, your legal advisors may wish to challenge that view, but that view is shared by NRW.

My interest is not to create any problems (hence my wish to explore this quietly through email rather than through FoI), but the longer-term protection of the land may well rest on the proper observance of such regulation.

As always, happy to discuss.

Kind regards

[*Resident 1*]

Sent from [Outlook for iOS](#)

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**From:** [*WG Official 1*]  
**Sent:** Friday, December 5, 2025 5:53 pm  
**To:** [*Resident 1*]  
**Subject:** RE: Gilestone Farm SAC

Hi [*Resident 1*],

I hope you are well.

Thanks for the emails and apologies for the delay in replying. Been so busy and caught up with various things in the last month - plus some time off. I hadn't forgotten. Sincere apologies.

Noted. Essentially, we had approval to negotiate a new FBT with *[Resident 2]*. We have since agreed terms, subject to approval, which is in the process of being sought in the usual way. I am hoping that approval will come though soon, whereupon the position relating to the more shorter-term use and management of the farm will become more certain. Obviously, the outcome of the approval process cannot be pre-determined – but when it is confirmed I am happy to update . So, if you could bear with us just a little bit longer that would great.

I hope to be in touch again shortly.

Many thanks.

Kind Regards,

*[WG Official 1]*

Datrysiadau Busnes Arweinydd Cyflawni – Business Solutions Delivery Lead  
Grŵp yr Economi, y Trysorlys a'r Cyfansoddiad  
Economy, Treasury and Constitution Group  
Busnes a Rhanbarthau - Business and Regions

Ffôn/Tel: XXX

Ffôn Symydol / Mob:XXX

e-bost *[WG Official 1]*

e-mail *[WG Official 1]*

Llywodraeth Cymru /Welsh Government/ Parc Cathays /Cathays Park/ Caerdydd/  
Cardiff - CF10 3NQ

**From:** *[Resident 1]*

**Sent:** 05 December 2025 11:47

**To:** *[WG Official 1]*

**Subject:** Re: Gilestone Farm SAC

Hi *[WG Official 1]*

I'm in a quandary! I haven't had any response to my emails, but I don't know if that is because you are not receiving them, have been too busy to answer or just hoping I might give up and stop bothering you. I hope very much to hear from you shortly, but if not, I will indeed stop bothering you and progress by other means.

Thanks and kind regards

[Resident 1]

Sent from Outlook for iOS

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**From:** [Resident 1]  
**Sent:** Sunday, November 30, 2025 1:31 pm  
**To:** [WG Official 1]  
**Subject:** Re: Gilestone Farm SAC

Hi [WG Official 1]

Please can you let me know where you are with this enquiry?

Many thanks

[Resident 1]

**From:** [Resident 1]  
**Date:** Thursday, 20 November 2025 at 12:14  
**To:** [WG Official 1]  
**Subject:** Gilestone Farm SAC  
Dear [WG Official 1]

Hope all good with you and the OAG - it's just as well that osprey migrate as I'm sure everyone appreciates the rest!

I understand that there are some changes proposed for the management of the land around the osprey nest tree. Anything that can be done to reduce the risk of disturbance to the birds, improve the wildlife value of the land and possibly mitigate flood risk is welcome. It is interesting to me to see how such management is planned and implemented in the context of the protection afforded to Gilestone Farm by the River Usk SAC, and I would be grateful if you could let me have a copy of any assessments (Regulation 63 of the Habitat and Species Regulations 2017) that have been undertaken in relation to the farm over the last three years. Please note that I remain supportive of the work and plans (as far as I am aware of them) but just wishing to do what I can to ensure that good practice continues in the longer term.

Kind regards

[Resident 1]

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**From:** [WG Official 1]  
**Sent:** 14 January 2026 11:38  
**To:** [WG Official 3]  
**Subject:** FW: Gilestone Farm - PEA studies

Hi,

Sorry me again!

Further to my recent email, I attach an email from [*Bannau Brycheiniog NPA Official 2*] in relation to correspondence with [*Resident 1*] - a local resident and former member of the Osprey Advisory Group (OAG) set up for the Ospreys at Gilestone. The setting up of Steering/Advisory Group was a recommendation of the Osprey Conservation Plan for Gilestone provided by leading osprey expert [*Osprey Advisor 2*].

[*Resident 1*] has raised the issue of the need for an Appropriate Assessment/ Screening for the Gilestone/SAC. [*Resident 1*] suggests that one is needed whereas [*NRW Official 1*] appears to take a different view based on the current position. As the SAC is the river Usk, presumably it goes on for miles and miles? What I am keen to do is to make sure that we are doing what is (proportionately) required in environmental terms, whilst recognising of course that Gilestone is still a commercial (and well managed) working farm which has not substantially changed since WG acquired it in 2022.

Clearly, this is not my area of expertise, and I look forward to speaking with you soon as you are able to set out the best approach going forward taking into account the latest Biodiversity Guidelines. Sorry, has the final version of the Guidelines been issued as I have only seen the draft version. If finalised, can you please send through. Thanks.

Please let me know what dates would suit to discuss.

Many thanks.

Kind Regs,

[*WG Official 1*]

**From:** [*Bannau Brycheiniog NPA Official 2*]  
**Sent:** 14 January 2026 10:35  
**To:** [*WG Official 1*]  
**Subject:** FW: Gilestone Farm - PEA studies

[*Bannau Brycheiniog NPA Official 2*]

**From:** [*Bannau Brycheiniog NPA Official 2*]  
**Sent:** 17 December 2025 15:09  
**To:** [*WG Official 1*]  
**Cc:** [*Bannau Brycheiniog NPA Official 3*]  
**Subject:** RE: Gilestone Farm - PEA studies

Dear [*WG Official 1*],

I hope you are well – it has been ages since we spoke. I apologise for not replying sooner, I have been on leave (back yesterday).

I attach the email sent to [Resident 1] with the report attached on the proviso that it is not shared widely (FW: OAG Meeting...). He reluctantly agreed. It was not sent as FOI, but we agreed it better to send it with the caveat that respect should be shown to the tenant farmer and the confidential nature of protected species.

I spoke to [NRW Official 1] (as he and [NRW Official 2] also had sight of the report) in relation to [Resident 1] suggesting that AA is undertaken. [NRW Official 1] said no need as the report written only made recommendations and there was no confirmed intention by the landowner or tenant farmer to undertake this work. See email "Gilestone SAC". If you have problems opening the attachments, please let me know and I'll forward on.

We haven't undertaken any other assessments that I'm aware of, unless external contractors have done anything in relation to any planning or agri EIA stuff...

Hope this helps,

**[Bannau Brycheiniog NPA Official 2]**  
**Ecolegydd | Ecologist**

**From:** [WG Official 1]

**Sent:** 05 December 2025 09:47

**To:** [Bannau Brycheiniog NPA Official 2]

**Subject:** Gilestone Farm - PEA studies

Hi [Bannau Brycheiniog NPA Official 2],

I hope you are well.

Long time no speak. Been super-busy.

As you will recall, [Resident 1] is no longer part of the AOG but still has a strong interest in the farm and its wider conservation issues. [Resident 1] has asked copies of any assessments (Regulation 63 of the Habitat and Species Regulations 2017) that have been undertaken in relation to the farm over the last three years. I am trying to remember if the NPA document was released generally to the group or in relation to an FOI request to NPA? If not released, would you be happy for it to be released. This current request is not a FOI request.

I welcome your views. Happy to quickly discuss.

Many thanks.

Regs,

[WG Official 1]