Green GEN Cymru
Hodge House
Guildhall Place
Cardiff CF10 1DY

[redacted]

greengencymru.com

Cabinet Minister for Rural Resilience and Sustainability
Welsh Government
5th Floor
Tŷ Hywel
Cardiff Bay
CF99 1SN

Dear Cabinet Minister,

Re: Land access and biosecurity:

We are writing following the exchange in the Senedd yesterday concerning Green GEN Cymru's (GGC) approach to survey access and biosecurity on land associated with our projects.

We noted your comments recognising the importance of biosecurity and your commitment to write to GGC and others to remind those undertaking this work of their responsibilities. We fully recognise those responsibilities and, given the seriousness of the issues raised in the Chamber, wanted to write to you directly to provide some important context about the particular case referred to and the wider arrangements we have in place.

GGC does not normally comment on individual landowner or occupier matters. However, we are aware of the case referred to during yesterday's exchange and, as the incident has now been discussed publicly and referenced in the Senedd, we believe it is important to clarify some of the facts, while respecting the privacy of those involved. We are also mindful that, in your role as Cabinet Minister, there may be limits on the extent to which you are able to comment on the specifics of individual cases or ongoing matters.

Biosecurity is particularly important to farmers and rural communities, not least given the impact that diseases such as bovine TB can have on individual farm businesses, livestock and livelihoods. It is important to us that our work is undertaken responsibly, that we minimise disruption wherever possible, and that landowners, tenants and occupiers understand what is happening on their land and why.

In particular, the suggestion that GGC's survey team arrived at the land without any prior notice or process is not an accurate reflection of what took place. Before statutory notices were served, GGC made multiple attempts to secure voluntary access, including at least three separate approaches seeking to engage with those known to hold an interest in the land and agree survey access by consent in the form of a voluntary licence agreement.

In this particular case, however, the tenancy interest had not been identified to GGC. It was neither registered on HM Land Registry records nor disclosed to us through the return of a Land Interest Questionnaire. As a result, GGC was not aware of the tenancy or details of occupiers and could not directly notify an interest that had not been identified to the project

team. Statutory notices were served on the parties known to hold an interest in the land, and unknown owner and occupier notices were also displayed on site to capture anybody who may not have sight of the postal notices. Our project team holds evidence that the site notice, including details and plans of the proposed survey activity, was in place from 24 August 2026. During discussions on the day in question, the occupier also confirmed awareness of that notice.

This distinction is important because we do not operate on the basis of survey teams simply turning up 'cold' at farms without any prior process. Where we can identify an owner, tenant or occupier, our approach is to engage with them and seek to understand the circumstances of the holding before surveys take place.

Our preference is always to secure access voluntarily and to work constructively with landowners and occupiers wherever possible. Survey access is necessary to help us understand the land, environmental conditions and other constraints along a potential route and, ultimately, to develop the best possible design for our projects. These arrangements are publicly available on our website through our Working Together with Landowners information.

Importantly, survey access is not construction access. Undertaking surveys on a particular parcel of land does not mean that a final decision has been made to construct infrastructure there, nor does it provide GGC with rights to undertake construction. Where voluntary agreement cannot be reached, GGC follows its established Survey Access Protocol and, where necessary, uses the statutory survey powers available under the Housing and Planning Act 2016. These powers allow authorised survey work to be undertaken following the service of the required notices. They are subject to legal requirements and safeguards and do not themselves provide powers to construct our network or compulsorily acquire land.

Some surveys are undertaken on foot, while others, by their nature, require specialist equipment or machinery. The presence of survey vehicles or machinery should not therefore be confused with construction activity.

It is also important to clarify the circumstances surrounding police involvement. Police have attended four separate incidents at different locations associated with project survey activities recently and, on each occasion, it was GGC that contacted the police.

These incidents include occasions where:

- access was obstructed, creating a road-safety concern and preventing survey vehicles from undertaking planned survey work;
- active survey equipment was interfered with, resulting in concerns being reported to the police;
- GGC contractors were unable to leave a field after access gates had been secured; and
- concerns were raised regarding the conduct of a landowner towards a member of the survey team on the public highway, resulting in GGC requesting police assistance.

The first of these incidents relates to the particular case referred to during the exchange in the Senedd. GGC contacted the police after access was obstructed.

In each case, GGC's primary concern was the safety and welfare of staff, contractors, landowners and occupiers, and members of the public, and ensuring that survey activities could be carried out safely and appropriately.

The circumstances of this particular case also demonstrate why identifying all interests in land is so important. We actively encourage landowners, tenants and occupiers to complete our Land Interest Questionnaires (LIQs). These are not simply an administrative exercise. They help us establish who owns, occupies and actively farms land and provide an important opportunity for people to tell us about the particular circumstances of their holding.

The distinction between a landowner and a tenant or occupier can be particularly important. The person who owns a parcel of land may not be the person actively farming it or managing livestock day-to-day. Tenants and occupiers can therefore have vital information about livestock movements, biosecurity arrangements, sensitive areas, access requirements and other practical considerations.

We use information available from Land Registry records, returned LIQs and other information provided to the project team to identify those interests and engage with the appropriate people. Where an interest has not been registered or disclosed to us, however, there are practical limits to our ability to identify and contact that person.

That is why we continue to encourage both landowners and tenants to engage with the LIQ process. The more information available to our land and survey teams, the better able we are to understand individual holdings, communicate with everyone affected and plan surveys in a way that minimises disruption.

We also want to respond directly to the suggestion that GGC or its contractors are undertaking survey work without appropriate biosecurity measures or checks in place. We strongly dispute that characterisation.

Biosecurity forms an important part of our survey planning and access arrangements. We actively ask landowners, tenants and occupiers to provide us with information about holding-specific biosecurity measures and requirements so that we can understand and accommodate those requirements when planning survey activity. Where holding-specific information is provided, this can be incorporated into the planning of the work and communicated to the relevant survey teams and contractors. Where that information is not provided to us, this does not mean that surveys take place without biosecurity controls.

Our established Biosecurity Protocol, which is publicly available on our website, continues to apply and those working on our behalf are required to follow its requirements, including measures relating to the cleaning and disinfection of footwear, equipment, vehicles and machinery where relevant. In the absence of holding-specific information or requirements, the specified dilution rate for bovine TB is used as the standard for disinfection.

In relation to the particular concerns which have been raised locally, Natural Resources Wales (NRW) reviewed the arrangements and subsequently confirmed to GGC in writing on 10 September that it had no concerns regarding the biosecurity measures being employed.

More broadly, GGC's Biosecurity Protocol has already been subject to detailed scrutiny through the judicial review proceedings. The protocol was considered by the parties and their respective legal teams, as well as by independent experts instructed as part of those

proceedings. Importantly, the judicial review did not result in any adverse finding in relation to GGC's Biosecurity Protocol. We take that external scrutiny and assurance seriously, just as we take concerns raised by farmers seriously. Our biosecurity protocols remain in place and continue to apply to survey activities across the project.

We also wanted to clarify the position in relation to the High Court judgment referred to during the exchange. The Court considered a number of issues relating to GGC's use of statutory survey powers, including the form and operation of notices, environmental considerations and biosecurity.

The judgment did identify shortcomings in aspects of GGC's earlier approach. In particular, the Court referred to a failure at that time to sufficiently grapple with the risks associated with the transmission of bovine TB. We have not sought to minimise that criticism, and the issues raised through the proceedings have helped inform the continued development of our approach. However, it is equally important to be precise about what the Court actually determined. The Court did not find that GGC had acted unlawfully in relation to its environmental or biosecurity duties. Nor did it find that GGC's current biosecurity measures are inadequate or that our survey teams are operating without appropriate biosecurity controls.

Indeed, the judgment records the significant steps GGC had taken as our approach developed, including the introduction of formal and standardised biosecurity arrangements, our Survey Access Protocol and associated policies and training, alongside improvements to notices and processes for identifying site-specific concerns.

The Court therefore scrutinised our previous approach and identified areas where improvements were required, but the judgment should not be characterised as a finding that GGC is currently failing to adhere to appropriate biosecurity measures. That distinction is particularly relevant given the concerns raised in the Senedd and the subsequent confirmation we have received from NRW in relation to the biosecurity arrangements being employed.

None of this means that we are complacent. Policies and protocols must be followed properly on the ground. If a landowner, tenant or occupier believes that someone working on behalf of GGC has not followed those requirements, we want to know about it so that the circumstances can be properly investigated and, where necessary, action taken. Our Biosecurity Protocol also sets out mechanisms through which concerns about biosecurity or compliance with the protocol can be raised with GGC, enabling issues to be considered and addressed through the appropriate process.

GGC has made repeated efforts throughout the project to engage constructively with landowners, tenants and occupiers, and we remain committed to doing so. Wherever possible, surveys are undertaken by agreement. Where statutory powers are required, we will continue to exercise those powers responsibly and in accordance with the relevant legal requirements.

In the particular case referred to above, we have provided a further opportunity for the surveys to be undertaken and remain willing to discuss reasonable site-specific requirements, including livestock management, biosecurity measures and access arrangements, to support the safe and efficient completion of the work.

More broadly, our projects involve engagement with a significant number of farmers, landowners and tenants across rural Wales. We recognise the responsibility that places on us to listen, communicate clearly and ensure that those working on our behalf treat people's land, businesses and livelihoods with respect.

We hope that the information set out above is helpful in advance of the correspondence you indicated you would be sending to GGC. We share your view that appropriate biosecurity measures must be respected and would welcome the opportunity to demonstrate the steps we have taken to ensure that this happens in practice.

Yours sincerely,

