

Homes and Communities Agency  
Eastbrook  
Shaftesbury Road  
Cambridge  
CB2 8BF

1<sup>st</sup> July 2013.

Dear Sir or Madam,

I am writing to you as chairman of our local community group Panshanger People. We are a local group concerned with, among other things, preserving our local area of Panshanger, which lies on the eastern edge of Welwyn Garden City.

I have previously written to you concerning a plot of land the management of which you have taken on in recent years. Your asset reference is WG22003075. Previously, I requested information as to why the copse in the centre of the site was being drastically thinned out. In due course I received a satisfactory answer to the effect that it was done to increase biodiversity through reducing the canopy cover. It was also stated in one email from yourselves that "The works have been carried out now to avoid negative impact on birds during nesting season. "

Below is a recent aerial photograph of the site in question:



However, I am now prompted to write to you again regarding the grassed area of the site (the majority of it). Again, back in February your department stated of this area:

"The grassland is not particularly diverse and pernicious weeds seem to be fairly prominent however the site has recently become more 'actively' managed since the land was brought in to agricultural tenancy.

I am not certain of the cutting regime prior to this but the grass is not cut to a few inches all year round. Undertaking a hay cut serves to create a more suitable environment for fine grasses and increase the diversity of the flora and subsequently, of the fauna. Not maintaining it at all will have a detrimental effect on the grassland habitat, allowing the dominance of the tougher grass species such as *Lolium perenne* (Perennial Rye Grass) therefore, the current regime will be continued so as not to exacerbate the situation and in time, hopefully improve the quality of the grassland”

This was in response to my request to you to desist in your new regime of cutting the grass so frequently and so short, since the increasingly intensive management of this plot of land a few years ago. We would also like to understand why and how this land was brought into agricultural tenancy? This would seem to be a mechanism designed for land that is actively farmed, which this area never has been. We would like to know who the tenant and landlord are in this case?

Residents have now raised concerns that the grass was recently cut short in the middle of the nesting season. It was noted that between the 13<sup>th</sup> and 20<sup>th</sup> of May all the entire grassed area was cut. This is of course bad news for some resident and migrant birds. Skylarks were a common sight on this land when the grass was longer; they are of course a red listed bird species. Red listed being defined by the RSPB as:

- Globally threatened
- Historical population decline in UK during 1800–1995
- Severe (at least 50%) decline in UK breeding population over last 25 years, or longer-term period (the entire period used for assessments since the first BoCC review, starting in 1969).
- Severe (at least 50%) contraction of UK breeding range over last 25 years, or the longer-term period

Skylarks are just one of many species in the area, we know that Barn Owls and other important species are also spotted locally. Skylarks are of course ground nesting which means that cutting the grass in mid May is very bad practice. This is backed up by statute in the form of the Wildlife and Countryside Act 1981. Information from DEFRA about the Act states:

“The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- take or destroy an egg of any wild bird.
- Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds.

- The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.”

Source: <http://jncc.defra.gov.uk/page-1377>

Nesting season is considered to be 1<sup>st</sup> March – 31<sup>st</sup> July in the Act and therefore an extensive survey should have been carried out in May before any mowing operation was undertaken, not doing this would seem to be in breach of the Act.

I would like to ask what precautions and surveys were undertaken in May before the cut? I request once again that you desist from your recent practice of cutting the grass so frequently and so short. Current literature from the Herts & Middlesex Wildlife Trust states:

“Longer grass allows native wild flowers to bloom and set seeds. Insects such as butterflies and bees are helped, which in turn benefits birds that feed on them.”

This statement supports our case that by keeping the grass short you are reducing biodiversity on the site, as well as potentially damaging the nesting sites of ground nesting birds such as Skylarks. I know from personal experience that Skylarks were often seen and heard in the air above this site; however those sightings have reduced since the cutting regime increased. Species diversity around the site is currently being ascertained by the British Trust for Ornithology, they are carrying out longer term surveying to build up a picture of bird life around the area.

Therefore, we request that you reconsider your management of this site in light of the points raised. Many members of our group regularly visit this area and concerns are rising about the effect your more intensive management is having on the natural habitat. Local people living nearby value this land as a green space amenity, and have done for several decades now.

We look forward to hearing from you, and especially how you justify cutting the grass at the peak of the nesting season.

Yours Sincerely,

Panshanger People.